

A Year Like No Other – The Changing Legal Landscape: Forging Ahead In A Time Of Pandemic

2020 has been a challenging year, forcing most people to adapt to new realities. While it was a year marked by the Covid-19 pandemic, it was also a year of change and technology for the Singapore Judiciary. In his Response to mark the opening of the 2021 legal year on 11 January, The Honourable the Chief Justice of Singapore Sundaresh Menon in his speech detailed the judiciary's response to the pandemic and his views on the post-pandemic legal landscape, and the initiatives to advance the rule of law in both the domestic and international space. Reflecting on the post-pandemic legal landscape, CJ Menon mentioned that the courts were looking at various ways to streamline and simplify processes, such as through the use of technology and encouraging the adoption of alternative dispute resolution processes.

The Singapore International Commercial Court ("SICC"), together with the other courts in Singapore, adapted swiftly to the pandemic. Faced with extensive travel restrictions, CJ Menon said that the SICC had led the way in some respects by moving to dispose of substantive matters by live video-link. Several

SICC cases involved the bench, counsel and witnesses attending from multiple jurisdictions via a virtual platform. Save the period between 7 April 2020 to 1 June 2020 where the courts in Singapore heard only essential and urgent matters, the majority of hearings have proceeded since 2 June 2020 using remote communication technology such as Zoom. These changes have enabled the SICC to continue its work as an important forum for the resolution of international disputes during these unprecedented times.

On advancing the rule of law in the international space, CJ announced that the SICC's new standard-setting body of procedural rules are in the final stages of development and would be implemented later in the year. When taken together with the SICC Symposium 2021 on developments in international commercial litigation and the third meeting of the Standing International Forum of Commercial Courts (SIFoCC) that will take place in March 2021, as well as the continued participation in foreign exchanges and engagements, these constitute a clear testament of the Singapore Judiciary's commitment to the advancement of the Rule of Law.

"...the Singapore International Commercial Court, which has continued to perform excellently over the past year. Faced with extensive travel restrictions, the SICC led the way in some respects by moving to dispose of substantive matters by live video-link."

Chief Justice Sundaresh Menon

4th Singapore-China Legal & Judicial Roundtable 2020



Chief Justice Sundaresh Menon and President Zhou Qiang of SPC virtually launched a joint publication "A Compendium of Singapore-China International Commercial Cases Curated for their Relevance to the Belt and Road Initiative" as a symbol of commitment to pursue mutual understanding of each other's laws and legal systems.

The Singapore-China Legal and Judicial Roundtable ("Roundtable") is an annual event that started in 2017 between the Supreme Court of Singapore and the

Supreme People's Court of the People's Republic of China ("SPC"). With travel restrictions brought about by the pandemic, the fourth edition of the Roundtable was held in a virtual format, and conducted over video-conference on 30 November 2020. The Roundtable was co-chaired by Chief Justice Sundaresh Menon and President Zhou Qiang of SPC.

During the Roundtable, judges from the Supreme Court of Singapore and the SPC shared their best practices and insights on various areas of mutual interest. In this regard, the President of the SICC, Justice Quentin Loh, gave a presentation titled "The New Singapore International Commercial Court Rules – Features relevant to BRI". Justice Loh spoke on the impending new set of procedural rules for the SICC, which were drafted and developed after fairly extensive public consultation with stakeholders. He explained how the new rules build on the key features of the existing rules, and introduce even more flexibility in the procedures to suit the dispute at hand. Justice Loh also touched on initiatives that the SICC is looking at to deal with the legal and evidentiary challenges that arise in construction and complex technological disputes, and concluded by proposing avenues for cooperation between the two judiciaries.

SICC OUT & ABOUT

SICC continues to attract the interest of judiciaries, academia, legal professionals and students, not just from Singapore but from various parts of the world as well.

Amid the challenging circumstances brought about by the global pandemic, the world remains connected. Everyone is now dependent on video-conferencing tools to conduct day-to-day business, court hearings and many more activities. Bilateral relations are now a call away judging from the successful 4th Singapore-China Judicial and Legal Roundtable meeting.



2020 Judicial Policy Research Institute International Conference

Justice Quentin Loh, President of the SICC, was invited as a panellist for the 2020 Judicial Policy Research Institute (JPRI) International Conference held on 13 November 2020. The panel session titled: "International Commercial Court and Electronic Litigation: Focused on the e-Service", Justice Loh spoke about how the SICC has adapted to the

pandemic and also touched on the new rules which aimed to make litigation more efficient (proposed amendment to the SICC rules where, at the first Case Management Conference of a matter before the Court, the judge has the discretion to direct that the case proceeds along one of three tracks: either through pleadings, statements or memorials). Justice Loh mentioned that the aim of this flexibility is that when a lawyer who has practiced international arbitration steps into the SICC, he should not encounter procedures so alien or unknown to him.

SICC OUT & ABOUT

Litigation in the International Commercial Courts – in recognition of the Qatar International Court’s 10-year anniversary



Justice Quentin Loh, President of the SICC, was part of an esteemed panel of judges and academics who examined the rise of specialist international commercial courts and their impact on the resolution of international commercial disputes. The online session was in recognition of the Qatar International Court and Dispute Resolution Centre’s 10-year anniversary. The panel discussed the role that the new specialist international commercial courts are fulfilling in the field of international commercial dispute resolution with a particular emphasis on the role and character of the judiciary and the development of jurisprudence. During the online discussion, Justice Quentin Loh also mentioned about the unique features of the SICC such as the panel of distinguished international judges (IJs) from both common law and civil law traditions. He also noted that “the sudden increase in commercial courts around the world shows that there is a need for an alternative dispute resolution for businesses”.

