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DISTRICT JUDGE JONATHAN NG PANG ERN
13 OCTOBER 2025

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGDC 271

District Court Originating Claim No 374 of 2023

Between

Makericks3D LLP

… *Claimant(s)*

And

Terence Lee Meng Kai

… *Defendant(s)*

JUDGMENT

[Tort — Defamation — Defamatory statements]
[Tort — Malicious falsehood]

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Makericks3D LLP
v
Terence Lee Meng Kai

[2025] SGDC 271

District Court Originating Claim No 374 of 2023
District Judge Jonathan Ng Pang Ern
7, 8 July, 16 September 2025

13 October 2025 Judgment reserved.

District Judge Jonathan Ng Pang Ern:

1 This is a trial arising from an influencer collaboration gone awry.

2 The Defendant, an influencer, had originally agreed to review two of the Claimant's products. However, the Defendant eventually decided not to proceed with this review and the parties' relationship turned sour as a result. Against this backdrop, the Defendant made identical posts on Facebook and Instagram. The posts did not explicitly refer to the Claimant but, with the benefit of hindsight, were obviously about, among other things, the events that led to the breakdown in the parties' relationship.

3 Having expected a review but instead finding itself the subject of what it considered to be an exposé, the Claimant brought this action against the Defendant in the torts of defamation and malicious falsehood. Is the Defendant liable for either or both torts? And, if so, what are the appropriate remedies?

Having considered the evidence and the parties' submissions, this is my decision.

Background

4 The Claimant is a limited liability partnership in the business of inventing, designing and selling bicycle parts.[1] The Claimant sells its products on the Shopee online shopping platform.[2] Although this action is brought in the Claimant's name, the relevant events revolved around one of its partners, Ms Tan Ying Hui, who is also known as Alice ("Alice").[3]

5 The Defendant is an influencer in the cycling enthusiast community.[4] In addition to running a website, he operates accounts on Facebook, Instagram, YouTube and TikTok under the handle "Bikeguru.sg".[5] The Defendant's following is not insubstantial: as of May 2024, he had over 11,000 followers on Facebook and over 1,600 followers on Instagram.[6]

6 In September 2022, Alice was introduced to the Defendant.[7] Over the course of the next month or so, Alice passed two bicycle accessories, an "M Snap" and an "M Spring" (respectively, the "M Snap" and the "M Spring"; collectively, the "Accessories"), to the Defendant. The intention was for the

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1 Agreed Statement of Facts (Amendment No 1) at para 1.

2 Affidavit of Evidence-in-Chief of Tan Ying Hui at paras 7 and 9.

3 Statement of Claim (Amendment No 1) at para 2A.

4 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at paras 4-5.

5 Agreed Statement of Facts (Amendment No 1) at para 2; Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at paras 4-5.

6 Affidavit of Evidence-in-Chief of Tan Ying Hui at para 62 and pp 163-164.

7 Agreed Statement of Facts (Amendment No 1) at para 2A.

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Defendant to review the Accessories.[8] According to the Claimant, the M Snap is a space-making accessory for various bicycle models that gives the user more room to mount items such as mobile phones and lights, while the M Spring is a pair of accessories which prevents hinge plate misalignment in bicycles and allows easy tightening of the hinges.[9] In addition, the Claimant claims that the Accessories are renowned in the Brompton bicycles cycling community in Singapore (the "Brompton Community").[10]

7 As it turned out, the Defendant decided not to review the Accessories.[11] On 24 December 2022, the Defendant informed Alice that she could collect the Accessories from his condominium. However, Alice asked that the Defendant return the Accessories by post instead, and the Defendant agreed to do so.[12]

8 On 23 January 2023, the Defendant informed Alice that: (a) the M Snap had a crack; (b) the M Spring tore when he was removing the M Spring from his bicycle; and (c) the Defendant thought that the damage to the Accessories was caused by a difficult ride he did while reviewing the Accessories in December 2022.[13] On the same day, Alice collected the Accessories from the Defendant's condominium.[14]

9 According to the Claimant, Alice met the Defendant at the entrance of the Defendant's condominium and asked the Defendant for an honest

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8 Agreed Statement of Facts (Amendment No 1) at para 3.

9 Statement of Claim (Amendment No 1) at paras 4-5.

10 Statement of Claim (Amendment No 1) at para 12(d).

11 Agreed Statement of Facts (Amendment No 1) at para 4.

12 Agreed Statement of Facts (Amendment No 1) at para 4A.

13 Agreed Statement of Facts (Amendment No 1) at para 4B.

14 Agreed Statement of Facts (Amendment No 1) at para 5.

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explanation as to how the Accessories had been damaged. The Defendant claimed that he had crashed his bicycle in Malaysia, and that he had only discovered the damage to the Accessories when unscrewing the Accessories. In response, Alice told the Defendant that the damage looked like it had been deliberately caused by tools. However, the Defendant chose not to respond and left the condominium.[15]

10 The Defendant's version of events is not inconsistent with the Claimant's account, but it includes additional facts. According to him, Alice was accompanied by two other representatives of the Claimant, namely, Mr Jeffrey Kang ("Jeffrey") and another unidentified man. The Defendant chose not to respond because the accusations were baseless and untrue, and because he feared for his safety. Moreover, as the representatives' demeanour was overtly hostile and confrontational, the Defendant ended up making a police report (the "Police Report") as he feared for his safety.[16]

11 One day later on 24 January 2023, the Defendant published identical posts on his Facebook and Instagram accounts (the "Posts").[17] The Posts form the basis for the present action and read as follows:[18]

> Friends have been asking me how is my life journey as a cycling influencer in coming to three years mark. I told them it's never easy and you need to identify the real and sincere friends while in the process of contributing to the community.
>
> Yesterday was a bad day for me. 
>
> I went to a police station to lodge an incident report. To summarise, I agreed to help my friend review the products from

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15 Statement of Claim (Amendment No 1) at para 7.

16 Defence (Amendment No 1) at para 7.

17 Agreed Statement of Facts (Amendment No 1) at paras 6-7.

18 Agreed Statement of Facts (Amendment No 1) at para 7; Affidavit of Evidence-in-Chief of Tan Ying Hui at pp 118-126.

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> her company after a period of usage FOC. However, during my Cameron Highlands trip in December 2022, there was argument between her (owner of the company) and her boyfriend against my fellow follower on my social media post regarding the quality of the product which I was in the process of reviewing it. It was heated up and aggressive. I decided not to review the products. She wanted the product back from me. Few days ago, she asked when she will received the items. She acknowledged with a thumbs up on my reply asking if after CNY is possible.
>
> Yesterday morning, I removed the products from my bicycle and found out it was damaged, possibly due to the impact sustained during my overseas cycling training camp. I wrote to her that I will mail back to her address as requested. She was nearby and wanted to pick it up instead. She came with two other men, her boyfriend and another unknown man to my condominium lobby. Upon meeting her, I was questioned by them that I had deliberately damaged the products. I was challenged to show my damaged bicycle to prove the impact. I was intimidated at my residence by these three visitors. I decided to walk away and exited the condominium for my safety.
>
> To bicycle shop owners/companies:
>
> a) If you will like me to review the products, kindly accept the fact that I will be unbiased and both good points and not so good points about the product will be written after a period of usage.
>
> b) If you pass me the products to review, it belongs to me unless otherwise agreed.
>
> c) If you pass me the products to review, it doesn't mean I will do it immediately because I have other products in hand to review based on first in first out protocol.
>
> Have an enjoyable day to celebrate the third day of Chinese New Year. 
>
> #productreview

12 The Posts also included four photographs, three of which were redacted photographs of the Police Report. The Police Report included the following statement:[19]

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19 Agreed Statement of Facts (Amendment No 1) at para 8.

