

Court File No.

ONTARIO  
SUPERIOR COURT OF JUSTICE

BETWEEN:

KINIJIT ETHIOPIAN CULTURAL  
AND RELIEF ORGANIZATION IN TORONTO

Plaintiff

and

KINIJIT FOR HUMAN RIGHTS AND DEMOCRACY, KINIJIT WATERLOO,  
KINIJIT CANADA COUNCIL, [REDACTED]

Defendants



(Court seal)

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more

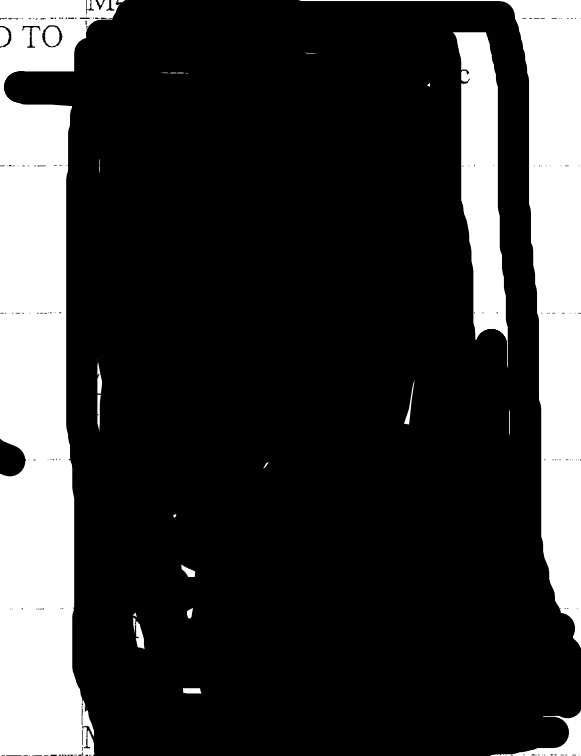
days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date 22 August 2007. Signed by A. Vainulines

Local registrar

Address 393 University Avenue  
of Court 10th Floor  
Office Toronto, Ontario  
M5G 1E6

TO:	Kinijit Canada Council, Kinijit For Human Rights And Democracy, Kinijit Waterloo 3003 Danforth Ave P.O. Box 93618 Toronto, ON M4G 5B4
AND TO	

## CLAIM

1. The Plaintiff claims:

- a. A permanent injunction restraining the individual Defendants and the Defendants Kinijit for Human Rights and Democracy, Kinijit Waterloo and Kinijit Canada Council, its officers, directors, employees, agents and all those over whom it may exercise control, from:
  - i. Infringing the Plaintiff's rights in the KINIJJIT design trade-mark;
  - ii. Directing public attention to the Defendants' services and business in such a manner as to cause or likely to cause confusion between the Defendants' wares, services and business and the services and business of the Plaintiff;
  - iii. Passing off the Defendants' services and business as and for the Plaintiff's services and business;
  - iv. Using in Canada as a trade-mark, or otherwise the KINIJJIT design trade-mark or any other designation, word, words, or designs confusing with the Plaintiff's KINIJJIT design trade-mark;
- b. Delivery up to the Plaintiff of all the wares, documents and other things in the possession, custody or control of the Defendants which in any way offends in any way against any Order that may be made herein;
- c. Damages or an accounting of the Defendants' profits as the Plaintiff may elect after discovery on those issues;
- d. pre-judgment and post-judgment interest pursuant to the provisions of sections 128

and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 as amended and any recoverable taxes on the amounts awarded including GST;

- e. the Plaintiff's costs of this action on a substantial indemnity basis; and
- f. such further relief as to this Honourable Court seems just.

