

THAILAND

Thailand litigation guide



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Bangkok rivals Hong Kong and Singapore as the most important regional hub for international business in Southeast Asia. Strong forces within the Thai business, legal and political communities continually push to make Thailand a more investor friendly environment, a more efficient travel centre, as well as a viable venue choice for alternative dispute resolution.

The Thai legal system is a civil law system. Many of its fundamental legal principles have their origins in the codified systems of continental Europe (particularly France and Germany), as well as common law countries (including English law) and traditional Thai law.

Thailand does not recognise the common law principle of binding judicial precedent. However, certain persuasive decisions of the Supreme Court are published in the Supreme Court Law Reports.

The principal law of Thailand is the Constitution. This is supplemented by Acts of the Thai legislature, Royal decrees, emergency decrees, ministerial regulations and notifications, other governmental notifications and local government regulations. The major codes are the civil and commercial, penal, civil procedure, criminal procedure, revenue and land.

Treaties are not law within Thailand until they are made law by legislative enactment

In accordance with principles set out in the Act on conflict of laws, foreign law may serve as the law governing the case. It must however be proved to the satisfaction of the court that the foreign law is not contrary to public order or good morals, otherwise the court will apply Thai law.

Although Thai law does not provide for the direct enforcement or recognition of foreign judgments, such judgments and evidence can be used as evidence in a new trial commenced in the appropriate Thai court of jurisdiction.

The Thai system of jurisprudence is dualistic. The fact that Thailand has entered into a treaty or convention with a foreign country does not automatically give the provisions of such treaty or convention the force of law within Thailand. Treaties are not law within Thailand until they are made law by legislative enactment, such as an Act, Royal decree or ministerial regulation.

Laws are normally drafted in broad terms, especially those regulating commercial activities. Broad powers are delegated to government ministries or organisations, which are empowered to issue notifications or regulations.

The Thai legal profession does not divide lawyers into different

groupings, as is the practice in some jurisdictions where lawyers are designated as solicitors and barristers. Lawyers in Thailand act as both solicitors by preparing litigation and evidence for trial and as barristers responsible for filing suits, pleadings and petitions.

Arbitration

Arbitration presents itself as an attractive alternative to litigation in Thai courts due to: procedural flexibility; parties' degree of control over formation of the arbitral tribunal; freedom to select language of dispute; and parties' ability to play a more pronounced role in proceedings. Although no official figures exist with respect to the number of arbitrations in Thailand, it has undoubtedly become a popular dispute resolution tool and is a common feature in commercial contracts involving at least one Thai party.

The most recent development of significance pertaining to Thai arbitration was the enactment of the *Thai Arbitration Act B.E. 2545 (2002)*. This replaced the 1987 Act, which had been widely criticised because it insufficiently harmonised the principles of international arbitration law and the UNCITRAL Model law on International Commercial Arbitration.

The Act was also drafted to encourage settlement of disputes in international civil and commercial matters through the arbitration process. In this regard, the Act sets the same standard for enforcement of both domestic and international arbitrations in order to promote investment at both domestic and international levels. As such, under the Act, when an award is enforced in Thai courts, parties and judges do not have to apply a double standard differentiating between domestic and international arbitration awards.

ADR office the Thai Arbitration Institute (TAI), which sits under the Office of the Judiciary, is the most active arbitration institute in Thailand. It utilises a non-intervention policy, providing safeguards from any domestic political interference, even where one of the parties to a dispute is a governmental agency. The TAI is extremely cost efficient and provides parties with modern technological amenities. Although most arbitral proceedings conducted at the TAI are governed by its arbitration rules, the TAI also provides services to arbitral proceedings conducted under other arbitration rules, as well as in *ad hoc* arbitrations.

As Thailand is a party to the Geneva Convention and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, foreign arbitration awards rendered in nations that are also signatories are fully enforceable. Numerous foreign arbitral awards have been enforced in Thai courts and the grounds to challenge such enforcement proceedings are primarily limited to procedural objections relating to the underlying arbitration proceeding.