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> … On 23/01/2023 at around 11.15am, I then decided to uninstall the products that was fitted on my bicycle previously. After uninstalling it, I realize all 3 products were damaged. I then took a picture and sent it to [redacted in original] and informed her that it might have been damaged during the course of my overseas trip. …

13 On the same day (*ie*, 24 January 2023), the Defendant also posted a post on his TikTok account containing the same photographs of the Police Report.[20]

Outline of parties' cases and issues arising

14 As things transpired, the Claimant commenced the present action on 16 March 2023. The Claimant's claim is founded on the torts of defamation and malicious falsehood. Insofar as the claim in defamation is concerned, the Claimant's pleaded case is that the offending statements in the Posts: (a) referred to and were understood by readers of the same to refer to the Claimant;[21] (b) were defamatory of the Claimant, whether in their natural and ordinary meaning, their implied, inferred and/or indirect meaning,[22] or by innuendo;[23] and (c) were published in that the Posts were accessed, downloaded and/or read by various persons.[24]

15 As for the claim in malicious falsehood, the Claimant's pleaded case is that: (a) the Defendant published the offending statements in the Posts with no honest belief in their truth or in reckless disregard of their truth, or with the dominant motive of causing injury to the Claimant;[25] (b) the Defendant had

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20 Agreed Statement of Facts (Amendment No 1) at para 9.

21 Statement of Claim (Amendment No 1) at para 12.

22 Statement of Claim (Amendment No 1) at para 13.

23 Statement of Claim (Amendment No 1) at para 13A.

24 Statement of Claim (Amendment No 1) at para 15.

25 Statement of Claim (Amendment No 1) at para 17.

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acted in malice and made a false statement in the Posts and the Police Report by asserting that the Accessories were damaged in the course of usage (when they were deliberately damaged by tools);[26] (c) the Claimant has been injured in its business reputation, trade reputation and goodwill among its actual and/or potential customers and business partners;[27] and (d) the Claimant has suffered special damage as the direct, natural and/or ordinary consequence of the injury to its reputation.[28]

16 In terms of remedies, the Claimant, in its Statement of Claim, originally sought damages, aggravated damages and an injunction against the Defendant. In its closing submissions, the Claimant quantifies its claim for damages at $50,000 for general damages, $59,965.92 for special damages and $30,000 for aggravated damages. The claim for an injunction is no longer pursued.[29]

17 On his part, the Defendant denies liability for either tort. With regard to the claim in defamation, the Defendant has denied that the Posts: (a) referred to the Claimant;[30] (b) were defamatory;[31] and (c) were published to the extent contended by the Claimant.[32] In his Defence, the Defendant pleaded the defences of justification[33] and fair comment.[34] However, in his closing submissions, these defences have not been meaningfully pursued. Indeed, in the

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26 Statement of Claim (Amendment No 1) at para 18.

27 Statement of Claim (Amendment No 1) at para 20.

28 Statement of Claim (Amendment No 1) at para 22.

29 Claimant's Closing Submissions at para 3.

30 Defence (Amendment No 1) at para 12.

31 Defence (Amendment No 1) at paras 13(i) and 13A.

32 Defence (Amendment No 1) at para 15.

33 Defence (Amendment No 1) at paras 13(ii) and 13A.

34 Defence (Amendment No 1) at para 13(iii)-(iv).

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Defendant's closing submissions, there is only a throwaway reference to how justification has been pleaded in the Defence,[35] and no mention of fair comment at all. As for the claim in malicious falsehood, the Defendant appears to challenge this on the basis that there was neither falsehood nor malice.[36]

18 Given the parties' cases, there are two broad issues that arise for my determination:

(a) whether the Claimant's claim in defamation is made out and, if so, what the appropriate remedies are ("Issue 1"); and

(b) whether the Claimant's claim in malicious falsehood is made out and, if so, what the appropriate remedies are ("Issue 2").

Applicable law

19 Before proceeding to consider Issues 1 and 2, I set out the applicable law. The law on the torts of defamation and malicious falsehood is well established. In the following paragraphs, I mostly (and gratefully) adopt the exposition of the applicable law as set out in Gary Chan Kok Yew and Lee Pey Woan, *The Law of Torts in Singapore* (Academy Publishing, 2nd Ed, 2016) ("*The Law of Torts in Singapore*").

Defamation

20 The tort of defamation is primarily concerned with the protection of reputation (*The Law of Torts in Singapore* at paras 12.001 and 12.012). It takes the form of either libel (where the words complained of are in permanent form)

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35 Defendant's Closing Submissions at para 44.

36 Defendant's Closing Submissions at paras 62-64.

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or slander (where the words complained of are in temporal or transient form) (*The Law of Torts in Singapore* at para 12.004).

21 A defamation claim is generally approached using a three-stage analysis. At the first stage, the Court considers whether there is a *prima facie* case of defamation. This, in turn, requires that all of the following three requirements are satisfied (*The Law of Torts in Singapore* at para 12.010):

(a) First, the statement in question is *defamatory* in nature. This will be the case if the statement tends to: (i) lower the claimant in the estimation of right-thinking members of society generally; (ii) cause the claimant to be shunned or avoided; or (iii) expose the claimant to hatred, contempt or ridicule (*The Law of Torts in Singapore* at para 12.015). A claimant may establish such a tendency by relying on either: (i) the natural and ordinary meaning of the words used (as understood by the ordinary reasonable person, not unduly suspicious or avid for scandal, and based on his general knowledge and common sense) (*The Law of Torts in Singapore* at paras 12.030 and 12.032); or (ii) innuendo (which arises from words which appear innocuous, but may be understood to be disparaging by third parties who have knowledge of special facts which are not generally known) (*The Law of Torts in Singapore* at paras 12.030 and 12.039).

(b) Second, the statement in question *refers* to the claimant. The test here is whether an ordinary and reasonable third party would reasonably understand the defamatory words to refer to the claimant (*The Law of Torts in Singapore* at paras 12.054 and 12.055). In this regard, account is taken of the third party's knowledge of the particular circumstances

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and facts in which the publication was made (*The Law of Torts in Singapore* at para 12.055).

