



Daniel Koh Choon Guan

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Profile

Daniel is a founding partner of Eldan Law LLP. Prior to establishing the firm he was an equity partner in an established law practice with international reach.

Daniel was admitted as an Advocate and Solicitor of the Singapore Bar in 1994. He graduated from the National University of Singapore in 1993 and also has a Masters of Law degree from Columbia University, where he graduated as a Harlan Fiske Stone Scholar for superior academic performance.

Over the years, Daniel has developed an extensive broad-based practice in commercial disputes resolution and international arbitration. These matters include shareholders' and corporate disputes, employment law, as well as corporate insolvency work. Daniel also has experience in intellectual property matters (including sports and entertainment law) and has been recommended in *IP Profiles*. In this regard he has been involved in international transactions such as structuring licensing agreements and investment agreements.

His clients include major MNCs and public listed companies. Daniel often acts as instructed lead counsel engaged by other law firms in matters at the High Court and the Court of Appeal. He has also been lead counsel in arbitrations administered by the SIAC and the ICC. Some notable cases include the successful action for the Liquidator of Kaki Bukit Industrial Park Pte Ltd against Ho Kok Cheong and directors of the company who had siphoned sums in excess of \$100 million from the company. Daniel also recently defended a large property management company sued by a debtor in a claim for a negligent execution of a writ of seizure and sale. The case had clarified the legal position on whether a court bailiff is an agent of the judgment creditor. Daniel was also lead counsel in the first Singapore reported decision in an action for defamation carried out by way of email and over the internet in the 1990s.

He has been engaged as counsel for judicial review and disciplinary proceedings concerning professionals such as doctors, solicitors and educators. Daniel has in addition been appointed on the Law Society Inquiry Panel and Review Committees to review complaints and charges filed against solicitors pertaining to their practice and conduct.

Daniel has been frequently engaged by conference organisers to speak at seminars both in Singapore and abroad. Such engagements include being retained by the Singapore Business Federation to conduct regular seminars on employment law.

He has taught students at the National University of Singapore classes on court advocacy and written submissions, and also teaches at the Post Graduate Law Course conducted by the Board of Legal Education now known as the SILE.

Daniel is the editor and lead author of the *Law & Practice of Injunctions in Singapore* (2004) published by Sweet & Maxwell. He is also the author of the Singapore Chapter of *Getting the Deal Through: Licensing in 28 Jurisdictions Worldwide*.

Qualifications and Positions

- LL.B., National University of Singapore, 1993
- LLM, Columbia University, 1997
- Advocate and Solicitor, Supreme Court of Singapore, 1994
- Associate mediator, Singapore Mediation Centre and Subordinate Courts
- Vice-president, Law Society Continuing Practice Development Committee
- Former president, Licensing Executives Society (Singapore)
- Member, Singapore Academy of Law Social and Membership Committee
- Member, Law Society Advocacy Committee
- Member, Law Society Inquiry Panel
- Former Honorary Legal Advisor, Games Exchange Alliance

Notable matters

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| Front-End & Advisory | <ul style="list-style-type: none">▪ Advised the Singapore Sports Council on risk management and procurement issues▪ Advised sports associations and sportsmen on anti-doping measures and provisions of the World Anti-Doping Agency (WADA) Code▪ Advised the Lee Wei Song School of Music in their music publishing and artiste management agreements▪ Advised leading brands and trademark owners on licensing agreements as well as enforcement actions and raids on infringers▪ Advised property developers and commercial landlords such as Keppel Land and CDL Properties in tenancy matters▪ Advised the LHN Group of Companies in their property management agreements▪ Advised several MNCs and also SMEs on their employment agreements, including drafting of employment handbooks, |
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employee stock option schemes

**Dispute-Resolution,
Arbitration & Litigation
Work**

- Acted for a joint venture consortium against the government of Singapore in a dispute relating to the construction of tunnels and transport system.
- Acted for a leading Singapore club against the main contractor for defective works in the construction of the club facilities.
- Acted for a leading international developer against the main contractor in a dispute concerning the construction of a theme park in Beijing, China
- Acted for a Vietnamese joint venture developer against the main contractor in a dispute concerning the construction of a resort in Hanoi, Vietnam.
- Acted for a leading international interior design company in a joint venture dispute that was resolved in an arbitration administered by the ICC .
- Acted for a major MNC against a Taiwanese company in an international arbitration concerning the sale of assets.

