

NUS LAW'S IP JOURNEY, 1957-2017

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The narrative of this piece is a simple one: the IP journey of NUS Law closely mirrors the IP journey of Singapore. If IP teaching barely featured at NUS Law for almost the first half of its history, this was when IP was unimportant in the old economy of Singapore and in fact the political leaders were even suspicious about IP rights. If IP teaching started at NUS Law in 1985, this coincided with Singapore shifting gears in the 1980s to move up the value chain into higher-technology sectors where IP rights matter. If NUS Law broadened and deepened its IP curriculum over the next three decades, this was in tandem with Singapore's construction of an increasingly sophisticated IP infrastructure that is needed for a new knowledge-based economy. This narrative is a tale of how a national law school played a supportive role in nation building.

I. INTRODUCTION

I vividly remember my first encounter with the term “Intellectual Property” (“IP”). The year was 1986 and I was about to start my final year at NUS Law. It was elective registration season, and we were busy soliciting feedback from the seniors on the various electives on offer. There was one module known as “*Law of Intellectual Property*” which not too many seniors could comment on. This was because the module had been offered at NUS Law for the first time only in the preceding year. But the seniors who did read this module in 1985 raved about this module, that it was absolutely riveting under the tutelage of Professors Gerald Dworkin and George Wei.¹ I became part of the second batch of students to read this module. Indeed I was riveted (till this day, I might happily and gratefully add). Fast forward thirty years and a bit, and we will find a very different IP landscape at NUS Law. Today, the “*Law of Intellectual Property*” is just one of the many IP-related modules that we offer in each academic year. We also have a double-degree undergraduate programme in Law and Life Sciences, the LLM programme in IP and Technology, as well as the Graduate Certificate in IP Law programme.

Between then and now, the rest of Singapore has also undergone a sea change. Until the 1980s, Singapore survived primarily on entrepôt trade and as a manufacturing base for labour-intensive industries. In this old economy, IP was not important as reflected in the fact that the IP laws in that era were little more than relics of the

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¹ Gerald Dworkin, then a professor at Queen Mary University of London, was a visiting professor at NUS Law. He is now Emeritus Professor at King's College London. George Wei is now a Judge of the Supreme Court of Singapore.

colonial years. Today, Singapore has a knowledge-based economy, one that is heavily dependent on the creation and exploitation of intangible assets. In this new economy, IP is seen as a key driver of economic growth and correspondingly, the nation's current IP laws are as sophisticated as those found in other First World economies.

This piece gives a snapshot of the transformation of the nation's economy and its IP legal infrastructure,² and the small part that the law school played in providing IP education to support this transformation.

II. 1957-1979: IP IN AN OLD ECONOMY

A. IP and the Nation

By the time the inaugural batch of law students started classes at the Department of Law at the University of Malaya in Singapore (the predecessor of NUS Law) in September 1957, Singapore's economy had recovered from the devastation of the Japanese occupation but it was still one that was heavily dependent on entrepôt trade and servicing the British military base. Self-governance in 1959 started the road towards industrialisation with the vision for Singapore to become a supplier of "Made in Singapore" products.³ Merger with Malaysia in 1963 was supposed to *inter alia* expand the domestic market for these "Made in Singapore" goods. But as we all know, the merger did not work out. Not only was there no vast domestic market to absorb Singapore-made goods, its entrepôt trade was at risk because Malaysia could be expected to deal directly with its trading partners through its own ports, bypassing Singapore altogether. There was also the impending withdrawal of the British army, and with it, the loss of some 20% to GDP and over 70,000 jobs in a population of two million. Unemployment at the start of nationhood in 1965 was high at 14% and rising.⁴

The government's strategy was to shift to an export-led industrialisation programme. Foreign investors were actively wooed to develop their labour-intensive manufacturing operations in Singapore for export to world markets. This was the period when Hong Kong and Taiwanese companies came to set up their textile, garment and toy factories. This was also the period when the electronics sector started, with American multi-national companies ("MNCs") coming in to set up their manufacturing facilities, for example, Texas Instruments in 1968, National Semiconductor in 1969, and Hewlett-Packard in 1970.

