

RWANDA / JUDGMENT

YAHOO CAR EXPRESS SURL v. YAHOO CAR EXPRESS LTD

RCOMA 0047/13/CS

COURT

Supreme Court

DECIDED

4 February 2016

CASE / FILE NUMBER

RCOMA 0047/13/CS

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YAHOO CAR EXPRESS SURL v. YAHOO CAR EXPRESS LTD

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Text

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YAHOO CAR EXPRESS SURL v. YAHOO CAR EXPRESS LTD [Rwanda URUKIKO RW'IKIRENGA – RCOMA 0047/13/CS (Nyirinkwaya, P.J., Kayitesi R. na Mukandamage, J.) 4 Gashyantare 2016] Amategeko y'ubucuruzi – Umutungo bwite mu by'ubwenge – Kwandikisha ikirango n'izina ry'ubucuruzi – Nyiri ikirango cyangwa n'izina ry'ubucuruzi – Uwandikishije ikirango cyangwa izina ry'ubucuruzi mbere ni we uba nyirabyo kandi nta wundi uba wemerewe kucyandikisha cyangwa kugikoresha uherye igihe iyandikisha rikorewe – Itegeko n° 31/2009 rigamije kurengera umutungo bwite mu by'ubwenge, ngingo yaryo ya 164 (2) n'Itegeko ryo kuwa 25-3- 1963 ryerekeye ibimenyetso by'ibikorwa n'iby'ubucuruzi, ingingo ya 3. Indishyi – Igihombo – Nta ndishyi z'igihombo zikomoka ku gihe yamaze adakora yagenerwa kuko atabigaragarije ibimenyetso; ahubwo indishyi yari yagenewe ku rwego rubanza zivanyweho kuko ntacyo zishingiyeho. Incamake y'ikibazo: Uru rubanza rukomoka ku kutumvikana ku kirango cyakoreshwaga n'amasosite abiri atandukanye atwara abagenzi, Yahoo Car Express Surl naYahoo Car Express Ltd aho zareganye mu manza ebyiri nyuma zigahurizwa hamwe. Yahoo Car Express Surl yareze

Yahoo Car Express Ltd mu Rukiko Rukuru rw'Ubucuruzi kuba ikoresha iryo zina bikayitera igihombo. Yasabaga kandi ko icyemezo cy'iyandikisha ry'isosiye cyateshwa agaciro, gutegeka ko ikirango Yahoo Car Express ari icya Yahoo Car Express Surl, gutegeka Yahoo Car Express Ltd kutongera gukoresha icyo kirango no kuyiha indishyi mbonezamusaruro. Yahoo Car Express Ltd nayo yareze ivuga ko Yahoo Car Express Surl iyikorera ipiganwa ritemewe n'amategeko, gukoresha izina ryayo mu Rwanda no mu Burundi bikayibangamira kandi bikanayiteza igihombo. Yasabye ko Yahoo Car Express Surl yahagarikwa gukoresha iryo zina ikanabitangira indishyi, indishyi z'akababaro, 18% y'indishyi yasabwe, amafaranga y'ikurikirana rubanza n'ay'igihembo cy'Avoka. Urwo rukiko rwemeje ko Yahoo Car Express Surl nta burenganzira ifite bwo gukorera ku butaka bw'u Rwanda, ruyitegeka guhagarika kuhakoresha icyo kirango, no kwishyura Yahoo Car Express Ltd 15.000.000 Frw y'indishyi z'igihombo yayiteje, na 2.000.000 Frw y'igihembo cy'Avoka no gukurikirana urubanza. Yahoo Car Express Surl yajuririye Urukiko rw'Ikirenga ivuga ko Urukiko Rukuru rw'Ubucuruzi rwirengagije ibimenyetso yatanze bigaragaza ko ariyo ifite uburenganzira ku kirango ``Yahoo Car Express`` aho rwirengagije gusuzuma ibimenyetso bikubiye mu amateka y'imikoranire y'impande zombi. Yahoo Car Express Ltd yo yireguye ivuga ko Urukiko rwagaragaje ko ayo mateka ntacyo yari gufasha mu rubanza kuko uruhande rumwe rwareze rusaba Urukiko gutegeka guhagarika gukoresha iryo zina naho urundi ruregera ipiganwa bitemewe n'amategeko. Incamake y'icyemezo: 1. Amazina y'ubucuruzi ararererwa, haba mbere yo kwandikishwa cyangwa atandikishijwe, abandi bantu babujijwe ikoresha ryayo iryo ari ryo ryose ritemewe