**Reported &
Unreported Decisions**

- Acted for the major defendant drug company in a patent litigation: **Novartis AG and another v Ranbaxy (Malaysia) Sdn Bhd** [2012] SGHC 253.
- Represented the Judgment Creditor successfully in defending a claim brought by the Judgment Debtor for alleged negligence in executing a Writ of Seizure and Sale together with the court bailiff: **South East Enterprises (Singapore) Pte Ltd v Hean Nerng Holdings Pte Ltd and another** [2012] 3 SLR 864.
- Represented the leading Malaysian in-store advertising company Pos Ad Sdn Bhd against OMG Holdings Pte Ltd in a trademark licence dispute and dispute concerning non-competition clauses: **OMG Holdings Pte Ltd v Pos Ad Sdn Bhd** [2012] 4 SLR 201.
- Acted for the accused in the high profile murder case of **Public Prosecutor v Rosli bin Yassin** [2012] SGHC 129, where the accused was sentenced to preventive detention on a reduced charge.
- Represented a member of the Committee of Person in the Estate of Dr Wong Yip Cheong appointed under the Mental Capacity Act and the dispute concerning the duties owed by the Committee members: **Wong Meng Cheong and another v Ling Ai Wah and another** [2012] 1 SLR 549.

- Represented a leading drug company in a patent dispute in **Martek Biosciences Corp v Cargill International Trading Pte Ltd** [2012] 2 SLR 482.
- Acted for the defendant in **Surface Stone Pte Ltd v Tay Seng Leon and another** [2011] SGHC 223, where the court reviewed the e-discovery protocols and applications for specific discovery.
- Represented the defendant in successfully setting aside a search order and interim injunction that was obtained by a competitor in **Global Indian International School v Kathikala Vikram Sagar and Another** [2008] SGDC 351, where the Court discussed principles relating to the appropriate procedure in applying for search orders.
- Represented the plaintiff in a successful claim for defamation and trade libel made by business competitors: **Icadam Technologies Sdn Bhd and Others v CAD-IT Consultants (Asia) Pte Ltd and Others** [2005] SGHC 130.
- Represented the ex-wife Stella Yfantidis against Dr Christopher Chen in a claim for assets in divorce proceedings, where the decision concerned the principles of pleading the case in matrimonial disputes: **Chen Stella Yfantidis v Chen Yun Hian Christopher** [2004] SGDC 35.
- Represented the plaintiff in a successful claim for copyright infringement of its content in on-line digital raster maps: **Virtual Map Pte Ltd v NTUC Income Cooperative** [2004].
- Represented the ex-wife Gloria Izaac against the optician Philip D Izaac in a claim for shares in the company and assets in divorce proceedings in 2003.
- Represented the successful plaintiff in the first Singapore High Court case concerning defamation carried out by way of email and internet communications: **TJ Systems Pte Ltd v Ngow Kheong Shen** [2003] SGHC 73.
- Successfully resisted an application to stay Singapore court proceedings in favour of a foreign court in **Yugiantoro v Budiono Widodo** [2001] 3 SLR(R) 664, where the matter was heard by the Court of Appeal, and principles of a stay of proceedings based on *forum non conveniens* were considered.
- Represented Jurong Engineering Ltd in defending an action brought by Maybank in the first reported Singapore decision concerning a claim to enforce a letter of comfort: **Malayan Banking Berhad v Jurong Engineering Ltd** [1999] SGHC 240.
- Represented the main contractor in one of the earlier reported Singapore High Court decisions concerning the law of set-off and claims under the SIA Articles and Conditions of Building Contract: **Kum Leng General Contractor v Hytech**

Builders Pte Ltd [1996] 1 SLR(R) 310.

- Represented accused in the reported decision of **Ng Theng Shuang v Public Prosecutor** [1995] 1 SLR(R) 407, concerning the then amended Arm Offences Act, where an accused is presumed to have the intention to use the weapon when a bullet is dislodged.

Publications & Conferences

Books

- Co-author, *Law & Practice of Injunctions in Singapore* (Sweet & Maxwell, 2004)
- Contributor, *Getting the Deal Through: Licensing in 28 Jurisdictions Worldwide*

Seminars

- Delivered papers in seminars organised by:
 - Asia Business Forum
 - Asia Broadcasting Union
 - IQPC Worldwide
 - Law Society of Singapore
 - Lexis-Nexis
 - Licensing Executives Society (International)
 - Licensing Executives Society (Singapore)
 - National University of Singapore
 - Singapore Management University
 - Singapore Business Federation
 - Subordinate Courts of Singapore

Professional History

Jan 2010 – present	Partner, Eldan Law LLP
Apr 2003 – Dec 2009	Partner, Rajah & Tann / Rajah & Tann LLP
2001 – 2003	Partner, Engelin Teh & Partners
1998 – 2001	Associate, Wong Partnership
1994 – 1997	Associate, Allen & Gledhill