



date : 19th November 2012
email : infringement@bk.com.hk

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

reply to : Mr. David Tsai/Ms. Hedy Luk
our ref : 21166-C&D-HON/1112
your ref :

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 (ktang@honwell.com.hk) (raymondok@gmail.com)
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Honwell Products (HK) Limited
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Waylee Industrial Centre
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Tsuen Wan, Hong Kong

Partners	合夥人
Benny Kong	江炳滔律師
David Tsai	蔡永杰律師
Jennifer Chong	莊敬儀律師

Attn: Mr. Raymond Lok

Foreign Lawyer	外地律師
Ada Wang	王燕中國律師

Dear Sirs,

Re: Infringement of Copyright, Design Patent & Unfair Competition
Respondent: Ningbo Free Trade Zone Top International Co., Ltd
(宁波保税区极点国际贸易有限公司)



Infringing Product:

We refer to our letter dated 16th November 2012 and enclosed you herewith a draft cease and desist letter for your approval.

The causes of action that we advise you to claim against the above Respondent herein are copyright, design patent 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

Encl.
DT/hl

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DRAFT

19th November 2012

infringement@bk.com.hk

Mr. David Tsai/Ms. Hedy Luk

21166-C&D-HON/1112

BY POST & BY EMAIL (jason@ningbotop.com)(ningbotop@foxmail.com)

宁波保税区极点国际贸易有限公司
中国浙江
慈溪市兴和路
东兴苑北区 9 栋
604 室

Dear Sirs,

Re: Infringement of Copyright, Design Patent & Unfair Competition
侵犯版權、外觀專利及不公平競爭
Respondent: Ningbo Free Trade Zone Top International Co., Ltd
答辯人: 宁波保税区极点国际贸易有限公司



Infringing Product 侵權產品 :

We act for Honwell Products (HK) Limited of Hong Kong.
本所代表漢威製品（香港）有限公司。

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 Task Light” with model no. H-620 (“our client’s Product”) and the reputation and goodwill in our client’s Product.
本所客戶擁有產品“Wireless LED Task Light” 型號 H-620 (“本所客戶產品”)的設計版權，並擁有其成功建立的良好聲譽及商譽。

Our client is also the registered proprietor of the below registrations in Hong Kong and China (“the said Registration”):-
本所客戶產品的外觀設計已於香港及中國註冊:-

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宁波保税区极点国际贸易有限公司

- (A) Design Patent, no. ZL 200630010675.0 (“the said PRC Design”) in China; and
中國外觀專利註冊號碼為ZL 200630010675.0; 及
- (B) Registered Design, no. 0802486.9M015 in the Hong Kong Registered Designs
Registry.
香港外觀設計註冊號碼為 0802486.9M015。

A Photo featuring our client’s Product and the Official Record of the said PRC Design marked **Annexure A** are enclosed.

請參閱附件A是本所客戶產品相片及中國外觀設計註冊紀錄的複印本。

It came to our client’s attention that you have been offering and/or exposing for sale product named “touch 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 “touch 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://shop200911131101685582.en.china.cn/selling-leads/img_1101685587_1.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。

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Such unauthorized acts in dealing with the Infringing Product amount to infringement of copyright, design patent 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.

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、註冊外觀專利及構成不公平競爭。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。

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戶，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

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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。

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 **3rd December 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.

如 貴司未能在**2012年12月3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，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,
此致

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

BK/hl

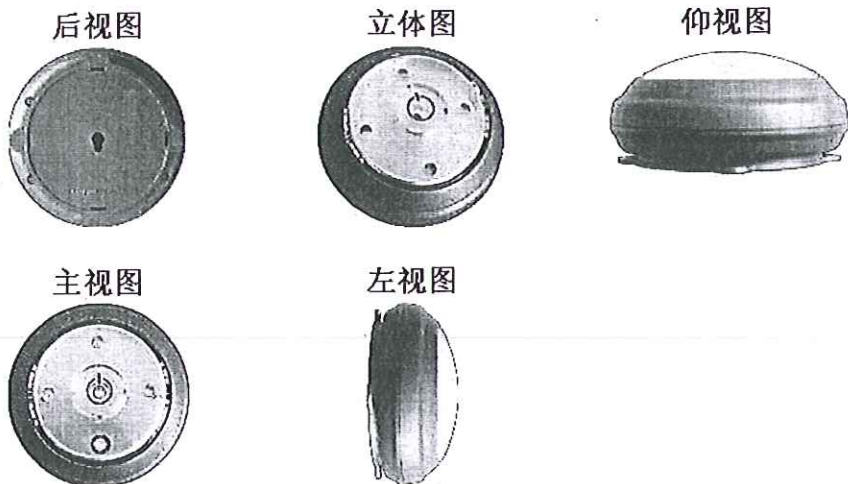
Annexure A 附件 A

(Our client's Product 本所客戶產品)



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

 中华人民共和国国家知识产权局 外观设计	
【申请号】	200630010675.0
【申请日】	2006.04.03
【名称】	发光二极管圆型灯(H-620)
【公开(公告)号】	CN3619427
【公开(公告)日】	2007.03.07
【主分类号】	26-05
【分案原申请号】	
【分类号】	26-05
【颁证日】	
【优先权】	
【申请(专利权)人】	汉威制品(香港)有限公司
【地址】	香港荃湾沙咀道11-19号达贸中心703及705室
【发明(设计)人】	邓江坚
【国际申请】	
【国际公布】	
【进入国家日期】	
【专利代理机构】	广州新诺专利商标事务有限公司
【代理人】	周端仪
【摘要】	俯视图与仰视图对称,右视图与左视图对称,省略俯视图、右视图。



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 共 5 张外观专利图形

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1. 点击每幅图片, 可以浏览图片的大图。
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Annexure B 附件 B

(The Infringing Product 侵權產品)



Home >Suppliers> Ningbo Free Trade Zone TOP International Trading Co., Ltd.>Selling Leads>>touch light

touch light



**Ningbo Free Trade Zone
TOP International
Trading Co., Ltd.**
Contact Person:
Mr. Dingfang Shi
Telephone:
86-574-81314440
Country/Region :
Zhejiang
Street Address :
North Part 3th Floor 161
Suntang South Road,
Cixi, Ningbo City,
Zhejiang Province, China

[Contact NOW](#)

Address: North Part 3th Floor 161 Suntang South Road, Cixi, Ningbo City, Zhejiang Province, China Telephone: 86-574-81314440 Mobile Phone: 86-13355903483

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Ningbo Free Trade Zone TOP International Trading Co., Ltd. Technical Support: China Suppliers