TRAIL

YEAR IN REVIEW

2025

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DIRECTORS' MESSAGE

It's been a busy year for TRAIL! Generative artificial intelligence (AI) dominated headlines around the world in 2025. The use of copyrighted works for machine learning continued to attract high-profile lawsuits against companies such as OpenAI, StabilityAI, Microsoft and Nvidia, with the total number exceeding 70 claims at the end of November 2025. Meanwhile, organisations are increasingly integrating the agentic use of artificial intelligence into their work processes, especially in the technology, media and telecommunications, and healthcare sectors. According to McKinsey, based on a survey of almost 2000 participants in 105 nations, more than one-third of high performers say their organisations are committing more than 20 percent of their digital budgets to AI technologies.

It is against this backdrop that TRAIL organised an international conference titled "Intellectual Property & Technology in the 21st Century: Challenges in the Next Decade" in Singapore in August, featuring as its keynote speaker Director-General of the World Intellectual Property Organization Mr Daren Tang. More than 100 participants from over a dozen countries representing academia, government agencies, industry and the legal profession engaged in deep discussion on pressing IP challenges arising from rapid technological advancement. Co-organised with the EW Barker Centre for Law & Business (EWBCLB) at NUS Law, the conference was co-hosted with law schools from Columbia, Oxford, and Tsinghua, marking the first-ever academic collaboration of its kind across these leading global institutions. We would like to express our appreciation to our presenting sponsors Google, ByteDance and Baker McKenzie, as well as our institutional partners: Singapore Academy of Law, Intellectual Property Office of Singapore (IPOS) and AIPPI Singapore. Selected papers will be published in the *Singapore Journal of Legal Studies* in the March and September 2026 editions.

TRAIL continued to support the Developments in Intellectual Property Law series – co-organised by EWBCLB and IPOS International in 2025 - now in its 12th edition. This annual event in the first quarter of each year never fails to attract a strong attendance of at least 150 legal professionals each session. TRAIL also continued its annual collaboration with the NUS Centre for Future-ready Graduates in hosting the careers panel discussion, with the focus this year on legal practice in the areas of intellectual property (IP) and technology, media and telecommunications (TMT). We would like to thank our NUS Law alumni for their enthusiastic participation: Sheena Jacob (Class of 1988), Tony Yeo (1991), Steve Tan (1998) and Cheah Yew Kuin (2002).

On the publications front, TRAIL's academic fellows have been active in 2025. The second edition of *Law and Technology in Singapore* was published by Academy Publishing, edited by Simon Chesterman, Goh Yihan and Andrew Phang. David Tan with co-editors Jeanne Fromer (NYU) and Dev Gangjee (Oxford) published *Fashion and Intellectual Property* with Cambridge University Press. The curated peer-reviewed papers from last year's conference that

was co-organised with McGill – "New Horizons in Air and Space Law: Treaties, Technologies, and Tomorrow's Challenges" – have been published in volume 49 of the *Annals of Air and Space Law*. Do refer to our "Works in 2025" section for a listing of publications by our academic fellows.

On a personal note, Ernest spent the second-half of 2025 in London as the Academic Co-Director of the Center for Transnational Legal Studies at King's College London running a unique study program for students from all around the world. Cheng Han and David were involved with the Young Scholars Conference organised by the Asian Law Schools Association (ALSA) and University of Hong Kong (HKU).

Last but not least, we would like to extend our appreciation to founding director of TRAIL, Associate Professor Daniel Seng, who has stepped down to pursue a new role as director of our graduate programmes in intellectual property and technology law, which includes the LLM, Graduate Diploma and Graduate Certificate. Since its inception in December 2019, Daniel has

ably guided TRAIL through the COVID-pandemic, established the Seminars on Law and Technology (SLATE) series which was launched on Zoom and then in hybrid mode, hosted numerous visits by foreign dignitaries and judges, and has published important work using data from the Lumen Database. Last but not least, we also note the unexpected passing of TRAIL's academic fellow Professor Tanel Kerikmäe in August 2025, and offer our heartfelt condolences to his family.

In 2026, we will be organising a conference titled "The Good, the Bad and the Ugly of Artificial Intelligence: Governance and Liability" at the end of the year. This two-day conference, comprising presentations and panel discussions by academics and industry players, explores how the governance and liability regimes applicable to AI can help induce AI to be more responsible and fairer. We look forward to seeing you in Singapore.

Professors Tan Cheng Han, David Tan and Ernest Lim
Co-Directors, TRAIL

Cheng Han and David at the HKU-ALSA Young Scholars Conference in December

HIGHLIGHTS:
INTELLECTUAL PROPERTY & TECHNOLOGY IN THE 21ST CENTURY

In a landmark gathering of leading legal scholars, policymakers, and industry experts from around the world, World Intellectual Property Organization (WIPO) Director General Mr Daren Tang (Class of 1997) delivered a keynote address calling for human creativity to remain at the core as intellectual property (IP) laws evolve and adapt to fast-evolving technologies.

"Generative AI has evolved quickly yet remains a skilful replicator, lacking the real spark of originality and inventiveness that characterises human innovation and creativity. We should therefore see Gen AI as a tool, and like any tool, ensure that it is used for good," said Mr Tang. "Ingenuity, invention and creativity is a fundamental part of who we are as a human species, and technology, as well as the IP system, must continue to protect, nurture and support this, never forgetting to put the human creator at its centre."

Mr Tang's call set the tone for the two-day "Intellectual Property and Technology in the 21st Century" conference held on 4 Aug and 5 Aug 2025 where more than 100 participants from over a dozen countries representing academia, government agencies, industry and the legal profession engage in deep discussion on pressing IP challenges arising from rapid technological advancement.

The traditional understanding of the creation, manufacture, reproduction, dissemination and sale of works, objects, artefacts, physical and virtual items is evolving with the development of new technologies. The conference covered a wide range of discussion on a kaleidoscope of intellectual property rights such as copyright, patents, trade marks, data as trade secrets, and will address topics such as the copyrightability of AI generated content, the legality of use of copyrighted works for training large language models, patentability of AI-assisted inventions, the impact of AI-assisted assessments on trade mark examination and infringement determinations, and the influence of technology on contemporary culture.

Organised by (TRAIL) and the EW Barker Centre for Law & Business at NUS Law, the conference was co-hosted with law schools from Columbia, Oxford, and Tsinghua, marking the first-ever academic collaboration of its kind across these leading global institutions. The conference was also supported by partners such as Google, ByteDance, the Singapore Academy of Law and the Intellectual Property Office of Singapore (IPOS).

WIPO Director General Mr Daren Tang delivering the keynote address on Day 1

(From left) Prof David Tan moderated a roundtable amongst heads of IP offices - IPOS Chief Executive Mr Tan Kong Hwee, WIPO Director General Mr Daren Tang, and UK IPO Chief Executive Mr Adam Williams

WIPO Director General Mr Daren Tang (front, third from right) with representatives from organisers including research centres from NUS Law, Columbia, Oxford and Tsinghua, presenting sponsors BakerMcKenzie, ByteDance and Google, and partners Singapore Academy of Law, AIPPI (not pictured) and IPOS

KEEPING PACE WITH AI, CREATIVITY AND GLOBAL COMPETITION

The challenges facing IP law in the age of AI are far-reaching, going beyond legal doctrine into sectors as diverse as technology, entertainment, and fashion, prompting a rethink of how businesses innovate and compete, to how creators, artists, and designers protect their work.

Mr Adam Williams, Chief Executive of the UK Intellectual Property Office (UK IPO), said: "IP rights give creators, inventors, and investors the confidence to turn their ideas into reality, realise new opportunities and adapt to challenges. Ongoing dialogue between IP offices, and with industry and practitioners, is key to ensuring global IP frameworks remain fit for the future to encourage new discoveries and creations to thrive."