### The Parties

2. The Plaintiff, Kinijit Ethiopian Cultural and Relief Organization in Toronto is an Ontario corporation with an address of 4 Westmoreland Avenue Toronto, Ontario M6H 2Z7.
3. The Plaintiff is dedicated to campaign for the democratic and human rights of the people of Ethiopia who are being arbitrarily imprisoned and persecuted by the current regime in Ethiopia.
4. The Defendants, Kinijit for Human Rights and Democracy, Kinijit Waterloo and Kinijit Canada Council are organizations with office addresses of 3003 Danforth Ave. P.O. Box 93618 Toronto, Ontario M4C 5R4 and 7 Woodmount Avenue, East York, Ontario M4C 3X4.
5. The individual defendants, Yousuf Omer, Worku Mekonnen, Esayas Teshome, Yohanness Berhanu and Mengistu Amanuel are the president, vice-president, secretary general, public relations and media officer and treasurer, respectively, of Defendants Kinijit for Human Rights and Democracy, Kinijit Waterloo and Kinijit Council Canada.

## The Plaintiff

6. The Plaintiff was originally formed in Toronto in 1994 under the name the All Amhara People Cultural and Relief Organization. The Plaintiff was named after the All Amhara Peoples Organization (“AAPO”), a political party which was formed in Ethiopia in 1992 by Dr. Asrat Weldeyes to bring to the attention of the international community the plight of the Amharas who were being persecuted by the then newly formed government.
7. The plaintiff changed its name to All Ethiopian Unity Cultural and Relief Organization in Toronto (AEUCRO) following similar change of name AAPO to “All Ethiopian Unity Party” in Ethiopia.
8. The Plaintiff changed and its name again to “Kinijit Ethiopian Cultural and Relief Organization in Toronto” (KECRO) following the formation of “Kinijit for Unity and Democracy Party” (a coalition of four opposition parties including AEUP) in Ethiopia in 2005.
9. Along with the name change, the Plaintiff began to use the KINIJI design trade-mark in association with all of its communications to the public with regard to its fundraising, relief and educational efforts.
10. In 2005 Mr. Hailu Shawl, president of Kinijit party, decided that the Ethiopian Communities in Canada should have their own coordinating office of support chapters and conferred such exclusive authority on the plaintiff.

11. In this regard, the Plaintiff was given the exclusive authority by the President of Kinijit to:
  - a. Recognize new support chapters and authorize the use of the name and the KINIJJIT design trade-mark;
  - b. Oversee the smooth running of the various support chapters across Canada; and
  - c. Coordinate the activities and functions of new and existing support chapters and/or organizations.
12. Since its incorporation and at all material times, the Plaintiff has been actively educating both Canadians and the Ethiopian community in Canada of the events in Ethiopia.
13. These efforts have included lobbying the Canadian government as well the provision of direct support to Ethiopian refugee applicants in Canada that have fled for being members and supporters of Kinijit Political party.
14. Since 2005, all of these efforts were done under the name Kinijit and using the KINIJJIT design trade-mark.
15. Through its fundraising and educational efforts the Plaintiff is well known within the Ethiopian community in Canada, and to other governmental and non governmental organizations, under the name Kinijit and in association with the KINIJJIT design trade-mark and the Plaintiff has at all times benefited from substantial goodwill in Canada in association with the KINIJJIT Design trade-mark.
16. The Plaintiff pleads and relies on ss. 6 and 7(b) of the *Trade-marks Act*.



services or business and the wares, services or business of the Plaintiff, contrary to s. 7(b) of the *Trade-marks Act*.

23. The activities of the Defendants have, therefore, damaged the ability of the Plaintiff to conduct its activities and have seriously affected its ability to fundraise.

24. The Defendants are likely to continue their activities as described above, unless restrained by this Honorable Court.

The plaintiff proposes that this action be tried at Toronto.

Date: 22 August 2007.



Sheppard Shalinsky Brown  
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02-CV-338281 B3

Court File No.:

**Kinjif Ethiopian Cultural  
And Relief Organization In Toronto**

v.

**Kinjif For Human Rights And  
Democracy et al**

-Plaintiff -

- Defendants -

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(PROCEEDINGS COMMENCED AT TORONTO)**

**STATEMENT OF CLAIM**

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**SOLICITORS FOR THE PLAINTIFF**