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kandi bifatwa ko bitemewe gukoresha nyuma y'igihe izina ry'ubucuruzi ry'undi, haba kurigira izina ry'ubucuruzi, ikirango cyangwa ikirango gihuriweho, kimwe n'imikoreshereze y'izina ry'ubucuruzi risa nk'irindi cyangwa ikirango gisa nk'ikindi bishobora kuyobya abantu. Kuba rero Ngabo Jean Baptiste ari we wandikishije ikirango Yahoo Car Express mbere ya Karangirwa bigaragaza ko ari we wemerewe kugukoresha kandi guhera igihe icyo kirango cyandikishirijwe akaba nta wundi wari wemerewe kucyandikisha nk'izina ry'ubucuruzi; bityo, Karangirwa abujijwe kongera gukoresha iryo zina nk'izina ry'ubucuruzi cyangwa ikirango.

2. Nta ndishyi zagenerwa Yahoo Car Express Ltd kubera igihombo kuko nta bimenyetso izitangira bisobanutse bijyanye n'ibaruramari bigaragaza uburyo yagombaga kunguka ayo mafaranga kandi n'izo yari yagenewe zivanyweho kuko rutaragaraje aho rwashingiye ruzigena. Ubujurire bwa Yahoo Car Express Surl nta shingiro bufite; Ubujurire bwa Yahoo Car Express Ltd bufite ishingiro kuri bimwe; Yahoo car Express Surl itegegetswe kutongera gukoresha izina cyangwa ikirango ``Yahoo Car Express``; Indishyi zari zagenwe ku rwego rwa mbere zivanyweho; Yahoo Car Express Surl itegegetswe kwishyura Yahoo Car Express Ltd amafaranga y'ikurikirana rubanza n'igihembo cy'Avoka; Yahoo Car Express Surl itegegetswe kwishyura amagarama y'urubanza. Amategeko yashingiweho Itegeko n° 31/2009 rigamije kurengera umutungo bwite mu by'ubwenge, ngingo yaryo ya 164 (2) Itegeko ryo kuwa 25-3-1963 ryerekeye ibimenyetso by'ibikorwa n'iby'ubucuruzi, ingingo ya 3. Nta manza zifashishijwe. Urubanza I. IMITERERE Y'URUBANZA [1] Uru rubanza rukomoka ku manza

ebiyi zahurijwe hamwe mu Rukiko Rukuru rw'Ubucuruzi. [2] Mu rubanza n° RCOM 0255/12/HCC, Yahoo Car Express Surl yareze Yahoo Car Express Ltd ko kuba ikoresha iryo zina ryayo byayiteje igihombo, gutesha agaciro certificat d'enregistrement yayo, isaba Urukiko kwemeza ko ikirango "Yahoo Car Express" ari icya Yahoo Car Express Surl no gutegeka Yahoo Car Express Ltd kutongera gukoresha icyo kirango, ikayihisha indishyi mbonezamusaruro zingana na 54.000.000 Frw n'amafaranga y'ikurikirana rubanza n'igihembo cy'Avoka. [3] Mu rubanza n° RCOM 0268/12/HCC Yahoo Car Express Ltd irega Yahoo Car Express Surl ko iyikorera ipiganwa ry'ubuhemu (concurrence déloyale), ko kuba ikoresha izina ryayo ry'ubucuruzi (Yahoo Car Express) mu Burundi no mu Rwanda biyibangamiye ndetse ko byayiteje

