MADIOS Ltd v. BIC

[Rwanda URUKIKO RUKURU RW'UBUCURUZI – RCOMA 00319/2016/CHC/HCC (Mutajiri, P.J.,) 09 Nzeri 2016]

Amategeko arengera umutungo bwite mu by'ubwenge – Uburenganzira bwo kuregera ikirango – Igikorwa cy'icyiganano ku kirango – Kwongerera igihe cy'ikirango – Igikorwa cyose kibangamira uburenganzira bw'umuhanzi cyangwa uburenganzira bushamikiyeho burengerwa n'itegeko, gikozwe n'umuntu uwo ari we wese utari nyir'uburenganzira ku gihangano kandi atabyemerewe, cyagambiriwe cyangwa gitewe n'uburangare bukabije kandi hagamijwe inyungu, ni icyaha cy'iyigana. Abantu bagurisha, bacuruza, bakodesha, batunze cyangwa binjiza ku butaka bw'u Rwanda, hagamijwe ubucuruzi, ibintu by'ibyiganano, babizi, baba na bo bakoze icyo cyaha – Itegeko N° 31/2009 ryo kuwa 26/10/2009 rigamije kurengera umutungo bwite mu by'ubwenge, ingingo ya 261.

Incamake y'ikibazo: Sosiyete BIC yareze Sosiyete MADIOS Ltd mu Rukiko rw'Ubucuruzi rwa Nyarugenge isaba indishyi ivuga ko MADIOS yiganye amakaramu yayo. Urukiko rwemeza ko MADIOS Lt yinjije mu gihugu cy'u Rwanda amakaramu y'amiganano, icibwa indishyi, inategekwa gukura ku isoko ayo makaramu ikanayasenya. Nyuma yaho MADIOS ijurira mu Rukiko Rukuru rw'Ubucuruzi isaba urukiko gusuzuma niba BIC yari ifite uburenganzira bwo kuregera ikirango yandikishije mu mwaka wa 2003.

Mu kwiregura ku kibazo cyo kumenya niba BIC yari ifite uburenganzira bwo kurega, Uhagarariye MADIOS Ltd avuga ko idakora ama karamu ahubwo ko iyacuruza, yongeraho kandi ko ayo ma karamu ya BIC atapimwe ngo hasuzumwe niba yujuje ubuziranenge.

Ikomeza ivuga ko urukiko rwavuze ko yakoze icyaha cyo kwigana yinjiza mu Rwanda amakaramu yo mu bwoko bwa BIC mu gihugu nta burenganzira sosiyete BIC yari yayihaye kandi nta wundi wari ubufite ngo bibe byagaragara ko ariwe ubufite kuko ikirango cya BIC cyanditswe mu mwaka wa 2003, ibicuruzwa bikahagera muri 2015 hashize imyaka 12 sosiyete BIC itarongera kwiyandikisha nkuko biteganywa n'amategeko, kandi nta wundi muntu wayinjizaga, MADIOS ivuga ko isanga nta makosa yakoze izinjiza mu gihugu mu gihe na none ikirango cya BIC cyatakaje agaciro.

Uhagarariye sosiyete BIC we yisobanura avuga ko ikirango cyayo cyandikishijwe itegeko rirengera uburenganzira ku mutungo ku mutungo bwite mu by'ubwenge ritarajyaho. Ku birebana no kumenya niba ste BIC yaba ifite icyicaro cyayo mu Rwanda, Uyihagarariye avuga ko ifite icyicaro muri America ariko ikaba yariyandikishije mu Rwanda ku buryo umuntu wese ushaka gukora ubucuruzi bwa BIC abanza akayisaba uburenganzira.

