Legal system must keep up with technology: CJ

By WEE LI-EN

THE increasing use of mass market licences now places intellectual property (IP) owners in a more advantageous position than before, Chief Justice Chan Sek Keong said at a conference yesterday.

Noting that the advent of e-commerce has revolutionised IP licensing practice, CJ Chan said that holders of IP rights can now deal directly with end-users, leading to a shift in the bargaining positions of IP licensees and licensors.

"The generic click-wrap licences that have become a way of Internet life are but one of the means by which IP owners can impose their terms on licensee consumers," he said.

Noting these contractual terms often impose user-limitations that are more extensive than those under the received statutory regime, CJ Chan said that such practices threaten to disrupt the established balance of public policy interests in the IP law.

"Who would have thought that the simple act of clicking on the 'I accept' button could lead to such a legal minefield?" he said.

CJ Chan cautioned that greater vigilance is needed to sieve out illicit forms of commercialisation that manipulate the IP regime to gain illegitimate commercial advantages.

"The continued success of the IP revolution will depend on how efficiently and effectively our legal systems can rally to eradicate these deviant practices," he said.

CJ Chan was speaking at The Journal of Contract Law Conference organised by the Singapore Academy of Law held at Singapore Management University.