



## Nuttaphol Arammuang

### Attorney-at-Law

T: +66 2653 5878 F: +66 2653 5678 E: nuttaphol.a@tilleke.com

**Office:** Bangkok, Thailand

**Practices:** Intellectual Property, Dispute Resolution and Litigation, Technology, Multimedia, and Communications

## BIOGRAPHY

Nuttaphol Arammuang is an attorney-at-law in the Tilleke & Gibbins intellectual property litigation team. In his over nine years of legal practice, Nuttaphol has advised international and local clients alike on a wide array of contentious intellectual property matters, including trademarks, patents, copyrights, computer crimes, trade secrets, domain names, and commercialization. Nuttaphol has been a leading lawyer on several landmark cases before the Intellectual Property and International Trade Court (IP&IT Court), including the Landmark Case of 2008 awarded by *Asia IP*.

Due to his unique combination of expertise and education in law and entrepreneurial and innovative management, Nuttaphol has been regularly invited to give lectures and presentations to undergraduate and graduate students from several different faculties and universities. In addition to being an active speaker and author, Nuttaphol has been appointed as a regular co-author of worldwide publications, including the Thailand chapter of Multilaw's *Media, Advertising & Entertainment Law Throughout the World*.

Nuttaphol is a member of the Thai Bar Association, the Lawyers Council of Thailand, the Intellectual Property Association of Thailand, and the Intellectual Property and Innovation Association. He is a registered patent agent, and in 2011 he completed the JPO/IPR Training Course for Patent Experts.

## EXPERIENCE

- Obtained a precedential judgment on behalf of a leading Japanese electrical appliances company. The civil case sought to reverse the Board of Patents' refusal to restore a Thai patent that had lapsed as the result of a failure to pay an annuity fee. We successfully proved that our client, as the inventor, would not intentionally neglect or avoid payments for annuity fees and would have wished to continuously secure protection under the law for both of its Thai patents. Therefore, the IP&IT Court rendered a precedential judgment cancelling the Board's decision and ordering the Board to reimburse certain court fees and lawyer fees to our client. As a result of this case, the Board of Patents has become less strict in considering this type of request from patent owners.
- Secured a victory for a Thai healthcare products company before the Supreme Court in trademark litigation initiated by its former employee and authorized manufacturing company. The opposing party claimed to be the owner of our client's trademarks as well as the mechanism for the production of haemodialysis solutions. The client's resounding success may be attributed to the defensive strategy of introducing evidence that demonstrated the bad faith of the former employee in initiating the case.
- Obtained a favorable Supreme Court judgment on behalf of a French electrical equipment and accessories company in a civil action under the law of passing off. Our litigation strategy was to present each discrete instance of infringement to demonstrate the defendant's bad faith by using similar packaging, product designs, trademarks, orange theme design, and motto in the trade dress of its circuit breakers. The Supreme Court ordered the defendant to cease using the products and awarded compensation to our client.
- Defended one of the leading global hotel management companies in a civil lawsuit for trademark infringement brought by a well-known real estate development company in Thailand. With our strong legal arguments and reliable documents and evidence, we convinced the IP&IT Court that our client was entitled to use its trade name and trademark in connection with its hotel business. The civil lawsuit was dismissed and the Trademark Registrar granted the registration of our client's trademark application according to the judgment of the IP&IT Court.
- Attained a service mark registration for a client in the hotel business over the initial rejection of the Trademark Registrar and the Board of Trademarks in Thailand due to similarity to prior registered trademarks. Our strategy to overcome the ruling focused on the evidence of good-faith use of the mark and our client's distinguished and high standard of service, as well as presenting a forceful argument about the unlikelihood of confusion.
- Assisted a leading manufacturer of elevators and escalators in securing its trade name in Thailand. With our strategic approach through the litigation and negotiation process, we were able to secure the return of the valuable and reputed name to the client.

- 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.
- 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.
- Represented a Swiss clothing and fashion company before the Supreme Court of Thailand in a case of first impression on the concept of “good faith concurrent use.”
- Proved a better right over the trademark of a Swedish clothing and fashion company and, thus, acquired the trademark from a clothing wholesaler in Thailand. Due to the favorable result, our client was able to use the trademark and open shops at Siam Paragon, the premier shopping center in Bangkok, as per its previous business plan.
- Acquired a house mark of a German dental equipment company by effectively negotiating with an individual person after the mark had been registered for 12 years in Thailand. The negotiations were conducted after the civil action had been filed and were concluded without any compensation paid by the client.
- Prosecuted pharmaceutical patent litigation against various local producers of infringing generic drugs.

## EDUCATION

Master of Management, Mahidol University

LLB, Thammasat University

## LANGUAGES

Thai, English