



date : 9th April 2014

email : infringement@bk.com.hk

reply to : Mr. David Tsai/ Ms. Hedy Luk

our ref : 24816-C&D-HON/0214

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 EMAIL (raymondok@gmail.com)(godfrey1125@gmail.com)

Honwell Products (HK) Limited
Room 1522, Nan Fung Centre
264-298 Castle Peak Road
Tsuen Wan, Hong Kong

Attn: Mr. Raymond Lok

t : +852 2519 3567
f : +852 2519 3610
e : enquiry@bk.com.hk
w : www.bk.com.hk


Partners	合夥人
Benny Kong	江炳滔律師
David Tsai	蔡永杰律師

Associate Solicitor	
Eric Fung	馮念楷律師

Foreign Lawyer	外地律師
Ada Wang	王燕 中國律師

Dear Sirs,

Re: Copyright Infringement & Unfair Competition
Respondent: 宁波元彬进出口有限公司

Infringing Product: 

We refer to the above captioned and enclose you herewith the draft letter for your approval.

The causes of action that we advise you to claim against the above Respondent herein are copyright infringement and unfair competition. If you have the other relevant registration(s) in the country in which the above Respondent carries on the subject business, please advise.

We believe the attached draft is in order and await your comments thereon and/or instruction to engross and issue.

Yours faithfully,

BENNY KONG & YEUNG
DT/aw
Encl.

DRAFT

9th April 2014

infringement@bk.com.hk

Mr. David Tsai/ Ms. Hedy Luk

24816-C&D-HON/0214

BY POST & BY EMAIL (sales@tibour.com)

宁波元彬进出口有限公司
中国宁波市
联丰中路 488 号一平大厦 4 楼

Dear Sirs,
先生/女士:

Re: Copyright Infringement & Unfair Competition
侵犯版權及不公平競爭
Respondent: Ninghai Tibour Electric Co., Limited
答辯人: 宁波元彬进出口有限公司

Infringing Product 侵權產品: 

We act for Honwell Products (HK) Limited (“our client”).
本所代表漢威製品(香港)有限公司(“本所客戶”)。

Our client is the owner of the copyright subsisting in original artistic works in relation to the design of the LED light product named “Wireless LED ACCENT LIGHT” with model no. H-1060IR (“our client’s Product”) and the reputation and goodwill in our client’s Product.
本所客戶是產品 “Wireless LED ACCENT LIGHT” 型號 H-1060IR (“本所客戶產品”)的版權持有人，並擁有其產品成功建立的良好聲譽及商譽。

Our client is the registered proprietor of Registered Design, no. 0901496.0M001 in Hong Kong.
本所客戶是本所客戶產品的香港外觀設計註冊號碼 0901496.0M001 的註冊持有人。

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9th April 2014
宁波元彬进出口有限公司
Ninghai Tibour Electric Co., Limited

Photo featuring our client's Product marked **Annexure A** are enclosed.
請參閱附件A是本所客戶產品相片的複印本。

It has come to our client's attention that you have been offering and/or exposing for sale product named "12LED Motion Sensor Light" ("the Infringing Product") which is a reproduction or contains substantial reproductions of our client's Product.
本所客戶注意到 貴司持續推廣、提供及/或出售產品 "12LED Motion Sensor Light" ("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。

In particular, you featured photograph of the Infringing Product at a website as per the hyperlink described below:-
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://tibour.en.alibaba.com/product/321204574-211857218/12LED_Motion_Sensor_Light.html

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

Such unauthorized acts in dealing with the Infringing Product amount to copyright infringement and unfair competition which entitle our client to institute Court proceedings against you for injunctions, orders for delivery up and disclosure, legal costs and damages.
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。本所的客户有權對 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。

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9th April 2014

宁波元彬进出口有限公司

Ninghai Tibour Electric Co., Limited

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:-

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. You undertake to stop dealing in or with the Infringing Product in the future.
承諾從此停止展示及處理有關侵權產品；
2. You do deliver up to our client all items of Infringing Product, together with any pamphlets, magazines or other advertising media relating thereto.
交出所有侵權產品予本所的客户，需連同任何有關小冊子、雜誌或其他與之相關的媒體廣告一併交出；
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.
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. You will pay to our client damages at such amount to be assessed by the Court, if not agreed.
賠償本所客户的損失，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. You will pay to our client costs at such amount to be assessed by the Court, if not agreed.
補償給本所客户合理法律費用，如雙方未能就金額作出協定，則交由法院評定金額。

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9th April 2014
宁波元彬进出口有限公司
Ninghai Tibour Electric Co., Limited

Our client will also require you to execute a Deed of Undertaking to the above effect.
本所客戶要求 貴司就回應以上要求另外簽署一份《承諾書》。

Unless you forthwith stop dealing in or with the Infringing Product and confirm your acceptance to the above requests on or before **23rd April 2014**, 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.

如 貴司未能在**2014年4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，向法院申請禁制令、交付令、披露令、賠償訟費及損失等，並不另行通知。

Yours faithfully,
專此

BENNY KONG & YEUNG, Solicitors
江炳滔律師事務所
Encl (Annexures A & B)
連附件 (附件 A 及 B)
c.c. client
副件予客戶
DT/aw

Annexure A 附件 A

(Our client's Product 本所客戶產品)



Name 名稱: Wireless LED ACCENT LIGHT
Model no. 型號: H-1060IR

Annexure B 附件 B

(The Infringing Product 侵權產品)

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7th

Ninghai Tibour Electric Co., Ltd.

[Home](#) | [Product Categories](#) | [Company Profile](#) | [Contacts](#)

[Home](#) > [Product Categories](#) > [Sensor and Touch Light](#) > [Sensor light\(TB6\)](#) > **12LED Motion Sensor Light**

12LED Motion Sensor Light

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FOB Price: [Get Latest Price](#)
Port: ningbo
Minimum Order Quantity: 5000 Piece/Pieces
Payment Terms: LC, D/A, D/P, T/T, Western Union, MoneyGram

[Minisite Survey](#)

Mr. Jason Xia

Offline

[Contact Supplier](#)

[Start Order](#)

You Ma



[See larger image](#)

Verified Supplier | Ninghai Tibour Electric Co., Ltd.

[Zhejiang, China (Mainland)]

Business Type: Manufacturer

Onsite operations checked and legal status confirmed

Search products here

Product Showcase

Product Categories

- Flashlight
- Head Lamp
- Sensor and Touch Light
- Gift
- Camping Light
- Outdoor lamp
- solar light
- Work light
- A-Cleaning Products
- C-Home Products
- LED Bicycle Light
- Cabinet Light
- SpotLight
- As seen on TV
- Tool
- LED Lamps

Product Detail

[Report Suspicious Activity](#)

Quick Details

Place of Origin: Zhejiang, China (Mainland) | Model Number: TB6-1001A

Specifications

power: 2 LED, 3*1.5V AA
Material: ABS
angle of coverage: 90-105(degrees)

sensor distance: 2-3m
sensor time: 20-30s
Used in washroom, hotel, stair, corridor et.

Email to this supplier

From:

Enter email or Member ID.

To:

 Mr. Jason Xia
Offline

Message:

Message input area with up/down arrows.

Your message must be between 20-8000 characters

If this supplier doesn't contact me on 'message center' in 24 hours, I want Alibaba to recommend me more selected supplier. **AlISourcePro**

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