



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

DATE : 12th September 2011
OUR REF : 13287-L/BK/B/126-auda
YOUR REF :
REPLY TO : Ms. Jennifer Chong/ Ms. Elsie Lau
EMAIL : elsielau@bk.com.hk

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**BY POST BY FAX (86-574-87423836) BY EMAIL (martin@audapromo.com;
sales@audapromo.com; mahuating2006@hotmail.com)**

Ninghai Auda Commodity Manufactory
Room 706, LiSi Business Building,
Ningbo Southern Business District,
Ningbo, Zhejiang,
China 315153

Attn: Mr. Laker Xu/ Martin

Dear Sir:

Re: Infringement of Copyright
Respondent: Ninghai Auda Commodity Manufactory

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 its popular magnifier product named "3X / 5X LED Magnifier" with model no. H-679 ("our client's Product"). Our Client has the right to take legal action to protect the said copyright which is protected under the laws in various countries of the World, including PRC and Hong Kong.

A copy of the photograph featuring our client's Product marked **Annexure** is enclosed.

Our client is also the registered proprietor of the design of our client's Product registered in the State Intellectual Property Office of the PRC with registration no. ZL200930211133.3 ("the PRC Registered Design"). Our client has the right to take legal action to protect the PRC Registered Design which is also protected under the laws in PRC.

The PRC Registered Design is applied to our client's Product. The rights and privileges conferred in respect of the PRC Registered Design are valid and subsisting.

It has come to our client's attention that you are promoting, offering and/or exposing for a magnifier products ("the Infringing Products"), which are reproductions or contain substantial reproduction of our client's Product.

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Ninghai Auda Commodity Manufactory

In particular, you featured photograph of the Infringing Products at your websites, as per the hyperlinks listed below, as follows:-

1. http://www.alibaba.com/product-gs/210979042/plastic_led_magnifier.html;
2. http://www.alibaba.com/product-gs/441273802/led_light_card_magnifier.html;
3. http://www.alibaba.com/product-gs/441250718/led_card_magnifier.html;
4. http://audapromo.en.alibaba.com/product/210979042-200231233/plastic_led_magnifier.html;
5. http://audapromo.en.alibaba.com/product/441273802-212712134/led_light_card_magnifier.html;
6. http://audapromo.en.alibaba.com/product/441250718-212712134/led_card_magnifier.html; and
7. <http://www.audapromo.com/openwin.php?id=2687>

By such unauthorized acts in dealing with the Infringing Products, you have infringed our client's copyright. You are demanded to immediately stop all dealings in and with the Infringing Products and to confirm that you will comply with the following:-

1. **Forthwith cease** all offer and/or exposure for sale and/or possession or howsoever any dealings in or with the Infringing Products.
2. You undertake to stop dealing in or with the Infringing Products in the future.
3. You do deliver up to our client all items of Infringing Products, together with any pamphlets, magazines or other advertising media relating thereto.
4. You do disclose, by means of a Statutory Declaration, all of your dealings in or with the Infringing Products, including the name and address of the supplier(s) of the Infringing Products; and exhibiting thereto all purchase documents, receipts and invoices relating to your dealings in or with the Infringing Products.
5. You will pay to our client damages at such amount to be assessed by the court, if not agreed.
6. 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.

We trust you will agree to the above terms to avoid unnecessary litigation. If we do not receive your confirmation that you will comply with the above terms **on or before 22nd September 2011**, our client will appoint PRC attorneys to institute Court proceedings against you without further notice for injunctions, orders for delivery up, disclosure, legal costs and damages to compensate our client's losses.

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Ninghai Auda Commodity Manufactory

If you have any questions, please contact our Ms. Elsie Lau at (+852) 2519 3567.

如對以上有任何問題，請與本行劉小姐聯絡 (電話 +852-2519-3567)。

Yours faithfully,

BK + Y

Benny Kong & Yeung, Solicitors
Encl
JC/el
c.c. client

Annexure

Our client's Product named "3X / 5X LED Magnifier" with

model no. H-679