During this phase of industrialisation from the 1960s to the late 1970s, IP barely featured on the government's agenda. This is hardly surprising since IP (other than trade marks) is not particularly important for labour-intensive low-tech industries. In the electronics sector, American MNCs brought in technology, but they had not begun

² This snapshot is adapted from Chapter 4 ("Singapore's IP Journey: From Third World to First") of my book *Law of Intellectual Property of Singapore*, 2d ed (London, UK: Sweet & Maxwell, 2014).

³ This vision for Singapore was expressed by the Minister for Finance, Dr Goh Keng Swee, during the Second Reading of the Economic Development Bill, *Parliamentary Debates Singapore: Official Report*, vol 14 at col 1516 (24 May 1961). This Bill was passed, thereby establishing the Economic Development Board in 1961 with the mandate to plan, co-ordinate and direct the industrialisation of Singapore.

⁴ These were the economic woes of Singapore at the start of nationhood in 1965 as recounted by the late Mr Lee Kuan Yew in his memoirs, *From Third World to First: The Singapore Story, 1965-2000* (Singapore: Times Editions, 2000) at 23-25.

to see the value of IP and hence they did not clamour—as they so often do now—for legal protection of their IP. However, this does not mean that Singapore had no IP laws at that time. The British had established the major IP regimes in colonial Singapore very early on; for example, there was a copyright law in Singapore from the inception of its legal system in 1826.⁵ Upon independence, the government of Singapore was content to continue with the IP laws inherited from the British, only making some amendments in the case of copyright law (in 1968) and patent law (in 1969). The IP laws that were in place as at the end of 1979 were the following:

- the *Imperial Copyright Act 1911*⁶, as supplemented by the *Copyright Amendment 1914*⁷ and the *Copyright (Gramophone Records and Government Broadcasting) Act 1968*⁸, to protect copyright works which were made by nationals of, or published in, the British dominions;
- the *Registration of United Kingdom Patents Ordinance 1937*⁹, as supplemented by the *Patents (Compulsory Licensing) Act*¹⁰, to protect UK-registered patents which were re-registered with the Registry of Patents in Singapore;
- the *United Kingdom Designs (Protection) Ordinance 1938*¹¹ to protect UK-registered designs;
- the *Trade Marks (Amendment) Ordinance 1939*¹² to protect trade marks registered with the Registry of Trade Marks in Singapore;
- the common law action for passing off to protect the goodwill of a business against damage caused by for example the use of confusingly similar trade marks; and
- the common law action for breach of confidence to protect what is commonly known as trade secrets.

But for a speech given by Mr E W Barker in Parliament in 1968 when he was Minister of Law, I would have described the government's attitude towards IP at that time as indifference. Mr Barker was moving a Bill, which eventually became the *Copyright (Gramophone Records and Government Broadcasting) Act 1968*.¹³ The purpose of this 1968 Act was to deal with *inter alia* the increase in the importation and sale of pirated records of copyrighted musical works. This problem, according to Mr E W Barker, threatened the livelihood of local artists, composers, and musicians,

⁵ This was due to the reception of the *Statute of Anne 1709* (UK) 8 Ann, c 19, the prevailing English copyright statute, into the Straits Settlements via the *Second Charter of Justice, 1825* (UK) 6 Geo IV, c 85. The Singapore Court of Appeal has acknowledged that the *Statute of Anne 1709* was part of the pre-1826 English statutes received into Singapore: see *Asia Pacific Publishing Pte Ltd v Pioneers & Leaders (Publishers) Pte Ltd* [2011] 4 SLR 381 at para 20.

⁶ *Imperial Copyright Act 1911* (UK), 1 & 2 Geo V, c 46.

⁷ *Copyright Amendment 1914*, Ordinance No 18 of 1914, subsequently enacted as *Copyright Act* (Cap 187, 1970 Rev Ed Sing).

⁸ *Copyright (Gramophone Records and Government Broadcasting) Act 1968* (Cap 188, 1970 Rev Ed Sing).

⁹ *Registration of United Kingdom Patents Ordinance 1937*, subsequently enacted as *Registration of United Kingdom Patents Act* (Cap 199, 1970 Rev Ed Sing).

¹⁰ *Patents (Compulsory Licensing) Act* (Cap 196, 1970 Rev Ed Sing).

¹¹ *United Kingdom Designs (Protection) Ordinance*, Ordinance No 17 of 1938, subsequently enacted as *United Kingdom Designs (Protection) Act* (Cap 208, 1970 Rev Ed Sing).