"AI is a great economic opportunity but a key issue is its potential to disrupt the livelihoods of many," said Mr Tan Kong Hwee, Chief Executive of IPOS. "Governments, enterprises, and society must work in tandem to find the right balance that adopts a human-centric approach to ensure protection for IP owners' rights whilst facilitating innovation in a responsible and ethical way. At the end of the day, we must remember that people are at the heart of it all; that is why IPOS has committed to helping creators and innovators understand their IP rights as they navigate this fast-evolving technology."

Mr Williams and Mr Tan were part of a roundtable amongst heads of IP offices along with Mr Tang, following his opening keynote address at the conference. The roundtable was moderated by TRAIL Co-Director, Professor David Tan.

Prof Tan, a pioneer and expert in entertainment law and fashion law, said while policymakers are working to reform IP protection, creative industries have turned current limitations into opportunities. The global fashion industry, including Singapore, is a prime example of IP's 'negative space' in which creation and innovation can thrive without significant protection from intellectual property law.

He said, "In Singapore, trademark, patent, and design laws give strong protection for logos, inventions, and product designs. But when it comes to copyright, especially in fashion, the protection is weaker. "Knockoffs" often copy the look and feel of an original without directly copying logos or breaking the law. With the rise of social media, the internet, and AI tools, more people now have the ability to remix

and build on existing designs. As a result, success in the industry is less about having exclusive rights, and more about setting trends, building a strong brand, and earning customer loyalty."

Highlighting opportunities, Prof Tan echoed sentiments recently shared by Prime Minister Lawrence Wong that Singapore can get ahead of new technology like AI to create new jobs.

"More designers can use generative AI to help them more quickly create 2D and 3D designs from packaging to clothing and furniture, and small businesses and budding entrepreneurs in particular can get their products to market a lot faster," he said.

RETHINKING RESPONSIBILITY AND CREATIVITY IN THE AGE OF GENERATIVE AI

At the conference, over thirty presentations by experts in various fields of practice and research unpacked how emerging technologies continue to raise urgent questions that affect not just legal systems, but the public's rights, safety, and creative freedom.

In recent years, powerful AI tools that can create text, images, or music have made courts and lawmakers think hard about some big copyright questions—like whether something made by AI can be protected by copyright if there wasn't enough human effort involved.

Associate Professor He Tianxiang from City University of Hong Kong said, "It is the mind of the human creator, fallible and inspired, that copyright law was built to protect and incentivise. The courts must remain clear-eyed and perhaps even sceptical when presented with AI-generated content, whether text, image or music, cloaked with a thin veneer of human input."

Prof He says the burden should be on the claimant to prove their authorship, not on the public to disprove it: "Generative AI challenges us to reaffirm what copyright is meant to protect: not merely the existence of a text or image, but the fact that a human mind originated it," he added. "It pushes us to clarify that the law's protection is awarded to the act of human creativity, however small or large, and not to the mere act of generating content."

Another emerging legal challenge is 'artificial causation', which is having to figure out who is responsible when AI creates something that causes a legal problem. Professor Shyamkrishna Balganesh from Columbia Law School said, "When prompted by a human actor, a generative AI application uses the patterns that it learned from voluminous data to generate an output that is seemingly responsive to the prompt and largely simulates a likely human response. However, this output may infringe copyright, contain falsities that is defamatory or violate another individual's privacy."

The question then is who or what is responsible for the output: The person who used the tool, the AI system itself, or someone else? Prof Balganesh argued that solving the puzzle of artificial causation in the law is crucial not just for the legal regulation of generative AI, but also for the very working of multiple areas of law where the inquiry remains human-focused.

ACCESS TO JUSTICE IN THE CREATIVE ECONOMY

On Wednesday 6 August 2025, the EW Barker Centre for Law & Business (EWBCLB) and the Centre for Technology, Robotics, Artificial Intelligence & the Law (TRAIL) co-organised a roundtable symposium at the Bukit Timah Campus of NUS Law titled "Access to Justice in the Creative Economy". The session was convened by Professor David Tan (NUS Law) and Professor Graeme Austin (Victoria University of Wellington/Melbourne).

Comprising academics, policymakers and practitioners, the symposium explored initiatives directed at achieving just, cost-effective, efficient, and fair resolutions of disputes about rights in creative works and products. Its key focus was on access to justice in the global creative economy, an increasingly important topic, as different nations have developed new initiatives in dispute resolution in this field.

Representatives from institutions such as the Intellectual Property Office of Singapore (IPOS), Singapore International Arbitration Centre (SIAC), Composers and Authors Society of Singapore (COMPASS) and the WIPO Arbitration & Mediation Center presented their different perspectives at this one-day event. Other participants include Professor Kristelia Garcia (Georgetown), Professor Emily Hudson (Oxford), Asst Professor Mark McLaughlin (SMU), Dr Fady Aoun (Sydney), Dr Maxence Rivoire (King's College London), Dr Joshua Yuvaraj (Auckland).

Laws, especially intellectual property legislation, around the world are increasing in sophistication as domestic, regional, and international laws respond to the challenges of new technologies. But the promises of these measures will not be realised without appropriate and accessible systems for the resolution of disputes, such as mediation and arbitration. Speakers discussed and debated the different contributions that public initiatives and private ordering strategies can make to enhancing access to justice in the creative economies. From a systemic perspective, the access to justice questions explored in this conference concern the contributions domestic legal systems can make to the flourishing of the creative sector, and, ultimately, to the international legal order.

Papers presented at the symposium will be revised for an edited book project.

17TH INTELLECTUAL PROPERTY CONFERENCE @ CUHK

Titled "AI Beyond Imagination", the 17th IP Conference in 2025 organised by the Chinese University of Hong Kong (CUHK), was led by TRAIL's academic fellow Professor Jyh-An Lee who is also the Director of the Centre for Legal Innovation and Digital Society (CLINDS) there.

Professor Chao Xi, Dean of CUHK Law, welcoming participants

Professor David Tan delivering the keynote on Day 1

The two-day event on 25 and 26 July 2025 at the Bank of America Tower in Hong Kong showcased keynote sessions, expert presentations, panel discussions, and roundtable dialogues that tackled pressing issues such as the complexities of AI-driven copyright disputes, the geopolitical dimensions of AI regulations, the evolving role of trade secrets in the digital era, and the legal ramifications of data within Hong Kong's dynamic innovation sphere.

TRAIL Co-Director Professor David Tan delivered the keynote address on the first day of the conference, "Copyright Reimagined in the Age of Generative AI: Authorship, Infringement and Fair Use", where he explored whether notions of authorship, copying and fair use in copyright law need to be reimagined or revised. His talk covered developments in the United States, Europe, China and Singapore, and included an analysis of recent judicial decisions on fair use in the US: *Bartz v Anthropic PBC* and *Kadrey v Meta Platforms*. Using the imagery of Dorothy with the Scarecrow, Tin Man and Lion embarking on the Yellow Brick Road in their quest to meet the Wizard of Oz, he postulated a collaborative future in which human authors need to work alongside AI, lawyers and collective management organisations (CMOs).

Professor David Tan with TRAIL academic fellows Professor Jyh-An Lee and Associate Professor Tianxiang He

Participants at the conference dinner

AI AND LAW CONFERENCE @ HARVARD LAW

On 24 October 2025, TRAIL Co-Director Professor Ernest Lim presented his draft paper "Comparative Judicial Deployment of AI" (co-authored with Dr Ilya Akdemir) at the AI and Law conference held at Harvard Law School. It was the first time Professor Lim returned to Harvard since obtaining his LLM from there 21 years ago. Professor Lim was one of 16 invited presenters consisting of law professors, computer scientists, and economists from Berkeley, Chicago, Columbia, Cornell, Georgetown, Harvard, Michigan, Minnesota, MIT, Oxford, and Yale.