Recommended firms at a glance

BANKING & FINANCE	CORPORATE/M&A
Tier 1	Tier 1
Allen & Overy	Allen & Overy
Baker & McKenzie	Baker & McKenzie
Chandler & Thong-ek Law Offices	Linklaters
Linklaters	Tier 2
Tier 2	Clifford Chance
Clifford Chance	Norton Rose
Hunton & Williams	Tier 3
LawPlus	Chandler & Thong-ek Law Offices
Mayer Brown JSM	Hunton & Williams
Norton Rose	Mayer Brown JSM
Tier 3	Tier 4
International Legal Counsellors Thailand	DLA Piper
Siam Premier International Law Office	LawPlus
The Legists	Siam Premier International Law Office
DISPUTE RESOLUTION	INTELLECTUAL PROPERTY
Tier 1	Tier 1
Baker & McKenzie	Domnern Somgiat & Boonma
Herbert Smith	Tilleke & Gibbons
Watson Farley & Williams	Tier 2
Tier 2	Baker & McKenzie
Allen & Overy	Satyapon & Partners
Clifford Chance	Tier 3
DLA Piper	Anek & Brischon
Mayer Brown JSM	Chavalit & Associates
Tilleke & Gibbons	Rouse

Banking & Finance

RECOMMENDED FIRMS

Tier 1

Allen & Overy

Baker & McKenzie

Chandler & Thong-ek Law Offices

Linklaters

Tier 2

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Weerawong Chinnavat & Peangpanor

Tier 3

International Legal Counsellors Thailand

Siam Premier International Law Office

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Corporate/M&A

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Chandler & Thong-ek Law Offices

Hunton & Williams

Mayer Brown JSM

Tier 4

DLA Piper

LawPlus

Siam Premier International Law Office

Allen & Overy

Regarded as one of the top firms within the financial and corporate space in Thailand, Allen & Overy has had an exceptionally impressive year across banking, project finance and corporate as well as capital markets.

The firm's strength in banking and projects can be seen from its work in the power and energy sector. In a hydroelectric power project in Laos, the firm represented the lead arrangers such as Export-Import Bank of Thailand (Thai-Exim Bank) and BNP Paribas on the refinancing and expansion of the project. In another cross-border transaction, the firm advised syndicated lenders on the US\$23.5 million loan to Cambodia Power Transmission Lines for the construction of the lines that span across the Thai-Cambodian border. The group of lenders included Thai-Exim Bank, Foreign Trade Bank of Cambodia and Asian Development Bank.

In capital markets, the firm landed roles on several IPOs and bond offerings such as Thai Tap Water Supply's Bt4.2 billion (US\$123.1 million) IPO on the Stock Exchange of Thailand (SET), where the firm acted for lead managers such as Kasikorn Securities, Tisco Securities Company and SCB Securities Company. Deutsche Bank also mandated the firm on its Bt4.2 billion (US\$123 million) bond issuance. In Citigroup's Bt2.4 billion (US\$70.6 million) bond offering, the firm counselled managers including Citicorp Securities, Semico Securities and TMB Bank.

Within M&A, Thai Oil engaged the firm on a US\$120 million purchase of 80.5% of Sak Chaisidhi Company's shares from Shell Overseas Investment and Pattanakij Chemical. Bank of Ayudhya also engaged the firm on the Bt2 billion (US\$58.8 million) acquisition of 99.5% interests and 100% shares from AIG Retail Bank and AIG Card, respectively.

Stephen Jaggs heads up the banking, project finance and capital markets team, together with Supareruk Auychai and Arkrapol Pichedvanichok, who are also active in corporate transactions, along with Simon Makinson and consultant Anchalee Limviriyalers.

Baker & McKenzie

Baker & McKenzie has attracted roles on a number of sizable deals this year, particularly in M&A transactions. The firm also enjoys a busy work flow in capital markets.

In banking and project financing deals, the firm has been highly visible in the power and real estate sectors. It advised PPT Asahi Chemical Company on the financing of a Greenfield project, totalling US\$400 million. In real estate transactions, the firm worked for United Overseas Bank (UOB) on the Bt1.1 billion long-term refinancing for the development of Evason Phuket resort. UOB also retained the firm on the Bt1.8 billion financing for the Exchange Tower in Bangkok.

The firm had as good a year in the capital markets

as possible in a rather desolate 2008. Barclays Capital Securities mandated the firm to act for it as arranger on the loan syndication and bond issuance by Bangkok Dusit Medical, valued at Bt8.5 billion (US\$250 million). In Esso's global IPO and shares listing on the SET, the firm acted as international and Thai counsel for the issuer in the Bt9.3 billion offering.

