



# HSM IP Patent Client Guide

## FIJI

### Registration

A patent can be registered in Fiji pursuant to the *Patents Act (Chapter 239) (Revised Edition 1978)* as amended by the *Patents (Amendment) Act 2002 (Act No. 21 of 2002)* and the *Patents (Amendment) Decree 2012 (Decree No. 55 of 2012)* which provides for both national patent applications and applications to extend rights under a UK registration within three years from the date of registration in the UK.

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

1. a petition signed by the inventor or his agent or attorney stating the inventor's residence and the title of the invention (Form 1)
2. specifications of the patent (including drawings and claims, if any) (Form 2)
3. Declaration of the inventor (Form 3)
4. Power of Attorney

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

1. certified copy of the UK Certificate
2. Power of Attorney

It usually takes between two to four years for the Registrar of the Fiji Intellectual Property Office (FIPO) to process a national application for registration. A UK-based application usually takes about two years to be processed. Paris Convention priority cannot be claimed. Once the registration is complete the FIPO will issue a Certificate of Registration.

### Patent Cooperation Treaty

Fiji is not a signatory to the Patent Cooperation Treaty (PCT). National phase filing of a PCT patent is not possible.

### Searches

Whilst there is no requirement to conduct a search in Fiji prior to the filing of an application for registration a search is recommended to ascertain that there will be no discrepancies concerning the innovativeness of the patent. The result can usually be provided within two weeks.

### Expiry

A national patent registration is valid for 14 years. A UK-based patent registration is valid for the same period as specified on the underlying UK registration on which it is based.

### Abandonment

Please inform us as soon as possible if you wish to abandon your patent 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.

### Assignment

Please inform us as soon as possible if the patent has been assigned so that we can file an application to record the assignment in Fiji (and the UK if necessary).

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

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

It usually takes about twelve months 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 (and the UK if necessary).

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

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

It usually takes about twelve months 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, CITMA, MARQUES and IPCA.

### **Contact Us**

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