Sosiyete MADIOS Ltd ikaba isaba indishyi z'igihombo zingana na 20.000.000Frws ndetse n'inyungu yari gukuramo kubwo kubuzwa gucuruza ibicuruzwa bye avuga ko yabiranguye mu buryo bukurikije amategeko, akaba anasaba n'indishyi z'ikurikiranarubanza n'iz'igihembo cy'Avoka. Sosiyete BIC nayo ikaba isaba guhabwa na MADIOS indishyi zingana na 10.000.000 Frws zuko yayikoreye igikorwa cyo kuyigana hamwe n'iz'igihembo cy'Avoka zingana na 2.000.000Frws.

Incamake y'icyemezo: Igikorwa cyose kibangamira uburenganzira bw'umuhanzi cyangwa uburenganzira bushamikiyeho burengerwa n'itegeko, gikozwe n'umuntu uwo ari we wese utari nyir'uburenganzira ku gihangano kandi atabyemerewe, cyagambiriwe cyangwa gitewe n'uburangare bukabije kandi hagamijwe inyungu, ni icyaha cy'iyigana. Abantu bagurisha, bacuruza, bakodesha, batunze cyangwa binjiza ku butaka bw'u Rwanda, hagamijwe ubucuruzi, ibintu by'ibyiganano, babizi, baba na bo bakoze icyo cyaha.

Ubujurire nta shingiro bufite.

Amategeko yashingiweho:

Itegeko N° 31/2009 ryo kuwa 26/10/2009 rigamije kurengera umutungo bwite mu by'ubwenge, ingingo ya 261 iya 258 n'iya 291, Ingingo ya 258 y'itegeko ryo kuwa 30 Nyakanga 1888 ryerekeye urwunge rw'amategeko y'imbonezamubano, igitabo cya gatatu ibyerekeye imirimo nshinganwa cyangwa amasezerano, ingingo ya 258.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko rw'Ubucuruzi rwa Nyarugenge, sosiyete BIC irega MADIOS Ltd gukora igikorwa cy'iyigana ry'amakaramu yayo ndetse ibisabira indishyi n'ibindi byemezo binyuranye nk'uko bigaragara mu kirego ku rwego rwa mbere.

[2] Mu guca urubanza urukiko rukaba rwaremeje ko MADIOS Ltd yinjije mu gihugu amakaramu y'amiganano ndetse icibwa indishyi zinyuranye, inategekwa gukura ku isoko ayo makaramu no kuyasenya.

[3] MADIOS Ltd ikaba itarishimiye imikirize y'urwo rubanza irujuririra ivuga ko hasuzumwa niba Societe BIC yari ifite uburenganzira bwo kuregera uburenganzira bw'ikirango yandikishije kuwa 04/09/2003.

[4] Muri uru rubanza hakaba hagomba gusuzumwa niba sosiyete BIC yaregera ikirango yandikishije mu mwaka wa 2003 no kumenya niba hari igikorwa cy'icyiganano cyakozwe na MADIOS Ltd ku kirango cya sosiyete BIC, gusuzuma niba indishyi zisabwa na buri ruhande zatangwa.

ISESENGURA RY'IBIBAZO

a. **Ku birebana no gusuzuma niba sosiyete BIC yaregera ikirango yandikishije mu mwaka wa 2003 no kumenya niba hari igikorwa cy'icyiganano cyakozwe na MADIOS Ltd ku kirango cya sosiyete BIC**

[5] Me Manirahari Nouredini avuga ko mu guca urubanza urukiko rwifashishije urubanza rwa Colgate kandi bidahuje imiterere na cyane ko colgate yari ifite abayihagarariye mu Rwanda naho BIC ikaba ntawuyihagarariye ndetse MADIOS Ltd ikaba idakora ikaramu ahubwo yo izicuruza, byongeye kandi izo karamu zikaba zitarapimwe ngo bigaragare ko zitujuje ubuziranenge cyangwa zitandukanye n' izisanzwe zigurishwa.