Bank of Ayudhya instructed the firm on the acquisition of GE Capital Auto Lease through the share purchase of GE Group, totalling Bt16.2 billion. Acting for the purchaser, the firm counselled Chemical on the US\$164 million acquisition of Cognis Oleochemicals as well as ISS Facility Services' Bt400 million acquisition of all issued shares in Golden Mind Services.

Kitipong Uraepatanapong leads the capital markets and M&A practice, with the support of corporate partner Anurat Tiyaphorn and capital markets expert Komkrit Kietduriyakul. Kietduriyakul also heads up the banking and project finance team, together with Thinawat Bukhaman and Sawanee Sethsathira.

Clifford Chance

Clifford Chance has gained an increasing exposure on a number of large cross-border deals, especially in banking, projects and capital markets, where the firm showed great potential for growth.

Samplings include the Bt10 billion syndicated facility for Mitsubishi Motors, where the firm acted for a group of lenders such as Siam Commercial Bank, Bangkok Bank and Krung Thai Bank. It also advised Canadoil Engineering & Construction on the Bt1.4 billion inventory financing provided by Standard Chartered Bank as well as a Bt3.3 billion syndicated loan to Caisa.

Highlights of projects saw the US\$130 million cross-border financing for Electricity Generating Public Company on the purchase of equity interests in a coal-fired power project in the Philippines. The firm acted as US, English and Thai counsel for the Thai power producer.

In capital markets, the firm has worked on a number of debenture and bond offerings. Standard Chartered Bank mandated the firm on its proposed issuance of unsecured and unsubordinated short-term debentures, totalling Bt40 billion (US\$1.2 billion). It also acted for Advance Info Service on the Bt7.5 billion offering of debentures.

The firm assisted foreign clients on their investments in Thailand. It represented Cobra International on the equity investments by strategic investors, valued from US\$2 million to US\$10 million. It also helped Siemens on the sale of a majority stake in Siemens Enterprise Communications. On additional example saw it counsel Solvay on the formation of a H202 plant in Thailand in a joint venture with Dow Chemical and BASF.

Counsel Doungporn Prasertsomsuk is praised as a capital markets expert and Passawan Navanithikul noted for his bank lending deals. Andrew Matthews, who specialises in corporate finance, heads up the M&A practice.

Chandler and Thong-ek

Chandler and Thong-ek enjoys a good reputation in project financing. With a close relationship with local banks, the long-established local firm has had exceptionally busy deal flow this year, with roles on a number of power and energy sectors.

This could be seen in its counsel for a group of lenders on US\$196 million financing for Siam Power Generation, as well as the financing for a polyethylene project valued at US\$190 million. The syndication of banks included Bangkok Bank and Mega International Commercial Bank.

The firm also attracted roles on the country's first financing by Thai banks for a petrochemical plant in the US. Bangkok Bank, Siam City Bank and KfW IPEX-Bank engaged the firm to advise on the US\$110 million financing to Alphapet for the construction of the project. One additional sampling saw a US\$600 million hydropower projects in Laos, where the firm acted for the borrower Thuen Hinboun Power Company.

Foreign investors also sought the firm's counsel on the applications for investment, promotion and implementation of BOI and Industrial Estate Authority of Thailand projects in industries ranging from petrochemical, hospitality to electricity, computer and mining.

International law firms often turn to the firm for Thai law on cross-border deals. Recent examples include the acquisition of Rio Tinto's worldwide packaging business, GSK's acquisition of UCB's pharmaceutical business in emerging market countries, as well as the acquisition of the hard disc drive business of Fuji in Japan.

Name partner Albert Chandlers presides over the firm's practice. Jessada Sawatdipong and Maria Makanas are active on project financing deals. Ratana Ponsombudlert heads up the M&A activities.

Hunton & Williams

As one of the most reputable local firms, Hunton & Williams proved its strength in banking and project finance. It also had a good performance in capital markets.

This year the firm has been involved on a number of power and energy projects, such as a US\$750 million dual-currency financing for an Independent Power Producer (IPP) project. The firm also advised GHECO-One, a subsidiary of Glow Group, in the US\$460 million financing provided by seven international banks such as

Sumitomo Mitsui Banking Corporation and Standard Chartered Bank. It also acted for the borrower in the Bt9.9 billion (US\$291 million) Baht financing advanced by Kasikornbank and Bank of Ayudhya.