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igihombo maze mu kirego kiregera kwiregura isaba ko Yahoo Car Express SURL yahagarikwa gukoresha iryo zina, ikanategekwa kubitangira 756.000.000 Frw y'indishyi, 14.000.000 Frw y'indishyi z'akababaro, 18% y'amafaranga yose yasabwe y'indishyi mbonezamusaruro na 5.000.000 Frw y'ikurikiranarubanza na 10% y'igihembo cy'Avoka. [4] Urukiko rwaciye urubanza RCOM 0255/12/HCC-RCOM 0268/12/HCC kuwa 13/3/2013, rwemeza ko ikirego cya Yahoo Car Express Surl nta shingiro gifite, naho ikirego cya Yahoo Car Express Ltd gifite ishingiro, rwemeza ko Yahoo Car Express Surl nta burenganzira ifite bwo gukorera ku butaka bw'u Rwanda, ruyitegeka guhagarika gukoresha icyo kirango mu Rwanda, no kwishyura Yahoo Car Express Ltd 15.000.000 Frw y'indishyi z'igihombo yayiteje, na 2.000.000 Frw y'igihembo cy'Avoka no gukurikirana urubanza. [5] Yahoo Car Express Surl yajuririye Urukiko rw'Ikirenga ivuga ko Urukiko Rukuru rw'Ubucuruzi rwirengagije ibimenyetso yatanze bigaragaza ko ariyo ifite uburenganzira ku kirango "Yahoo Car Express". [6] Yahoo Car Express Ltd yatanze ubujurire bwuririye ku bundi isaba ko Yahoo Car Express Surl yategekwa kuyishyura indishyi zinyuranye n'igihembo cy'Avoka na 5.000.000 Frw y'ikurikiranarubanza. [7] Urubanza rwaburanishijwe mu ruhamwe kuwa 25-9-2015, Yahoo Car Express Surl iburanirwa na Me Bigaraba Rwaka John, naho Yahoo Car Express Ltd iburanirwa na Me Nkundabatware Albert, iburanisha ryarwo ryongera gufungurwa kuwa 26-01-2016 ababuranyi batanga ibisobanuro ku birebana n'amateka y'imikoranire yabo, banagaragaza inyandiko zindi zose basanga ari ngombwa mu kugaragaza ukuri kw'ibyo baburana. II. ISESENGURA RY'IBIBAZO BIGIZE URU RUBANZA

1. Ku byerekeye ibimenyetso bigaragaza umuburanyi ufitse uburenganzira ku kirango "Yahoo Car Express". [8] Me Bigaraba Rwaka John uburanira Karangirwa avuga ko Umucamanza yirengagije gusuzuma amateka y'imikoranire ya Karangirwa na Ngabo. Asobanura ko Yahoo Car Express yatangiye imirimo yayo mu mwaka wa 2002, ikora imirimo yo gutwara abagenzi ku muhanda Kigali - Bujumbura - Kigali, itangizwa nawe hamwe na Ngabo Jean Baptiste, ko ibyo bigaragazwa n'ibimenyetso birimo aho bishyuriraga amafaranga ya "communication", inzu bakoreragamo na "taxes communales" ku mazina ya "Yahoo Car Express" ndetse n'amabaruwa bandikiranaga, aho Ngabo yandikiraga Karangirwa agira ibyo amusaba harimo guhamba abakozi, raporo atarabona n'abo agomba guha amafaranga, ko baretse gukorana mu mwaka wa 2003, ubwo imodoka zaguye, Ngabo akavugaga ko atazongera gukora

uwo murimo. [9] Avuga ko bamaze gutandukana, Karangirwa yandikishije ikirango ``Yahoo Car EXPRESS`` mu Burundi, ahabwa certificat d'enregistrement kuwa 31/05/2005 igaragaraho izina ``YAHOO CAR EXPRESS``, ibirango agomba gukoresha by'amabara y'ubururu, umutuku n'umuhondo, ko muri icyo gihe Ngabo nawe yandikishije izina ``New Yahoo Coach``, yakoreshega, ariko ko rimwe na rimwe yakoreshega amatike yanditseho izina ``Yahoo Car``,