¹² *Trade Marks (Amendment) Ordinance*, Ordinance No 21 of 1939, subsequently enacted as *Trade Marks Act* (Cap 206, 1970 Rev Ed Sing).

¹³ *Supra* note 8.

as well as the subsistence of three newly established sound recording companies in the Jurong Industrial Park. The proposed solution was to enact a new law to impose higher penalties (heavier fine and/or imprisonment) for the manufacture or commercial exploitation of pirated gramophone records. In the course of persuading his colleagues to accept this proposed new law, Mr Barker reassured them that, although Singapore had attended many international conferences on the protection of copyright, designs, and patents:

we are not a member of international conventions and we have no intention of becoming a signatory to these conventions. The reason, I repeat, is that these conventions are for the benefit of the developed countries who refuse to share their knowledge with us. It is for this reason that a Bill of this nature was not passed before. I have mentioned that three industries have been set up in Jurong producing musical records and it is for the protection of these industries that this Bill is introduced.¹⁴

This denunciation of IP epitomises the hostile attitude of many governments in Third World countries towards IP: IP rights are legal weapons used by the developed countries to keep new technology away from, and thus hinder economic growth in, the Third World countries. In Singapore's case, this hostile attitude was dropped in the mid-1980s, as we will soon see.

B. *IP and the Law School*

My colleague Kevin Tan, the expert on the history of the law school, has found in his research a declaration of the law school's original mission in a speech given by Sir Sydney Caine, then the Vice-Chancellor of the University of Malaya in 1953. This is the relevant portion of the speech:

Some teaching of legal subjects is needed for many purposes. Many people felt that some knowledge of legal principles is a good thing for anybody to learn. It is certainly a good thing for anybody who is going to study in the field of social studies and especially if he is studying in that field with a view to entering the Government service or some other branch of practical affairs. But over and above such incidental study of law, the University ought to start teaching Law as part, though it can never be the whole, of the training of those who wish to get qualified to practise Law in this country without the necessity of going overseas and serving their time at the Inns of Court. A Department, and probably very soon an independent Faculty of Law, is therefore another development which I hope to see in the fairly near future.¹⁵

In its role as a national law school, the priority of the Department of Law was to provide training needed by the Singapore Bar. The little need for IP legal services

¹⁴ The Second Reading of the *Copyright (Gramophone Records and Government Broadcasting) Bill*, *Parliamentary Debates Singapore: Official Report*, vol 28 at col 823 (23 November 1968).

¹⁵ Kevin Tan, ed, *Change and Continuity: 40 Years Of The Law Faculty* (Singapore: Times Edition, 1999), ch 1 at 9.

at that time can be seen from these filing statistics: in the period of 1957-1979, there were on average only about 285 patent applications and 2,689 trade mark applications filed in Singapore per year.¹⁶ (To get a sense of what these numbers mean, consider this: war-torn Syria received 242 patent applications and 10,707 trade mark applications in 2015.¹⁷) Another piece of evidence is the very few number of IP decisions emanating from Singapore courts from the start of our legal system in 1826 to 1979: zero on patents,¹⁸ 3 on copyright,¹⁹ and 28 on trade marks.²⁰

In this light, and also given the government's indifference and at times even hostile attitude towards IP, it is little wonder that there was no teaching of IP law at the law school during this period—at least, not as a standalone subject. It would appear that there was some teaching of IP rights in an elective module known as “*International Business Transactions*”. According to the course description of this module still kept by the law school, this module covered the following aspects of IP rights:

Patents and International Licensing:

- (a) patent systems and international licensing;
- (b) selected topics of industrial license agreements relating to patents, know-how, inventions, trade marks, combinations thereof; and
- (c) problems connected with international licensing.²¹

This elective module was taught by *inter alia* Professor Phiroze Irani.²² He certainly had a special interest in patents, as evidenced by the mention of this species of IP right in his publications in the area of international investment law.²³ Thus it is very possible that he covered the broad aspects of patent law relevant for technology transfer agreements, a topic particularly important for Singapore at that time as a developing country. I have very fond memories of Professor Irani in the faculty staff room photocopying news articles on IP, and passing these copies to me and other IP colleagues.

¹⁶ The filing statistics in the early years were very kindly made available by the Intellectual Property Office of Singapore. I would like to thank specially Ms See Tho Sok Yee for her assistance in this regard.

