



## David Duncan

### Consultant

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**Office:** Bangkok, Thailand

**Practices:** Technology, Multimedia, and Communications, Energy, Commercial Transactions and M&A, Antitrust and Competition, Insurance, Employment

## BIOGRAPHY

David Duncan is a consultant in the Tilleke & Gibbins corporate and commercial group, specializing in complex international transactions. He focuses on new economy business sectors, including technology, media, and communications, but works with a full spectrum of clients in other industries, as well. A significant component of David's practice consists of competition law and trade remedies, on which he has advised a number of specialty manufacturers and vendors.

The 2012 edition of *Chambers Asia-Pacific* notes that David is a key member of the Tilleke & Gibbins projects team. His work in this area includes a full range of energy matters (oil and gas, as well as renewable energy), infrastructure projects, and environmental regulatory issues.

David is committed to the long-term success of his clients, many of whom seek David's assistance on a full range of legal matters and rely on him for strategic advice in building or enhancing their operations, both in Thailand and overseas. David and his colleagues work with clients who are new to the region, as well as those who are seeking expansion.

## EXPERIENCE

- Represented a premier developer and publisher of entertainment software in introducing a best-selling video game in Thailand, including advising on distribution and end-user licensing agreements (EULAs).
- Assisted a producer of real-time strategy games with the launch of their latest offering in Thailand. Much of our work focused on localizing business approaches and terms of use. The game went on to meet with considerable success, both in Thailand and overseas.
- Assisted in structuring an airline alliance. As two major international carriers were organizing a joint venture, the firm was approached to assist. The joint venture is now in operation, and has helped to position both carriers for improved profitability.
- Represented an international steel producer in combating unfairly priced imports from certain other countries. We assisted in petitioning for an investigation, so as to ultimately assess antidumping duties. If approved, the measures will result in increased profitability.
- Assisted a multinational oil and gas trader with assessing environmental regulations and possible exposure based upon ownership of energy assets.
- Provided advice to a multinational mobile phone network company in relation to data interception and data access via mobile phone and e-mail usage in Thailand.
- Represented a major U.S. telecommunications and software vendor in negotiations with five Thai mobile telecom operators to deploy mobile number portability (MNP) in Thailand. We successfully negotiated the deal to full deployment, which included a build operate and agreed optional transfer build out, as well as handled the formation of the client's Thai subsidiary and associated visa/work permits and required Thai bank guarantees. MNP is now up and available in Thailand.
- Conducted due diligence on behalf of a financial institution considering whether to finance the build out of a state-owned operator's planned 3G network in Thailand and advised the financial institution regarding risk factors. The proposed loan amount as publically disclosed exceeded USD 500,000,000.
- Advised a consortium of financial institutions on telecommunications laws in connection with their bids to provide credit facilities (totaling THB 15.85 billion) to a major telecommunications operator for the expansion of a 3G mobile network and infrastructure.
- Represented a multinational supplier and services provider to the petroleum industry in the establishment of their Thailand operations. Our client's goal was to take a regionally flexible approach that would ensure continued growth of the business in the region. We worked closely with our client to develop a strategy allowing for the minimization of tax exposure for the company, while ensuring compliance with applicable employment laws.

- Assisted a well-known provider of tools and hardware in resolving executive employment issues. This situation was very sensitive, but we managed to provide for an amicable departure without litigation.
- Advised a global telecommunications company on various labor and employment matters. Among them, we helped this client to rationalize a broad range of global employment policies. In addition, we consulted on the many issues inherent to multi-jurisdictional expatriate employment matters.
- Acted on behalf of a global supplier of high-pressure cylinders in the establishment of company operations in Thailand. Ramping up to establish a factory in Thailand, the company wished to engage a highly-qualified engineer to handle various tasks related to initial operations and establishing the factory. We developed a strategy to provide for a strong employment relationship, while providing for the flexibility and accountability necessary for the future.

## EDUCATION

JD, George Mason University School of Law

BA, University of Florida

## LANGUAGE

English