Cass Sunstein (Harvard), Shafi Goldwasser (Berkeley), Martha Minow (Harvard), Cynthia Dwork (Harvard) and Paul Ohm (Georgetown) moderated this major interdisciplinary conference, comprising two sections: AI use in law and legal systems; and legal tools and regulation affecting AI. Professor Lim's presentation falls within the first section. He offered a comparative analysis of AI deployment in judicial systems. He examined how common law courts interpret and operationalise core AI governance concepts—reliability, bias, procedural fairness, and transparency—differently from Chinese courts. He also presented theoretical frameworks explaining why AI-in-courts debates remain intractable despite extensive scholarship and policy attention. Other presenters like Scott Shapiro (Yale) proposed translating legal codes into first-order logic for hallucination-free compliance systems. Jens Ludwig

(Chicago) presented algorithmic prediction of police misconduct. Paul Ohm (Georgetown) examined AI-driven regulatory compliance cost reduction. And Alan Rozenshtein (Minnesota) analysed AI's potential to centralise presidential power.

As for the second section of the conference, Andrew Lo (MIT) applied software engineering analysis to U.S. Code complexity. Jon Kleinberg (Cornell) provided game-theoretic insights showing weak safety regulation can backfire. Colleen Chien (Berkeley) identified research gaps in algorithmic discrimination cases. Sandra Wachter (Oxford) examined LLMs' legal truth-telling obligations and "careless speech" harms. Sonya Katyal (Berkeley) discussed trade secrecy creating information enclosure movements. Reuven Avi-Yonah (Michigan) proposed taxation of autonomous AI based on harmfulness. Feder Cooper (Yale) demonstrated variable LLM memorisation of copyrighted works. Pam Samuelson (Berkeley) assessed collective licensing proposals for AI training data. The conference concluded with reflections from Sarah Schwettmann (Translucent), Yonadav Shavit (Open AI) and Talia Gillis (Columbia).

What made this conference memorable were the original analyses by the presenters; the robust exchanges among lawyers, computer scientists, and economists; the genuine intellectual curiosity despite the participants' deep expertise; and good food, which was no less important than the company.

EVENTS & SEMINARS IN 2025

ANNUAL DEVELOPMENTS IN IP LAW

The EW Barker Centre for Law & Business (EWBCLB) continues its collaboration with IPOS International in 2025 as a co-organiser of the Developments in IP Law Series, now in its 12th edition. The session on copyright, held on 23 January at Suntec City Convention Centre, attracted a strong showing, with participants from law firms such as Rajah & Tann LLC, Amica Law LLC, Bird & Bird ATMD LLP, and a wide range of companies and organisations ranging from Netflix to the Housing & Development Board. The other three seminars were: Patents (16 January); Breach of Confidence/Privacy & Data Protection (20 February); Trade Marks/Passing Off (27 February).

Professor David Tan, co-director of TRAIL at NUS Law (and concurrently Head (Intellectual Property at EWBCLB), presented the summary on judicial decisions in copyright law in Singapore and the United States. He was joined by Mr Gavin Foo (Head, Copyright Unit, Principal Legal Counsel, Legal Department, IPOS) and Professor Martin Senftleben via Zoom (Professor of IP Law, Institute for Information Law (IViR), Amsterdam Law School).

The ensuing panel discussion was moderated by Mr Ronald JJ Wong (Deputy Managing Director, Covenant Chambers LLC).

Speakers, organisers and panellists at the Copyright session – L to R: Mark Lim, Trina Ha, Gavin Foo, Prof David Tan, Ronald Wong and Peh Toon Meng

Prof David Tan and Ms Diyanah Baharudin (Counsel, Global Content Protection and IP Policy, Netflix)

Mr Gavin Foo (Head, Copyright Unit, Principal Legal Counsel, Legal Department, IPOS)

On 20 February 2025, Mr Benjamin Wong represented NUS Law at the Breach of Confidence/Privacy & Data Protection session. Amongst the attendees were representatives from A*STAR, Changi Airport Group, Health Sciences Authority, Housing & Development Board, Mastercard and Microsoft Asia.

Mr Benjamin Wong provided an update of the relevant decisions from Singapore – covering the Court of Appeal, High Court and District Court as well as from the Personal Data Protection Commission (PDPC) – in the year 2024. Mr Francis Zhang (Deputy Director (Policy) at the PDPC) and Professor Tanya Aplin (Dickson Poon School of Law, King's College London) provided other updates on policy developments in Singapore and developments in the UK and EU respectively were. Justice Andre Maniam (Singapore High Court) joined the speakers in a panel discussion later, moderated by Mr Jeremiah Chew (Director of Ascendant Legal LLC).

Mr Benjamin Wong (Lecturer, NUS Law)

Mr Francis Zhang (Deputy Director (Policy), PDPC)

Professor Tanya Aplin (Dickson Poon School of Law, King's College London)

Mr Tan Kong Hwee (CEO, IPOS) and Mr Mark Lim (Director (Hearings & Mediation Group), IPOS; Adjunct Professor, NUS Law)

Seminar in session at Suntec City Convention Centre

Justice Andre Maniam (Singapore High Court Judge)

Speakers and organisers gather for group photo before the start of the seminar

Prof David Tan discussing the decision of Rolex v Beckertime

Prof David Llewelyn offers his views on the Singapore decisions

Mr Gabriel Ong kicks off the session with updates from IPOS

A packed room at the Conrad Centennial Hotel in the final Developments in IP session

On Thursday 27 February 2025 at the Conrad Centennial, the 12th Developments in IP Law Series came to a close with its final of four sessions focusing on trade marks with over 150 participants in attendance.

Professor David Tan delivered an entertaining talk on developments in the United States that covered the upcycling of Rolex watches and the importance of slogans functioning as source identifiers a requirement for trade mark registration.

Sharing the stage with him this year are Mr Gabriel Ong (Principal Legal Counsel (Hearings & Mediation Department), IPOS), Professor David Llewelyn (Managing Director, David Llewelyn & Co LLC), and Justice James Mellor (Judge of the High Court of England & Wales) via Zoom. We also had the pleasure of Justice Dedar Singh Gill (High Court Judge of the Singapore Supreme Court) joining us, together with moderator Mr Melvin Pang (Director of Amica Law).

The audience in rapt attention at the Q&A session

Mr Paul McClelland (Senior Legal Counsel, IPOS International) and Mr Tan Kong Hwee (CEO, IPOS)

Justice Dedar Singh Gill shares his observations in a light-hearted moment

Speakers and panellists – L to R: Justice James Mellor, Gabriel Ong, Prof David Llewelyn, Justice Dedar Singh Gill, Prof David Tan and Melvin Pang

SLATE VII: PROBLEMS WITH PROBABILITY

On 17 January 2025, Professor Anthony Niblett (University of Toronto, Faculty of Law) delivered the 7th seminar in the Seminars on Law and Technology ("SLATE") series.

In his seminar, drawn from his paper "Problems with Probability" which was jointly published with Professor Casey from Chicago Law School, Prof Niblett explored the issues relating to the use of artificial intelligence (AI) systems to help triage the backlog of cases and facilitate the resolution of civil disputes in courts as well as for arbitration proceedings. He noted that AI can accomplish this by establishing the facts of cases and by way of predicting the outcomes of disputes. In his view, as to the former, which he termed "algorithmic fact finding", no real problems would arise because these involve the probabilistic predictions of some ground truth for which there is a correct answer. However,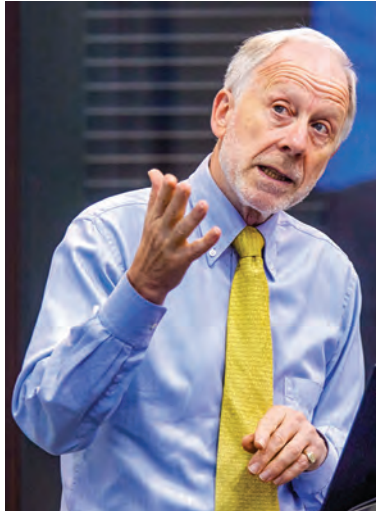 when AI is used to predict answers to questions of legal liability, such as whether a given plaintiff is vicariously liable, by for instance, comparing the facts of the instant case to a rich dataset of previously decided cases, he questioned the significance of such a prediction or "algorithm legal prediction" by the algorithm.