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ubundi akaba ariho ``New Yahoo coach``, aribyo byakuruye imanza, ko rero harebwe itariki ya ``enregistrement`` ya Yahoo Car Express Surl, ari Karangirwa wandikishije mbere icyo kirango. [10] Akomeza asobanura ko Karangirwa Célestin nk'uwikorera ku giti cye, yabanje gusaba kurengera izina Yahoo Car Express tariki ya 30/5/2005, abyemererwa kuwa 31/05/2005, nyuma akora sosiyete na sitati atanga inyandiko muri servise zibishinzwe, maze ahabwa icyemezo cy'iyandikisha ry'ikirango (enregistrement de la marque), naho sosiyete ye yandikwa mu kwa 06/2005 (enregistrement de la société), ko kuba iyandikisha ry'ikirango ryarabaye nyuma yo kwandikisha sosiyete, nta kuvuguruzanya kurimo, kuko n'umuntu ashobora kwandikisha ikirango gusa, ko bidasaba kuba sosiyete ihari, nk'uko bigaragara ku nyandiko yiswe ``Marque de fabrique ou de commerce, procès verbal d'enregistrement``. [11] Avuga ko Ngabo afata kimwe ``iyandikisha rya sosiyete`` n'iry'ikirango, naho ku biteganywa na ``Convention de Paris`` ivuga ko iyo kurengera ikirango (protection) byakorewe mu gihugu cyasinye ayo masezerano, ibindi bihugu byose byayisinye biba bifite inshingano yo kuyubahiriza, nk'uko bigaragara mu ngingo ya 2, iya 5 n'ya 6 y'iyi ``Convention``, bivuze ko iyo ``kurengera`` bikorewe mu gihugu kimwe bigira agaciro mu bindi bihugu. Naho ku bijyanye nuko kwandikisha ikirango, sosiyete itarabaho byemewe, atanga urugero rwa ``marque colgate`` yanditswe ``societe`` itarabaho, nyuma yaje kugurwa na Société Olive. [12] Me Bigaraba akomeza avuga ko Urukiko rwitiranyije ``registre de commerce`` yo muri 2003 [Ngabo atanga nk'ikimenyetso cyuko ariwe wandikishije izina mbere] no kwandikisha ikirango (enregistrement d'un nom commercial et enseigne) kuko rwashingiye ku mvugo y'uko Yahoo Car Express Ltd yabonye ``registre de commerce`` kuwa 10/3/2003, rwirengagiza ko ahubwo yagombaga kugaragaza ko yari yarandikishije izina n'ibirango byayo mbere hakurikijwe Itegeko ryo kuwa 25/2/1963 ryerekeranye n'ibirango ndetse n'Iteka rya Ministre N° 3/10/67 rishyira iryo tegeko mu bikorwa, aho gushingira ku Itegeko N° 31/2009 ryo kuwa 23/10/2009 rigamije kurengera umutungo bwite mu by'ubwenge. [13] Me Nkundabatware avuga ko Urukiko rutirengagije amateka kuko rwasobanuye neza ko ayo mateka ntacyo yari gufasha mu miterere y'urubanza kuko ibirego byatanze umwe asaba ko undi ahagarika gukoresha izina ``Yahoo Car Express`` aryita irye, naho undi arega ko akoresha ``concurrence déloyale``, ko Urukiko rwashingiye ku mategeko agenga iyandikishwa rya sosiyete, rukaba rutari gushingira ku mateka y'abaturanyi kandi ntacyo yari gufasha, cyane cyane ko ibyo Yahoo Car Express Surl ivuga nta kimenyetso ibitangira dore ko icyo gihe cyose kugeza mu mwaka wa 2005 yari itariyandikisha byemewe n'amategeko, ko ndetse Karangirwa Célestin atigeze agaragariza urukiko ikimenyetso cy'iyi mikoranire ye na Ngabo. [14] Akomeza avuga ko Urukiko rwemeje ugomba gukoresha izina ariwe Ngabo, rushingiye ku buryo izina ryandikwa n'uburyo riba