(c) Third, the statement in question is *published*. Publication occurs when the statement was communicated to at least one person other than the claimant (*The Law of Torts in Singapore* at para 12.069).

22 If there is a *prima facie* case of defamation, the Court moves on to the second stage of the analysis and considers whether there are any applicable defences. However, as I have alluded to earlier (see [17] above), the Defendant has not meaningfully relied on any defences in his closing submissions. It is therefore unnecessary for me to elaborate further on this stage.

23 Finally, if there is a *prima facie* case of defamation and none of the defences apply, the Court proceeds to the third stage of the analysis and considers what remedies are appropriate. In this connection, the remedies available in a defamation action are basic compensatory damages, aggravated damages, exemplary damages, mandatory injunctions and prohibitory injunctions (*The Law of Torts in Singapore* at paras 13.125-13.152).

Malicious falsehood

24 The tort of malicious falsehood is founded on a false representation made maliciously to damage another's trade (*The Law of Torts in Singapore* at para 14.032). The elements of this cause of action are as follows (*The Law of Torts in Singapore* at para 14.034):

(a) First, the defendant *published a false statement* to another person about the claimant, his business, property or other interests. Unlike in defamation, there is no strict requirement that the claimant must be

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specifically referred to in the statement (*The Law of Torts in Singapore* at para 14.040). However, the statement must be sufficiently serious and not just a mere puff or advertisement. For this purpose, the test is whether a reasonable man would, having regard to the nature of the statement and the circumstances in which it is made, take the claim being made as one made seriously (*The Law of Torts in Singapore* at para 14.036).

(b) Second, the defendant made the statement *maliciously*. In the context of malicious falsehood, malice requires that the defendant: (i) was actuated by an improper or ulterior motive; or (ii) did not honestly believe that the statement was true or was reckless as to its truth (*The Law of Torts in Singapore* at para 14.042). Where recklessness as to the truth is concerned, this requires the defendant to have not cared or considered if the statement was true. Accordingly, a defendant who honestly believed that the statement was true is not reckless, even if he was careless, impulsive or irrational in coming to that belief (*WBG Network (Singapore) Pte Ltd v Meridian Life International Pte Ltd and others* [2008] 4 SLR(R) 727 at [72] citing *Maidstone Pte Ltd v Takenaka Corp* [1992] 1 SLR(R) 752 at [50]).

(c) Third, the claimant suffered actual damage as the *direct and natural result* of the publication. In other words, the claimant's damage must be shown to have been caused by the defendant's publication of the falsehood (*The Law of Torts in Singapore* at para 14.047).

25 If the claim in malicious falsehood succeeds, the usual remedies are, as with defamation, damages and injunctions (*The Law of Torts in Singapore* at para 14.048).

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Issue 1: The defamation claim

26 Issue 1 is whether the Claimant's claim in defamation is made out and, if so, what the appropriate remedies are. I consider Issue 1 using the three-stage analytical framework set out at [21]-[23] above.

Prima facie *case of defamation*

27 The first stage involves asking whether there is a *prima facie* case of defamation (see [21] above). This, in turn, requires the statement in question to: (a) be *defamatory* in nature; (b) *refer* to the claimant; and (c) be published (see [21] above). I consider these three requirements in turn.

Defamatory meaning

28 Turning to the first requirement, for ease of reference, I reproduce the Posts, this time with the emphasis added by the Claimant in the Statement of Claim in bold:[37]

> Friends have been asking me how is my life journey as a cycling influencer in coming to three years mark. I told them it's never easy and you need to identify the real and sincere friends while in the process of contributing to the community.
>
> Yesterday was a bad day for me. 
>
> I went to a police station to lodge an incident report. To summarise, I agreed to help my friend review the products from her company after a period of usage FOC. However, during my Cameron Highlands trip in December 2022, there was argument between her (owner of the company) and her boyfriend against my fellow follower on my social media post regarding the quality of the product which I was in the process of reviewing it. It was heated up and aggressive. I decided not to review the products. **She wanted the product back from me.** Few days ago, she asked when she will received the items. She acknowledged with a thumbs up on my reply asking if after CNY is possible.

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37 Statement of Claim (Amendment No 1) at para 9.

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> **Yesterday morning, I removed the products from my bicycle and found out it was damaged, possibly due to the impact sustained during my overseas cycling training camp.** I wrote to her that I will mail back to her address as requested. She was nearby and wanted to pick it up instead. She came with two other men, her boyfriend and another unknown man to my condominium lobby. Upon meeting her, I was questioned by them that I had deliberately damaged the products. I was challenged to show my damaged bicycle to prove the impact. I was intimidated at my residence by these three visitors. I decided to walk away and exited the condominium for my safety.
>
> To bicycle shop owners/companies:
>
> **a) If you will like me to review the products, kindly accept the fact that I will be unbiased and both good points and not so good points about the product will be written after a period of usage.**
>
> **b) If you pass me the products to review, it belongs to me unless otherwise agreed.**
>
> **c) If you pass me the products to review, it doesn't mean I will do it immediately because I have other products in hand to review based on first in first out protocol.**
>
> Have an enjoyable day to celebrate the third day of Chinese New Year. 
>
> #productreview

29 In its closing submissions, the Claimant submits that the Posts were defamatory in nature because the Posts alleged that the Claimant:

(a) was dishonest in the conduct of its business by falsely marketing the Accessories as being durable, when they were not of the claimed quality and did not deserve a good review;

(b) was improper in the conduct of its business for the aforementioned reason;

(c) was unprofessional in handling the review process (*ie*, in requesting that the Accessories be returned and rushing for the review

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to be posted), was upset and/or had turned on the Defendant because the Defendant had not given the Accessories a good review; and

(d) had committed a serious act to merit a police report.[38]

30 Although not entirely clear, it appears that the Claimant's position is that this defamatory meaning applies based on *both* the natural and ordinary meaning of the words used and innuendo. However, this defamatory meaning differs from the defamatory meanings the Claimant ascribed to the Posts in its Statement of Claim. In these circumstances, I decline to assess the defamatory meaning of the Posts based on this belatedly introduced defamatory meaning. Instead, I will hold the Claimant to the defamatory meanings pleaded in its Statement of Claim. In this connection, the Claimant pleaded two defamatory meanings in its Statement of Claim, one based on the natural and ordinary meaning of the words used and the other based on innuendo. I consider these in turn.

(1) Natural and ordinary meaning

31 In its Statement of Claim, the Claimant pleaded that the Posts were defamatory in nature because, in their natural and ordinary meaning, the Posts alleged that:

(a) the Accessories were not of good quality and/or did not deserve a good review;

(b) the Claimant was unprofessional in handling the review process; and

[38] Claimant's Closing Submissions at para 45.