Focusing on the issue of how these predictions, which are probabilistic in nature, might determine if legal liability would be established in any given case, Prof Niblett opined that important questions remain as to how these probabilistic predictions should be converted into legal decisions. He also shared with the participants an ongoing research project that he is currently conducting, which involves surveying participants who are simulated adjudicators to assess if their views of a hypothetical party's chances of winning a case will change if they, in addition to the parties, have access to the AI predictions.

SLATE VIII: PRESUMPTION VS REALITY – UNPACKING LEGAL TRUST IN AI ANALYSIS

On 16 September 2025, Professor Stephen Mason, Visiting Professor at NUS Law, delivered the 8th seminar in the Seminars on Law and Technology ("SLATE") series with a timely talk titled "Presumption vs Reality: Unpacking Legal Trust in AI Analysis". The seminar, moderated by Associate Professor Daniel Seng, examined the long-standing legal presumption that computers are reliable and asked whether this assumption still holds in an era increasingly shaped by artificial intelligence (AI).

In England and Wales, the evidential presumption of computer reliability can be traced to the Law Commission's 1997 Report and the repeal of section 69 of the Police and Criminal Evidence Act 1984. Courts often treated computers as trustworthy "mechanical instruments," placing the burden on parties to prove unreliability. Yet, high-profile cases such as the Seema Misra prosecution (2010) and the recent British Post Office-Horizon IT scandal showed how misplaced trust in software could lead to grave miscarriages of justice.

To address these risks, Prof Mason urged clearer distinctions between evidence captured by digital systems and evidence generated by algorithms. He proposed a Code of Practice and a two-stage authentication process: first, agreement on undisputed facts; then, focused resolution of contested issues supported by technical disclosure and expert evaluation. He further highlighted the importance of integrating digital evidence training into legal curricula and judicial workshops to build competency in handling such cases.

Prof Mason also challenged the very use of the term "AI," suggesting it obscures the fact that technologies like neural networks and language models are essentially prediction tools. International case studies, such as Tesla's Autopilot software lawsuits involving fatal crashes in Europe and the United States, illustrated how courts worldwide are struggling with numerous issues such as appropriate disclosure and technical expertise in evaluating software-based evidence. He closed with a sobering reminder: the challenges of trust in AI and digital systems are not just legal but also practical. The scarcity of experts, the expense of technical evaluations, and the evolving nature of digital evidence demand careful reconsideration of how courts approach software-based outputs.

AIPPI SINGAPORE: AI & THE LAW

On 24 March 2025, the Singapore chapter of the International Association for the Protection of Intellectual Property organised a seminar for legal professionals at the office of Drew & Napier on "AI and the Law". Known as AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle), the organisation is the world's leading non-profit association dedicated to the development and improvement of laws for the protection of intellectual property. It is a politically neutral, non-profit organisation, based in Switzerland with over 8000 members worldwide from over 110 countries.

This AIPPI Singapore seminar featured distinguished speakers, Professor David Tan (Co-Director, TRAIL), Trina Ha (Chief Legal Counsel, IPOS) and Cheryl Seah (Director, Drew & Napier LLC), facilitated by Tony Yeo (President, AIPPI Singapore; Managing Director, Drew & Napier LLC). The speakers provided valuable insights into how intellectual property laws are adapting to the age of AI.

David's presentation, "Regulating AI Output: Copyright Act, POFMA, POHA ... do we need more?", surveyed the kaleidoscope of available legislation in Singapore that regulate the use and impact of AU, concluding that copyright legislation will need to work in tandem with other criminal and civil sanctions to rein in the unruly AI development. Trina covered "Issues and Insights Arising from the Intersection of AI and IP", summarising the recently released report by IPOS in 2024 on this topic as well as significant recent developments since its publication. Cheryl's segment, "AI and the Law: Navigating Risks, Responsibilities and Regulations", explored how lawyers and in-house counsels should use AI within legal and ethical boundaries.

NEW FRONTIERS IN INTELLECTUAL PROPERTY CONFERENCE IN SYDNEY

On 7 March 2025, Professor David Tan, Co-director of TRAIL and Head (Intellectual Property) at the EW Barker Centre for Law & Business, both at NUS Law, joined a plenary panel session on New Frontiers in Intellectual Property at the University of Technology Sydney (UTS), discussing the treatment of parody in trademark law. Drawing on the different outcomes in judicial decisions regarding the Chewy Vuiton and Bad Spaniels squeaky dog toys, he highlighted how a successful parody may not save a parodist from liability in US trademark law today, and urged for appropriate doctrinal reforms to redress this situation.

Speaking the day before at the Trade Marks and Freedom of Expression Workshop at the University of New South Wales (UNSW), he evaluated how parody in trademark law has evolved over the last two decades in the United States. His paper traced how liberal judicial approaches in trademark infringement and dilution jurisprudence have been put to an abrupt halt in the recent Supreme Court decision concerning the Bad Spaniels dog toys that allegedly made fun of Jack Daniel's famous whiskey mark. He concluded that freedom of expression interests are not necessarily eroded by a renewed focus on the likelihood of confusion analysis, and that a multifactorial approach – such as the use of the Sleekcraft factors in the Ninth Circuit Court of Appeals – appropriately balance freedom of expression interests and trademark rights.

The panel on trademarks at the New Frontiers in Intellectual Property Conference at UTS – L to R: Prof Michael Handler, A/P Rob Batty, Emeritus Prof Jill McKeough, Prof Lisa Ramsey, Prof Martin Senftleben and Prof David Tan

Prof David Tan at the UNSW workshop

Prof David Tan with Prof Graeme Austin and Prof Martin Senftleben

IPIRA CONFERENCE IN TOKYO

In April 2025, Dr Yangzi Li, a postdoctoral fellow at TRAIL, showcased her latest research at the IP & Innovation Researchers of Asia (IPIRA) Conference, held at Waseda University in Tokyo, Japan. The three-day event brought together over 240 scholars from across Asia-Pacific, Europe, and North America, making it one of the largest academic gatherings in the field of intellectual property and innovation law.

In her presentation, "The Line: Revisiting Originality in AI-Generated Outputs," Dr Li tackled one of today's most hotly debated legal questions: "Can AI-generated works be considered original enough to deser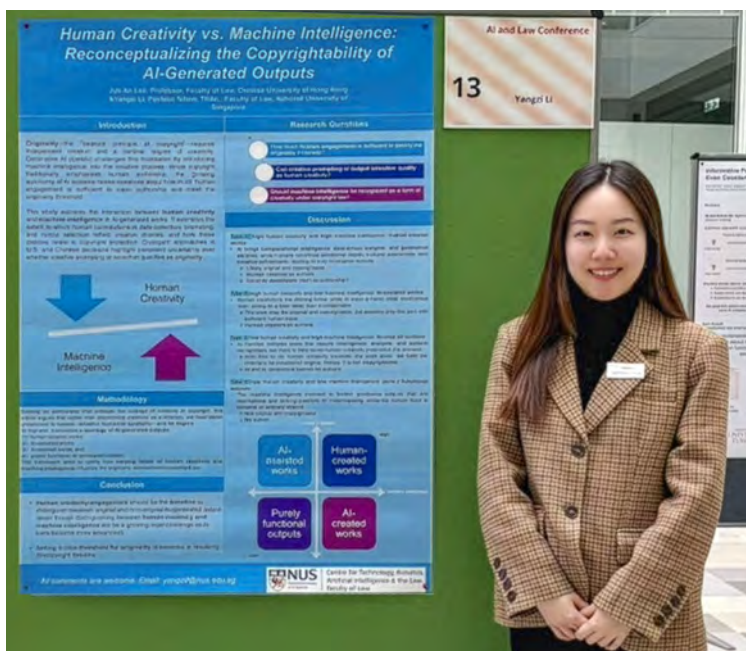ve copyright protection?" Her talk explored the complex interplay between human creativity and machine intelligence in the generative process, offering a fresh lens to rethink how we assess originality in the age of generative AI. Supported by TRAIL, Dr Li's work adds an important voice to the evolving conversation at the intersection of AI and IP law. Her insights drew strong interest from participants and underscored the need for legal frameworks to keep pace with technological changes.