¹⁷ These statistics for Syria are obtained from the World Intellectual Property Organisation's webpage, online: <http://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=SY> (last accessed on 20 June 2017).

¹⁸ The first-ever patent decision from our courts is the unreported case of *Biogen Inc v Scitech Medical Products Pte Ltd* [1994] SGHC 188.

¹⁹ To be very precise, there are only two copyright decisions issued before 1979 (namely, *Heng Yik Fang v PP* [1971-1973] SLR (R) 695 and *Kwah Hai Gong v Public Prosecutor* [1977-1978] SLR (R) 525). The judgment in the third case (*Lok Shoon Shing v Quek Swee Kit* [1981-1982] SLR (R) 94) was issued on 25 March 1981, and thus strictly speaking this case should not be included in this count. But I decided to include this case in this tally because the litigation in this case started in the late 1970s. All three cases concerned criminal charges brought under the *Copyright (Gramophone Records and Government Broadcasting) Act 1968*: see further, *supra* note 14 and the accompanying main text.

²⁰ This number includes decisions in passing off cases and decisions made in interlocutory applications. When a case went on appeal, all the decisions in the same case are counted as one decision.

²¹ This is the course description of the module for Academic Year (“AY”) 1974-1975.

²² Prof Irani retired in 1994.

²³ Phiroze K Irani, “Doing Business in India: The Current Climate” [1994] 5 ABLR 3. Prof Irani had also done a book review on two books on IP, namely, Jacobs, *Patents Throughout the World*, 4th ed (New York: Clark, Boardman, Callaghan, 1993) and Morowitz, *Trademarks Throughout the World*, 4th ed (New York: Clark, Boardman, Callaghan, 1993): see [1995] 7 ABLR 79.

III. 1980 AND BEYOND: IP IN A NEW ECONOMY

A. IP and the Nation

The government's implementation of its economic strategies in the 1960s and 1970s was so successful that, by the late 1970s, Singapore had solved its unemployment problem. But in its place, a new problem arose, this time in the form of a tight labour market and upward pressure on wages which made Singapore less attractive to MNCs relative to the emerging low-cost countries in the region. Thus the early 1980s saw Singapore embark on the so-called "Second Industrial Revolution"²⁴ wherein it shifted its focus towards promoting higher-value, higher-technology and skill-intensive industries such as engineering design and computer services.

With this shift, so did the attitude of the government towards IP rights. To attract foreign investors in these higher-technology industries to set up their manufacturing facilities and their Research & Development centres in Singapore, it was important to assure them that their copyright—which is the IP right that is particularly important in this sector—would get proper protection in Singapore. This was an assurance the government could not give under the then-governing *Imperial Copyright Act 1911*. For example, it was unclear whether this imperial statute could be extended to protect computer programs.²⁵ By March 1985, the government had announced plans to enact better and stronger copyright law in order to "foster an environment of creativity, and to encourage the development of our software industry".²⁶ In 1987, a new *Copyright Act* was passed. As a *raison d'être* for its enactment, the *Copyright Act 1987*²⁷ explicitly protects computer programs as a type of literary work. There was another reason for the decision to revamp copyright law. The 1980s was the era when developed countries started to link international trade with IP protection, and developing countries like Singapore came under great pressure from the USA to provide better protection for American copyright works. I will return to this point very shortly.

Throughout the 1990s, the government continued with this strategy to update and strengthen Singapore's IP laws as a means to attract Foreign Direct Investments to deepen the technology base in Singapore. (This remains the strategy even today.)

²⁴ References to this "Second Industrial Revolution" as the aim for the 1980s may be found in speeches made during Parliament sittings: see *eg*, Debate on the President's Address, *Parliamentary Debates Singapore: Official Report*, vol 63 at col 82 (17 February 1981); and Budget Debates, *Parliamentary Debates Singapore: Official Report*, vol 39 at col 1134 (19 March 1980).

²⁵ There were a few English interlocutory decisions in the early 1980s (*eg*, *Sega Enterprises Ltd v Richards* [1983] FSR 73) which assumed that computer programs were "literary works" for the purposes of the *Copyright Act 1956* (UK), 4 & 5 Eliz 2, c 74, and there was a view that these decisions applied equally to the *Imperial Copyright Act 1911*. But there was also a view that the *Imperial Copyright Act 1911* could not have contemplated the protection of computer programs because it was enacted before the advent of computer technology. The lack of clarity on this issue under the 1911 Act was noted by the late Justice Lai Kew Chai in *Federal Computer Services Sdn Bhd v Ang Jee Hai Eric* [1993] 1 SLR (R) 681.