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(c) the Claimant was upset and/or had turned on the Defendant because the Defendant did not give the Accessories a good review.[39]

32 As mentioned earlier, the Posts were published on the Defendant's Facebook and Instagram accounts (see [11] above). That the Posts were published on social media platforms is significant. In *Stocker v Stocker* [2020] AC 593 ("*Stocker*"), the UK Supreme Court held (at [41]) that "[t]he judge tasked with deciding how a Facebook post or a tweet on Twitter would be interpreted by a social media user *must keep in mind the way in which such postings and tweets are made and read*" [emphasis added]. Elaborating on this, the Court observed (at [44]) that, in relation to Facebook:

> … People scroll through it quickly. They do not pause and reflect. They do not ponder on what meaning the statement might possibly bear. *Their reaction to the post is impressionistic and fleeting.* … [emphasis added]

33 Having regard to this exhortation (which must necessarily apply to Instagram as well), I am of the view that the ordinary reasonable person would understand the Posts as making two points:

(a) The first point is based on the third and fourth paragraphs of the Posts and is essentially a recount of the events that culminated in an unpleasant confrontation on 23 January 2023. The Defendant had originally agreed to help Alice review the Accessories. However, due to a "heated up and aggressive" argument over the quality of the Accessories on one of the Defendant's social media posts between Alice and Jeffrey, on the one hand, and one of the Defendant's followers, on the other, the Defendant decided not to proceed with the review. Alice then asked the Defendant to return the Accessories, and the Defendant

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[39] Statement of Claim (Amendment No 1) at para 13.

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agreed. However, the Defendant subsequently discovered that the Accessories were damaged, and he attributed this to "the impact sustained during [his] overseas cycling training camp". Eventually, Alice came to the Defendant's condominium with Jeffrey and another unidentified man. The trio "questioned" and "challenged" the Defendant over the damage to the Accessories, causing the Defendant to feel "intimidated". As a result of this confrontation, the Defendant made the Police Report.

(b) The second point is based on the fifth paragraph of the Posts and is essentially the Defendant's terms for reviewing products. The Defendant set out three such terms: (a) he would be unbiased in his review; (b) all products passed to him for review would subsequently belong to him, unless otherwise agreed; and (c) he might take some time to complete the review as he had other products to review.

34 In addition, I am also of the view that the ordinary reasonable person would not understand the Posts as going further to make the allegations set out at [31] above.

35 First, the ordinary reasonable person would not understand the Posts as suggesting that the Accessories were not of good quality. Although the Defendant mentioned, in the Posts, that the Accessories were damaged, he expressly attributed this to "the impact sustained during [his] overseas cycling training camp". Similarly, the Police Report which accompanied the Posts referred to how the Accessories "might have been damaged during the course of [the Defendant's] overseas trip" (see [12] above). In my view, the ordinary reasonable person would understand the Posts to mean that the Accessories were

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damaged not because they were not of good quality, but because of an extraneous incident.

36 Nor would the ordinary reasonable person understand the Posts as suggesting that the Accessories did not deserve a good review, whether because of their quality or otherwise. As the Defendant points out,[40] the Posts make it clear that: (a) the Defendant decided not to proceed with the review; and (b) this was because of the "heated up and aggressive" argument over the quality of the Accessories on one of the Defendant's social media posts between Alice and Jeffrey, on the one hand, and one of the Defendant's followers, on the other. In other words, the Accessories were not only not reviewed, but they were also not reviewed because of a reason that had nothing to do with whether they deserved a good review.

37 In its closing submissions, the Claimant submits that the terms set out at the fifth paragraph of the Posts were related to the confrontation recounted at the third and fourth paragraphs of the Posts.[41] If this is correct, then sub-paragraph (a) of the fifth paragraph of the Posts, with its reference to the "not so good points about the product" may be construed as a backhanded or passive-aggressive suggestion that the Accessories were not of good quality and/or did not deserve a good review. However, for sub-paragraph (a) of the fifth paragraph of the Posts to be related to the confrontation recounted at the third and fourth paragraphs of the Posts, the Accessories must logically have been reviewed in the first place. However, even on a quick reading (see [32] above) of the third and fourth paragraphs of the Posts, it is clear that the Defendant decided not to proceed with the review. Accordingly, this interpretation would

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40 Defendant's Closing Submissions at para 40.

41 Claimant's Closing Submissions at paras 51-52.

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essentially require the ordinary reasonable person to be unduly suspicious and avid for scandal. But the ordinary reasonable person is not such a person (see [21(a)] above).

38 Second, the ordinary reasonable person would not understand the Posts as suggesting that the Claimant was unprofessional in handling the review process. As the Defendant has pointed out, the word "unprofessional" does not appear in the Posts.[42] In these circumstances, it behoves the Claimant to explain how the Posts suggested that the Claimant was unprofessional. The Claimant has not done so in its closing submissions.

39 Instead, in her Affidavit of Evidence-in-Chief, Alice deposed that the Posts had given the impression that the Claimant had: (a) asked or wanted the Defendant to give the Accessories a biased positive review; (b) refused to let the Defendant keep the Accessories; and (c) rushed the Defendant for the review.[43] These correspond to sub-paragraphs (a)-(c) of the fifth paragraph of the Posts respectively. I have already explained why sub-paragraph (a) of the fifth paragraph of the Posts bears no relation to the confrontation recounted at the third and fourth paragraphs of the Posts (see [37] above). The same can be said of sub-paragraph (c) of the fifth paragraph of the Posts because there is no suggestion in the third and fourth paragraphs of the Posts that the Claimant had rushed the Defendant to complete the review. As for sub-paragraph (b) of the fifth paragraph of the Posts, I accept that this could, in principle, be related to the confrontation recounted at the third and fourth paragraphs of the Posts since there is reference in the latter to how Alice had asked the Defendant to return the Accessories. However, this says nothing about the Claimant's

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42 Defendant's Closing Submissions at para 41.

43 Affidavit of Evidence-in-Chief of Tan Ying Hui at para 58.

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professionalism or otherwise in handling the review process. Instead, sub-paragraph (b) of the fifth paragraph of the Posts (which is to the effect that all products passed to the Defendant for review would subsequently belong to him, *unless otherwise agreed*) makes it clear that whether or not a product passed to the Defendant for review would subsequently be returned depends ultimately on what parties had agreed on.

40 Third, the ordinary reasonable person would not understand the Posts as suggesting that the Claimant was upset because the Defendant did not give the Accessories a good review. In the first place, and similar to the point made at [37] above, this interpretation would require the Accessories to have been reviewed. However, this was not the case. In addition, as the Claimant is a corporate entity, it does not make sense to speak of the Claimant being upset. I note, parenthetically (because the ordinary reasonable person would not be expected to know this), that this is in fact consistent with the position at law. In *Longyuan-Arrk (Macao) Pte Ltd v Show and Tell Productions Pte Ltd and another suit* [2013] SGHC 160, the High Court held (at [133]) that a company cannot be injured in its feelings but only in its business reputation. The clear implication is that a corporate entity is incapable of feeling.