``rirengerwa``, maze asanga kuva muri 2003 Ngabo yari afite ``Registre de commerce`` yanditseho ``Yahoo Car Express``, naho Karangirwa Célestin we yaryandikishije mu mwaka wa 2005. Avuga kandi ko Ngabo ataburanisha ko yaryandikishije muri 2012 kuko icyo afiteho uburenganzira kuva icyo gihe

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ari ``protection`` y'iryo zina nkuko bigaragazwa n'inyandiko yo muri 2012 yanditse abisaba, kuko ryandikishijwe mbere muri 2002, ko rero ``Registre de commerce`` igaragaza neza uburyo Yahoo Car Express yanditswe n'icyo yakoraga n'uwo yanditsweho. Ko icyari kigenderewe ari ukureba muri izo sosiyete zombi iyanditse mu buryo bukurikije amategeko, ko kandi hari ibyasabwaga gushyikirizwa Ubwanditsi bw'Urukiko kugirango ``registre de commerce`` itangwe. Avuga na none ko Ngabo afite ``Certificat d'enregistrement`` yo muri 2012 igaragaza ``irengerwa`` ry'ikirango cye, yatanze na RDB mu rwego rw'amabwiriza yayo asaba sosiyete kwandikisha ikirango (enregistrement de marque). [15] Me Nkundabatware akomeza avuga ko uburanira Karangirwa atakwemeza ko yandikishije ikirango mbere, kuko kurengera ikirango (protection de la marque) byakozwe mbere yo kucyandikisha (enregistrement de la marque) nkuko bigaragazwa na ``certificat d'enregistrement de la marque`` yo kuwa 31/05/2005 irengera ikirango n'iyi kucyandikisha yo kuwa 27/6/2005, bikaba bigaragara rero ko hakozwe ``irengerwa`` ry'ikirango kitariho, ko ndetse n'Umuyobozi wa RURA yamwandikiye amubaza gukoresha izina rya ``Yahoo Car Express``. [16] Ku kibazo cyo kumenya ingaruka ``Trade marque`` igira mu buryo buri ``territorial`` (aho yaba igarukira muri territorialité) n'icyo iryo ``rengera`` riba igamije, Me Nkundabatware avuga ko uretse ko Karangirwa yakoreye ``protection`` ikitarabaho, ariko ko icyo ``protection`` ikorewe mu gihugu kimwe, igashaka no gukorera mu kindi gihugu, hari ibyibanze bigomba gukorwa muri icyo gihugu kindi kugira ngo izina ry'ubucuruzi, ikirango cyangwa byombi bibe bifite ``irengerwa`` rikorewe hose. UKO URUKIKO RUBIBONA. [17] Ku birebana n'amateka y'imikoranire ya Karangirwa na Ngabo, Urukiko rusanga ibisobanuro n'ibimenyetso ababuranyi batanze bitagaragaza urwego rw'imikoranire cyangwa rw'ubufatanye bwabo byatuma hamenyekana ufite uburenganzira ku izina cyangwa ikirango ``Yahoo Car Express``, kuko nkuko Urukiko Rukuru rw'Ubucuruzi rwabisobanuye mu rubanza rwajuririrwe mu gika cyarwo cya 19, ari uvuga ko bakoranye, nta masezerano y'ubufatanye agaragaza, ari uvuga ko yakodeshaga imodoka z'undi nawe nta masezerano y'ubukode yerekana, nta n'ikindi kimenyetso batanga cyane cyane ko batari barigeze bandikisha Agence yabo yo gutwara abagenzi kuri iryo zina cyangwa kuri icyo kirango. [18] Naho kuba hari amazina y'ubucuruzi yakoresheye na Ngabo, urukiko rusanga atafatwa nk'ikimenyetso cy'uko Ngabo atashoboraga gukoresha n'iryo zina rindi riburanwa. [19] Ku birebana n'uburenganzira ku izina ry'ubucuruzi, ingingo ya 3 y'Itegeko ryo kuwa 25-3-1963 ryerekeye ibimenyetso by'ibikorwa n'iby'ubucuruzi, ivuga ko uwakoresheje mbere bigaragara izina cyangwa ikirango, niwe ushobora kucyandikisha nk'izina ry'ubucuruzi cyangwa ikirango. [20] Ku birebana n'uru rubanza, dosiye igaragaza ko Ngabo Jean Baptiste yandikishije izina ry'ubucuruzi ``Yahoo Car Express`` kuwa 10/03/2003 mu Rwanda nk'uko bigaragazwa na ``Registre de commerce`` yahawe, mu gihe Karangirwa yandikishije ikirango ``Yahoo Car Express`` mu Burundi kuwa 31/05/2005 nkuko bigaragazwa na