²⁶ This announcement was made by the Minister for State of Defence and Minister of State for Trade & Industry (who was then BG Lee Hsien Loong) during the Budget Debates in 1985: *Parliamentary Debates Singapore: Official Report*, vol 45 at col 1709 (29 March 1985).

²⁷ *Copyright Act 1987* (No 2 of 1987, Sing).

Thus for example, the *Copyright Act 1987* was updated in 1999 to keep abreast of developments in the field of information technology. In the early 1990s, the patent system was revamped in order to move Singapore even further up the value-chain into the emerging biotechnology sector.²⁸ Back then, patent law was the *Registration of United Kingdom Patents Ordinance 1937*, a piece of colonial legislation that set up a costly and cumbersome system of re-registering patents granted in the UK. By 1994, a new *Patents Act*²⁹ was put in place.

The conclusion of the Uruguay Round of the General Agreement on Tariffs and Trade (“GATT”) negotiations and the resulting formation of the World Trade Organisation (“WTO”) on 1 January 1995 was welcomed by Singapore, because joining the WTO would facilitate the further expansion of Singapore’s “external” economy. Membership in the WTO comes with *inter alia* obligations to provide the level of IP protection set out in the *Agreement of Trade-Related Aspects of Intellectual Property Rights*.³⁰ I have mentioned the pressure that the USA exerted in the 1980s on developing countries like Singapore to provide better protection for American copyright works. For many developing countries, the *TRIPS Agreement* was the culmination of this pressure on them to protect the IP of developed countries. But for Singapore, adopting the international standards of IP protection set out in the *TRIPS Agreement* was not an issue; by then, its government was already using strong IP protection as a tool in its economic planning. The changes made to “internationalise” Singapore’s IP laws to meet the *TRIPS Agreement*-standards of protection included the following: a new *Trade Marks Act 1998*³¹, the *Geographical Indications Act 1998*³², the *Layout Designs of Integrated Circuits Act 1999*³³, and a new *Registered Designs Act 2000*³⁴.

The desire to expand its “external” economy also saw Singapore entering into many bilateral and plurilateral Free Trade Agreements (“FTAs”) with key trading partners in the 2000s. From the IP perspective, the most significant FTA is the one with the USA signed in May 2003. The USA-Singapore FTA has a 23-page IP Chapter mandating stronger IP protection than what is required by the *TRIPS Agreement*. Singapore amended its IP laws in 2004-2005 to implement these FTA obligations. Today our IP laws are comparable to those found in the USA and the other advanced economies.

²⁸ See *eg*, the speech of the Minister of Law during the Second Reading of the new patent law on March 21, 1994 (*Parliamentary Debates Singapore: Official Report*, vol 62 at col 1445 (21 March 1994)):

[W]e live in a global economy where trade is driven by desire, potential for profit, which in turn is determined by the element of competitiveness. Inventions and innovations sharpen this competitive edge. More countries are therefore improving their industrial property systems, particularly their patent systems, to encourage invention and innovation, and to assist in the recoupment of continuing investment costs for development of products and services. The proposed new patent system will create such a favourable climate for innovation, for developing research and innovative capabilities, and advance technological innovation in industry.

²⁹ *Patents Act* (Cap 221, 2005 Rev Ed Sing).

³⁰ *Agreement on Trade-Related Aspects of Intellectual Property Rights*, 15 April 1994, 1869 UNTS 299 (entered into force 1 January 1995) [*TRIPS Agreement*].

³¹ *Trade Marks Act* (Cap 332, 2005 Rev Ed Sing).

³² *Geographical Indications Act* (Cap 117B, 1999 Rev Ed Sing).

³³ *Layout Designs of Integrated Circuits Act* (Cap 159A, 2000 Rev Ed Sing).

³⁴ *Registered Designs Act* (Cap 266, 2005 Rev Ed Sing).