41 At the same time, the ordinary reasonable person would also not understand the Posts as suggesting that the Claimant had turned on the Defendant because the Defendant did not give the Accessories a good review. Once again, this interpretation would require the Accessories to have been reviewed, but this was not the case. More importantly, from the Defendant's recount of the confrontation at the third and fourth paragraphs of the Posts, the ordinary reasonable person would not conclude that it was the *Claimant* who had turned on the Defendant. I accept, of course, that a corporate entity must necessarily act through its officers and that Alice's acts could, in principle, be

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attributed to the Claimant. However, such attribution is difficult in the present case. The Posts recounted how Alice had come to the Defendant's condominium with Jeffrey and another unidentified man. The trio then "questioned" and "challenged" the Defendant over the damage to the Accessories, causing the Defendant to feel "intimidated". However, at no point did the Posts suggest that the two men were related to the Claimant in any way. In these circumstances, it is difficult to conclude that when the trio had confronted the Defendant, this was done on behalf of the Claimant.

42 I pause at this juncture to make an observation. As mentioned earlier, although this action is brought in the Claimant's name, the relevant events revolved around Alice (see [4] above). If there was anyone who was upset and had turned on the Defendant, it was Alice and not the Claimant. Indeed, there is much to be said for the Defendant's submission that this action is ultimately about an aggrieved *individual*.[44] Yet, for reasons best known to herself, Alice chose to bring this action in the Claimant's name. Having made this strategic choice, both Alice and the Claimant must now live with the consequences of that choice. This includes how certain findings, which might have been open had Alice brought this action in her own name, are now foreclosed.

43 In light of the above, I am of the view that the ordinary reasonable person would not understand the Posts as making the allegations set out at [31] above. Instead, the ordinary reasonable person would simply understand the Posts in the manner described at [33] above.

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44 Defendant's Closing Submissions at para 6.

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(2) Innuendo

44 However, the Claimant, having also relied on innuendo to ascribe a defamatory meaning to the Posts, has another string to its bow. As mentioned earlier, innuendo arises from words which appear innocuous, but may be understood to be disparaging by third parties who have knowledge of special facts which are not generally known (see [21(a)] above). In the present case, the Claimant pleaded that members of the Brompton Community and/or the Claimant's customers or potential customers would know that the Claimant was the producer or inventor of the Accessories and marketed the Accessories as being durable because they were made of high-grade materials and/or tested for use. Accordingly, says the Claimant, the Posts were defamatory in nature because a reader with knowledge of these special facts would understand the Posts to allege that:

(a) the Claimant was dishonest in the conduct of its business by falsely marketing the Accessories as being durable because they were made of high-grade materials and/or tested for use, when the Accessories were not of the claimed quality or were of questionable quality;

(b) the Claimant was improper in the conduct of its business by falsely marketing the Accessories as being durable because they were made of high-grade materials and/or tested for use, when the Accessories were not of the claimed quality or were of questionable quality; and

(c) the Claimant was unprofessional in handling the review process, was upset and/or had turned on the Defendant because the Defendant

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had not gone along with giving a good review according to how the Claimant had claimed/marketed the Accessories to be.[45]

45 At the outset, I note that the Claimant has not, in its closing submissions, pointed to any evidence: (a) of the identities of the relevant third parties (*ie*, the members of the Brompton Community and/or the Claimant's customers or potential customers); and (b) showing that these third parties possessed knowledge of the relevant special facts (*ie*, that the Claimant was the producer or inventor of the Accessories and marketed the Accessories as being durable because they were made of high-grade materials and/or tested for use). In my judgment, the Claimant's failure to establish the *factual basis* of the claimed innuendo is fatal.

46 In any event, I am of the view that the relevant third parties would similarly understand the Posts in the manner described at [33] above, and would not understand the Posts as going further to make the allegations set out at [44] above.

47 First, the relevant third parties would not understand the Posts as suggesting that the Claimant was dishonest or improper in the conduct of its business by falsely marketing the Accessories as being durable because they were made of high-grade materials and/or tested for use, when the Accessories were not of the claimed quality or were of questionable quality. As I have alluded to earlier, the Posts were fundamentally *not* about the quality of the Accessories (see [35] and [37] above).

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[45] Statement of Claim (Amendment No 1) at para 13A.

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48 Second, the relevant third parties also would not understand the Posts as suggesting that the Claimant was unprofessional in handling the review process, was upset and/or had turned on the Defendant because the Defendant had not gone along with giving a good review according to how the Claimant had claimed/marketed the Accessories to be. This is substantially the same defamatory meaning alleged based on the natural and ordinary meaning of the Posts (see [31(b)] and [31(c)] above), which I have dealt with earlier (see [38]-[42] above). In my assessment, the relevant special facts do not affect my earlier analysis.

49 Given the above, I am of the view that the relevant third parties would not understand the Posts as making the allegations set out at [44] above. Instead, the relevant third parties would simply understand the Posts in the manner described at [33] above.

50 In view of [43] and [49] above, I find that the Posts were not defamatory in nature.

Reference

51 Having found that the Posts were not defamatory in nature, whether by way of their natural or ordinary meaning or by way of innuendo, it is not necessary for me to go on to consider the remaining requirements for a *prima facie* case of defamation (*ie*, reference and publication). However, because the requirement of reference is fiercely disputed by the parties, I will, for completeness, proceed to set out my views on these remaining requirements.

52 Turning then to the requirement of reference, there is no dispute that the Posts do not expressly identify the Claimant. For the avoidance of doubt, I should point out that although I have, in describing how the ordinary reasonable

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person would understand the Posts at [33] above, referred to Alice, Jeffrey and the Accessories, this was done solely for the purpose of making the description more readable. With the benefit of hindsight, the Posts were obviously about, among other things, the events that led to the breakdown in the parties' relationship. However, the issue of whether the Posts referred to the Claimant does not turn on what the Posts were in fact about. Instead, the relevant inquiry is whether an ordinary and reasonable third party would reasonably understand the defamatory words to refer to the Claimant (see [21(b)] above). To this end, the Claimant's submissions on reference can be distilled into three lines of argument.

53 The first line of argument relates to how the Posts referred to an earlier post on the Defendant's Facebook account dated 3 October 2022 (the "Earlier Facebook Post"). The Earlier Facebook Post expressly referred to Alice, the Claimant and the M Snap, and conveyed the Defendant's intention to review the M Snap. The Earlier Facebook Post read as follows:[46]

> New toy for my Brompton 🤩
>
> I came home from work and saw a parcel in my doorstep. Thank you Alice of Makericks3D for delivering the 'M Snap' handlebar bridge. It's different from other types of mounts because this is 3D printed instead of other materials made.
>
> Bike Guru is excited to receive this product because my current H handlebar has limited areas to mount lights, bike computers and mobile phones. I will be using the M Snap in my training rides and share my thoughts about the product.

54 The Earlier Facebook Post was accompanied by three photographs: one showing the Defendant holding the parcel, one showing the M Snap, and one showing the M Snap mounted onto a bicycle. The parties disagree as to whether

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[46] Affidavit of Evidence-in-Chief of Tan Ying Hui at p 78.