[6] Akomeza asobanura ko kuba urukiko rwaravuze ko MADIOS LTD yakoze icyaha cyo kwigana hashingiwe kubyo amategeko ateganya ubwo yinjizaga amakaramu yo mu bwoko bwa Bic kandi ntaburenganzira SOCIETE BIC yigeze iyiha, ko kuba SOCIETE BIC mu iburana ryayo itarigeze igaragaza uwo yahaye uburenganzira bwo kwinjiza ibicuruzwa byayo mu Rwanda, ngo abe ariwe ugaragazwa nkufite ubwo burenganzira ari uko nta wuhari kandi impamvu ari ukubera SOCIETE BIC ikirango cyayo cyatakaje ububasha nkuko biteganwa mu ngingo ya ya 153 yo mu itegeko N° 31/2009 ryo kuwa 26/10/2009 rigamije kurengera umutungo bwite mu by'ubwenge.

[7] Asoza avuga ko SOCIETE BIC itarubahirije ibiteganwa n'iyi ngingo dore ko bavuga ko ikirango cya BIC CRISTAL en forme de stylo cyanditswe kuwa 04/09/2003 ibicuruzwa bikaba byarageze muri douane mukwa 12/2015 kuba hari hashize imyaka 12 bakaba batanagaragaza ko basabye kongera kucyandikisha nk'uko amategeko abiteganya, iyi akaba ngo ari nayo mpamvu nta muntu bagaragaza wari ufite ubwo burenganzira bwo kwinjiza ayo makaramu mu gihugu kuburyo MADIOS LTD yafatwa nkiyakoze amakosa, kandi ikirango cyabo bigaragara ko cyatakaje agaciro.

[8] Me Munyaneza Remmy avuga ko ku rwego rwa mbere MADIOS Ltd itigeze ihakana ko ikirango ari icya sosiyete BIC, wabihuza n'ingingo ya 168 CPCCSA. Aha ujurira agaragaza icyo anenga ku rubanza rwa mbere, kandi akaba atanenga ibyo atigeze agaragariza urukiko.

[9] Akomeza avuga ko ikibazo atari ikirango cyandikishijwe 04/09/2003, ahubwo hari ibirango 3, icya mbere ni logo ya BIC yandikishijwe muri 1973, icya kabiri ni imiterere (forme) y'ikaramu yandikishijwe muri 2003, icya nyuma ni izina (dénomination) y'izina rya CRISTAL yandikishijwe muri 2009. Akomeza avuga ko ibyo byose byandikishijwe itegeko ryo kurengera uburenganzira ku mutungo bwite mu by'ubwenge ritarajyaho, hakaba harakoreshejwe itegeko ryo kuwa 25 gashyantare 1963. Ibi bivuga ko ingingo ya 153 y'itegeko rya 2009 ivugwa na mugenzi we nta shingiro kuko ivugurura ry'ibirango byandikishijwe hakurikijwe iri tegeko. Ingingo ya 291 y'itegeko rya 2009 cyane cyane agace ka mbere naka gatatu, arinayo ireba ibirango byandikishijwe hakurikijwe itegeko rya 1963.

[10] Ku birebana no kuvuga ko nta wahawe uburenganzira bwo gucuruza ikaramu mu Rwanda, ibi bikaba ntacyo bivuze muri uru rubanza, ahubwo harebwa niba igikorwa cyakozwe atari iyiganwa na cyane ko binjije ibicuruzwa nta burenganzira babiherewe na nyiri ikirango.

[11] Naho ku birebana no kuvuga ko batakoze ikaramu ahubwo baziranguye hanze bakazizana kuzicuruza, ibi binyuranye n'ingingo ya 261 y'itegeko ry'uburenganzira ku mutungo w'ubwenge, isobanura iyigana icyo ari icyo iyiganywa aho ivuga ku kubyaza umusaruro mu buryo bw'ubucuruzi.