One more sampling saw PTTAC mandate the firm on the debt financing for the development of a petrochemical plant in Thailand provided by a syndication of banks such as BTMU, HSBC, ING Bank and Mizuho Corporate Bank. One other deal of note was the firm's counsel to Kasikornbank on the Bt 8.4 billion (US\$247 million) credit facility for the Thai Petroleum Pipeline Company.

In capital markets, the firm attracted a role on the Bt1 billion (US\$29.4 million) IPO of Thai company Synnex on the SET where it advised the issuer. Bangkok Mass Transit System, operator of the Bangkok Skytrain System, also engaged the firm on a retail bond offering for the repayment to its rehabilitation plan creditors, totalling Bt12 billion (US\$352.8 million).

Notable M&A deals saw the firm's advice to BP Overseas Development, a subsidiary of Banpu, on the US\$420 million acquisition of 78.4% shares in Asia-American Coal, which owns coal mines and business in China. It also worked for Global Power Investments (GPI) on the sale of its equity stake in GPI Quezon to Electricity Generating in Thailand.

Stephen John Bennett leads the M&A and capital markets team. The banking and project finance team is co-headed by Surasak Vajasit and Edward Koehler. The firm saw the arrival of Manida Zimmerman from White & Case. Zimmerman specialises in corporate and cross-border transactions. Other leading individuals include Nithi Laophulsuk and counsel Richard Savage.

Linklaters

Linklaters is highly-respected for its financial and corporate practice in Thailand. This leading firm offers solid advice to local and international banks, financial institutions and investors.

In January 2009, the firm worked on the Bt10 billion (US\$294 million) financing to IRPC, advising a group of local banks such as Bangkok Bank, Thai-Exim Bank, Kasikornbank and Drung Thai Bank. A syndication of banks led by Standard Chartered Bank also turned to the firm on the Bt5 billion (US\$147 million) financing to Taksin Properties for the development of a residential condominium.

Highlights of capital markets work saw the firm's role on a number of debt transactions. JPMorgan Securities called on the firm to advise its role as sole bookrunner and lead manager on the US\$150 million convertible bond offering by Italian-Thai Development.

Acting for local clients, the UK firm provided advice

to Glow Energy on the Bt4 billion guaranteed debentures offering for the construction of a coal-fired power plant.

Highly regarded by international banks, Linklaters has won roles on several debt transactions. This includes the US\$150 million issuance of convertible bonds by Italian-Thai Development, where it represented JPMorgan Securities as sole bookrunner and the lead manager.

In M&A, AIG engaged the firm on the US\$58.7 million sale of its consumer finance business to Bank of Ayudhya. It also acted for TPG on the sale of a 42% stake in BankTai to CIMB Bank, valued at Bt8.1 billion (US\$238 million).

Wilailuk Okanurak and Pichitpon Eammongkolchai co-head the financial and corporate practice in Thailand.

Norton Rose

Norton Rose has enjoyed a growing exposure on transactions across real estate, manufacturing and energy, attracting local and foreign clients on banking and finance as well as capital markets deals.

Bank of Ayudhya offered the firm roles on two real estate financings, including a Bt1.4 billion credit facility for resort property Soneva Kiri and a Bt1.55 billion (US\$45.6 million) facility for Evason Phuket. It also assisted Bangkok Bank on a Bt4 billion loan to vehicle and aircraft tyre manufacturer Michelin Siam for the refinancing of its short term debts.

In capital markets, Bangkok Bank and Kasikornbank retained the firm on a number of bond offerings by Toyota Leasing. This included the Bt4 billion debentures issuance in February 2009 and the Bt1.2 billion issuance in November 2008. Along with CIMB Thai Bank, the firm represented the two local banks in Toyota Leasing's guaranteed Baht debentures programme established in April 2009, with a Bt4 billion bond issuance in the first tranche.

Notable M&A achievements were found in energy and property deals. For example, IRPC instructed the firm on the Bt3.7 billion acquisition of tank farms and tug boats from Rayong Tank Terminal Company. MFC Asset Management also sought the firm's counsel on the acquisition of two Thai property portfolios valued at US\$34 million and US\$28 million respectively. Other deals of highlight include the firm's advice to Sindicatum Clean Energy on the US\$36 million structured investment by its affiliate in two CDM (clean development mechanism) projects and a power plant.

Somboon Kitiyansub and Phillip John head up the firm's practice in Thailand.

DLA Piper

DLA Piper offered advice to international clients on issues such as business expansion, joint venture

formation, shareholders agreements as well as corporate transactions.

