

# Ai Ming Lee

## Senior Consultant



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## Overview

Lee Ai Ming is a Band 1 Leading Lawyer in *Chambers Asia Pacific* for Intellectual Property. She was appointed as a Justice of the Peace by the President of the Republic of Singapore in 2016. Prior to her present appointment as Senior Consultant, she was Deputy Managing Partner and Head of the Intellectual Property & Technology Group at Rodyk & Davidson.

She has practised law for more than 30 years in the areas of commercial litigation, real estate, financial instruments and now specialises in intellectual property and cybersecurity. She regularly represents both foreign multinational corporations and local SMEs in patent disputes involving cutting edge technologies in the fields of semiconductors, telecommunications, pharmaceutical preparations and biotechnology.

In the field of semiconductors, she has represented one of the world's largest semiconductor chip manufacturers in several patent infringement actions against leading Taiwanese semiconductor foundries, involving microprocessor and chipset patents.

She also acted for a leading manufacturer of mobile phones in patent infringement disputes with Qualcomm Inc involving patents covering wireless technologies in the telecommunications field, telecommunication standards and chipsets for mobile phones.

Ai Ming led a team that successfully defended a local SME, Aurigin Pte Ltd, against a patent infringement action brought on by ASM Assembly Automation Ltd, the world's largest assembly and packaging equipment supplier for the semiconductor and LED industries in what is believed to be the first successful revocation action in the High Court of Singapore and later affirmed by the Court of Appeal.

In the pharmaceutical and biotechnology space, Ai Ming is well versed with the patent linkage system introduced in Singapore as a result of the US-Singapore Free Trade Agreement, having represented pharmaceutical multinationals in patent infringement actions involving the freedom to operate, Bolar exemptions and compulsory licensing.

Besides patents, she also acts for companies involved in disputes over Trade Secrets and breach of Confidential Information. She led the team that successfully defended local SME, JCS Automation Pte Ltd against a Breach of Confidence and Copyright action mounted by the Malaysian Invenpro Group in which his honourable Justice George

Wei delivered a 126 page judgement. Ai Ming has also acted in trademark infringement and Passing-Off actions. Significant cases handled include defending ICI against Nippon Paints in a trademark infringement and passing off action over the use of the descriptor "3-in-1". She has also handled trademark disputes over proprietorship, non-use and well known mark status.

Ai Ming is active in various forums that help to promote innovation among SMES in Singapore. She helps SME clients build IP portfolios, enforce their IP rights in Singapore as well as in the ASEAN region. She is also a member of the Copyright Tribunal.

## Experience

- **Towa Corporation:** Acting in a High Court patent infringement suit against ASM Technology Singapore Pte Ltd and ASM Pacific Technology Limited. We succeeded on both the claim for infringement as well as on the defence against the counterclaim for revocation. The decision issued by the High Court was reported at [2016] SGHC 280. ASM has since appealed to the Court of Appeal.
- **NexPlanar Corporation / Wah Lee Tech (Singapore) Pte Ltd:** Acting in a complicated patent infringement case involving CMP pads used in the polishing stage of semiconductor manufacturing. This case required parties to fly to the US (New Jersey) to observe experiments conducted by the plaintiffs to prove their case in the presence of 3 experts and a court-appointed neutral assessor. The trial lasted 3 weeks and judgment has been reserved.
- **Bristol-Myers Squibb Pharma Co. ("BMS"):** Acting in a patent infringement case that commenced under the patent linkage regime implemented through the US-Singapore FTA relating to BMS' HIV drug, Sustiva®. Novartis has sought product licences for the generic efavirenz product, and has declared to the Health Sciences Authority that BMS' five patents are either invalid or will not be infringed by their generic product. Novartis also alleges that BMS' patents were granted on the basis of a misrepresentation and inaccurate disclosure. In addition, they alleged that the patents were neither novel nor inventive.
- **Merck & Co Inc:** Acting in a pharmaceutical patent case which will involve a challenge under the Medicines Act which has not been done before. Merck sought an order from the High Court that Novartis had furnished a false declaration to the HSA. The order, if granted can be used to revoke Novartis' product licence obtained from the HSA. Action by way of originating summons was initiated in the High Court.
- **Confidential client:** Acting and leading the transaction for Singaporean sofa manufacturer and leather tanner HTL International Holdings Limited in its S\$38.3 million acquisition of German upmarket furnishing solutions franchisor Domicil Moebel.

