

date : 25th June 2013

email : infringement@bk.com.hk

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

our ref : 22607-C&D-HON/0613

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
Flat A, 12th Floor
Waylee Industrial Centre
30-38 Tsuen King Circuit
Tsuen Wan, Hong Kong

Attn: Mr. Raymond Lok

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Jennifer Chong	莊敏儀律師
Foreign Lawyer	外地律師
Ada Wang	王燕中國律師

Dear Sirs,

Re: Copyright Infringement, Design Patent Infringement and Unfair Competition
Respondent: Ningbo Asia Leader Import & Export Co., Ltd.
(宁波亚丰进出口有限公司)



Infringing Products:

We refer to your instructions dated 20th June 2013 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, unfair competition/passing off and/or design patent infringement. 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

Z:\M-Department\C&D\Letters\13287-Honwell\22607-Asia Leader.docx

DRAFT

25th June 2013

infringement@bk.com.hk

Mr. David Tsai/Ms. Hedy Luk

22607-C&D-HON/0613

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

宁波亚丰进出口有限公司
中国浙江省宁波市
镇海区泰康中路 468 号
1401 室

Dear Sirs,
先生/女士:

Re: Copyright Infringement, Design Patent Infringement and Unfair Competition
侵犯版權、外觀專利侵權及不公平競爭
Respondent: Ningbo Asia Leader Import & Export Co., Ltd.
答辯人: 宁波亚丰进出口有限公司



Infringing Products 侵權產品:

We act for Honwell Products (HK) Limited of Hong Kong (“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 products named “Wireless LED Accent light” with model no. H-1060M (“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-1060M（“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 also the registered proprietor of the below registrations in China and Hong Kong:-
本所客戶是本所客戶產品於中國及香港註冊外觀設計持有人:-

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25th June 2013

Ningbo Asia Leader Import & Export Co., Ltd.
宁波亚丰进出口有限公司

- (A) Design Patent, no. ZL 200930207463.5 (“the PRC Design”) in China; and
中國外觀專利註冊號碼為ZL 200930207463.5 (“中國外觀專利”);及
- (B) Registered Design, no. 0901496.0M001 in Hong Kong.
香港外觀設計註冊號碼為 0901496.0M001。

Photo featuring our client’s Product and the Official Record of the 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 products named “New Design Motion Sensor Light Bulb” (“the Infringing Products”) which are reproductions or contain substantial reproductions of our client’s Products.
本所客戶注意到 貴司持續推廣、提供及/或出售產品 “New Design Motion Sensor Light Bulb”(“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 photographs of the Infringing Products at a website as per the hyperlink (“the Infringing Webpage”) described below:-
特別是貴司在以下網站上載了侵權產品的照片，網址如下： -.

http://nbexporter.en.alibaba.com/product/841721884-214355324/New_Design_Motion_Sensor_Light_Bulb.html

Screenshot featuring the Infringing Products 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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25th June 2013

Ningbo Asia Leader Import & Export Co., Ltd.
宁波亚丰进出口有限公司

Such unauthorized acts in dealing with the Infringing Products may amount to copyright infringement, design patent 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、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 Products and to confirm with us within the next **14 days** that you will comply with the followings:-

本所要求貴司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 Products 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 Products, 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 Products, including the names and addresses of the supplier and buyers of the Infringing Products; and exhibiting thereto all purchase documents, receipts and invoices relating to your dealings in or with the Infringing Products.
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；

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25th June 2013

Ningbo Asia Leader Import & Export Co., Ltd.
宁波亚丰进出口有限公司

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。

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 Products and confirm your acceptance to the above requests on or before **9th July 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7月9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,
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)



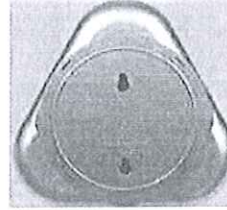
Name 名稱: Wireless LED under Accent Light
Model no. 型號: H-1060M

 中华人民共和国国家知识产权局 外观设计	
【申请号】	200930207463.5
【申请日】	2009.08.20
【名称】	三角形LED灯(H-1060)
【公开(公告)号】	CN301239710S
【公开(公告)日】	2010.05.26
【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】	中国香港新界荃湾荃景围30-38号汇利工业中心12字楼A座
【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所有 限公司 44100
【代理人】	周端仪
【摘要】	

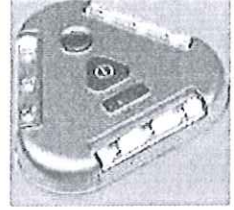
俯视图



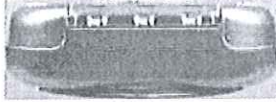
后视图



使用状态参考图



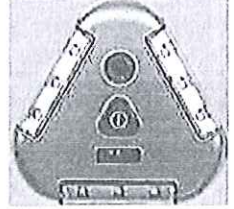
仰视图



右视图



主视图



左视图



[首页](#) [上页](#) [下页](#) [尾页](#) 共 7 张外观专利图形

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注意事项

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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)

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Verified Supplier | Ningbo Asia Leader Import & Export Co., Ltd.

[Zhejiang, China (Mainland)]

Business Type: Trading Company

Main Markets: North America 30.33%, Northern Europe 28.44%, Western Europe 25.59%

Comprehensive capabilities verified by [Bureau Veritas](#)

Facilities onsite checked

New Design Motion Sensor Light Bulb



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FOB Price: US \$ 2 - 5 / Piece | [Get Latest Price](#)

Port: Ningbo/Shanghai

Minimum Order Quantity: 1000 Piece/Pieces

Supply Ability: 50000 Piece/Pieces per Month

Payment Terms: L/C, D/P, T/T, Western Union

[Ms. Connie Shen](#)

Offline

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Product Detail

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Quick Details

Light Source: LED	Item Type: Tube Lights	LED Light Source: 9LED
Warranty(Years): 2	Input Voltage(V): 220	Lamp Luminous Flux(lm): 18
Working Lifetime(Hour): 200	Lamp Body Material: ABS	IP Rating: IP67
Certification: CCC, CE, CQC, GS, RoHS, REACH	Place of Origin: China (Mainland)	Brand Name: ASIA LEADER
	Model Number: BT-3816	

Packaging & Delivery

Packaging Details:	color box
Delivery Detail:	25 days

Specifications

- 1.Power:3*AAA battery
- 2.9LED
- 3.With sensor
- 4.Material:ABS
- 5.Easy to use

Specifications

1. Induction way: famous infrared sensors with double window, large diameter
2. Sensing: built-in light sensor, temperature compensation devices
3. When movement is detected and Turns off automatically after 20-25 seconds if no motion is detected
4. Has an adjustable Direction LED that allows You to Aim the Light at the perfect Angle
5. Can be used as flashlight, bedside lamp and at the time of power cuts

Product Details:

Product Name	New Design Motion Sensor Light Bulb
Item No.	BT-3816
Size	85*85*35mm
Bulb	9 LED