

date : 9th May 2012

email : infringement@bk.com.hk

reply to : Mr. Benny Kong/Ms. Karen Poon

our ref : 19179-C&D-HON/512

your ref :

BY POST & BY EMAIL (info@nbgiftexp.com)

Ningbo Plus Bright Electrical Co., Ltd
Room 1440-1441, Building 17
Jiuwu International Business Square No. 598
High-tech Area Ningbo
China

Dear Sirs,

**Re: Infringement of Copyright & Unfair Competition
Respondent: Ningbo Plus Bright Electrical Co., Ltd**



Infringing Product:

We act for Honwell Products (HK) Limited of Hong Kong.

Our client is the owner of the copyright subsisting in original artistic works in relation to the designs of the LED light product named “Wireless LED Task Light” with model no. H-620 (“our client’s Product”) and the reputation and goodwill in our client’s Product.

Photo featuring our client’s Product marked **Annexure A** is enclosed.

Our client is also the registered proprietor of the below registered designs (“the said Registered Designs”):-

- (A) no. 0802486.9M015 in the Hong Kong Registered Designs Registry; and
- (B) no. ZL 200630010675.0 in the State Intellectual property Office of the People’s Republic of China (SIPO).

Our client’s Product is manufactured in accordance to the said Registered Designs and/or one/ some of them.

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專利、商標及外觀設計註冊代理人
Agents for Patents, Trade Marks and Designs

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Foreign Lawyer	外地律師
Ada Wang	王燕中國律師



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9th May 2012

Ningbo Plus Bright Electrical Co., Ltd

It has come to our client's attention that you have been offering and/or exposing for sale product named "5LED PUSH LIGHT" with model no. PB85001 ("Infringing Product") which is reproduction or contains substantial reproductions of our client's Product.

In particular, you featured photograph of the Infringing Product at the following website as per the hyperlink described below:-

<http://www.nbgiftexp.com/enProductShow.asp?ID=534>

Screenshot featuring the Infringing Product marked **Annexure B** is enclosed for your reference.

Such unauthorized acts in dealing with the Infringing Product amount to infringement of copyright and unfair competition to which our client is entitled to institute Court proceedings against you for injunctions, orders for delivery up and disclosure, legal costs and damages.

To avoid litigation, you are demanded to **immediately stop** all dealings in and with the Infringing Product and to confirm within the next 14 days that you will comply with the followings:-

1. **Undertake** to stop all dealings in or with the Infringing Product and any product which are the reproductions or contain substantial reproductions of our client's Product in the future;
2. **Deliver** up to our client all items of the Infringing Product, together with any pamphlets, magazines or other advertising media relating thereto;
3. **Disclose**, by means of a Statutory Declaration, all of your dealings in or with the Infringing Product, including the names and addresses of the supplier and buyers of the Infringing Product; and exhibiting thereto all purchase documents, receipts and invoices relating to its dealings in or with the Infringing Product;
4. **Pay** to our client damages at such amount to be assessed by the Court, if not agreed; and
5. **Pay** to our client reasonable legal costs at such amount to be assessed by the Court, if not agreed.

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BENNY KONG & YEUNG SOLICITORS

 **江炳滔律師事務所**

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9th May 2012


Ningbo Plus Bright Electrical Co., Ltd

Our client will also require you to execute a Deed of Undertaking to the above effect.

Unless you forthwith stop dealing in or with the Infringing Product and confirm your acceptance to the above requests on or before 23th May 2012, we shall advise our client to institute Court proceedings against you for injunctions, orders for delivery up and disclosure, legal costs and damages without further notice.

A purported Chinese translation of this letter marked **Annexure C** is enclosed.

