

## OPENING THE GATES – COURT LIFTS INJUNCTION OVER “KAWS:HOLIDAY SINGAPORE” EXHIBITION



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### INTRODUCTION

1. On 13 November 2021, the organisers of the much-anticipated “KAWS:HOLIDAY Singapore” exhibition, AllRightsReserved Limited (“AllRightsReserved”), were served an interim injunction at around 4.30 pm. This was when the exhibition was to be open for private viewing by VIPs and the press.
2. The *ex parte* interim injunction was obtained by The Ryan Foundation (“TRF”), who cited various reasons, including alleged infringement of TRF’s intellectual property rights, and alleged misuse of confidential information.
3. After an urgent hearing on 15 November 2021, the Court ordered that the injunction be set aside, that there was to be an inquiry into the damages sustained by AllRightsReserved by reason of the injunction, and that TRF was to pay AllRightsReserved \$15,000 in costs.
4. AllRightsReserved was represented by Mr Tan Tee Jim, S.C., Mr. Christopher de Souza, Mr. Basil Lee and Mr. Valen Lim of Lee & Lee.

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## FACTUAL BACKGROUND

5. Mr. Brian Donnelly, better known as “KAWS”, is a world-renowned American artist and designer, best known for his iconic line of figures and sculptures. Mr. Donnelly has collaborated with various brands, such as Uniqlo, Dior and NIKE.
6. AllRightsReserved, a Hong Kong-based creative agency, has long collaborated with various artists for monumental art installations in well-known public places. AllRightsReserved is perhaps best known for its ongoing collaborations with Mr. Donnelly, having manufactured various art pieces for Mr. Donnelly, such as an 8-ton permanent sculpture (“SEEING/WATCHING”) in China.<sup>1</sup>
7. Notably, since 2018, AllRightsReserved had curated the “KAWS:HOLIDAY” moving art installation. “KAWS:HOLIDAY” has since been exhibited in, amongst other locations, Korea, Taiwan, Hong Kong and Japan, with Singapore slated to be the seventh location.
8. Between July and October 2019, there were discussions between TRF and AllRightsReserved with a view to exhibiting “KAWS:HOLIDAY” in Singapore. Owing to disagreements and a resulting breakdown of trust, the discussions were terminated.
9. During the hearing, it was argued that there was no merit to the injunction and that it should be set aside. In particular, it was argued that TRF’s claims for breach of confidence and infringement of its alleged intellectual property rights were unsubstantiated by its pleadings and affidavit. The Court agreed with the arguments and found in AllRightsReserved’s favour. “KAWS:HOLIDAY” was thus allowed to reopen.

## CONCLUSION

10. AllRightsReserved is gratified that the injunction was lifted and that the KAWS:HOLIDAY Singapore exhibition can reopen to the public. If you have any question on any aspect of this case note, please contact our Mr. Tan Tee Jim, S.C. ([tanteejim@leenlee.com.sg](mailto:tanteejim@leenlee.com.sg)), Mr. Christopher de Souza ([chrisdesouza@leenlee.com.sg](mailto:chrisdesouza@leenlee.com.sg)), Mr. Basil Lee ([basillee@leenlee.com.sg](mailto:basillee@leenlee.com.sg)) or Mr. Valen Lim ([valenlim@leenlee.com.sg](mailto:valenlim@leenlee.com.sg)).

### About Lee & Lee

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<sup>1</sup> Keith Estiler, “KAWS Officially Debuts ‘SEEING/WATCHING’ Permanent Sculptures in China” (8 May 2018), online: *Hypebeast*. <<https://hypebeast.com/2018/5/kaws-officially-debuts-seeing-watching-permanent-sculptures-in-china>>