This year, Fujitsu Australia instructed the firm on the A\$48 million (US\$40.3 million) acquisition of Supply Chain Consulting's entire issued share capital. It has also worked on transactions in industries such as telecoms, education, energy, and real estate.

Supreedee Nimitkul and Chanvitaya Suvarnapunya oversee the financial and corporate practice.

Mayer Brown JSM

Mayer Brown JSM enjoys a solid base of international clients. This year, it has been highly visible in the power, energy and aviation sectors as well as some non-performing loan (NPL) transactions.

Japan Bank for International Cooperation instructed the firm on the financing for a new manufacturing facility in Thailand, totalling US\$300 million. It also advised KfW on the Bt3.5 billion (US\$103 million) refinancing of a Thai power company. And the firm represented a European Bank on the aircraft lease financing with a Thai airline.

Mayer Brown JSM enjoyed a good year in capital markets too. It advised the Thailand subsidiary of Financial One Corporation on its listing on the Singapore Stock Exchange. It also offered advice on short-term bond offerings and the private placement of shares for banks, corporations and investment houses from the US.

In addition, the firm worked for two international financial funds on the sale of NPL portfolios by a group of local banks including Siam Commercial Bank, Bank Thai and Krung Thai Bank. Other active corporate clients include Diageo, Bakkavor Asia and local energy corporation PTT.

Peter Burke and Nipaporn Weskosith head up the banking and corporate finance team. The capital markets practice is led by Sathaporn Jumsuk. Steven Miller is well known for restructuring and insolvency work.

LawPlus

LawPlus had a productive 12 months, winning mandates from foreign banks and companies on inbound investment deals. It also offers advice on Islamic financial issues, such as representing Malaysia's RHB Islamic bank on the US\$3.5 million commodity *murabahah* (deferred sale) facility to Asiasons Investment for its acquisition of a 49% share in Narong Sea Foods in Thailand.

Canadian Imperial Bank of Commerce (CIBC) also instructed the firm on the extension of a syndicated loan to Celestica Thailand, a manufacturer of electronic and telecommunications equipment, and medical instruments, valued at US\$250 million.

Samplings of M&A activities saw the firm working

with foreign investors such as Japanese company Sumida, which engaged the firm on a Bt70 million acquisition of interests in a local computer-parts manufacturer. Other deals of note include advising a UK food manufacturer on the 51% share acquisition from its Thai partner company and the representing a Singaporean food retailer on the Bt2.5 million takeover of food manufacturer DLF Thailand.

Leading partner Kowit Somwaiya presides over the firm's practice.

SiamPremier International Law Office

Siam Premier International Law Office acted as Thai counsel for a group of lenders on a US\$750 million financing to Gheco-One, an affiliate of Glow Group, for the development of an IPP project in the country.

In capital markets work, it acted on a convertible bond issuance by Ital-Thai Development and also provided advice to the issuer on the US\$150 million offering. JPMorgan Securities acted as sole bookrunner and lead manager.

Other active firms

Herbert Smith

Herbert Smith's corporate team provided advice to GE on the sale of its shares in GE Plastics in Thailand over the last year. It also worked for a Hong Kong private equity fund in the US\$28 million acquisition and financing of the development of five resort properties in Phuket.

It advised an upstream energy company on the construction of offshore wellhead platforms. It also represented an international pipeline contractor on contract claims for the installation of a sub-sea gas pipeline in south-east Asia.

Counsel Rashane Leerabandhu heads up the firm's corporate and commercial team, which is experienced in international trade and investment, real estate, energy and natural resources sectors.

Dispute Resolution

RECOMMENDED FIRMS

Tier 1

Baker & McKenzie

Herbert Smith

Watson Farley & Williams

Tier 2

Allen & Overy

Clifford Chance

DLA Piper

Mayer Brown JSM

Tilleke & Gibbins

Baker McKenzie

Baker McKenzie grew last year with the hires of Thitpat Chanchamroen and Sombat Bhawaworrapan.

One of the firm's biggest cases saw it acting for Thai Nishimatsu Construction in a claim for insurance coverage for all risks under construction and third party liability policies covering the project owner, contractor and subcontractor. Saipem Asia also mandated the firm in construction arbitration and litigation disputes – worth over US\$150 million – regarding the Third Transmission Pipeline Project against PTT PCL and Trans Thai-Malaysia Thailand.

