



# HSM IP Trade Mark Client Guide

## FIJI

### Registration

A trade mark can be registered in Fiji pursuant to the *Trade-Marks Act 1978 (Cap. 240)*, the *Trade-Marks (Amendment) (No. 2) Decree 2012 (Decree No. 65 of 2012)* and the *Trade-Marks (Amendment) Decree 2012 (Decree No. 56 of 2012)* which provide for both national trade mark applications dating from the receipt of the application and applications to extend rights under a UK registration with effect from the date of registration in the UK.

For a national application the following information and documentation is required:

1. name of the trade mark
2. ten copies of the mark (unless mark is word only)
3. class(es) and specification of goods
4. applicant's name and address
5. Power of Attorney

For a UK-based application the following information and documentation is required:

1. name of the trade mark
2. ten copies of the mark (unless mark is word only)
3. class(es) and specification of goods
4. applicant's name and address
5. Power of Attorney
6. certified copy of the UK Certificate

It usually takes between 12-24 months for the Registrar of the Fiji Intellectual Property Office (FIPO) to process an application for registration. Paris Convention priority cannot be claimed. Once the registration is complete the FIPO will issue a Certificate of Registration.

### Classes

The International Classification system is not used. Multi-class applications are not allowed. Fiji still uses the pre-1938 British Classification of Goods. Service marks are not permitted.

### Searches

In order to conduct a search the only documentation required is the name of the trade mark and one copy of the mark (unless mark is word only). The result can usually be provided within a week.

### Renewal

A national trade mark registration is valid for 14 years after which it can be renewed like periods. Two months before the renewal date we will send you an Expiry Notice asking whether you wish us to renew the registration or allow the mark to lapse. If the registration is to be renewed the only documentation required is a Power of Attorney.

A UK-based trade mark registration is valid for the same period as specified on the underlying UK registration on which it is based. The registration can only be renewed in Fiji once the UK registration has been renewed. Two months before the renewal date we will send you an Expiry Notice asking whether you wish us to renew the registration (and the UK registration if necessary) or allow the mark to lapse. If the registration is to be renewed the only documentation required is a certified copy of the UK Certificate showing the renewal and a Power of Attorney.

The application for renewal should be filed prior to the expiration date of the registration. A grace period of six months, however, is allowed from the notice date of Non-Renewal of the mark for the filing of the application for renewal upon payment of a late fee.

It usually takes 12 months or less for the FIPO to process an application for renewal. Once the renewal is complete the FIPO will issue a Certificate of Renewal.

If you do not wish to renew the mark please inform us so that we can advise the FIPO accordingly.

### **Abandonment**

Please inform us as soon as possible if you wish to abandon your trade mark or allow it to lapse so that we can update our records and advise the FIPO accordingly. This will avoid us sending out unnecessary Reminder Notices.

### **Restoration**

It is possible to make an application to the FIPO to restore an expired trade mark.

### **Assignment**

Please inform us as soon as possible if the trade mark has been assigned so that we can file an application to record the assignment in Fiji.

To record the assignment of a national trade mark registration the only documentation required is the Deed of Assignment and a Power of Attorney.

To record the assignment of a UK-based trade mark registration the only documentation required is a certified copy of the UK Certificate showing the assignment and a Power of Attorney.

It usually takes 12 months or less for the FIPO to process an application to record an assignment. Once the recording is complete the FIPO will issue a certified copy of the Certificate of Registration endorsed with the assignment.

### **Change of Particulars**

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Fiji.

To record a change of name and/or address for a national trade mark registration the only documentation required is the document evidencing the change and a Power of Attorney.

To record a change of name and/or address for a UK-based trade mark registration the only documentation required is a certified copy of the UK Certificate showing the change and a Power of Attorney.

It usually takes 12 months or less for the FIPO to process an application to record a Change of Particulars. Once the recording is complete the FIPO will issue a certified copy of the Certificate of Registration endorsed with the change.

### **Our Firm**

HSM IP Ltd. provides worldwide intellectual property services. Based in the Cayman Islands and independently owned and operated, our experienced team of attorneys and paralegals deliver first class service to a broad client base which includes major Fortune Global 500 brand owners, international law firms and other specialist IP practices. Our broad perspective, practical approach and international experience allow us to offer clients a unique insight into IP issues.

The success and growth of our firm is due to our keen understanding of our clients' needs for a comprehensive "one-stop shop" which encompasses a wide range of services from the initial consultation process to searches, registrations, annuity payments and monitoring and renewals. Our interactive

database helps us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also allows us to fulfil our clients' specific reporting and invoicing requirements, including multi-currency invoicing and e-billing. We offer a competitive schedule of fixed fees, inclusive of both disbursements and official fees, which means we can provide clients with an accurate estimate of their project costs before embarking on a global filing programme for their portfolio.

As a leader in the field, HSM IP understands the value of long-term business relationships. We have a wealth of knowledge and specialise in the Caribbean, Central and Latin America and other offshore jurisdictions. Our staff regularly contribute to leading IP publications and we also publish a range of country-specific IP Client Guides which are available on our website.

Supported by HSM Chambers, an offshore law firm with experienced attorneys admitted in multiple jurisdictions, we have substantial experience in taking action to address the infringement of trade marks and patents and in the conduct of passing-off actions. We are also able to offer investigative services to identify the source of, and distributors of, infringing goods, working closely with police and customs officials as necessary.

Memberships: INTA, ASIPI, CITMA, MARQUES and IPCA.

### Contact Us

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*HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).*

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