Yours faithfully,


BENNY KONG & YEUNG, Solicitors

Encl (Annexures A, B & C)

BK/hl

c.c. client

Annexure A
(Our client's Product)



Name: Wireless LED Task Light
Model no.: H-620

Annexure B

(The Infringing Product)

NINGBO PLUS BRIGHT ELECTRICAL CO., LTD
Add: Room 1440-1441,
No. 17 Building, Jiuyu Business Building,
No. 598 Jiangnan Road,
Ningbo, China
Tel.: +86 574 87915100
Fax: +86 574 87915101
E-mail: info@nbgiftexp.com

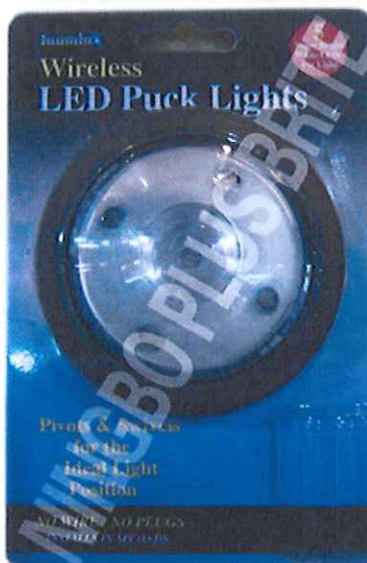
Products Center

- TV Product(Hot)
- Sensor light
- Solar Light
- Gift Items
- Household Flashlight
- Push Light
- Bicycle Light
- Camping Lantern
- Head Lamp
- Keychain Light
- Dynamo Flashlight
- Working Lamp
- Plastic Torch
- Tent Light
- Daily Item
- Spot Light
- Aluminum Torch



[Home](#) [Product Catalogue](#) [New&Hot Product](#) [Inquiry online](#) [Contact us](#) [News](#)

Product Details



Name: SLED PUSH LIGHT
Type: Push Light

No. : PB85001
Uptime: 2008-11-1

Specifications

USE 3AAA BATTERY
PACKING: DOUBLE BLISTER

[CLOSE](#)

[PRINT](#)

Annexure C

(Purported Chinese translation)

先生/女士：

有關： 侵犯版權及不公平競爭

答辯人：Ningbo Plus Bright Electrical Co., Ltd

本所代表 Honwell Products (HK) Limited。

本所客戶是一家世界知名製造和供應電子產品的公司，並擁有暢銷產品“Wireless LED Task Light”（“本所客戶產品”）版權。憑藉本所客戶廣泛及持續地推廣和銷售載有該等本所客戶產品，該等本所客戶產品已在國際上成功建立了良好的聲譽及商譽，世界聞名，包括香港和中國。

附件A本所客戶產品相片。

本所客戶產品於(1)中國申請外觀註冊的號碼為 ZL 200630010675.0; 及(2)香港申請外觀註冊的號碼為 0802486.9M015。

根據法例，本所客戶有權採取法律行動保護本所客戶產品。

本所客戶注意到 貴司持續推廣、提供及/或出售非常類似本所客戶產品（“有關侵權產品”）。

<http://www.nbgiftexp.com/enProductShow.asp?ID=534>

附件B侵權產品網頁。

在未經我所客戶授權情況下，貴司的有關行為已構成侵犯版權和/或不公平競爭。貴司在產品上使用有關侵權產品已經誤導公眾人士以為該等貨品為本所客戶所提供或在相當程度上與本所客戶有所關聯或以其他方式獲本所客戶認可，但事實並非如此。

貴司的行為已嚴重損害本所客戶的聲譽及商譽。

本所要求 貴司立即停止與有關侵權交易，並於14天內向本所確認並遵守以下五點要求：

1. 即時停止售賣、展示及藏有包含有關侵權商標的侵權產品。
2. 刪除有關侵權產品，連同所有相關廣告資料。
3. 承諾將會以法定聲明形式披露有關交易資料，其包括該侵權貨品的供應商及客戶身份及地址，並提供所有有關買賣侵權貨品的單據及發票等。
4. 承諾將會賠償本所客戶的有關損失，具體金額由法庭釐定。
5. 承諾將會賠償本所客戶之律師費，具體金額由法庭釐定。

5. 承諾將會賠償本所客戶之律師費，具體金額由法庭釐定。

本所客戶要求貴司就以上內容簽署一份《承諾書》。

本所相信貴司會同意上述條款，以避免不必要的訴訟。

如 貴司未能在2012年5月23日或之前承諾本所遵行上述要求，本所會建議本所客戶就

其一切相關損失針對貴司啓動法律程序，並向法院申請禁制令、送達命令、披露命令、訟費命令及損失命令等，並不再做出進一步通知。

本函內容一切以英文作準，附件C中文翻譯本僅供參考。

此致

江炳滔律師事務所
連附件（附件 A, B 及 C）
BK / hl
副件予客戶