Registre de Commerce y`i Burundi,

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naho izina aryandikisha nyuma nkuko bigaragara muri Gazeti ya Leta y`i Burundi B.o.B n° 7/2005 yo ku wa 01-7-2005. [21] Hashingiwe ku ngingo ya 3 y`Itegeko rimaze kuvugwa, Urukiko rusanga bigaragara ko Ngabo Jean Baptiste ariwe wemerewe gukoresha izina “Yahoo Car Express” mu Rwanda, kuko ariwe waryandikishije mbere, mu gihe bigaragara ko Karangirwa yaryandikishije nyuma hashize imyaka 2, byumvikana ko guhera kuri iyo tariki ya 10-3- 2003, nta wundi washoboraga kwandikisha ``Yahoo Car Express`` nk`izina ry`ubucuruzi cyangwa ikirango. [22] Ibi bishimangirwa n`Itegeko n° 31/2009 rigamije kurengera umutungo bwite mu by`ubwenge mu ngingo yaryo ya 164 igika cya 2 ivuga ko ``Usibye ingingo y`itegeko cyangwa y`amambwiriza iteganya ko ari nshinganwa, kwandikisha amazina y`ubucuruzi, ubundi ayo mazina ararerengerwa, haba mbere yo kwandikishwa cyangwa atandikishijwe, abandi bantu babujijwe ikoresheya ryayo iryo ari ryo ryose ritemewe``. [23] Naho mu gika cya 3 ikavuga ko ``Bifatwa ko bitemewe gukoresha nyuma y`igihe izina ry`ubucuruzi ry`undi, haba kurigira izina ry`ubucuruzi, ikirango cyangwa ikirango gihuriweho , kimwe n`imikoreshereze y`izina ry`ubucuruzi risa nk`irindi cyangwa ikirango gisa nk`ikindi ishobora kuyobya abantu``. [24] Hashingiwe ku mategeko n`ibisobanuro bitanzwe haruguru, Urukiko rusanga rero ufite uburenganzira ku izina ry`ubucuruzi cyangwa ku kirango ``Yahoo Car Express`` ari Ngabo J.Baptiste, bityo Karangirwa akaba abujijwe kongera gukoresha iryo zina nk`izina ry`ubucuruzi cyangwa ikirango, ubujurire bwa Karangirwa Célestin kuri iyi ngingo nta shingiro bufite, bikaba bitakiri ngombwa gusuzuma ibirebana n`indishyi zinyuranye asaba kuko nta shingiro ryazo.

