



致各位讀者，

本人2006年在大福工作期間構思了『期權循環圖』，當時的初版名為『富民期權圖』，並於同年已在香港工業總會作存放登記。這些年來也有一些個人及網站使用該圖，但只要說明是來源於“香港期權教室”，本人非常樂意，因為能被公眾廣泛使用正是創作此圖的意義所在。

筆者相信 Jason at Work 很可能也是期權教室的學員，因為 Jason 是欣賞及理解『期權循環圖』。但香港是教育程度較高的國際化城市，尊重版權應該是公認的社會價值。

Jason at Work 的侵權個案是由一位教室學員去年向教室舉報，此案經香港工業總會投訴的過程頗長，該學員的電郵在本人更換電腦時遺失，若該學員見字，敬請通知教室，本人理當面謝！

楊名遠律師行發給 Facebook 的信件各位隨附件可見，此信的中文翻譯得到教室學員，律政從業員 Alice Kung 的協助，本人在此鳴謝！

杜嘯鴻
20160403

（以下是楊名遠律師行的原文及其中文翻譯）

We act for HKMC Investment Limited trading as HK Option Class 香港期權教室 (Copy of our client's Business Registration Certificate is attached as [Attachment A](#)) and are instructed to bring to your notice incident of the Facebook User and at the Facebook Page infringing our client's copyright.

我們代表香港期權教室(附上客戶商業登記證明副本為附件A)，並委托我們通知貴司有關上述 Facebook用戶及其在Facebook頁面侵犯我們客戶版權。

Our client is the author and owner of certain original copyright work, namely a graphic illustration of the cycle in buying and selling of Option in diagram form together with literal contents describing the same named “期權循環圖 Cycle Option” (“Work”). Copy of the Work is attached as [Attachment B](#).

我們客戶是該原創版權作品的作者和擁有人，亦即以圖形圖示及配合文字的方法說明買賣期權產品的循環方法，該圖形與文字內容描述命名為“期權循環圖 Cycle Option”（“作品”）。附上作品復印為附件B。



The Work was created in about 2006 and has since been published through various channels including:-

作品於2006年創造，並一直以來以各種渠道形式發表。
包括：

- a. different local newspapers (including Apple Daily 蘋果日報 and Hong Kong Economic Journal 信報 in 2008, 2011 and 2015 ; copy newspapers cutting attached as Attachment C.)
- a. 不同的香港本地報章(包括蘋果日報和2008年, 2011年及2015年香港信報; 附上剪報復印為附件C)
- b. book entitled 《期權 Long and Short》 written by our client, 1st local edition published in 2009 and the latest local 6th edition published in 2015. In addition, Taiwanese version was published in 2016 (copy extract of those books attached as Attachment D)
- b. 書名《期權 Long & Short》由我們客戶撰寫，本地首版於2009年出版，最新本地第6版於2015年出版。此外，台灣版於2016年出版（附上書本摘錄復印為附件D)
- c. trade fair such as Hong Kong Book Fair in 2009 and 2015 in the form of the said book mentioned in (b) above (copy photos taken at the said fair attached as Attachment E). For that reason, members of the public in Hong Kong would have access to the Work.
- C. 書展，如於2009年及2015年，以上述(b)所提及書本參展香港書展（附上此書本參展該書展時所拍的照片復印為附件E）。因此，香港公眾已有機會接觸到作品。

In the premises, copyright subsists in the Work and our client is the author and owner of the same. Our client is therefore entitled to copyright protection under the Copyright Ordinance, Cap. 528, Laws of Hong Kong, which legal rights are extended to many parts of the world, including the U.S.A., by operation of the Berne Convention.

由此而見，版權存續於作品，而我們客戶是作品的作者及擁有人，因此，我們客戶應該享有香港法律第528章《版權條例》內的版權保護權利，而該法律權利從通過《伯爾尼公約》操作而延伸至世界許多地區，包括美國。

Our client recently found out the Facebook User has, without our client's consent, copied the Work and posted the unauthorized work on the Facebook Page as his page photo. Copy screen captures of the said page are attached as Attachment F.

