

SINGAPORE HIGH COURT AWARDS S\$200,000 IN DAMAGES FOR TRADE MARK INFRINGEMENT BY INSTAGRAM MERCHANT SELLING “UPCYCLED” LOUIS VUITTON PRODUCTS

I. INTRODUCTION

1. In the recent decision of *Louis Vuitton Malletier v Ng Hoe Seng (formerly trading as EMCASE SG)* [2025] SGHC 122, the Singapore High Court awarded the claimant, Louis Vuitton Malletier (“**Louis Vuitton**”) the sum of S\$200,000 in damages for trade mark infringement by the defendant.

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II. BACKGROUND

2. Louis Vuitton is a leading international fashion house.
3. The defendant operated an online store on Instagram, selling various products affixed with Louis Vuitton’s signs. The products included handphone cases, watch straps, passport covers, and key cases.
4. The defendant referred to his products as “upcycled” goods which were derived from authentic Louis Vuitton goods. He stated that his objective was to “*be the new generation ethical and environmentally friendly fashion brand that focuses on upcycling authentic vintage 2nd hand materials*”. Further, he claimed that “*every material we use is sourced from independent secondary market sources with authenticity guaranteed and verified ...*”.
5. Louis Vuitton was not impressed and initiated trade mark infringement proceedings against the defendant. As the defendant was absent throughout the entire course of proceedings, Louis Vuitton was granted judgement in default.
6. Louis Vuitton claimed damages for the infringement. It argued that it should be awarded S\$4.8 million in statutory damages, subject to the limit of S\$2.9 million that is allowed under Singapore trade mark law.

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7. The judge however found that Louis Vuitton's claim was grossly excessive and decided that the appropriate amount of statutory damages is S\$200,000.

III. COMMENTARY

8. Businesses should be cognizant of the risks of trade mark infringement when they deal in so-called "upcycled" products. The risks are especially high if the products relate to luxury products. The risks remain even if (a) there are disclaimers indicating that the products are "upcycled" and (b) there is no intention to mislead consumers.
9. Further, businesses in the field of upcycling should be careful about the representations that they make. In this case, the defendant's false claims that the offending goods were "100% authentic" and are made from authentic materials led to the finding that his infringement were considered by the court to be "highly flagrant", which in turn led to higher statutory damages being awarded against the defendant.
10. Please do not hesitate to contact us if you have any queries relating to this Client Note or require any advice on any aspect of trade mark law in Singapore.

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