[12] Ku kibazo cyo kumenya niba sosiyete BIC yaba ifite aho ikorera mu Rwanda, Me Munyaneza Remmy asubiza ko itahakorera kuko iba muri Amerika ko ariko yandikishije ikirango cyayo mu Rwanda ko kandi ushaka gukora ubwo bucuruzi ayisaba ikabimuhera uburenganzira.

[13] Me Manirahari Nouredini asobanura ko Urukiko rutagendera ku manza zagendeweho n'urukiko rubanza.

UKO URUKIKO RUBIBONA

[14] Ingingo ya 261 y'iItegeko N° 31/2009 ryo kuwa 26/10/2009 rigamije kurengera umutungo bwite mu by'ubwenge iteganya ko "haseguriwe ingingo zivugwa muri iri tegeko, icyaha cy'iyigana ni igikorwa icyo ari cyo cyose kibyaza umusaruro mu nganda cyangwa mu bucuruzi, ku butaka bw'u Rwanda, igihangano cy'ubuvumbuzi, icyitegererezo ndangamumaro, igishushanyo n'icyitegererezo gikoreshwa mu nganda, ikirango cyangwa ikindi kimenyetso cyihariye cy'ubunyemari, izina ry'ubucuruzi, ibimenyetso ndangahantu, ibishushanyo ndangamiterere ry'urusobekerane rwo mu rwego rwa elegitoroniki byahawe icyemezo cyo kurengerwa gitangwa hakurikijwe iri tegeko kandi bikorwa n'umuntu uwo ari we wese utari nyir'icyemezo kandi adafite n'uruhushya rwe. Igikorwa cyose kibangamira uburenganzira bw'umuhanzi cyangwa uburenganzira bushamikiyeho burengerwa n'iri tegeko, gikozwe n'umuntu uwo ari we wese utari nyir'uburenganzira ku gihangano kandi atabyemerewe, cyagambiriwe cyangwa gitewe n'uburangare bukabije kandi hagamijwe inyungu, ni icyaha cy'iyigana. Abantu bagurisha, bacuruza, bakodesha, batunze cyangwa binjiza ku butaka bw'u Rwanda, hagamijwe ubucuruzi, ibintu by'ibyiganano, babizi, baba na bo bakoze icyo cyaha."

[15] Naho ingigno ya 291 yaryo igateganya ko "Igihe cyo gushyira mu bikorwa iri tegeko, impamyabuvumbuzi zatanzwe, ibishushanyo cyangwa ibyitegererezo bikoreshwa mu nganda n'ibirango byandikishijwe hakurikijwe itegeko ryo ku wa 25 Gashyantare 1963 ryerekeye impamyabuvumbuzi, itegeko ryo ku wa 25 Gashyantare 1963 ryerekeye ibishushanyo cyangwa ibyitegererezo bikoreshwa mu nganda, itegeko ryo ku wa 25 Gashyantare 1963 ryerekeye ibirango by'inganda cyangwa iby'ubucuruzi, bigumana agaciro, nyamara bifatwa nk'aho byatanzwe cyangwa byandikishijwe hakurikijwe iri tegeko, haseguriwe ibivugwa mu gika cya 2 n'icya 3 by'iyi ngingo. Impamyabuvumbuzi zatanzwe muri ubwo buryo n'ibishushanyo cyangwa ibyitegererezo bikoreshwa mu nganda byanditswe muri ubwo buryo, bigumana agaciro mu gihe cyose gisigaye, kugeza igihe kubahirizwa byatanzwe hakurikijwe ayo mategeko kirangiriye, bitabangamiye iyishyurwa ry'amahoro ya buri mwaka yo kugumishaho agaciro cyangwa amahoro yo kongera igihe ateganywa n'iri tegeko. Kwandika ibirango byakozwe hakurikijwe amategeko yavuzwe mu gika cya mbere cy'iyi ngingo bigomba kongererwa igihe mu myaka icumi (10) uhereye igihe iri tegeko ryatangiriye gushyirwa mu bikorwa.''

[16] Urukiko rusanga ibivugwa na Me Manirahari Nouredini ko nta gikorwa cy'iyigana MADIOS Ltd yigeze ikora ubwo yinjizaga ndetse ikanacuruza BIC za CRISTAL kuko nyiri iki kirango ngo atari yarigeze yongeresha igihe cy'iyandikishwa ryacyo ndetse atanagaragaza undi muntu cyangwa sosiyete yahaye uburenganzira bwo kuzicuruza mu Rwanda, bitahabwa ishingiro kuko, kuba sosiyete BIC kuwa 04/09/2003 yarandikishije ikirango cyayo cya BIC CRISTAL en forme de stylo nk'uko bigaragazwa n'icyemezo cyatanzwe n'urwego rubifitiye ububasha

(service de la propriété industrielle), kuba nk’uko biteganywa n’ingingo ya 291 y’itegeko N° 31/2009 ryo kuwa 26/10/2009 ryavuzwe haruguru ko kongereresha igihe cy’ibirango byandikishijwe hakurikije itegeko ryo ku wa 25 Gashyantare 1963 bikorwa mu myaka icumi (10) ibarwa uhereye igihe itegeko N° 31/2009 ryo kuwa 26/10/2009 ryatangiriye gushyirwa mu bikorwa, kuba iri tegeko rivugwa ryaratangiye gushyirwa mu bikorwa kuwa 26/10/2009, sosiyete BIC ikaba igifite uburenganzira ku kirango cyayo kugeza kuwa 25/10/2019, bivuga ko ibikorwa byakozwe na MADIOS Ltd byo kwinjiza no gucuruza mu gihugu ikaramu zifite ikirango cya BIC CRISTAL en forme de stylo nta burenganzira sosiyete BIC iyibihereye ari igikorwa cy’iyigana kinyuranyije n’amategeko nk’uko biteganywa n’ingingo ya 261 y’iItegeko N° 31/2009 ryo kuwa 26/10/2009 ryavuzwe haruguru.

[17] Urukiko rusanga na none uwajuriye atakwitwaza ko nyiri ikirango nta wundi muntu cyangwa sosiyete agaragaza yaba yarahaye uburenganzira bwo gucuruza izo bic ngo bibe impamvu yo kugaragaza ko afite uburenganzira bwo kuzicuruza nta burenganzira abiherewe na nyiri ikirango kuko ikirebwa aha ari uburenganzira butanzwe na nyiri umutungo bwo kwinjiza no gucuruza bic zifite ibirango bye.

b. Ku birebana n’indishyi zisabwa na MADIOS Ltd

[18] Me Manirahari Nouredini asaba ko uwo aburanira yahabwa indishyi zigihombo yatejwe no kumubuza gucuruza ibicuruzwa bye yaranguye mu buryo bukurikije amategeko, ko kuba amaze hafi amezi atandatu yarabujijwe uburenganzira ku mutungo akawubuzwa n'abantu batabifitiye ububasha arasaba ko urukiko rwategeko ko yishyurwa amafaranga 20,000,000rwf y'indishyi ndetse n'inyungu yari gukuramo iyo acuruza agasubira kurangura ndetse anasaba n’indishyi z’ikurikirana rubanza n'igihembo cy'avoka bingana n’amafaranga 5,000,000.

[19] Me Munyaneza Remmy asobanura ko indishyi zisabwa na MADIOS Ltd nta shingiro zifite kuko nta kosa SOCIETE BIC yayikoreye ryatuma iyishyura indishyi, ahubwo MADIOS Ltd akaba ngo ariyo yavogereye uburenganzira bwa SOCIETE BIC ku mutungo wayo mu by'ubwenge. naho ku mafaranga y'ikurikiranarubanza n'igihembo cy'avoka asabwa na MADIOS Ltd avuga ko nta shingiro afite, kuko imanza zose zatewe n'ibikorwa by'iyigana yakoze, bityo akaba atabisabira indishyi izo ari zo zose.

UKO URUKIKO RUBIBONA

[20] Urukiko rusanga indishyi zisabwa na MADIOS Ltd z’igihombo yaba yaragize nta shingiro zifite kuko nk’uko byasobanuwe mu gika cya 19 n’icya 20 by’urubanza niyo nyiri ugukora amakosa, bityo ikaba itahabwa indishyi zishingiye ku makosa yayo.

c. Ku birebana no gusuzuma niba ibicuruzwa by'amakaramu ya BIC CRISTAL bizinjizwa n'undi wese utabiherewe uburenganzira na SOCIETE BIC byinjira ku isoko ry'u Rwanda byajya bigasenywa

[21] Me Munyaneza Remmy asobanura ko ku rwego rwa mbere SOCIETE BIC yasabye ko ibicuruzwa by'amakaramu ya BIC CRISTAL bizinjizwa n'undi wese utabiherewe uburenganzira na SOCIETE BIC Urukiko rutegeka ko bitazajya byinjira ku isoko ry'u Rwanda ndetse bigasenywa, nyamara Urukiko rwa mbere nta cyo rwigeze rubivugaho.

UKO URUKIKO RUBIBONA

[22] Ingingo ya 258 y'iItegeko N° 31/2009 ryavuzwe haruguru iteganya ko ''Rubisabwe n'ufite icyemezo cyo kurengerwa ufite uruhushya cyangwa undi muntu wese ubifitemo inyungu, urukiko rubifitiye ububasha rushobora gutegeka ibi bikurikira: 1° guhagarika kwinjiza mu bucuruzi ibicuruzwa bifite ibirango by'ibyiganano cyangwa bihungabanya uburenganzira bwa nyir'icyemezo; 2° kuvana mu bucuruzi, nta ndishyi n'imwe, ibicuruzwa bifite ibirango by'ibyiganano cyangwa bibangamiye uburenganzira bwa nyir'icyemezo ku buryo arindwa icyahungabanya uburenganzira bwe. Gukuraho ikirango cyashyizweho ku buryo budakurikije amategeko byonyine ntibihagije uretse ku mpamvu zidasanzwe zo gutuma ibicuruzwa byinjizwa mu bucuruzi; 3° kuvana mu bucuruzi, nta ndishyi n'imwe, ibikoresho byifashishijwe cyangwa bishobora kwifashishwa mu guhanga cyangwa gukora ibicuruzwa bifite ibirango by'ibyiganano cyangwa bibangamiye uburenganzira bwa nyir'icyemezo hagamijwe kwirinda inkurikizi zose zabangamira uburenganzira bwe; 4° gufatira, kwamburwa no gusenya ibicuruzwa bivugwaho icyaha cy'ibyiganano by'umwihariko n'ibikoresho byose byifashishijwe mu gukora icyaha.''

[23] Urukiko rusanga ibisabwa na Me Munyaneza Remmy bifite ishingiro, ariyo mpamvu hashingiwe ku ngingo ya 258 y'iItegeko N° 31/2009 ryavuzwe, uwariwe wese uzinjiza mu Rwanda ibicuruzwa by'amakaramu ya BIC CRISTAL atabiherewe uburenganzira na SOCIETE BIC igihe cyose igifite uburenganzira bwemewe n'amategeko ku kirango cyayo bigomba gufatwa bigasenwa.

d. Ku birebana no gusuzuma indishyi zisabwa na sosiyete BIC

[24] Me Munyaneza Remmy asobanura ko ku rwego rwa mbere SOCIETE BIC yasabye Urukiko gutegeka MADIOS Ltd kuyishyura indishyi zuko yayikoreye igikorwa cy'iyigana zihwanye na miliyoni icumi (10,000,000 Frw), Urukiko rukaba rwaremeje ko MADIOS igomba kwishyura indishyi zihwanye na miliyoni imwe (1,000,000 Frw), akaba ngo asanga izo ndishyi zategetswe n'Urukiko ari nkeya hagereranyijwe n'ubuyo umutungo bwite mu by'ubwenge uba waruhije nyirawo kugirango awuhange hakoreshejwe ubushakashatsi butandukanye bityo akaba asaba uru Rukiko kubikosora rugategeka ko indishyi zikwiye kwishyurwa na MADIOS Ltd ari izihwanye na miliyoni icumi (10,000,000 Frw).

[25] Uburanira MADIOS Ltd akaba ntacyo yavuze kuri izi ndishyi.

UKO URUKIKO RUBIBONA

[26] Urukiko rusanga indishyi zatanzwe ku rwego rubanza ziri mu kigero gikwiye kuko nk'uko rwabisabanuye, uzisaba ntabasha kugaragariza igihombo yaba yaratewe na MADIOS Ltd mu gihe yinjizaga ikanacuruza kw'isoko ry'u Rwanda BIC CRISTAL.

d. Ku birebana no gusesengura indishyi z'ikurikiranarubanza n'igihembo cya avoka.

[27] Me Munyaneza Remmy asobanura ko Societe Bic ku ruhande rwayo isaba Urukiko gutegeka MADIOS Lt kuyishyura amafaranga y'ikurikiranarubanza n'igihembo cya avoka yo kurwego rw'ubujururire ahwanye na miliyoni ebyiri (2,000,000 Frw).

[28] Uburanira MADIOS Ltd akaba ntacyo yavuze kuri izi ndishyi.

UKO URUKIKO RUBIBONA

[29] Ingingo ya 258 y'itegeko ryo kuwa 30 Nyakanga 1888 ryerekeye urwunge rw'amategeko y'imbonezamubano, igitabo cya gatatu ibyerekeye imirimo nshinganwa cyangwa amasezerano iteganya ko ''igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikosa rigikomokaho kuriha ibyangiritse''

[30] Urukiko rusanga indishyi z'ikurikiranarubanza n'igihembo cya avoka zisabwa zifite ishingiro ariko iz'igihembo cya avoka zikaba zigomba kubarirwa mu iz'ikurikiranarubanza ndetse zikanatangwa hashingiwe ku ngingo ya 258 y'itegeko ryo kuwa 30 Nyakanga 1888 ryavuzwe haruguru, kuko MADIOS Ltd ariyo yakomeje gukurura mu manza ku maherere sosiyete BIC, ikabayishora mu manza kandi izi neza ko ari ariyo nyiri amakosa, kuba rero mu kuburana hari ibyo batakaje nko gushaka no guhemba avoka ubaburanira, ibyo batakaje bikaba bigomba kwishyurwa na banki yabashoye mu manza, ariko kubera ko indishyi zisabwa zikabije kuba nyinshi, MADIOS Ltd ikaba igomba kwishyura Sosiyete BIC amafaranga 1,000,000 y'indishyi z'ikurikiranarubanza zigenwe mu bushishozi bw'urukiko.

III.ICYEMEZO CY'URUKIKO

[31] Rwemeye kwakira ubujurire bwa MADIOS Ltd kuko bwaje bikurikije amategeko, ariko rubusuzumye rusanga nta shingiro bufite.

[32] Rwemeje ko nta gihindutse ku mikirize y'urubanza RCOM 00017/2016/TC/NYGE usibye indishyi z'ikurikiranarubanza z'amafaranga 1,000,000 ziyongereye ku rwego rw'ubujurire.

[33] Rwemeje kandi rutegetse ko uwariwe wese uzinjiza mu Rwanda ibicuruzwa by'amakaramu ya BIC CRISTAL atabiherewe uburenganzira na SOCIETE BIC igihe cyose igifite uburenganzira bwemewe n'amategeko ku kirango cyayo bigomba gufatwa bigasenwa.