我們客戶最近發現上述Facebook 用戶在未獲我們客戶的允許下復制作品，並張貼未經客戶授權之作品於其Facebook頁面作為頁面照片。附上該頁面截圖為附件F。



We have compared the Work and the unauthorized work and attach the same as

[Attachment G](#) for your easy reference. We are instructed to bring to your notice that:

我們比較了**作品**及未經授權張貼於其Facebook用戶頁面之**作品**，為方便貴司參考而附上該未經授權**作品**為附件G。我們受托提請貴司關注以下問題：

- in relation to the literal contents of the Work which we have highlighted, the respective highlighted corresponding contents of the authorized work are verbatim copies of the same.
- 針對**作品**之文字內容，我們用銀光筆強調的地方可見，是逐字照抄**作品**。
- in relation to the graphic elements of the Work, the same type of arrows are being adopted in the unauthorized work and placed in the exact quarter as in the Work alongside the copied contents referred to above.
- 針對**作品**之圖形元素，未經授權**作品**採用同一類型的箭頭，並如**作品**一樣放置於同樣的等邊4部份，並模仿如上所述文字內容。

In support of the complaint, we attach as [Attachment H](#) a declaration made by our client in the form prescribed under your copyright complaint policy at <https://www.facebook.com/help/231463960277847>.

為了加強此次投訴的確信度，我們客戶根據Facebook的版權投訴條例 <https://www.facebook.com/help/231463960277847>，以貴司訂明的格式要求作出聲明，附上該聲明為附件H。

Our client would like to demand for immediately removal of the unauthorized work from the Facebook Page and that the Facebook User immediately stop copying our client's copyright in the Work as we have described above. If however the Facebook User would like to reproduce the Work on the Facebook Page with our client's consent, our client is prepared to consider such request provided the Facebook User properly acknowledges the source of the material and our client's rights.

我們客戶要求貴司立即從上述Facebook頁面刪除未經授權**作品**，並要求上述Facebook用戶必須立即停止抄襲我們客戶如上文所述的**作品**。如果想獲我們客戶允許復制運用我們客戶**作品**，上述Facebook用戶必須說明**作品**來源及保護我們客戶權利，在這前題下，我們客戶是願意考慮這種請求。



Our client would also like to ask you to provide us Facebook User's contact details as we cannot find the same on the Facebook Page. In that regard, we rely on the judgment in *Cinopoly Records Company Limited vs Hong Kong Broadband Network Limited* (HCMP2487/2005) which held that an innocent party caught in an act of copyright infringement has nonetheless the legal duty to disclose to the copyright owner the identity and information about the copyright infringer. Copy of the judgment can be found at http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=51414&QS=%24%28Felix%7CPao%29&TP=JU

我們客戶並要求貴司提供上述Facebook用戶的聯系人詳細資料，因為我們無法在Facebook頁面找到。有鑒於此，我們參照 *Cinopoly Records 有限公司 vs 香港寬頻網絡有限公司* (HCMP2487/2005) 的判決，該判決認為無過錯方陷入侵犯版權的行為時仍具有法律責任向版權擁有人披露侵權人的身份和資料。該案件的判決復制文本可以在以下網址找到：

http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=51414&QS=%24%28Felix%7CPao%29&TP=JU

If instead of disclosing the requested details you prefer to bring this letter to the Facebook User's attention yourself, our client is also prepared to accept that. Please let us know when you have brought this letter to the Facebook User's attention.

如果貴司不希望披露我們要求的詳細資料而選擇自行交付此信給上述Facebook用戶關注，我們客戶也接受的，請貴司通知我們將此信轉達上述Facebook用戶的時間。

Yours faithfully,

EDMOND YEUNG & CO