

Please quote our reference when replying

OUR REF : KS/SSR/166/14
DIRECT EMAIL : sri@kandiahandsri.com
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YOUR REF :
FAX NO : 03 5636 0072

13 November 2014

WITHOUT PREJUDICE

Mr Anthony Kiu
c/o Natads Dagangan Sdn Bhd
No 38-A, Jalan USJ 10/1B
Taipan Triangle
47620 Subang Jaya
Selangor

BY FAX & AIR REGISTERED POST

Dear Sirs,

Re: Alleged Infringement of Malaysian Industrial Design No.: 13-01817-0101 by V2 Innovates Sdn Bhd

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 undated letter sent to our Client vide email on 3 11 2014 and vide courier on 10.11.2014 as follows:-

- (i) Our Client strenuously denies each and every averment in your said letter and you are put to strict proof thereof
- (ii) In particular, our Client has conducted checks at the Malaysian Intellectual Property Office database and note that while you have filed an application to register a design for "Vehicle Display Panel" vide application No 13-01817-0101, the said application has yet to be registered to date. As such, your claim that you are the registered proprietor of the said design in Malaysia is **false and premature**
- (iii) In view thereof, your conduct of issuing a demand to our Client and copying the said letter to one of our client, Zalora Malaysia, even though your letter itself was marked "private and confidential" and "for the addressee only", putting forward allegations which were **false and premature**, is highly prejudicial and mischievous, and tantamount to unlawful interference of our Client's trade and / or defamation. In this regard, our Client reserves its right to pursue legal recourse against you to the fullest extent

- (iv) Our Client has also modified its final design which is pending approval from the Road Transport Department ("JPJ") and other relevant authorities which is substantially different from your alleged design. As such, take this as a **NOTICE** to you that if you proceed to issue any further baseless threats to us or our customers, we will not hesitate to pursue legal recourse against you without further notice to you and you shall be liable for any costs and damages associated therewith.
- (v) Even assuming your said design proceeds to registration at a later stage, our Client contends and will contend that the design should be revoked or struck off the Register of Industrial Designs for the following grounds, and will take all necessary steps to do so if you proceed with your baseless threat of litigation:-
- (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.
- (vi) In any event, our Client also contends that the panel used for its Zalora advertisement panels is substantially different from the "Vehicle Display Panel" design in the No. 13-01817-0101 application in that there is a specific opening in our Client's panel for purposes of displaying the vehicle number on the panel itself.
- (vii) It has also come to our attention that you have yet to obtain any form of approval from JPJ and / or the Malaysian Institute of Road Safety Research ("MIROS") for your said "Vehicle Display Panel" design and yet despite this, have started commercializing the same on the road. In other words, you and/or your company is acting illegally by proceeding with commercialization of the vehicle display panels on taxis without the proper safety approval and permit. Our Client views this very seriously and will lodge the necessary reports with the relevant agencies on the same.

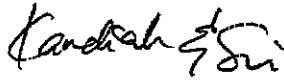
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Advocates and Solicitors

We trust that you will refrain and cease from issuing any further baseless threats to our Client and/or their customers

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

Yours faithfully,



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