TÜBINGEN CONFERENCE ON AI & LAW

Dr Yangzi Li presented her latest research at the Tübingen Conference on AI and Law, hosted by the University of Tübingen in Germany in November 2025. The conference was attended by leading international scholars from the fields of computer science and law, providing a platform for rigorous interdisciplinary exchange and facilitating critical discussion on the legal, technical, and societal implications of artificial intelligence. Designed for a global academic audience, the event aimed to advance cross-disciplinary perspectives on AI governance, regulation, and methodology.
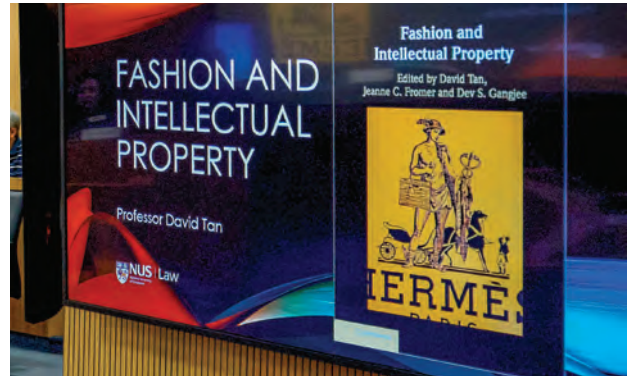
In her poster presentation, "Human Creativity vs. Machine Intelligence: Reconceptualizing the Copyrightability of AI-Generated Outputs," Dr Li examined how generative AI challenges one of copyright law's central ideas: that originality stems from human creativity. Her research interrogates how the increasing integration of machine intelligence into the creative process complicates established standards of copyrightability and unsettles long-standing distinctions between human-authored works and algorithmically generated outputs. The discussions that followed highlighted the continued importance of collaborative, cross-disciplinary thinking in responding to the new legal issues emerging from rapid advances in AI.

BOOK LAUNCH IN HONG KONG – FASHION AND INTELLECTUAL PROPERTY

On Thursday 11 September 2025, Professor David Tan, lead editor of *Fashion and Intellectual Property*, kicked off a series of book launch events beginning in Hong Kong. Prof Tan is also a Co-Director of the Centre for Technology, Robotics, Artificial Intelligence & the Law (TRAIL) at NUS Law.

Joined by chapter contributors Professor Jyh-An Lee and Dr Jingwen Liu, the book launch at the Bank of America Tower was co-organised by the Centre for Centre for Legal Innovation & Digital Society (CLINDS) at CUHK Law and the EW Barker Centre for Law & Business at NUS Law. Associate Professor Tianxiang He (City University of Hong Kong) and Dr Haifeng Huang (Jones Day) provided commentary on the book. Profs Lee and He are also academic fellows of TRAIL.

The book – *Fashion and Intellectual Property* – is published by Cambridge University Press, and it assembles some of the best-known IP scholars around the world to present their analysis of how different aspects of intellectual property laws interact with and regulate the fashion industry.

Book cover of Fashion and Intellectual Property by Singaporean artist Andre Tan

It covers key features of intellectual property rights regimes in the United States, United Kingdom, Europe, Australia and Asia that include copyright, trademarks, patents and geographical indications. This collection is curated and edited by David Tan (NUS), Jeanne Fromer (NYU) and Dev Gangjee (Oxford), featuring contributions from the editors and other scholars such as Barton Beebe, Christopher Sprigman, Robert Burrell, Emily Hudson and Martin Senftleben. The book is available in hardback edition and also as open access on Cambridge Core.

L-R: Professor Jyh-An Lee (CUHK), Dr Jingwen Liu (CUHK), Professor David Tan (NUS Law), Associate Professor Tianxiang He (City University of Hong Kong) and Dr Haifeng Huang (Jones Day)

Prof Lee enjoying a light-hearted moment in the discussion of shanzhai goods

A/Prof He giving a comprehensive review of the book

Dr Huang offering his perspective from a practitioner's viewpoint

At the Warren Chan Moot Court, CUHK Graduate Law Centre

Dr Liu explaining the difference between knockoffs and counterfeits

Prof Tan discussing the relevance of post-postmodernism to legal doctrine

CURIOSITY & PASSION IN THE WORLD OF IP & TECH

On 15 October 2025, the Centre for Technology, Robotics, Artificial Intelligence & the Law (TRAIL) partnered with the Centre for Future-ready Graduates@Law (CFG) to host alumni of NUS Law at a careers talk for over fifty students on legal practice in the areas of intellectual property (IP) and technology, media and telecommunications (TMT).

The lively session, moderated by Professor David Tan, Co-Director of TRAIL, was filled with cheerful banter and memorable anecdotes, as the graduates spanning the 1980s to the 2000s candidly shared their career journeys and interview tips.

Sheena Jacob (Class of 1988) is presently the Head of the regional Southeast Asian Intellectual Property practice at CMS Holborn Asia, and is qualified in Singapore, New York and England. Sheena manages a team that handles trademark and patent prosecution in Southeast Asia, IP litigation and commercial IP transactions such as licensing and commercialisation deals in the tech, media and life science sectors in Asia Pacific. Tony Yeo (Class of 1991) is the Managing Director of Drew & Napier's IP department, and a Director in the Dispute Resolution department, as well as the head of the Healthcare & Life Sciences Practice. Unlike the other panelists, Tony confesses that his one and only job was at Drew & Napier, and it is the range of work there – including litigation – that keeps him curious and excited about the practice.

Steve Tan (Class of 1998) is the Deputy Head of the TMT practice at Rajah & Tann Singapore, and has garnered numerous accolades over the years as one of the leading lawyers for TMT, information technology law and data privacy law. Steve jokingly shared that he sleeps only about four hours each night, but that is because he is so passionate about his work. He also advised students that project management skills are critical to have in order to succeed whether as a student or as a lawyer.

Cheah Yew Kuin (Class of 2002) is currently the Assistant Chief Counsel at The Walt Disney Company, and is responsible for all antipiracy matters arising from the company's various business units based in the Asia Pacific Region. Yew Kuin was at Baker McKenzie.Wong & Leow for almost ten years. Joyce Ang (Class of 2004) is the Senior Lead of Global IP Enforcement at the Alibaba International Digital Commerce Group. She has nearly 20 years' of experience in the field of IP law, and her experience spans private practice, in-house positions at multinational companies and responsibilities outside conventional legal functions. Both Yew Kuin and Joyce shared their experiences in private practice, the types of expertise one could acquire, and when would be a good time to make the transition into in-house corporate counsel positions. Joyce was also previously Yew Kuin's colleague at Disney … perhaps it is indeed a small world after all.

L-R: Prof David Tan, Genevieve Chia, Joyce Ang, Penny Leng, Cheah Yew Kuin, Steve Tan, Sheena Jacob, Tony Yeo

*Sheena Jacob '88
(CMS Holborn Asia)*

*Tony Yeo '91
(Drew & Napier)*

*Steve Tan '88
(Rajah & Tann Singapore)*

Over fifty students at the careers talk on Bukit Timah Campus

*Prof David Tan keeping the mood
light and anecdotes flowing*

*Cheah Yew Kuin '02
(Disney)*

*Joyce Ang '04
(Alibaba)*

VISITS

MINISTER OF JUSTICE OF LOWER SAXONY IN GERMANY

L-R: Judge Dr Daniel Stolz, Judge Dr Michael Henjes, Minister Dr Kathrin Wahlmann

TRAIL had the privilege of hosting Minister of Justice Dr Kathrin Wahlmann and her delegation from the Ministry of Justice of Lower Saxony in Germany on 21 February 2025. The delegation comprised Judge Dr Daniel Stolz, Judge Dr Michael Henjes, Ms Verena Brinkmann, Ms Julia Zwake and Mr Patrick Dahm, a German lawyer who has been working as a foreign lawyer in Singapore. They were particularly interested in TRAIL's research on the legal and technical ramifications arising from the use of AI in the legal industry, with a focus on the courts in particular.

