



## Clemence Gautier

### Consultant

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**Office:** Bangkok, Thailand

**Practices:** Intellectual Property, Regulatory Affairs, Anti-Corruption

## BIOGRAPHY

Clemence Gautier is a consultant with the intellectual property and regulatory affairs groups of Tilleke & Gibbins. Her practice focuses on international and Thai intellectual property law, registration of products with the Thai Food and Drug Administration (FDA) and Ministry of Agriculture, and anti-corruption matters.

Clemence works closely with pharmaceutical, agribusiness, food, and biotechnology companies on issues including trademark and patent registration in ASEAN countries, infringement, and industry-specific issues such as data protection, product liability, clinical trials, and labeling/advertising. She is an active member of MARQUES and APRAM.

Clemence also leads the firm's corruption practice under the direction of David Lyman, the firm's Chairman & Chief Values Officer. In connection with this role, she serves as a member of the Anti-Corruption Commission of the International Chamber of Commerce based in Paris, France.

Clemence is a Board member, Honorary Secretary, and the Chair of the Legal Affairs Committee of the Franco-Thai Chamber of Commerce.

## EXPERIENCE

- Secured a trademark litigation victory for an agrichemical company against its former distributor, who was passing off of our client's trademarks. Finding in favor of our client's better right, the IP&IT Court ordered the cancellation and withdrawal of 16 of the former distributor's trademarks containing logos and wording that infringed our client's mark and further ordered that use of the infringing marks cease.
- Counseled a credit card company on guidelines for business courtesies (such as meals, events, and gifts) to be extended to foreign officials.
- Helped a multinational food company comply with Thai FDA requirements. Advised the client on advertising and promotional materials in Thailand, with particular emphasis on the requirements of the FDA and the consequences of improper ad content.
- Acted on behalf of a major U.S.-based agrichemical manufacturer. The case involved termination of the client's distributor for breach of contract and IP (patent and trademark) infringement. In addition, we represented the client in re-registration of its full range of products with the Thai Ministry of Agriculture.
- Advised several pharmaceutical companies on their procurement contracts with Thai government hospitals.
- Advised a U.K. engineering and construction company on providing business courtesies to private individuals in Thailand.
- Advised a U.S. transportation company on their dealings with the Royal Thai Army during the course of a government procurement contract.
- Advised a pharmaceutical client on various IP issues, such as product liability, government advocacy on new regulations, compulsory licenses, new laws (Patent Act, Drug Act), and trademark registration.
- Liaised with the Royal Thai Police to end a predatory business tactic. As our client operates in many provinces in Thailand, a competitor filed criminal charges of "false statement" against our client in many provinces in order to force our client to spend time and money travelling to meet police officers throughout Thailand. We convinced the Royal Thai Police that the cases were related and should be consolidated and tried in Bangkok.
- Developed registration strategies for medical device products, including acting as a liaison between the client and the Thai FDA.
- Advised a company regarding their products and packaging and the likelihood of classification as a medical device and formulated strategy on the best classification in regard to the products and claims on the packaging.

## EDUCATION

Master 2 of International Business Law, Rennes

Master 1 of Business Law, Evry Val d'Essonne

Bachelor of Business Law, Evry Val d'Essonne

## LANGUAGES

French, English