## Recognition

- *Chambers Asia Pacific:* Leading Individual Band 1 for Intellectual Property, 2016 – 2021
- *The Legal 500 Asia Pacific:* Recognised as Leading Individual for Intellectual Property, 2014 – 2021
- *IP Stars:* Patent Star, 2020 - 2021
- *Who's Who Legal:* Recognised as a Leading Practitioner for Trademarks, 2020
- "[Ai Ming] is very experienced and connected and she can empathise with what kind of challenges clients like us can face so I trust her to give a good judgement." – *Chambers Asia Pacific*, 2020
- *Best Lawyers in Singapore:* Recognised in the area of Intellectual Property Law, 2014 – 2015, 2018 – 2021
- *IAM Patent 1000:* Recognised as a Patent Luminary, 2019
- "Veteran of 30 years Ai Ming Lee is a leading light on IP and commercial law." – *World Trademark Review 1000*, 2019

- *IAM Patent 1000*: Recognised in the area of Patent Transactions and Patent Litigation, 2018
- *The Legal 500 Asia Pacific*: Recognised in the areas of Patent, Trademark Registration, and Licensing, 2011 – 2012
- *Asialaw Leading Lawyers*: Ranked as Distinguished Practitioner in Intellectual Property, 2021 – 2022
- *Asialaw Leading Lawyer*: Recognised in the area of Intellectual Property, 2017 – 2020
- *Asialaw 2011*: Recognised in the area of Intellectual Property
- *Who's Who Legal*: Recognised as a Leading Practitioner for Trademarks, 2016 – 2018
- *Who's Who Legal: Singapore 2008*: Recognised in the areas of Trademarks, Patents and Franchise
- *IP Star, Managing Intellectual Property*, 2016
- *Asia IP Experts*: Recognised as a Leading Lawyer for Patents, Litigation and Trademark, 2016
- *Expert Guides*: Recognised in the areas of Patents, Trademark, 2016
- *International Who's Who of Patents Lawyers*, 2014 – 2015
- *IP Star*, 2014
- *Asialaw Profiles*: Recognised in the area of Intellectual Property, 2014 – 2015
- *Asialaw Leading Lawyer*: Recognised in the area of Intellectual Property, 2007 – 2014
- *World's Leading Lawyers*: Recognised in the area of Trademarks
- *International Who's Who of Business Lawyers 2013*: Recognised in the area of Trademarks and Patents, 2011 – 2013
- *International Who's Who of Business Lawyers 2009*: Recognised in the area of Patents and Trademarks

## Honors and Awards

- Best Lawyers: Named "Lawyer of the Year" for Intellectual Property Law, Singapore, 2020
- *IP Stars*: Managing Intellectual Property's Top 250 Women in IP, 2019
- *Legal's Finest 200*: Client Choice for Intellectual Property Law Award in Singapore, 2015
- Winner of the *International Law Office* 2011 Client Choice Award

## Insights

- "A picture speaks a thousand words – Lessons from the Trunki case", *IP Edge*, August 4, 2016
- Co-author, "Intellectual Property Audits", *IP Edge*, March 2013

## Activities and Affiliations

### Appointments

- Independent Director, Board of Keppel Telecommunications & Transportation Ltd.
- Past Independent Director, Boards of HTL Holdings Limited, Keppel Land Ltd, K-Reit (now known as Keppel Reit) and the Agri-Food and Veterinary Authority

- Past President, Asian Patent Attorney's Association (Singapore Group)
- Member, Singapore Copyright Tribunal

## Prior and Present Employment

- Senior Consultant, Dentons Rodyk & Davidson LLP (formerly Rodyk & Davidson LLP) (1982 - present)
- Deputy Managing Partner - Rodyk & Davidson LLP (1982 – 2014)
- Francis T Seow (1978 - 1982)

## Areas of focus

### Practices

- Commercial Agreements
- Intellectual Property Litigation
- Intellectual Property and Technology
- IP Contracts, Assignment and Licensing

### Industry sectors

- Biotechnology Companies
- Life Sciences
- Manufacturing
- Retail
- Technology

## Education

- National University of Singapore, 1977, LLB (Hons)

## Admissions and qualifications

- Advocate & Solicitor, Singapore, 1978