“The sudden increase in commercial courts around the world shows that there is a need for alternative dispute resolution for businesses.”

Justice Quentin Loh, President of the SICC

Singapore-Guangzhou International Alternative IP Dispute Resolution Webinar

The Guangzhou Development District International Intellectual Property Talent Training 2020 organised by the China-Singapore International Intellectual Property Innovation Service Centre was successfully held via a hybrid format from 26 to 27 November 2020, with participants from Guangzhou in a conference centre and some presentations conducted viz Zoom. The SICC had a unique opportunity to showcase its development as a novel approach to international commercial dispute resolution. The participants learnt of the Court’s advantages such as the availability of appeal, published



judgments, representation by foreign counsel who are registered with the Court in matters with no substantial connection to Singapore, as well as money judgments of Singapore courts being recognised and enforced by Chinese courts.

Dentons Rodyk-SICC Webinar – A Novel Approach to International Commercial Dispute Resolution

Dentons Rodyk co-organised a webinar with a focus on Japanese in-house counsel and lawyers on 11 December 2020 with the SICC, highlighting the key propositions and features of the SICC. The impetus for this event stemmed from the fact that Asia in general is expected to witness a major uptick increase in trade and investments post-pandemic. During the webinar, Ms Ng Sook Zhen, Partner and Head of Japan Desk, Dentons Rodyk, shared her experiences litigating in the SICC and provided in-depth discussions on how dispute resolution institutions like the SICC can meet the needs of Japanese and Singaporean businesses. The participants were also engaged on the latest trends and developments surrounding the SICC and learnt more about the cost-effective options for dispute resolution.



Ms Ng only had good things to add about the SICC and said, “the SICC marries the efficiency of the Singapore Court system with the advantages of arbitration such as international expertise and commercial-focused rules. It is a true game changer to the landscape of litigating in Singapore and the region, enjoying certainty in the law, while maintaining commercial and cultural sensitivity. While our Japanese clients are not yet familiar with the procedures and way of dispute resolution through SICC, there is no doubt that once they are warmed up to the idea of the SICC, they would be more open to resolving disputes via SICC.”

The Singapore International Commercial Court Symposium 2021 is now on Webinar!



The Singapore International Commercial Court Symposium 2021 will be held as a live webinar on 10 March 2021.

Hear from the Chief Justice of Singapore, the Judges of the SICC and other thought leaders on the latest trends and developments in the field of international commercial litigation.

The programme includes an exciting line-up of in depth discussions on the forthcoming new procedural rules of the SICC, the emerging trends and opportunities for commercial courts and other dispute resolution options in a post-pandemic world, including in the area of commercial and infrastructure disputes, the enforceability of court judgments and the role of commercial courts in cross-border insolvency disputes.

For more information on this webinar, click the link to read more: <https://siccSYMPOSIUM2021.SG/>

Latest Judgments

21 December 2020

Kiri Industries Ltd v Senda International Capital Limited and another

[2020] SGHC(I) 27

[Companies] - [Oppression] - [Minority shareholders] - [Buy-out order] [Companies] - [Shares] - [Valuation of shares] - [Valuation date] [Evidence] - [Admissibility of evidence] - [Hearsay] - [General and specific hearsay]

21 December 2020

Kiri Industries Ltd v Senda International Capital Limited and another

[2020] SGHC(I) 26

[Credit and Security] - [Guarantees and indemnities] - [Civil Procedure] - [Rules of court] - [Judgment without trial] - [Commercial Transactions] - [Obligation of good faith]

15 December 2020

Esben Finance Ltd and others v Wong Hou-Lianq Neil

[2020] SGHC (I)25

[Trusts] - [Constructive trusts] - [Restitution] - [Unjust enrichment] - [Limitation of Actions] - [When time begins to run] - [Contract] - [Illegality and public policy]

24 November 2020

Larpin, Christian Alfred & anor v Kaikushru Shiavax Nargolwala

[2020] SGHC(I) 24

[Civil Procedure] - [Costs] - [Security]

12 November 2020

Gokul Patnaik v Nine Rivers Capital Limited

[2020] SGHC(I) 23

[Arbitration] - [Award] - [Recourse against award] - [Setting aside] - [Civil Procedure] - [Affidavits] - [Striking out]

2 November 2020

Tamar Perry & anor v Bonnet Esculier Servane Michele Thais & anor

[2020] SGCA (I) 22

[Civil Procedure] - [Interpleader] - [Striking out] - [Pleadings] - [Amendment] - [Rules of court] - [Offshore case] - [Further arguments]



Registered Foreign Lawyers

As at 31 December 2020, the SICC has 91 registered foreign lawyers (RFLs) on its register. Foreign lawyers are welcome to apply to be registered with the SICC. To view the full list of RFLs and find out more about registration, please visit <https://go.gov/registration-foreign-lawyers>

SICC Model Clauses

The SICC has model clauses available, including clauses for submission of disputes to the jurisdiction of the SICC (both pre- and post-dispute) and in relation to the parties' rights of appeal. You may view them here: https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc_model_clauses.pdf

Enforcement of SICC Judgments

SICC judgments are enforceable in many jurisdictions, both civil and common law. You may access a Note on Enforcement of SICC judgments here: <https://go.gov/sicc-enforcement-guide-note>

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