Both Kanit Vallayapet and Suksawat Watwai were involved as the firm represented telecom operator True Corporation, which mandated it on a dispute with TOT PCL over a US\$260 million concession.

Another highlight saw the firm representing the Destination Properties Group in a US\$180 million claim against a global investment bank based on a variety of aspects of the development of luxury resorts.

Herbert Smith

In line with its global reputation, Herbert Smith retains an impressive reputation for litigation matters in Thailand. Under the leadership of office managing partner Alastair Henderson, the team is strong in construction, shareholder disputes and regulatory matters. The firm has also seen a rise in the number of criminal investigations, arising from Thailand's anti-corruption clampdown. Recent cases include advising international shareholders in a Thai textile company on a cross-border arbitration relating to allegations of fraud. Surapol Srangsomwong is universally respected among peers and clients.

Watson Farley & Williams

Litigation lawyers at Watson Farley & Williams are well

known for being both knowledgeable and speedy. Team head Steven Burkill is a leading name in the market and specialises in energy and shipping litigation, with a particular focus on high value international arbitration. Arbitration is the primary focus of the team, which consists of three partners and eight associates. The practice also covers Thai arbitration and Thai court litigation.

Allen & Overy

Allen & Overy is growing steadily in the disputes arena. The group handles litigation and covers local disputes as well as cross-border cases. It represents a range of domestic and international clients, from listed companies to small entities in a variety of industries. It recently advised the founders of Blue Canyon Country Club on litigation relating to property ownership disputes. Dumnern Subpaisarn heads up the practice and brings 30 years of experience.

Clifford Chance

Leading the litigation team at Clifford Chance is partner Lersak Kancvalskul who has over 23 years' experience.

A major case last year was the team's advice to Lufthansa on its commercial contract disputes over a new international airport. The team also acted for a major Thai real estate developer in a dispute with an international management chain over a shareholders' agreement and a serviced apartment management agreement.

Other highlights include the firm's representation of three international sports broadcasters in a dispute with a Thai company over infringement of copyright. The team also represented a cuttings manufacturing company over the defence of a tax assessment claim by the Revenue Department.

In the arbitration area, the firm advised a Singapore cement company over the enforcement of an arbitration award against TPI Polene. And it represented a rubber-products manufacturing company seeking the appointment of the arbitral panel by the order of the Central Intellectual Property and the International Trade Court.

DLA Piper

Peter Shelford's team at DLA Piper, which consists of three partners, receives a steady flow of insurance-related disputes, construction matters and commercial litigation claims.

In the last year, it represented a major insurance company on a number of policy disputes arising from damage to hotels following the 2004 tsunami. Its lawyers are also adept at handling disputes relating to reinsurance as well as commercial, ownership and employment disputes.

Mayer Brown JSM

This firm's dispute resolution group emerged off the back

of its renowned restructuring and insolvency practice. The team, whose stand out partner is Apichart Phankeasorn, also has strength in reorganisation and insurance-related cases. It also covers commercial and employment disputes, banking and finance issues, maritime and aviation law and debt collection. Phankeasorn is recommended for restructuring and reorganisation work but his practice also covers a wide range of banking and commercial litigation, as well as alternative dispute resolution.

Tilleke & Gibbins

Led by Tiziana Sucharitul, the dispute resolution team at Tilleke & Gibbins was retained as co-counsel by one client last year on a US\$100 million civil case against Rakesh Saxena for his role in allegedly defrauding the BBC.

The team was also mandated by the main contractor for the South Bangkok Combined Cycle Power Plant in Prakam Province in regard to a US\$93 million dispute with the country's electricity generating authority.

In arbitration, the firm represented a contractor in an arbitration case over a construction dispute against the main contractor of the cancelled Samut Prakarn Wastewater Management project with claims and counterclaims exceeding US\$10 million.

Another highlight saw Kasamesunt Teerasitsathaporn successfully defend one of the world's largest logistics companies in three separate criminal actions brought by the Thai Customs Department. Potential fines were valued at US\$15 million.

highly regarded in the registration and prosecution of patents and trade marks. Its client base mainly comprises international companies such as BMW, Sony, Mercedes Benz, Mazda and Peugeot. Boonma Tejavaniya is very well respected in Thailand's IP industry, along with his colleague Rutor Nopakun. He specialises in IP enforcement, covering patents, trade marks and copyright, and is well known for representing Manchester United Football Club. Nettaya Warncke is praised for her trade mark prosecution knowledge.

