



date : 13th June 2012

email : infringement@bk.com.hk

reply to : Mr. David Tsai / Ms. Karen Poon

our ref : 19434-C&D-HON/612

your ref :

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

香港告士打道160號
海外信託銀行大廈
19樓B室

19B, OTB Building
160 Gloucester Road
HongKong

BY POST & BY EMAIL (sales@kpcell.com) (han1weiwei@163.com)
(allenwsb@gmail.com)

Yuyao Jonshon Eletek Co., Ltd
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Ada Wang 王燕中國律師

Dear Sirs,

Re: Infringement of Copyright & Unfair Competition
Respondent: Yuyao Jonshon Eletek 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.

.../2



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13th June 2012

Yuyao Jonshon Eletek Co., Ltd

It has come to our client's attention that you have been offering and/or exposing for sale product named "5 LED touch light hand touch light" with model no. KNP-T-801-5L ("Infringing Product") which is a 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://kpcell.en.alibaba.com/product/526563643-212793032/5_LED_touch_light_hand_tou_h_light.html

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.

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

1. You undertake to stop dealing in or with the Infringing Product in the future.
2. You do deliver up to our client all items of Infringing Product, together with any pamphlets, magazines or other advertising media relating thereto.
3. You do 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 your dealings in or with the Infringing Product.
4. You will pay to our client damages at such amount to be assessed by the Court, if not agreed.
5. You will pay to our client costs at such amount to be assessed by the Court, if not agreed.

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

.../3

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13th June 2012
Yuyao Jonshon Eletek Co., Ltd

Unless you forthwith stop dealing in or with the Infringing Product and confirm your acceptance to the above requests on or before 27th June 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
Encl (Annexures A, B & C)
DT/hl
c.c. client

Annexure A
(Our client's Product)



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

Annexure B

(The Infringing Product)

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6th year

Yuyao Johnson Eletek Co., Ltd.

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送山

Yuyao Johnson Eletek Co., Ltd.
[Zhejiang, China (Mainland)]

A&V Checked

Add Company to Favorites

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Aluminum Torch [118]

LED Emergency Light [109]

Plastic Torch [168]

High Power Spotlight [70]

Headlamp [81]

Promotional lighting [128]

Power tools [4]

Caming Light [119]

Car Accessories [56]

LED Work Light [78]

Bicycle light [41]

UV Nail lamp [30]

Ungrouped [1]

Company Profile

Video Intro

Certificates

Quality Control

R&D

Management

Contact Person

 Mr. Toby Wu

Offline

View Contact Details



3 LED hand Crank torch



3 LED hand Crank torch



3 LED hand Crank torch with



3 LED hand Crank torch with



5 LED touch light hand touch



5 LED touch light table touch



3 LED hand Crank torch and

5 LED touch light hand touch light

Language Option



5 LED touch light hand touch light

Report Suspicious Activity

Add to My Favorites

Product Details:

Place of Origin	Zhejiang, China (Mainland)
Brand Name	Keen New Power
Model Number	KNP-T-801-5L
color	silvery

Payment & Shipping Terms:

Price:	FOB USD 0.6~1.2 / Piece Get Latest Price
Minimum Order Quantity:	1000 Piece/Pieces
Port	Ningbo
Packaging Details:	blister card
Delivery Time:	25-30days
Payment Terms:	T/T
Supply Ability:	100000 Piece/Pieces per Month

Mr. Toby Wu

Offline

Contact Supplier

Add to Inquiry Cart

Place Order

Buyer Protection
ensure your transaction safety

« Prev Product ... 22 23 24 25 26 27 28 ... Next Product »

Detailed Product Description

- hand touch light
- 1.LED hand crank
 - 2.touch light
 - 3.with clip can fix on chair or table

- hand touch light
- 1.color:silvery
 - 2.powered by 3AAA dry battery
 - 3.using 5super bright LED bulb
 - 4.usage: camping,hiking,charging.
 - 5.size :9*3cm
 - 6.press the surface of the light ,the light will be on
 7. with clip ,it can be fixed on table ,chair etc

Suggestions

Annexure C

(Purported Chinese translation)

先生/女士：

有關： 侵犯版權及不公平競爭

答辯人：Yuyao Jonshon Eletek 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”型號“H-620”(“本所客戶產品”)的版權。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)中國外觀設計註冊號碼為 ZL 200630010675.0; 及(2)香港外觀設計註冊的號碼為 0802486.9M015。

本所客戶產品是根據以上或其中之一的外觀設計所生產。

本所客戶注意到 貴司持續推廣、提供及/或出售產品“5 LED touch light hand touch light”型號“KNP-T-801-5L”(“侵權產品”)，是為本所客戶的產品的複製品或近乎與本所客戶的產品一樣的複製品。

特別是貴司在一個網站上載了侵權產品的照片，網址如下： -.

http://kpcell.en.alibaba.com/product/526563643-212793032/5_LED_touch_light_hand_tou_h_light.html

附件B附載了該些被上載的侵權產品的照片的網頁，供貴司參考。

此等未經准許的處理侵權產品的行為侵犯了本所客戶產品的版權及構成不公平競爭。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。本所的客戶有權對貴司提出訴訟，以申請禁制令、交付令及披露令、法律費用和賠償。

本所要求 貴司立即停止處理有關侵權產品，並於14天內向本所確認並遵守以下五點要求：

1. 承諾從此停止售賣、展示、藏有及處理有關侵權產品；
2. 交出所有侵權產品予本所的客戶，需連同任何有關小冊子、雜誌或其他與之相關的廣告媒體一併交出；

3. 披露(以法定聲明的方式)所有貴司與有關侵權產品的交易，包括供應商和買家的姓名和地址；以及展示所有與侵權產品有關的採購文件、收據和發票；
4. 賠償本所客戶的損失，如雙方未能就賠償金額作出協定,則交由法院評定金額;
和
5. 補償給本所客戶合理法律費用，如雙方未能就金額作出協定,則交由法院評定金額。

本所客戶要求貴司就以上內容簽署一份《承諾書》。

如 貴司未能在2012年6月27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啟動法律程序，並向法院申請禁制令、交付令、披露令、訟費及損失命令等，並不再另行通知。

本函內容一切以英文為準，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）
副件予客戶