Hosting the delegation was A/Prof Daniel Seng, then Co-Director of TRAIL, along with Masters of Law students from NUS. After a brief introduction of TRAIL, Prof Seng explained the workings of Large Language Models (LLMs), which represents the most interesting and topical development that has spearheaded the use of AI in the legal space. Prof Seng focused on the hallucination problem with LLMs, and also referred to the Mata v Avianca, Inc case, where two New York lawyers were sanctioned for using ChatGPT to generate briefs submitted to the courts in New York that had actually contained three fake cases with fake quotes and citations.

Prof Seng then referred to the Singapore Supreme Court Registrar's Circular No 1 of 2024: Guide on the Use of Generative AI Tools by Court Users as well as the UK's AI: Guidance for Judicial Office Holders, noting that both flagged the issues of hallucinations and emphasised that responsibility remained on users of these tools to check the accuracy of any documents generated by generative AI.

The discussion included how the risks and problems associated with the use of such tools in the courts could be managed, the limitations that an LLM tool trained only on a particular judge's judgments would pose, and how reliance on LLM tools would short-circuit legal training, especially for junior lawyers and members of the bench. The Masters students also shared their perspectives on how they managed the problems associated with the use of LLM tools.

Professor Andrew Simester, Dean of NUS Law, highlighted that with technology changing the legal landscape, it is imperative for a law school to introduce students to these rapid advancements to prepare them to work with technology in the legal profession.

A/Prof Daniel Seng giving an overview of the problems with LLMs

(First row L-R) Judge Dr Daniel Stolz, Judge Dr Michael Henjes, Minister Wahlmann, A/Prof Daniel Seng and Dean Andrew Simester. (Second row L-R) Mr Patrick Dahm, Ms Gail Wong, Ms Jung Chih Lin, Ms Tsui Chloe Sin Wai, Mr Shivam Kaushik, Mr Fadel Muhammad, Mr Aguilar Romeo Arthur Ulices and Ms Watcharavasunthara Chalida

Minister Dr Kathrin Wahlmann talks about the need for courts to adopt AI to improve efficiency

WORKS IN 2025

SELECTED BOOKS, ARTICLES, BOOK CHAPTERS & OPINIONS

Law and Technology in Singapore

Simon Chesterman
(co-edited with Goh Yihan and Andrew Phang)
(2nd edition) (Academy Publishing, 2025)

This edited book provides students and practitioners with a broad overview of the technologies in so far as they apply to various areas of Singapore law, presents a report of the current practice and content of specific areas of Singapore law in so far as they are impacted by technology and looks to the future and sketches out issues that may be affected by technology and what the likely solutions might be. This updated second edition aims to incorporate emerging technologies (including AI), and to expand its regional elements to account for Southeast Asia and beyond.

Building Trust in the Generative AI Era: A Systematic Review of Global Regulatory Frameworks to Combat the Risks of Mis-, Dis-, and Mal-Information

Simon Chesterman
(co-authored with Fakhar Abbas and Araz Taeihagh
(2025) AI & Society - https://doi.org/10.1007/s00146-025-02698-9

The rapid evolution of generative artificial intelligence (GenAI) technologies such as ChatGPT, DeepSeek, Gemini, and Stable Diffusion offers transformative opportunities while also raising profound ethical, societal, and governance challenges. As these tools become increasingly integrated into digital and social infrastructures, it is vital to understand their potential impact on consumer behaviour, trust, information consumption, and societal well-being. Understanding how individuals interact with AI-enhanced content is, in turn, necessary for developing operative regulatory policies to address the growing challenges of mis-, dis-, and mal-information (MDM) on digital platforms. In this study, we systematically analyse global regulatory and policy frameworks as well as AI-driven tools to address the growing risks of MDM on digital platforms and optimize the interplay between humans and GenAI moderation. The study highlights the need to balance technological innovation with societal protection and freedom of expression by identifying evolving trends and critical gaps in global policy coherence. We examine how the proliferation of MDM—often accelerated by GenAI—distorts the information landscape, induces cognitive biases, and undermines informed decision-making. Our study proposes an integrative strategy that combines technical detection methods with actionable policy recommendations to mitigate MDM risks, reinforce digital resilience, and foster trustworthy GenAI governance. The study also explores the potential role of AI itself in combating MDM risks.

Misinformation, Disinformation, and Generative AI: Implications for Perception and Policy
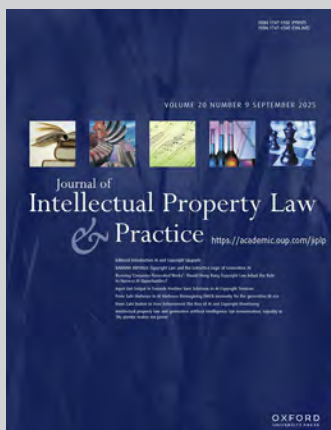
Simon Chesterman

(co-authored with Jaidka Kokil, Tsuhan Chen, Wynne Hsu, Min-Yen Kan, Mohan Kankanhalli, Mong Li Lee, Gyula Seres, Terence Sim, Araz Taeihagh, Anthony Tung, Xiaokui Xiao and Audrey Yue)
(2025) 6(1) Digital Government: Research and Practice 1
- https://doi.org/10.1145/3689372

The emergence of generative artificial intelligence (GenAI) has exacerbated the challenges of misinformation, disinformation, and mal-information (MDM) within digital ecosystems. These multi-faceted challenges demand a re-evaluation of the digital information lifecycle and a deep understanding of its social impact. An interdisciplinary strategy integrating insights from technology, social sciences, and policy analysis is crucial to address these issues effectively. This article introduces a three-tiered framework to scrutinise the lifecycle of GenAI-driven content from creation to consumption, emphasising the consumer perspective. We examine the dynamics of consumer behaviour that drive interactions with MDM, pinpoints vulnerabilities in the information dissemination process, and advocates for adaptive, evidence-based policies.

Our interdisciplinary methodology aims to bolster information integrity and fortify public trust, equipping digital societies to manage the complexities of GenAI and proactively address the evolving challenges of digital misinformation. We conclude by discussing how GenAI can be leveraged to combat MDM, thereby creating a reflective cycle of technological advancement and mitigation.

From Safe Harbours to AI Harbours: Reimagining DMCA Immunity for the Generative AI Era
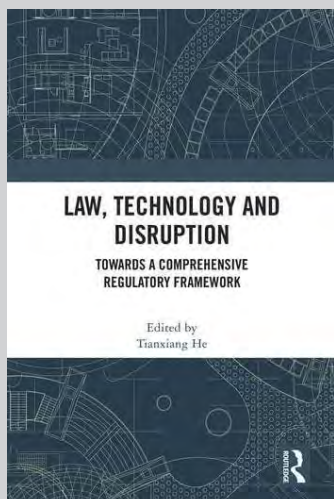
Taorui Guan

(co-authored with Yang Lin)
(2025) 20 Journal of Intellectual Property Law & Practice 605
- https://doi.org/10.1093/jiplp/jpaf043.

This article argues that generative AI fundamentally disrupts the "passive intermediary" assumptions underlying the DMCA's Section 512 safe-harbour framework, because modern systems ingest large (often unlicensed) datasets and produce on-the-fly outputs through a multi-actor supply chain spanning data suppliers, model developers, and deployers—issues that also resonate across the EU, UK, Hong Kong, and beyond. Building on Section 512's cooperative logic, we propose an "AI harbour" model that conditions immunity on role-specific duties: provenance disclosure and transparency for data suppliers; dataset curation, memorisation-mitigation, and watermarking for developers; and dynamic filtering, complaint handling, and repeat-infringer policies for deployers. We further sketch an administrative design in which a dedicated "AI Division" within the Copyright Office would certify actors, audit compliance, and endorse technical standards developed through industry co-regulation, preserving innovation while offering scalable, technology-realistic compliance pathways that can be adapted to other jurisdictions' existing regulatory architectures.