Tilleke & Gibbins

Tilleke & Gibbins suffered a blow last year with the loss of partner Edward Kelly in March 2009, nevertheless it continued to be heavily involved on a number of disputes.

One of the firm's biggest cases last year saw it acting for a multinational pharmaceutical company in an infringement action against a Thai generic drug company in regard to the dosage of certain ingredients. The firm also filed a trade mark cancellation application against the same company regarding the VALATAN mark.

Another notable action saw the firm engaged by a luxury car manufacturer in a legal action against fake cars being produced in Bangkok for export. The team worked alongside the police in the investigation.

In the copyright area, the firm was mandated by a Thai broadcasting company in a criminal action against a website illegally broadcasting films and other copyrighted material. The case is still pending and is the first of its type in Thailand regarding webcasting.

Additionally, the firm was involved in a patent infringement action for a Japanese glass manufacturer and distributor against another Japanese company with Thai subsidiaries.

Baker & McKenzie

Baker & McKenzie found itself engaged on a number of seizure operations in the last year. The firm conducted raids for Proctor & Gamble over counterfeit shampoo products resulting in a number of arrests and seizures. The firm also assisted Cisco Systems in two seizure operations. One was the taking of a sizeable quantity of routers and other interconnection hardware used in ATM systems, while the other saw the firm assist in the seizure of counterfeit Wan Interface Cards, which were being distributed by a former authorised dealer.

Other seizure work includes acting for a Japanese electrical goods manufacturer in raids against two major building and DIY megastores and an electrical importer resulting in the seizure of 9000 items. The team conducted similar work on behalf of L'Oreal and The Body Shop of

Intellectual Property

RECOMMENDED FIRMS

Tier 1

Domnern Somgiat & Boonma

Tilleke & Gibbins

Tier 2

Baker & McKenzie

Satyapon & Partners

Tier 3

Anek & Brischon

Chavalit & Associates

Rouse

Domnern Somgiat & Boonma

Each of the 18 lawyers working at Domnern Somgiat & Boonma is involved in the firm's IP practice, which is

items worth in excess of Bt100 million (US\$2.9 million).

Another highlight saw the firm advising Tsuburaya Productions in numerous cases filed against a Thai company and its directors for the rights of Ultraman characters.

Satyapon & Partners

With firm founder Satyapon Sachdecha held in high regard by the market this IP boutique, established in 1995, is made up of nine lawyers. It focuses primarily on handling trade marks, copyrights, patents and domain name registration. IP enforcement forms a significant part of the practice and the firm has particular expertise in dealing with the enforcement of trade marks. Satyapon & Partners is also particularly praised for its contentious work.

Anek & Brischon

Anek & Brischon centres its whole firm's practice on IP. Lawyers handle the prosecution of applications and

the licensing and assignment of registrations as well as all aspects of patents. In addition, the practice provides strong IP litigation and anti-counterfeiting capabilities which were praised by peers and clients. Other areas of IP expertise include copyrights and trade secrets. The experienced Chavalit Uttasart was also lauded by clients in interviews.

Rouse

Rouse has steadily built up a solid IP presence in Thailand under specialist Fabrice Mattei. The firm is managing Pfizer's investigation and enforcement work on several of its highest profile products, including Viagra, and is also managing L'Oréal's enforcement work. This firm has two offices in the country, one of which focuses on the protection and enforcement of IP rights. The other newly established branch specialises in patents and has particular strength in life sciences, nanotechnology and polymers.

Other notable areas of law – recommended firms

Further information available online at www.asialawprofiles.com

CONSTRUCTION & REAL ESTATE
Tier 1
Allen & Overy
Baker & McKenzie
Tier 2
DLA Piper
Mayer Brown JSM
Tier 3
Clifford Chance
Herbert Smith
LS Horizon
Linklaters
Siam Premier International Law Office

TAX
Tier 1
Baker & McKenzie
LawAlliance Limited
Tier 2
Chandler & Thong-ek Law Offices
The Legists
Tilleke & Gibbons
Tier 3
Bangkok International Associates
International Legal Counsellors Thailand
Siam Premier International Law Office

ENERGY & NATURAL RESOURCES
Tier 1
Allen & Overy
Baker & McKenzie
Chandler & Thong-ek Law Offices
Hunton & Williams
Linklaters
Tier 2
Clifford Chance
Norton Rose