B. IP and the Law School

The tipping point of Singapore's IP journey thus occurred in the mid-1980s, when a strong IP infrastructure was regarded as a critical tool to help the nation achieve its economic goals. Just at this tipping point, the school launched the elective module "*Law of Intellectual Property*" in 1985. As mentioned in the Introduction, this was taught by Professors Gerald Dworkin and George Wei. The extensive coverage of this module, which had two parts, can be seen from its course description:

These two [parts], which will be offered in the first and second terms respectively, will deal with the law relating to patents, trademarks, copyright and other rights in intellectual property. The first [part] will provide a basic introduction to the nature and creation of these rights, their assignment and licensing, the concepts such as "infringement", "confidentiality", and "passing off" and the remedies available for the enforcement of these rights. The second [part], for which the first is a prerequisite, will focus on the international protection of intellectual property and the impact of some of the new technologies, such as plant and seed technology, computer technology, and biotechnology, on the traditional concepts and principles of intellectual property law. This course will also examine some broad questions, such as whether the existing law is adequate to meet the challenge of present and future technologies or should new legal concepts and rights be created (e.g. "plant breeder's right")?³⁵

Over the next three decades, as the IP infrastructure of Singapore became more and sophisticated in order to support the deepening of its technology bases and globalisation of its economy, it became necessary to hive-off the more specialised topics for in-depth treatment in other electives. Thus for example, the IP issues related to computer technology were covered in "*Computer Law*" which was launched in 1991,³⁶ and to keep up with advancements in this field, other electives were added in later years such as "*IP and the Internet*"³⁷ and most recently "*Artificial Intelligence, Information Science & Law*".³⁸ In the biotechnology area, there are "*Biomedical Law and Ethics*"³⁹ and "*Biotechnology Law*".⁴⁰ The international dimensions of IP laws are now covered in modules such as "*Global Exploitation of IP*",⁴¹ "*International Trademark Law & Policy*",⁴² "*International Copyright Law & Policy*",⁴³ and

³⁵ This is the course description of the module for AY 1985-1986.

³⁶ This module was taught by Gerald Dworkin and Chin Tet Yung. Chin was the chair of a law reform sub-committee on Technology and the Law established in 1989.

³⁷ This module was taught by Mary Wong. Mary is now Senior Director, Special Advisor for Strategic Policy Planning at the Internet Corporation for Assigned Names and Numbers ("ICANN").

³⁸ This module is taught by Daniel Seng. Daniel has a joint appointment at NUS Law and at NUS School of Computing.

³⁹ This module was first offered (as "*Law & Bioethics*") in 1992 by Terry Kaan and TKK Iyer. Terry is now the co-director of the Centre for Medical Ethics and Law at University of Hong Kong. Today a similar module "*Medical Law and Ethics*" is taught by Tracey Evans Chan.

⁴⁰ This module is taught by Elizabeth Ng Siew Kuan.

⁴¹ This module is taught by Elizabeth Ng Siew Kuan.

⁴² This module is taught by me.

⁴³ This module is taught by me.

“*Private International Law of IP*”.⁴⁴ With the enactment of the *Competition Act*⁴⁵ in 2005, the interface between competition law and IP law is covered in “*Intellectual Property Rights and Competition Policy*”.⁴⁶ Some modules already mentioned, such as “*Biotechnology Law*”, are interdisciplinary modules. Another module in this category is “*Entertainment Law: Pop Iconography & Celebrity*”.⁴⁷

However, it was not just a matter of increasing the number of IP-related modules *per se*. In the 2000s, there was also a concerted effort to build IP programmes. This led to three outcomes: the Graduate Certificate in Intellectual Property (“GCIP”) programme in 2001, the LLM specialisation programme in IP and Technology Law in 2003, and the double-degree programme in Law and Life Sciences in 2006.⁴⁸ The purpose of the GCIP programme is least apparent from its title, and so I will provide more information about this programme. At that time, drafting of patent specifications for filing in Singapore was often outsourced to foreign-trained patent agents and patent attorneys operating in other countries. Ideally this drafting should be done by a local pool of patent agents. The law school worked with the Intellectual Property Office of Singapore and the National Science and Technology Board (the predecessor of the Agency for Science, Technology and Research) to develop the GCIP programme to provide IP education for those looking to qualify as registered patent agents in Singapore.⁴⁹ In this engagement of capacity building for the nation, NUS Law was once again playing its role as a national law school.