2. Kumenya niba indishyi zisabwa na Yahoo Car Express Ltd mu bujirire bwuririye ku bundi zikwiye gutangwa. [25] Me Nkundabatware avuga ko Yahoo Car Express Surl ariyo yakoze ``concurrence déloyale`` ibangamira Yahoo Car Express Ltd ikoresha izina ryayo ari nayo mpamvu isaba indishyi z`igihe cyose Yahoo Car Express Ltd yamaze idakora, ikagira igihombo n`ibyo yagombye kuba yarungutse nk`uko yabigaragaje mu myanzuro, ko n`ubwo iyo myanzuro itaboneka muri dosiye, n`uwo baburana agahakana ko atayihawe, ko yari imyanzuro ya ``actualisation`` gusa nta gishya kirimo, ko gusa bagaragaje ko iyo imodoka yavaga cyangwa ijya Kigali – Bujumbura, amafaranga yakoreraga, ku modoka 6 zitwaye abantu 24, ko bakurikije aho ibintu bigeze, bashyiraho marge ya 10% y`amafaranga basaba angana na 291.600.000 ahwanye n`indishyi z`igihombo batejwe na Yahoo Car Express Surl, kuko Urukiko Rukuru rw`Ubucuruzi rwari rwategetse 15.000.000 Frw gusa y`indishyi z`akababaro kubera icyo gihombo. [26] Me Bigaraba Rwaka John avuga izo ko ndishyi uburanira Yahoo Car Express Ltd asaba nta shingiro zifite kubera ko Yahoo Car Express Ltd yahagaritse gukorera i Bujumbura muri 2012 ku bushake, umurongo wayo ikawuha Volcano Express, ko uko kubireka ku bushake bwayo bitaryozwa Yahoo Car Express Surl, kandi ko itigeze ihagarara gukora n`ubu uwajya Nyabugogo yasanga ikora kuko ihafite Agence. UKO URUKIKO RUBIBONA.

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[27] Ku birebana n'indishyi zisabwa na Yahoo Car Epress Ltd kubera igihombo ivuga ko yagize igihe cyose yamaze idakora n'ibyo yagombye kuba yarungutse, Urukiko rusanga izo ndishyi nta bimenyetso byazo bisobanutse igaragaza bijyanye n'ibaruramari n'uburyo yashoboraga kunguka ayo mafaranga, rukaba ntaho rwahera ruzigena. [28] Urukiko rusanga ahubwo n'indishyi mbonezamusaruro za 15.000.000 Frw yari yagenewe n'Urukiko Rukuru rw'Ubucuruzi zigomba kuvanwaho kuko bigaragara ko ntaho rwashingiye ruzigena. Rusanga ariko kuri uru rwego yagenerwa gusa amafaranga y'ikurikirana rubanza n'igihembo cya avoka, agenwe mu bushishozi bw'Urukiko angana na 1.000.000 Frw. III. ICYEMEZO CY'URUKIKO [29] Rwemeje ko ubujurire bwa Yahoo Car Express Surl ihagarariwe na Karangirwa Célestin nta shingiro bufite; [30] Rwemeje ko ubujurire bwuririye ku bundi bwa Yahoo Car Express Ltd ihagarariwe na Ngabo J.Baptiste bufite ishingiro kuri bimwe; [31] Rutegetse Yahoo Car Express Surl kutongera gukoresha izina cyangwa ikirango ``YAHOO CAR EXPRESS`` kuko nta burenganzira ibifiteho; [32] Rutegetse ko indishyi zingana na 15.000.000 Frw Urukiko Rukuru rw'Ubucuruzi rwategetse Yahoo Car Express Surl kwishyura mu rubanza rwajuririwe zivanyweho; [33] Rutegetse Yahoo Car Express Surl ihagarariwe na Karangirwa Célestin kwishyura Yahoo Car Express Ltd ihagarariwe na Ngabo J.Baptiste amafaranga y'ikurikiranarubanza n'igihembo cy'Avoka kuri uru rwego angana na 1.000.000 Frw yiyongera kuri 2.000.000 Frw yaciwe n'Urukiko Rukuru rw'Ubucuruzi mu rubanza rwajuriririwe, yose hamwe akaba 3.000.000 Frw; [34] Rutegetse Yahoo Car Express Surl gutanga amagarama y'uru rubanza angana na 100.000 Frw.

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