



To, Lam & Co.
Solicitors

杜林律師事務所

Units 1503B-04, 15th Floor, Wing On House
71 Des Voeux Road Central, Hong Kong
Telephone : (852) 2625 9001
Facsimile : (852) 2625 9091

香港中環德輔道中71號永安集團大廈
15字樓1503B至1504室

電話 : (852) 2625 9001
傳真 : (852) 2625 9091

Partners: Terence K. H. To Bruce W. W. Lam
 B.Soc.Sc.(Hons), LL.B(Hons) LL.B.(Hons)

合夥人:
杜幹雄律師 林永和律師

Your Ref :

Date : 30th August 2022

Our Ref : BL/5674-0822/BL

Engineering Survey and Geophysics Limited

BY POST

Room 20B
6/F Block B
Focal Industrial Centre
No.21 Man Lok Street
Hung Hom, Kowloon
Hong Kong

Dear Sir

Passing off, infringement of copyright and misappropriation of trade secrets
Invasion of goodwill of Engineering Surveys Limited

We act for Engineering Surveys Limited, a Hong Kong company incorporated for over 20 years and having since been carrying on the business of providing survey services to Construction, Marine and Building industries including inter alia Hydrographic and Geophysical Surveys. It has acquired a valuable goodwill in its company name for such services professionally well regarded in the industries.

Needless to say, all findings, images, survey analyses, technical algorithms used, adopted or embodied in any of our client's reports tendered for its clients as well as those contained in our client's internal files and business records are important assets of our client. Furthermore, past records of projects that have been undertaken by our client form one of the most valuable assets associated with our client's goodwill.

We are however given to understand that you have unlawfully committed against our client the tort of passing off, infringement of copyright and misappropriation of trade secrets, perpetrated through a series of wrongful deeds including those as more particularly described as follows:-

1. Zhang Weibiao (also known as James Zhang)("James"), LIU Jiajie (also known as

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Jaden Liu)(“Jaden”) and Tang Zhaoqian (also known as Tina Tang)(“Tina”) are the majority shareholders of your company. James and Jaden are also directors of your company and Tina was too a director until last month.

2. They were our client’s former staff until respectively August, July and July 2021.
3. You were incorporated in May 2021 and deliberately chose to adopt as your name “Engineering Survey and Geophysics Limited” which so closely resembles our client’s name “Engineering Surveys Limited” as to cause confusion to the public as if you were associated with or having connection with our client, and thereby, appropriating our client’s goodwill so associated.
4. You distribute your company’s profile flyers containing images, data analyses and technical references belonging to our client, in serious violation of the copyright law and misappropriation of our client’s trade secrets. By including in your company’s profile flyers such images, analyses and references, some of which had been provided by ours to its clients, you also wrongfully cause misrepresentation and confusion to mislead some if not all the readers to believe as if you were the author possessing the ownership and the knowledge in respect of such images, data analyses and technical references or had any connection with our client.
5. Your company’s profile flyers also refer to what you title as “Project History (team in charge of)” in enumerating a list of projects which were indeed undertaken by our client to the exclusion of you. Indeed, such a “History” in your company’s profile is a blatant lie given that you were only incorporated in May 2021 well after many of those projects had already been in place.
6. We do note that you apparently may be trying to qualify your “History” by suffixing to it “(team in charge of)”. However, you have no right to make reference to our client’s team and by doing so, you falsely misrepresent (i) to the readers of the flyers as if our client and all its team members endorse your “History” and (ii) to the clients of those listed contracts as if you were indeed the one who carried out such project works, which is a downright falsehood.
7. In fact, our client has solid evidence that at least one of its clients had made business enquiry through email with you after having been misled to believe that you and our client had been within the same company group.

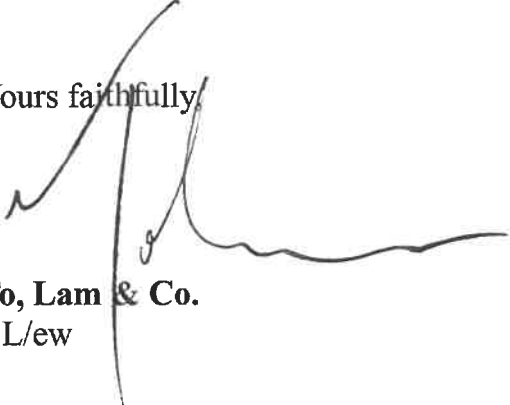
30th August 2022
Engineering Survey and Geophysics Limited

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Notice is hereby given to you that you are demanded to confirm within SEVEN days from the date of this letter in writing to us (i) your admission of your wrongful acts of passing off, infringement of our client's copyright and misappropriation of our client's trade secrets; (ii) your undertaking to cease keeping, making use of or reference to our client's materials including without limitation those images, data analyses, technical algorithms and project records belonging to our client, in any of your flyers or promotional materials and (iii) a proposed remedial plan (including a change of your name) for clarifying the misrepresentation that you have caused to any party (including all recipients of your profile flyers) for our consideration.

Meanwhile, all our client's rights are reserved.

Yours faithfully,


To, Lam & Co.
BL/ew