IV. CONCLUSION

The narrative of this piece is a simple one: the IP journey of NUS Law closely mirrors the IP journey of Singapore. If IP teaching barely featured at NUS Law for almost the first half of its history, this was when IP was unimportant in the old economy of Singapore and in fact the political leaders were even suspicious about IP rights. If IP teaching started at NUS Law in 1985, this coincided with Singapore shifting gears in the 1980s to move up the value chain into higher-technology sectors where IP rights matter. If NUS Law broadened and deepened its IP curriculum over the next three decades, this was in tandem with Singapore’s construction of an increasingly sophisticated IP infrastructure that was needed for a new knowledge-based economy. This narrative is a tale of how a national law school played a supportive role in nation building.

⁴⁴ This module was taught by visiting faculty: Rochelle Dreyfuss (New York University), Sam Ricketson (University of Melbourne), Annette Kur (Max Planck Institute for Innovation and Competition), Daniel Gervais (Vanderbilt University), Graeme Austin (University of Melbourne and University of Wellington, Victoria) and Graeme Dinwoodie (Oxford University). All of them visited under the auspices of the Yong Shook Lin Visiting IP Professorship: see further *infra* note 52.

⁴⁵ *Competition Act* (Cap 50B, 2006 Rev Ed Sing).

⁴⁶ This module is taught by Burton Ong. In the earlier years, from 2013-2015, our adjunct professor Stanley Lai offered a similar module “*IP & Competition Law*”.

⁴⁷ This module is taught by David Tan.

⁴⁸ This double-degree programme leads to a LLB (Hons) from NUS Law and a BSc (Hons) from NUS Faculty of Science.

⁴⁹ It is also possible for a graduate of the GCIP programme to take more modules offered by the NUS Department of Industrial Systems Engineering and Management to qualify for the “Masters of Science in Intellectual Property” conferred by NUS Faculty of Engineering.

Today NUS Law remains committed to be a national law school, but it also has a more ambitious mission to be a global law school. This dual-role creates some challenges for the law school because its resources are not unlimited. Personally I have not witnessed these challenges in the context of IP education. I believe this is attributable to two reasons, at least. First, IP law of Singapore is inextricably tied to international law. For example, the Singapore courts look to international instruments like the *TRIPS Agreement* to assist in the interpretation and application of domestic law.⁵⁰ Another example is Singapore's intervention as a third party in the disputes between Australia and tobacco-producing countries such as Indonesia that are before the WTO Dispute Settlement Panel.⁵¹ Singapore sees this intervention as necessary because the resolution of this dispute by the WTO Dispute Settlement Panel has ramifications for Singapore's own trade mark law. Therefore, to invest in developing expertise in international IP law is to invest in developing expertise in domestic IP law. Second, NUS Law has received financial support for its IP programmes from its stakeholders which means that there is less need for these programmes to compete for the law school's limited resources. In 2002, there was an endowment by the former Chief Justice Dr Yong Pung How to establish the Yong Shook Lin Visiting IP Professorship. This chair has played a pivotal role in the law school's ability to attract eminent IP professors from overseas to spend some time teaching here.⁵² Other forms of support, this time for the students, have come from the IP fraternity in Singapore when they funded the establishment of scholarships and financial grants for students to enrol in the IP programmes,⁵³ as well as book prizes for the IP modules.⁵⁴ It does take the whole village to educate a child.

⁵⁰ See *eg*, *Novelty Pte Ltd v Amanresorts Ltd* [2009] SLR (R) 216; *Mobil Petroleum Co, Inc v Hyundai Mobis* [2010] 1 SLR 512; and *Global Yellow Pages Ltd v Promedia Directories Pte Ltd* [2016] 2 SLR 165.

⁵¹ *Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging* (DS467 – Indonesia as complainant). See also DS435 (Honduras as complainant); DS441 (Dominican Republic as complainant); and DS458 (Cuba as complainant).

⁵² For the names of some of the IP professors who have visited under the auspices of this chaired professorship, see *supra* note 44.

⁵³ The Ella Cheong Intellectual Property Scholarship; the Ella Cheong LLM (Intellectual Property & Technology Law) Scholarship; and the Isabel Chng Mui Lin Intellectual Property Book Grant.

⁵⁴ The APAA Patent Law Book Prizes which are donated by the Asian Patent Attorney Association (Singapore Group); the IPOS Prize in Foundations of Intellectual Property Law; and the Mediacorp Prize in Entertainment Law.