Law, Technology & Disruption: Towards a Comprehensive Regulatory Framework

Tianxiang He (ed)
(Routledge, 2025)

Online content platforms, copyright decision-making algorithms & fundamental rights protection in China

Tianxiang He

Law, Technology and Disruption: Towards a Comprehensive Regulatory Framework (edited by Tianxiang He) (Routledge 2025) 71

Concentration of power in terms of user traffic and copyright content is most evident in content platforms in China. Such concentration has generated an unexpected impact on the way we understand and appreciate creativity, on copyright enforcement and determination of liability on content platforms, and on the regulation of the cultural market by the government. Specifically, the concentration of power in content platforms has not only curbed direct online piracies to a large extent but has also accelerated the fragmentation of copyright enforcement and spawned the need for algorithmic recommendation and filtering systems, which in turn have reinforced the cultural censorship system of China. This book chapter argues that the employment of algorithms by platforms must be treated with prudence: the algorithmic decision-making systems employed by platforms must be transparent as much as possible, and remedies must be provided for concerned users. The algorithms employed by content platforms must be adjusted to reflect not just the interests of the platforms but also the public interest in accessing and delivering information and local policy considerations. This chapter suggests that our regulatory framework should reflect the algorithmic turn of content platforms in its legal and non-legal instruments, thereby alleviating their negative impact on society.

The Impact of Antitrust Enforcement on China's Digital Platforms: Evidence from *SAMR v. Alibaba*

Kenneth Khoo

(co-authored with Sinchit Lai and Chuyue Tian)
(2025) 83 International Review of Law and Economics 106268
- https://doi.org/10.1016/j.irle.2025.106268

This article evaluates the landmark SAMR v. Alibaba (2021) case in China's e-commerce platform market using event-study and synthetic control methods. We find that the investigation announcement reduces Alibaba's abnormal returns while competitors show mixed reactions, with some gaining and others showing no significant change. In contrast, the penalty announcement is followed by a positive stock market response for Alibaba and a negative response for its rivals, consistent with our interpretation that investors update their expectations as information from the investigation is revealed. Our study reveals interesting dynamics of antitrust enforcement in the Chinese e-commerce platform market, where sanctions alter both firm profitability and competitive positioning. Over the longer horizon, we document a persistent 17–25% decline in Alibaba's abnormal returns, alongside a smaller decline for competitors, and we estimate a 7–9% reduction in Alibaba's gross profit margins relative to similar firms, showing that the decision had a sizable and lasting impact on Alibaba's profitability, with effects substantially larger than those found in comparable EU and US studies.

Interoperability of the Metaverse: A Digital Ecosystem Perspective Review

Jyh-An Lee

(co-authored with Liang Yang, Shi-Ting Ni, Yuyang Wang, Ao Yu and Pan Hui)
(2025) 53 IEEE Engineering Management Review 29

The Metaverse, a pivotal element of the digital revolution, holds transformative potential for industries and lifestyles. Yet, skepticism persists, with concerns that enthusiasm may outstrip technological progress. Interoperability is a key obstacle, as highlighted by a CoinMarketCap report (February 2023) noting over 240 isolated Metaverse initiatives. Despite agreement on its importance, systematic research on interoperability remains scarce. This study bridges the gap through a systematic literature review, using content analysis on Web of Science and Scopus databases, identifying 74 relevant publications. Interoperability lacks a standardized definition, varying by context, while the Metaverse is broadly seen as a digital ecosystem. Urs Gasser's framework for digital ecosystem interoperability—spanning technological, data, human, and institutional dimensions—guides our analysis. By applying this framework across three identified layers, we provide a comprehensive overview of Metaverse interoperability research, establishing benchmarks to advance scholarly exploration in this complex field.
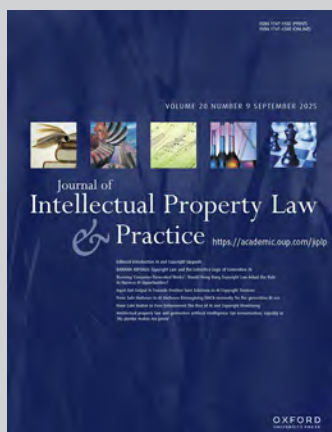
The Antitrust–Copyright Interface in The Age of Generative Artificial Intelligence

Daryl Lim

(co-authored with Peter K. Yu)
(2025) 74 Emory Law Journal 847

This article examines the evolving relationship between antitrust and copyright in the age of generative AI. It situates recent US actions against Big Tech alongside the FTC's 2023 Copyright Office submission, signaling potential scrutiny of AI developers' use of copyrighted training data, as evidence of growing regulatory ambition. The article argues that the antitrust–copyright interface now faces technological and ideological tensions: AI systems rely on scale and integration that antitrust law traditionally targets, while a shift from the Chicago School to Neo-Brandeisian thinking reshapes enforcement priorities. Highlighting copyright's built-in procompetitive safeguards, the article contends that premature antitrust intervention could hinder AI innovation and disrupt copyright's balance. It concludes with a five-part strategy for recalibrating this interface.
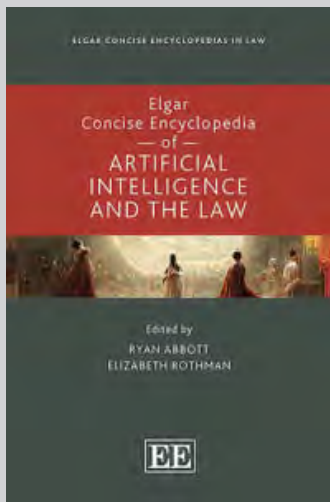
Banana Republic: Copyright Law and the Extractive Logic of Generative AI

Daryl Lim

(2025) 20 Journal of Intellectual Property Law & Practice 573

This article uses Maurizio Cattelan's Comedian, a banana duct-taped to a wall, as a metaphor for the extractive dynamics of generative AI. It argues that the AI-driven creative economy replicates colonial patterns of appropriation, converting human expression into commodified outputs while marginalising the creators who make these systems possible. Through the figures of the fruit seller, the buyer, and the artist, it asks who is valued, who is erased, and who profits. It then examines how copyright's doctrines struggle with AI's layered, distributed creativity and how governance regimes risk entrenching opacity and platform power. The article ultimately calls for structural reforms like transparency, attribution, and participatory design to prevent an AI economy that offers spectacle without equity.

Trademarks

Daryl Lim

Elgar Concise Encyclopedia of Artificial Intelligence and the Law (edited by Ryan Abbott and Elizabeth Rothman) (Edward Elgar, 2025) 424

This chapter analyses how artificial intelligence is transforming trademark law and brand management. AI improves core trademark functions by enhancing search, clearance, and monitoring, using machine-learning tools that detect similarities, predict distinctiveness, and support examiners through explainable models. It also strengthens portfolio management and enforcement by identifying online infringements and assessing brand risk. AI aids brand strategy by generating names, logos, and marketing content and forecasting consumer trends. At the same time, AI-generated marks raise concerns about confusion, dilution, attribution, and ownership, while AI-driven searches and deepfakes can weaken source identification and create false endorsements. It concludes that trademark law must adapt with clearer rules and greater international coordination to safeguard brand integrity.
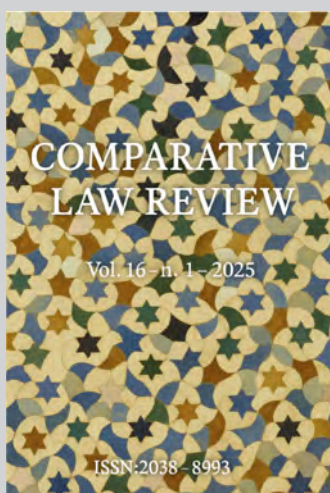
Determinants Of Socially Responsible AI Governance

Daryl Lim

(2025) 25 Duke Law & Technology Review 183

This article examines the first international AI treaty as a milestone in building a global framework grounded in human rights, democracy, and the rule of law. It advances justice, equity, and legality as benchmarks for socially responsible AI. Part I considers AI's potential to expand access to justice while assessing risks faced by courts, lawyers, and vulnerable communities. Part II analyzes how biased data, opaque coding, and IP barriers, especially trade secrets, can entrench inequity and limit accountability. Part III offers a comparative analysis of U.S., EU, Chinese, and Singaporean governance models, highlighting different balances between innovation and safeguards. The article proposes a proactive framework centered on transparency, equity audits, and risk-based regulation to guide AI's transformative legal impact.

Metaverse and virtual worlds: definitions, regulatory issues and the option of responsible self-governance

Andrea Stazi

(co-authored with Fabiana Di Porto)
(2025) 16(1) Comparative Law Review 47

The paper examines the Metaverse and virtual worlds as frontier topics with significant challenges and opportunities. It notes the lack of a legal definition, but discusses policy definitions highlighting immersiveness, 3D, synchronicity, and persistence. Some of the critical issues include achieving horizontal interoperability, moderating avatar "behaviours", complex data protection, vague digital property rights, and legal risks of smart contracts. Targeted rules, guidelines, or responsible self-governance frameworks are suggested to navigate these issues and facilitate transition to more mature stages.

A Comparative Analysis of Regulatory Sandboxes: Models, Evolutions and Strategic Implications in EU, USA and China

Andrea Stazi

(co-authored with Riccardo Jovine)
(2025) 16(2) Comparative Law Review 22

The article compares the design, evolution, and strategic uses of regulatory sandboxes across the European Union, the United States, and the People's Republic of China. Using a comparative lens to conduct an analysis of law and politics, the authors demonstrate that sandboxes are not neutral test beds but rather jurisdiction-specific governance instruments that strike a balance between innovation, legality, risk, and market structure.

Contractarianism and Wrongs in Minority Oppression

Tan Cheng Han

(co-authored with Danielle Toh and Lee Jie-Yu)
[2025] Singapore Journal of Legal Studies 161

The two principal remedies in corporate law against abusive conduct toward minorities are the derivative action and the oppression action. The former allows a proper complainant to seek relief on behalf of the company while the latter provides non-controlling shareholders with various personal remedies where they establish oppressive conduct. The courts have recently proposed a distinction between an "essentially corporate wrong" (which members may purportedly only rectify under the derivative action) and a "personal wrong" (which is purportedly the only valid basis for the oppression action). It is suggested that focusing on the nature of the wrong is untenable given commercial realities that a wrong to a company can also readily prejudice members' rights. Instead, the emphasis should be on the agreement or understanding of the parties and the specific reliefs being sought.
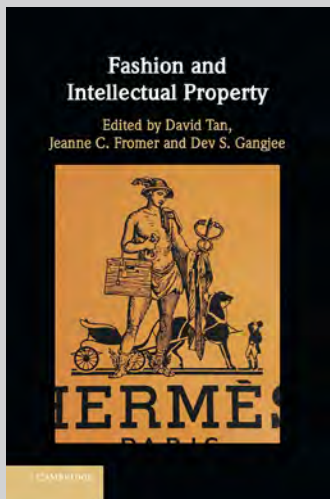
While creatives fight AI, fashion may profit from its 'negative space'

David Tan

The Business Times, 6 September 2025

Copyright's "negative space" is an area in which creation and innovation can thrive without significant protection from the law. In this negative space, creators are not exclusively motivated or incentivised by the prospect of intellectual property protection. In the fashion industry today, not only do creators in this negative space operate without the assurance of robust copyright protection, but they also view themselves as benefitting to an extent from the weakness of the legal regime. This Op-Ed discusses two specific technological developments that positively enlarge this negative space, and arguably to the benefit of fashion designers and entrepreneurs: proliferation of social media platforms and the widespread availability of generative artificial intelligence applications

Fashion and Intellectual Property

David Tan

(co-edited with Jeanne Fromer and Dev Gangjee)
(Cambridge University Press, 2025)

This book assembles a constellation of some of the best-known intellectual property scholars around the world to present their analysis of how different aspects of intellectual property laws interact with and regulate the fashion industry.

It presents a meticulously curated collection of how intellectual property laws interact with contemporary fashion and culture studies in protecting fashion creations that range from clothing and footwear to textiles. It covers key features of intellectual property rights regimes in the United States, United Kingdom, Europe, Australia and Asia that include copyright, trademarks, patents and geographical indications. This book is also available as open access on Cambridge Core.

Fashion, Post-Postmodernism and Intellectual Property

David Tan

Fashion and Intellectual Property (edited by David Tan, Jeanne Fromer and Dev S Gangjee) (Cambridge University Press, 2025) 3

Fashion – the way we dress – is often an important reflection of the zeitgeist or the spirit of a given point and place in time. The fashion phenomena of recent years, such as self-disruption, upcycling and phygital experiences, can be studied as characteristics of a post-postmodern condition where a new cultural paradigm has emerged. The term post-postmodern has appeared in an increasing number of scholarly works that address a new cultural milieu – one that faces shifting global political centres and geopolitical boundaries, threats of climate change and an endangered ecosystem, destabilisation from armed conflicts and pandemics, obsessions with autonomous individuality, accelerating advances in artificial intelligence and the pervasiveness of information and communications technology in our daily lives. This chapter explores how such theories may be relevant to understanding contemporary fashion trends and their implications for intellectual property laws.

Shanzhai Fashion and Intellectual Property in China

Jyh-An Lee

(co-authored with Jingwen Liu)
Fashion and Intellectual Property (edited by David Tan, Jeanne Fromer and Dev S Gangjee) (Cambridge University Press, 2025) 252

Chinese factories have been notorious for imitating and copying luxury fashion designs, a phenomenon known as "shanzhai" since the 2000s. Within the fashion industry, two primary categories of shanzhai practices exist: the imitation or copying of a brand's name or trademarks, referred to as "counterfeits" and the imitation or copying of a brand's designs, referred to as "knockoffs." While brand owners can easily to enforce their legal rights against the trademark-infringing counterfeits, knockoffs remain a significant concern for international brand owners, since these design features are frequently denied trademark protection. China has been transitioning from an imitation-based economy to an innovation-driven one since the 2010s. Recent judicial practices reflect this shift, demonstrating that fashion designs and design features in China now have the potential to be protected under the Anti-Unfair Competition Law. Moreover, Chinese courts are increasingly open to the registration of signature design patterns as non-traditional trademarks, including three-dimensional trademarks or colour trademarks. This chapter provides a comprehensive exploration of China's evolving approach to these issues and provides a detailed comparison of copyright, trademark, design patent and unfair competition protections against fashion copycats.

Copyright in the Generative AI Era: Reimagining Creativity and Fairness

David Tan

(co-authored with Huijuan Peng)

(2025) 37 Singapore Academy of Law Journal 749

This article examines the need for copyright reform in response to the transformative impact of generative AI. It identifies key legal challenges, including the absence of clear criteria for authorship, and the infringement risks associated with both inputs (training of large language models) and outputs (AI-generated content). The authors contend that two overarching themes will drive the development of copyright law: creativity and fairness.

Through a comparative analysis of how three jurisdictions – United States, China and Singapore – have addressed these challenges to date, the article considers possible reforms to copyright law. These reforms aim to strike a balance in the face of competing policy imperatives such as protecting human creativity, promoting innovation, and ensuring legal predictability and clarity.

"Does This Unit Have A Soul?" AI-Generated Works, Creativity Research, and Copyright Policy

Joshua Yuvaraj

(2025) 37 Singapore Academy of Law Journal 710

The protection of works generated using artificial intelligence has been one of copyright law's most vexing questions in recent years. This paper contends that producing a balanced response to that question requires a holistic understanding of whether AI can be labelled 'creative': if it is a tool, works generated using AI deserve copyright protection; but if it is genuinely creative and appropriates the locus of creative labour from human minds, then those works may deserve less or no protection. This paper answers the question by examining creativity theory, a field of scholarship drawing on disciplines like neuroscience and psychology. It distils a definition of creativity from this body of scholarship, applying that definition to reach a nuanced finding: AI is more than a tool but not fully creative. It then draws out implications of this finding for copyright policymaking, focusing on computer-generated works exceptions (e.g. in the UK and New Zealand) to balance the need for some protection, without imposing excessive access costs on the public in respect of AI-generated works.

WHO'S WHO AT TRAIL

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