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the M Spring was sent to the Defendant along with the M Snap. Alice's evidence was that the Accessories were mailed to the Defendant at the same time.[47] However, according to the Defendant, the parcel only contained the M Snap; the M Spring was passed to him a few days later.[48] Nothing turns on this divergence in the evidence.

55 The Claimant submits that by referring to the Earlier Facebook Post, the Defendant had clearly identified the Claimant.[49] However, the Posts never expressly identified the Earlier Facebook Post. All the Posts mentioned was that "there was argument between her (owner of the company) and her boyfriend against my fellow follower on my social media post regarding the quality of the product which I was in the process of reviewing it". Again, with the benefit of hindsight, it is obvious that the reference to a "social media post" was a reference to the Earlier Facebook Post. However, without such benefit of hindsight, this reference to *a* "social media post" is simply too vague for the ordinary and reasonable third party to link the Posts to the Earlier Facebook Post. Indeed, it invites more questions than answers. For example, was the Defendant even referring to a post on the same social media platform? And, more importantly, even if the Defendant was referring to a post on the same social media platform, which post was the Defendant referring to?

56 The second line of argument highlights certain facts that would, in any event, cause the ordinary and reasonable third party to link the Posts to the Earlier Facebook Post. These facts are as follows:

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47 Affidavit of Evidence-in-Chief of Tan Ying Hui at para 23.

48 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 14.

49 Claimant's Closing Submissions at para 55.

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(a) First, apart from the Earlier Facebook Post, there was no other social media post that involved an argument between a business owner and her boyfriend, on the one hand, and one of the Defendant's followers, on the other.[50]

(b) Second, related to the preceding point, the Posts used female pronouns, and hence could be linked to the Earlier Facebook Post, which referred to Alice, who is female.[51]

(c) Third, apart from the Accessories, the Defendant was not reviewing any other bicycle products at the material time.[52] Indeed, there is no evidence that the Defendant had reviewed any other products both before and after the Posts.[53]

57 In principle, there is nothing objectionable about taking these facts into account. After all, account is taken of the ordinary and reasonable third party's knowledge of the particular circumstances and facts in which the publication was made (see [21(b)] above). However, in the present case, even assuming that these facts are established, I decline to take them into account. The Posts were posted on 24 January 2023, while the Earlier Facebook Post was posted almost four months earlier on 3 October 2022. Moreover, the Defendant had already deleted the Earlier Facebook Post on 24 December 2022.[54] (At the trial, Alice speculated that the Defendant could have simply hidden the Earlier Facebook

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50 Claimant's Closing Submissions at para 56.

51 Claimant's Closing Submissions at para 58.

52 Claimant's Closing Submissions at para 57.

53 Claimant's Reply Submissions at paras 14-15.

54 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 89; Supplementary Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 17(c); Affidavit of Evidence-in-Chief of Tan Ying Hui at para 36.

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Post,[55] but there is simply no evidence for this assertion.) In other words, by the time the Posts were posted, the Earlier Facebook Post no longer existed. For the ordinary and reasonable third party to link the Posts to the Earlier Facebook Post, he would have to: (a) remember the contents of the Earlier Facebook Post; and (b) draw the connections suggested by the Claimant at [56] above.

58 In my view, the UK Supreme Court's exhortation in *Stocker* (see [32] above), although made in the context of defamatory meaning, is equally applicable here. Seen from this perspective, the ordinary and reasonable third party would most definitely not link the Posts to the Earlier Facebook Post. For one, the ordinary and reasonable third party, who scrolls through social media quickly, who neither pauses nor reflects, and whose reaction to a post is impressionistic and fleeting, would not remember the contents of the Earlier Facebook Post, especially since the Earlier Facebook Post was posted almost four months earlier. In addition, there were several intervening posts: by the Claimant's own evidence, in the short period between 23 to 31 December 2022 alone, there were already six posts on the Defendant's Facebook account.[56] Furthermore, even if, for some reason, the ordinary and reasonable third party remembered the contents of the Earlier Facebook Post, he would not, when reading the Posts, draw the connections suggested by the Claimant at [56] above. These connections can only be drawn pursuant to a close and detailed analysis that is simply not reflective of how a social media user engages with social media.

59 Finally, the third line of argument relies on the evidence of the Claimant's two other witnesses apart from Alice:

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55 Certified Transcript for 7 July 2025 at pp 17-22.

56 Affidavit of Evidence-in-Chief of Tan Ying Hui at para 49 and pp 102-111.

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(a) First, the Claimant relies on the evidence of Mr Aw Tong Guang Desmond ("Desmond"),[57] who became acquainted with Alice through a Telegram group called "Brompton Kakis".[58] Desmond deposed, in his affidavit of evidence-in-chief, that when he saw the Facebook version of the Posts, he could tell that the Defendant was referring to Alice and the Claimant's products. This was because the Defendant "made references to an encounter with a female owner of a bicycle products business and her boyfriend", and "this could only mean Alice, as [Desmond] knew of her business and also knew that she was in a relationship at the time".[59] Desmond elaborated on this in cross-examination as follows:[60]

> Q And you came to the conclusion because you knew that Alice was in a relationship with Jeffrey?
>
> A No, I knew that---I knew that comment---I knew that---I knew that the reference was made to Alice because I have---because I also remember something like Terence made a previous post saying that he's going to review the product, like---like 3D printed products. He didn't mention it was from Makericks then, but I had the impression that it was Alice's products because---yah. I just had the impression that it was Alice's products because I know that they were talking.

(b) Second, the Claimant relies on the evidence of Mr Kng Soon Kai ("Soon Kai"),[61] an entrepreneur who collaborated with the Claimant on

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57 Claimant's Closing Submissions at para 59.

58 Affidavit of Evidence-in-Chief of Aw Tong Guang Desmond at para 7.

59 Affidavit of Evidence-in-Chief of Aw Tong Guang Desmond at para 16.

60 Certified Transcript for 7 July 2025 at p 105.

61 Defendant's Closing Submissions at para 60.

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producing custom 3D-printed bicycle accessories.[62] In cross-examination, Soon Kai testified that, to his knowledge, there was only one female business owner making 3D-printed bicycle accessories.[63]

60 In my assessment, neither Desmond nor Soon Kai's evidence adds much to the Claimant's case on reference. First, reference is assessed through the *objective* lens of the ordinary and reasonable third party. Accordingly, as the Defendant alludes to,[64] Desmond's subjective understanding of the Facebook version of the Posts is, by itself, neither here nor there because it is only one example of a reader who had linked the Posts to the Earlier Facebook Post. Second, Soon Kai's evidence, when considered in its full context, actually contradicts the Claimant's case on reference. In particular, Soon Kai testified that, at the time he read the Facebook version of the Posts, he "[had] no idea if it was talking about Makericks".[65] Thus, whether taken individually or collectively, Desmond and Soon Kai's evidence does not take the Claimant's case on reference very far.

61 In the circumstances, I find that the Posts did not refer to the Claimant.

Publication

62 I turn finally to the requirement of publication. As mentioned earlier, the Defendant denies that the Posts were published to the extent contended by the Claimant (see [17]). This position is maintained in the Defendant's closing

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62 Affidavit of Evidence-in-Chief of Kng Soon Kai at para 10.

63 Certified Transcript for 7 July 2025 at p 98.

64 Defendant's Closing Submissions at para 33.

65 Certified Transcript for 7 July 2025 at p 99.

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submissions.[66] To my mind, this goes towards the issue of remedies (specifically, the quantum of damages) at the third stage of the three-stage analytical framework (see [23] above). It does not affect the analysis at the first stage. In any event, I do not think that it can be seriously contended that the Posts were not communicated to at least one person other than the Claimant (see [21(c)] above). Accordingly, I find that the Posts were published.

Conclusion on prima facie *case of defamation*

63 Although the Posts were published (see [62] above), they were not defamatory in nature (see [50] above) and did not refer to the Claimant (see [61] above). Accordingly, I find that the Claimant has not established a *prima facie* case of defamation.

Defences and remedies

64 The second stage of the three-stage analytical framework involves asking whether there are any applicable defences (see [22] above), while the third stage involves asking what remedies are appropriate (see [23] above). Given my conclusion that the Claimant has not established a *prima facie* case of defamation (see [63] above), it is not necessary for me to consider these stages.

Conclusion on Issue 1

65 Since the Claimant has not established a *prima facie* case of defamation, the Claimant's claim in defamation is not made out.

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66 Defendant's Closing Submissions at paras 53-57.

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Issue 2: The malicious falsehood claim

66 Issue 2 is whether the Claimant's claim in malicious falsehood is made out and, if so, what the appropriate remedies are. I consider Issue 2 by examining each of the three elements set out at [24] above.

False statement

67 The first element requires that the defendant published a false statement to another person about the claimant, his business, property or other interests (see [24(a)] above). In the present case, this turns on whether the Defendant published such a false statement.

68 The Claimant originally pleaded that the Posts contained five false statements.[67] However, in its closing submissions, the Claimant has limited its case to the single issue of whether the Accessories were indeed damaged during the Defendant's overseas cycling training camp.[68] The implication here, as I understand it, is that the Accessories were *not* damaged during the Defendant's overseas cycling training camp. As it is the Claimant who wishes the Court to believe this fact, the burden lies on the Claimant to prove the same pursuant to s 105 of the Evidence Act 1893. In my view, the Claimant has not discharged this burden.

69 First, the Defendant has adduced circumstantial evidence that is consistent with his claim that the Accessories were damaged during his overseas cycling training camp. The Defendant's evidence was that he had planned to use the Accessories on his cycling road trips to Penang and Cameron Highlands

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67 Statement of Claim (Amendment No 1) at para 17.

68 Claimant's Closing Submissions at para 87.

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between mid-December 2022 and early-January 2023.[69] The Defendant recalled installing the Accessories onto his Brompton bicycle and using them intermittently during his rides to both Penang and Cameron Highlands.[70] As things turned out, these rides ended up being "rather mentally and physically strenuous and challenging" for the Defendant, as the Defendant had to go through "rough and tough terrains of potholes and uneven road surfaces for long stretches of road".[71] As a result, the Defendant's Brompton bicycle had its tyres punctured on multiple occasions, and one of its spokes even broke.[72] There is some contemporaneous evidence of this. In a Facebook post on 23 December 2022 made from Cameron Highlands, the Defendant described how he had "[d]iscovered a puncture on [his] rear wheel and [was] now fixing it". Accompanying this post were two photographs: one showing what appears to be a Brompton bicycle with its rear wheel and tyre removed and one with the Defendant posing with what appears to be a bicycle tyre.[73] Similarly, in a Facebook post on 31 December 2022, the Defendant described how "[his] front tire was punctured during one of the descend [*sic*]" and how he had to repair this.[74] Thus, although there is no *direct* evidence of the Accessories being damaged during the Defendant's overseas cycling training camp, there is circumstantial evidence that is consistent with this.

70 The Claimant has attempted to discredit the Defendant's evidence by pointing, firstly, to how the Defendant had not made any post on his Facebook

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69 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 20.

70 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 21.

71 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 23.

72 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 23.

73 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at p 50.

74 Affidavit of Evidence-in-Chief of Tan Ying Hui at p 110.

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account relating to the crash which the Defendant claimed caused the damage to the Accessories.[75] In my view, the Defendant's Facebook posts on 23 and 31 December 2022 (see [69] above) *do* qualify as posts relating to crashes. If what the Claimant is referring to is a post of a crash itself, the Defendant explained that he did not take any photographs of himself crashing because he was alone and just wanted to "get over and continue and continue and recover to the next checkpoint".[76] I accept this explanation because it is consistent with normal human behaviour. Indeed, it would be bizarre to expect the Defendant to photograph himself immediately after a crash.

71 The Claimant then seeks to discredit the Defendant's evidence by pointing to how, when Jeffrey commented on the Earlier Facebook Post on 24 December 2022 (*ie*, one day after the Defendant's Facebook post on 23 December 2022) asking the Defendant to "please don't crash on purpose to test the M Snap", the Defendant did not respond to say that he had in fact already crashed his bicycle in Malaysia.[77] This comment was actually part of the argument that was taking place over the Defendant's Earlier Facebook Post (see [55] above). At the trial, the Defendant's explanation for not responding in this manner was as follows:[78]

> A … So, I---I chose not to reply and I just---because at that point in time, I just very lost already, why is people using my social media post to---to talk about all this---all these---to me---to me---to me, when I see the word "crash", it's---it's---it's a very unlucky thing. No---no cyclist wants to see this thing. So---so---so, as I was said, I'm in the very, very stressful situation. Yah, I don't know what to do and I did not reply. I hope that answer your question, counsel.

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75 Claimant's Closing Submissions at para 89.

76 Certified Transcript for 8 July 2025 at p 37.

77 Defendant's Closing Submissions at para 90.

78 Certified Transcript for 8 July 2025 at p 45.

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72 I accept this explanation. For one, this explanation is consistent with the Defendant's evidence, in his affidavit of evidence-in-chief, that he was "feeling rather uneasy" about the argument, as it was not his intention for the Earlier Facebook Post to invite members to share their personal experience with regard to the Accessories. At the same time, he also did not want his platform to be "a space where the members get heated over their discussions on bicycle accessories".[79] In addition, the comment in question was plainly a sarcastic and, in the words of the Defendant,[80] mean-spirited comment, and there is no reason to expect the Defendant to reply to it in earnest by announcing that he had in fact already crashed his bicycle in Malaysia.

73 Second, as it is not disputed that the Accessories were damaged, a finding that the Accessories were not damaged during the Defendant's overseas cycling training camp would effectively involve accepting the Claimant's alternative explanation for the damage, which is that the Accessories were deliberately damaged by tools (see [9] and [15] above). However, the only evidence of this alternative explanation comes from Alice,[81] who had, in her affidavit of evidence-in-chief, included two videos setting out her views on how the Accessories were damaged.[82] To be fair, the reasoning in these two videos is not unpersuasive. But, in my view, the question of how the Accessories were damaged is plainly "a point of scientific, technical or other specialised knowledge" for which expert evidence would be relevant (s 47(1) of the Evidence Act 1893) and, indeed, necessary. However, the Claimant has not adduced any expert evidence to substantiate this alternative explanation.

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79 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 30.

80 Affidavit of Evidence-in-Chief of Terence Lee Meng Kai at para 32.

81 Affidavit of Evidence-in-Chief of Tan Ying Hui at paras 44 and 50-54.

82 Affidavit of Evidence-in-Chief of Tan Ying Hui at para 50 and p 116.

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Notwithstanding her professed qualifications and experience in engineering,[83] Alice was ultimately a factual witness.

74 In the final analysis, the evidence on both sides is not perfect. On the one hand, the Defendant's evidence, although consistent with his claim that the Accessories were damaged during his overseas cycling training camp, is only circumstantial and not direct. On the other hand, the Claimant's alternative explanation that the Accessories were deliberately damaged by tools requires expert evidence, which was not adduced. Ultimately, however, the burden lies on the Claimant to prove that the Accessories were not damaged during the Defendant's overseas cycling training camp (see [68] above). Given the state of the evidence, I am unable to conclude, on a balance of probabilities, that the Accessories were not damaged during the Defendant's overseas cycling training camp. Accordingly, I find that the Defendant did not publish a false statement.

Malice

75 The second element of malicious falsehood requires that the defendant made the statement maliciously, which, in turn, requires that the defendant: (a) was actuated by an improper or ulterior motive; or (b) did not honestly believe that the statement was true or was reckless as to its truth (see [24(b)] above).

76 Having found that the Defendant did not publish a false statement, it follows that this second element is similarly not established. This is because both limbs of malice appear to assume the existence of a false statement. Indeed, it makes little or no sense to speak of an improper or ulterior motive, or a lack of honest belief or a recklessness as to the truth, in the context of a *true* statement.

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[83] Certified Transcript for 7 July 2025 at pp 5-6.

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77 Nevertheless, even if I were wrong in my finding that the Defendant did not publish a false statement, I am of the view that this second element is also not established. To this end, the Claimant's submissions in relation to this element revolve around how the Posts were the Defendant's way of giving a backhanded review of the Accessories because of the "#productreview" hashtag at the very end of the Posts.[84]

78 I point out, at the outset, that this submission is, with respect, confused. As mentioned earlier, the Claimant has, in its closing submissions, limited its case to the single issue of whether the Accessories were indeed damaged during the Defendant's overseas cycling training camp (see [68] above). Accordingly, the statement in question, for the purposes of the Claimant's claim in malicious falsehood, is the *specific* statement, in the Posts, that the Accessories were damaged during the Defendant's overseas cycling training camp. The statement in question is *not*, as the Claimant now seems to suggest, the Posts *in general*. For this reason alone, I am unable to accept the Claimant's submission in relation to this second element.

79 But in any event, as mentioned earlier, the ordinary reasonable person would understand the Posts as making two points: (a) a recount of the events that culminated in the confrontation on 23 January 2023; and (b) the Defendant's terms for reviewing products (see [33] above). Thus, even if I were to accept that the Claimant could mount its argument on this second element based on the Posts in general, the "#productreview" hashtag was simply a reflection of how the Posts were about, among other things, the Defendant's terms for reviewing products. To my mind, this interpretation of the "#productreview" hashtag is preferable over the Claimant's unnecessarily

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84 Claimant's Closing Submissions at para 94.

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cynical interpretation. Moreover, the Claimant's interpretation does not make sense because the Posts make it clear that the Defendant decided not to proceed with the review (see [36] above).

80 In the circumstances, I find that the Defendant did not make the statement maliciously.

Damage

81 The third element of malicious falsehood requires the claimant to have suffered actual damage as the direct and natural result of the publication (see [24(c)] above). The Claimant's submissions on this third element focus on the pecuniary losses it has allegedly suffered.[85] According to the Claimant, its sales on the Shopee online shopping platform "demonstrate an immediate downturn" after 24 January 2023, which was the date the Defendant published the Posts.[86]

82 In my view, the Claimant has not suffered actual damage as the direct and natural result of the publication. To recap, the Claimant has, in its closing submissions, limited its case to the single issue of whether the Accessories were indeed damaged during the Defendant's overseas cycling training camp (see [68] above). Accordingly, the relevant publication is the statement that the Accessories were damaged during the Defendant's overseas cycling training camp. Similar to the point made in the context of defamatory meaning, this says little to nothing about the quality of the Accessories (see [35] above). Given this, I am unable to find that the Claimant's alleged drop in sales was caused by the Defendant's publication. It may well be that there was indeed a drop in the Claimant's sales. But this, without more, is insufficient to establish a *causative*

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85 Claimant's Closing Submissions at paras 95 and 97-101.

86 Claimant's Closing Submissions at para 99.

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link between the Defendant's publication, on the one hand, and the Claimant's drop in sales, on the other. Correlation, it is often said, is not causation.

83 I therefore find that the Claimant has not suffered actual damage as the direct and natural result of the publication.

Conclusion on Issue 2

84 As the Defendant did not publish a false statement (see [74] above) or make the said statement maliciously (see [80] above), and as the Claimant has not suffered actual damage as the direct and natural result of the publication (see [83] above), the Claimant's claim in malicious falsehood is not made out.

Conclusion

85 As neither the Claimant's claim in defamation nor malicious falsehood is made out, the action is dismissed. Parties are to file written submissions on costs, limited to ten pages each, within two weeks from the date of this judgment.

86 At its heart, this is a dispute arising from the breakdown in the relationship between Alice and the Defendant. Aggrieved, perhaps understandably, by how things had turned out, Alice commenced this action but, for reasons best known to herself, chose to do so in the Claimant's name instead of her own. The torts of defamation and malicious falsehood protect reputation and trade or economic interests respectively (*The Law of Torts in Singapore* at para 14.058). In the present case, given the disconnect between Alice's underlying grievance and the interests engaged by these causes of action (namely, the *Claimant's* reputation and trade or economic interests), it is altogether unsurprising that this action has not succeeded. Alice's recourse may

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or may not lie elsewhere, but it does not lie in a defamation or malicious falsehood action brought in the Claimant's name.

Jonathan Ng Pang Ern
District Judge

Cai Enhuai Amos, Teo Ying Ying Denise and Neo Xin Xuan (Yuen Law LLC) for the Claimant;
Tan Yew Cheng (Tan YC Law Practice) (instructed) and Chong Seow Ming Adeline (Blackletter LLC) for the Defendant.

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