

Please quote our reference when replying

OUR REF : KS/SSR/166/15

YOUR REF : NATADS/ID&UI/WARNING

DIRECT EMAIL : sri@kandiahandsri.com
steven@kandiahandsri.com
nicole@kandiahandsri.com

FAX NO. : 03 – 8073 2688

15 May 2015

Mahel Naidu & Associates
F-3-16, IOI Boulevard
Jalan Kenari 5, Bandar Puchong Jaya
47170 Puchong, Selangor.

WITHOUT PREJUDICE

BY FAX & POST

Dear Sirs,

Re: Alleged Infringement of Industrial Design and Unregistered Utility Innovation

We refer to the matter above wherein we act for V2 Innovates Sdn Bhd (“our Client”).

We have been instructed by our Client to respond to your letter dated 28.4.2015 as follows:

- (i) Our Client strenuously denies each and every averment in your said letter and your client is put to strict proof thereof.
- (ii) We also note that you are not a law firm registered or recognized under the Legal Profession Act, and as such your act in issuing a legal demand letter to our Client is an illegal act. In this regard, our Client reserves its rights fully including lodging a report with the relevant authorities for further action to be taken against your firm.

Alleged Industrial Design Infringement

- (iii) Our Client contends and will contend that your client’s industrial design registration No. MY-13-01817-0101 should be revoked or struck off the Register of Industrial Designs for the following grounds:-
 - (a) the said “Vehicle Display Panel” design is not novel in the world as at the date of your application i.e. 13.12.2013 as the said panel has already been widely used worldwide in particular in countries such as New Zealand and Australia as early as 2012;
 - (b) the said “Vehicle Display Panel” design consists of shapes and configurations which are common and does not have any inherent aesthetic features. In fact, the

said "Vehicle Display Panel" design consists of a common rectangle which is not to be monopolized by any individual;

- (c) the curved area of the "Vehicle Display Panel" design has a functional purpose in that it is meant to fit in with the rear of vehicles carrying the said panel, and is not meant to provide any aesthetic value; and / or
- (d) our Client had in fact conceived the design earlier and submitted a design for a rectangular display panel to JPJ for approval in 21.05.2012 which predates your application in December 2013. As such, if at all, our Client is the first designer of the said design in Malaysia and not you as alleged.
- (iv) In any event, our Client also contends that the panel used for its advertisement panels is **DISTINCTIVELY AND VISUALLY DIFFERENT** from the "Vehicle Display Panel" design in the No. MY-13-01817-0101 registration.
- (v) **As such, we have been instructed by our Client to file rectification proceedings at the High Court to cancel your client's said Industrial Design Registration and will be serving the relevant cause papers on your client shortly.**

Utility Innovation Infringement

- (vi) As stated clearly in your very own letter, the said utility innovation application No. UI2013004510 is still **pending** and has yet to be registered. Therefore, your client has no legal right at all at this stage and the act of issuing a legal demand letter is malicious, potentially defamatory and tantamount to an unlawful threat against our client.

Unlawful Interference with Trade

- (vii) It has also recently come to our client's attention that your client has been issuing letters to our Client's customers threatening them with legal action for using or engaging our Client's services. This tantamount to unlawful interference with our Client's legitimate trade, and is potentially defamatory as well. Your client is again reminded that our Client has reiterated numerous times that our client's advertising panels **are distinctively and visually different** to that from yours. Your client's acts of issuing threat against our Client's customers without obtaining any Court order or without establishing liability on our Client's part is a serious misconduct and malicious.
- (viii) Our Client has also received feedback from its taxi drivers that our Client's taxi panels are being forcefully removed or destroyed by persons suspected to be affiliated to your client. In this regard, our Client has lodged a police report and a copy of the same is enclosed herewith for your attention.

We hereby put you on **NOTICE** to refrain and cease from issuing any further baseless threats to our Client and/or their customers failing which we have instructions to take all necessary actions to protect our Client's rights forthwith without further notice to you.

In the meantime, our Client's rights are expressly and fully reserved.

