

Ministerial Order N°07/10/Minicom of 25/08/2010 determining the structure and functioning of the Council of Appeal in charge of settling disputes related to intellectual property

Article 1: Purpose of this Order

This Order determines structure and the functioning of a Council of Appeal in charge of settling disputes related to Intellectual property.

Article 2: Structure of the Council of Appeal

The Council of Appeal shall be composed of experts representing the authorities which implement the Law related to the protection of the intellectual property. The authorities shall be:

- 1° the Ministry of Trade and Industry ;
- 2° the Ministry of Sports and Culture;
- 3° the Ministry of Justice ;
- 4° the Bureau of Intellectual Property;
- 5° the Rwanda Bureau of Standard;
- 6° the Private Sector Federation;
- 7° the Rwanda Revenue authority;

The names of the representatives of the authorities referred to in paragraph one shall be submitted in writing to the Bureau of Intellectual Property.

Article 3: Management of the Council of Appeal

The Council of Appeal shall be headed by the representative of the Ministry of Trade and Industry assisted by the representative of the Ministry of Sports and Culture.

The representative of the Bureau of Intellectual Property shall be the Secretary of the Council of Appeal, but he/she shall not be allowed to vote.

Article 4: Meetings of the Council of Appeal

The Council of appeal shall meet to settle appeal cases against decisions taken at the level of the Bureau of Intellectual Property and to decide on the matter within thirty (30) days upon receipt of the case.

In case the settlement of the matter requires particular knowledge or research to be conducted abroad, both parties shall be informed in writing with précised duration.

The Council of Appeal may meet in the presence of experts in a various fields, if necessary.

Article 5: Convening a Council of Appeal

The Council of Appeal shall be convened in writing but may also be convened through other procedures in case of urgency.

Article 6: Decision making

The Council of Appeal is authorized to take decisions when three fourths (3/4) of its members are present.

The decisions taken shall be immediately enforced if both parties agree.

The letter informing the appellant about the decision taken shall be delivered to him/her in person and he/she acknowledges receipt, or a certified mail shall be used. In case one of the parties does not agree, the case shall be referred to competent courts.

Article 7: Per diem for the members of the Council of Appeal

The members of the Council of Appeal shall be entitled to a per diem for each meeting.

The per diem is fifty thousand (50000 RWF) per day and shall be given by the Bureau of Intellectual Property.

However, when the matter in appeal goes over three (3) days, the extra days shall not be considered.

The allowance for the experts who assisted the Council in taking decisions shall be set by the Bureau of Intellectual Property.

Article 8: Submission of a report

The report signed by the chairperson of the Council of Appeal and other persons who participated in its preparation shall be submitted to the Bureau of Intellectual Property within fifteen (15) days from the date the decision was taken.

Article 9: Repealing provision

All prior provisions contrary to this Order are hereby repealed.

Article 10: Commencement

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 25/08/2010