



date : 11<sup>th</sup> March 2013

email : [infringement@bk.com.hk](mailto:infringement@bk.com.hk)

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

our ref : 21834-C&D-HON/0213

your ref :

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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BY POST & BY EMAIL ([sales@hiking8.com](mailto:sales@hiking8.com))([tina@hiking8.com](mailto:tina@hiking8.com))

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Dear Sirs,  
先生/女士:

Re: Infringement of Copyright, Design Patent & Unfair Competition  
侵犯版權、外觀專利及不公平競爭  
Respondent: Hiking Electronic Co., Ltd.  
答辯人: 宁波市鄞州欧腾电器有限公司

Infringing Product 侵權產品:



We act for Honwell Products (HK) Limited.  
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”)的著作版權，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:-

.../2

-2-

11<sup>th</sup> March 2013

Hiking Electronic Co., Ltd.

宁波市鄞州欧腾电器有限公司

- (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(“中國外觀專利
- (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專利註冊紀錄的複印本。

It came to our client’s attention that you have been offering and/or exposing for sale product named “LED Track Lighting” (“the Infringing Product”) with model no. 62029B 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 “LED Track Lighting” 型號 62029B (“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://www.hiking8.com/products/LED-Track-Lighting-778005.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 infringement of copyright, design patent 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.

.../3

11<sup>th</sup> March 2013

Hiking Electronic Co., Ltd.

宁波市鄞州欧腾电器有限公司

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
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。

.../4

-4-

11<sup>th</sup> March 2013  
Hiking Electronic Co., Ltd.  
宁波市鄞州欧腾电器有限公司

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 **25<sup>th</sup> March 2013**, 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**2013年3月25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/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, 省略侧视图、右视图。



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 共 5 张外观专利图形

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注意事项

1. 点击每幅图片, 可以浏览图片的大图。
2. 用鼠标右键点击每幅图片, 可以进行图片的打印和保存。

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 ICP备案编号: 京ICP备05069085号

# **Annexure B 附件 B**

(The Infringing Product 侵權產品)



Professional Services,  
Innovation, Fast Delivery,  
Quality Superior, Improvements,  
Sincerity and Mutual Benefits

Search Products LED Track Lighting



Chocolate fountain



Electric Food processor



Popcorn Maker

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Product List

- chocolate dispenser **New!**
  - hot chocolate dispenser
- chocolate fountain **New!**
  - home chocolate fountain
  - commercial chocolate fountain
  - chocolate fountain desk
  - wine fountain
  - chocolate melting pot
- popcorn maker **New!**
  - oil popcorn maker
  - hot air popcorn maker
- cotton candy maker **New!**
  - Electric colton candy maker
- snack maker **New!**
  - Roti maker
  - cupcake maker
  - cake pop maker
  - pie maker
  - Pizza maker
  - waffle maker
  - donut maker
  - sandwich maker
  - brownie maker
- hot dog maker
  - hot dog roller
  - hot dog steamer
- ice cream maker
  - electric ice cream maker
- ice crusher **New!**
  - commercial ice crusher
  - ice snow maker
- yogurt maker
  - electric yogurt maker
- cheese grater
  - electric cheese grater
- food processor



LED Track Lighting



LED Track Lighting

Model No: 62029B  
Place of Origin: Zhejiang, China (Mainland)  
Light Source: LED  
Style: Others  
Material: Plastic  
Color: White  
Brand Name: hiking  
fuction: lighten

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LED Track Lighting Description

Payment & Shipping Terms		Supply Capacity	
Unit Price:	1.5~2.5 USD	Production Capacity:	50000PC/Month
Payment Term:	L/C, T/T	Packing:	color box
MOQ:	5000 Piece/Pieces	Delivery Date:	40days after get the...
Means of Transport:	Ocean		

Product Name: LED Track Lighting  
Item No: 62029B

Feature
9 super bright white LEDs, Last up to 100,000 hours

HiSupplier Online