



**Mr. Pongtape Hannakacharoen**

He works on pre-litigation and litigation cases involving commercial, criminal, employment, information technology, international trade and intellectual property disputes as well as bankruptcy and business rehabilitation matters. Pongtape has represented insurance and reinsurance companies resolve claims disputes, multinational corporations resolve corporate and employment disputes and he has successfully assisted a multitude of clients in negotiating settlements and resolving other legal matters. Prior opening Nitihan Law Office Co., Ltd., he obtained diversified experience and intensively worked as an associate at other international law firms and local law firm based in Thailand.

#### **LEGAL EXPERIENCE**

- Professional litigation lawyer from 2004-present
- Founder Partner, Nitihan Law Office, Bangkok, Thailand from 2020 -present
- Senior Litigator, Rouse & Co. International (Thailand) from 2019 - present
- Counsel, The Art of Law, Bangkok, Thailand during 2018 - 2000
- Senior Lawyer, Baker & McKenzie, Bangkok, Thailand during 2010-2018
- Partner, Phoenix Law Office Co., Ltd., Bangkok, Thailand during 2006 – 2010
- Lawyer, Kitt & Murray, Bangkok, Thailand in 2006
- Lawyer, Vovan & Associés, Bangkok, Thailand in 2005

#### **EDUCATION**

- **Bachelor of Law**, 2002, Chulalongkorn University, Bangkok, Thailand

Major of Business and Commercial Law

- **Master of Law**, 2006, Chulalongkorn University, Bangkok, Thailand

Major of Business and Commercial Law (Thesis: Voluntary Bankruptcy for Individual)

- **Master of Law (Merit)**, 2016, Queen Mary University of London, United Kingdom (Insurance Law, Reinsurance Law, Insurance Contracts and International Commercial Law – Dissertation: The Interpretation of Insurance Contracts)

## **LICENSE & CERTIFICATE**

- Young IP Law Ambassador Programme Moot Court Competition 2004, Thai Bar Association.
- Thai Lawyer License since 2004, the Lawyers Council of Thailand.
- Notarial Services Attorney since 2012, the Lawyers Council of Thailand.
- Certification of ICC Arbitration & ADR - Focus on Thailand 2012
- Certification of Specialist Barrister in Intellectual Properties, IP& IT Court of Thailand 2013
- Certification of Achievement on Intellectual Property and Trade 4.0 2017, IP & IT Court
- Certification of Achievement on Insurance All Risk training 2017, Thai Insurance Institute
- Certification of Advanced Thai Arbitration Training Course (THAC) 2024

## **AREA OF PROFICIENCY**

- Litigation
  - Insurance Disputes
  - Intellectual Properties Disputes
  - Construction Disputes
  - Labour Disputes
  - Commercial Disputes
  - Criminal Disputes
  - Unfair Trade Practice Law Disputes
  - Consumer Protection and Unsafe Goods Disputes
- Negotiation & Mediation
- Corporate & Commercial Registration & Licensing
- Debt Collection and Enforcement
- Fraud Investigation

## **EXAMPLE OF CASES OR MATTERS**

### **International Trade and Intellectual Property Disputes**

- Defended a leading mobile phone company and a leading digital maps provider in civil and criminal lawsuits for copyright infringement of digital maps in Thailand;

- Represented a leading Japanese trader in international trade disputes related to defects found in a fiber optic cable;
- Acted as a counsel representing an international diamond trader in Thailand in a case filed by the biggest jewelry manufacturer in Hong Kong. The case involved multiple transactions between international suppliers, domestic suppliers, and domestic manufacturers; and
- Acted as a counsel representing a leading Thai wellness center in a lawsuit filed by a Singaporean architecture company under a turnkey construction agreement and service agreement for the biggest wellness center project in Thailand.
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### **Insurance Claims Disputes**

- Represented a leading global group of insurance companies in defending civil lawsuits resulting from compensation claims related to the political unrest that broke out in Bangkok in 2010 which led to damage in several locations around the city, including Central World & ZEN shopping plazas, The Stock Exchange of Thailand building, Center One Shopping Plaza, and Big C (Rajdamri Branch); – Acted as co-counsel in advising a leading Thai insurance company seeking to claim compensation from its re-insurers as a result of the political unrest in Bangkok in 2010 and flood in Thailand in 2011;
- Served as part of a litigation team representing a group of insurance companies in defending a third-party liability insurance policy and a trade credit insurance policy. The case was heard by the Office of the Insurance Commission, Thailand;
- Represented a vessel owner seeking to file a claim with its insurance company under a hull insurance policy. The matter involved the effect of a breach of warranty of seaworthiness and the classification of vessel under the Marine Insurance Act 1906; and
- Successfully assisted various insurance companies in filing claims against debtors and their insurers for debt recovery.

### **Criminal and Commercial Disputes**

- Acted as a counsel representing Japanese cars manufacturer and its affiliated leasing company in several civil and criminal disputes relating to dealers' breaching of whole sales contract and floor plan agreements and the issues in relation to fraudulent and embezzlement in Thailand;
- Acted as a counsel representing a group of international tapioca traders in several civil and criminal disputes relating to the explosion of a tapioca warehouse in Thailand;
- Acted as a counsel representing a petrol chemical factory in several criminal and civil disputes relating to the explosion of petrol chemical plant in Rayong province;
- Worked on a litigation team assisting a leading merchandise retailer to lodge an unfair competition and antidumping complaint;

- Participated as part of a team defending a leading German automobile company and Thai distributor in civil disputes related to product liability and defective automobile products;
- Successfully defending a leading Thai metal and steel manufacturer in civil disputes related to product liability and product defects;
- Acted as a counsel for an affiliated company of one of the world's largest integrated producers of polymers and fibers. The work involved filing complaints against Thai-Japanese warehouses and logistics companies in order to claim damages for wrongful acts and breach of contract;
- Acted as a counsel for a leading American aircraft manufacturing and operations company in a claim filed against its 3 commercial agents in Thailand for defamatory statements regarding services and alleged defects in aircraft provided to the Thai military;
- Provided advice to the one of largest national banks in Asia and banks in Thailand in relation to the evaluation and investigation of certain loans and credit facilities so as to identify any fraudulent complicated transactions between the lender, mortgagee, guarantors, and borrowers;
- Represent clients undergoing rehabilitation or business reorganization in Thailand;
- Acted as a counsel for multinational companies in Thailand in several commercial and criminal disputes relating to labour disputes in Thailand
- Represented secured lenders in relation to the enforcement of a pledge of listed shares in accordance with the rules of Thailand's Legal Execution Department; and
- Acted as co-lead counsel for a leading application provider in several civil and criminal disputes relating to public and private automobile services in Thailand