Yours faithfully,



kandiah&sri

Encl



POLIS DIRAJA MALAYSIA

REPOT POLIS

Balai : CHERAS
Daerah : CHERAS
Kontinjen : KUALA LUMPUR
No Repot : CHERAS/008695/15
Tarikh : 08/05/2015
Waktu : 1238 PM
Bahasa Diterima : B. Malaysia

Butir-butir Penerima Repot

Nama : ZURAIDAH BT SAMSUDIN
No Personel : R136959
Pangkat : KPL
Butir-butir Jurubahasa (Jika Ada)
Nama : ---
No K/P (Baru) : ---
No Polis/Tentera : ---
No Paspot : ---
Bahasa Asal : ---
Alamat : ---

Butir-butir Pengadu

Nama : VELANTHIRAN A/L SUPPERMANIAM
No K/P (Baru) : 730726145335
No Polis/Tentera : ---
No Paspot : ---
No Sijil Beranak : ---
Jantina : Lelaki
Tarikh Lahir : 26/07/1973
Umur : 41 tahun 9 bulan
Keturunan : India
Warganegara : Malaysia
Pekerjaan : PENGARAH SYARIKAT
Alamat Tempat Tinggal : F -10-2 PANTAI HILL PARK FASA 1 JALAN PANTAI DALAM 59200 KUALA LUMPUR.
Alamat Ibu/Bapa : ---
Alamat Pejabat : ---
No Tel (Rumah) : ---
No Tel (Pejabat) : ---
No Tel (HP) : 012-3818703

Pengadu Menyatakan:-

DI SALIN DARI KERTAS PUTIH

SAYA VELANTHIRAN A/L SUPPERMANIAM (KPT : 730726-14-5335) SEORANG PENGARAH SYARIKAT V2 INNOVATES SDN.BHD. SYARIKAT KAMI TERLIBAT DALAM PENGIKLANAN PADA BAHAGIAN TEKSI, SYARIKAT KAMI TELAH MENCIPTA SEBUAH PAPAN IKLAN YANG DI BUAT DARIPADA FIBERGLASS YANG DI PASANG BAHAGIAN BELAKANG TEKSI UNTUK TUJUAN PENGIKLANAN.

PAPAN IKLAN TERSEBUT MEMPUNYAI KELULUSAN DARIPADA PIHAK JPJ DAN PAPAN TERSEBUT TELAH DIDAFTRAR DENGAN PIHAK PERBADANAN INTELEK MALAYSIA (MYIPO) UNTUK CIPTAAN PAPAN IKLAN.

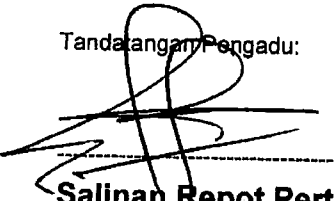
PADA 3 APRIL 2015 JAM L/KURANG 11.30 PAGI PEKERJA-PEKERJA SAYA NAMPAK 3 ORANG TEMPATAN MEMASUKI KE STESEN PETRONAS NGV DI COCHRANE DAN CUBA MENANGGALKAN PAPAN IKLAN MILIK KAMI, DARIPADA TEKSI YANG PENDAFTARAN HWE 4899 DAN CUBA MEROSAKAN PAPAN IKLAN HAL MILIK SYARIKAT KAMI.

KAMI JUGA MENJUMPAI BEBERAPA PAPAN IKLAN MILIK SYARIKAT KAMI DI TEPI JALAN SEKITAR JALAN COCHRANE SEBELAH PETRONAS NGV TERSEBUT DAN JUGA DI STESEN PETRONAS NGV IN BANGSAR DI DALAM KEADAAN ROSAK DAN PECAH.

SYARIKAT KAMI MENGSYAKI INI KEMUNGKINAN BESAR TINDAKAN DARI SYARIKAT PESAING KAMI YANG LAIN, YANG CEMBURU DENGAN CIPTAAN KAMI DAN DENGAN SENGAJA CUBA MEROSAKKAN HARTA BENDA MILIK SYARIKAT KAMI YANG BERNILAI RM300/- SETIAP SATU UNIT, KAMI JUGA BIMBANG KEJADIAN YANG LEBIH LAMPAU DAN BAHAYA SEPERTI ANCAMAN TERHADAP PEMANDU-PEMANDU TEKSI YANG MEMASANG PAPAN IKLAN KAMI BAKAL BERLAKU JIKA TINDAKAN TIDAK DI AMBIL UNTUK MENYISAT KES INI.

TUJUAN SAYA MEMBUAT LAPORAN POLIS SUPAYA KAMI BOLEH MENGAMBIL TINDAKAN PEGUAM KELAK. SEKIAN LAPORAN SAYA.

Tandatangan Pengadu:



Salinan Repot Pertama

Tandatangan Jurubahasa(Jika ada) :

Tandatangan Penerima Repot:

