

EXTRAORDINARY



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GOVERNMENT OF FIJI

TRADE-MARKS (AMENDMENT) (NO. 2) DECREE 2012
(DECREE NO. 65 OF 2012)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE TRADE-MARKS ACT (CAP. 240)

Short title and commencement

1. This Decree may be cited as the Trade-Marks (Amendment) (No. 2) Decree 2012, and shall be deemed to have come into force on 31st July, 2012 .

New sections inserted

2. The Trade-Marks Act (Cap. 240) is amended by inserting the following new sections after section 14—

“Prohibition to register trade-mark with the word ‘Fiji’

14A.—(1) It is prohibited to register as a trade-mark—

- (a) the use of the word or mark ‘Fiji’ or any word that makes reference or implies geographic origins or words or marks making reference or implying an approval from the State for which the proprietor is entitled to disclaim all or any portion of such matter separately or together with other words; and
- (b) a body corporate’s name or trading names duly registered under the Companies Act (Cap. 247),

unless the use of the word or mark or the use of a disclaimer on the word or mark is approved by the Minister.

(2) The Minister may approve an application in subsection (1) on such terms and conditions as the Minister deems proper, if—

- (a) the mark is necessary for the public interest;
- (b) the mark complies and is in accordance generally with approved marks and brands recognised and licensed in accordance with written laws;
- (c) the registration of the trade-mark shall develop Fiji’s economy and technology;
- (d) the company seeking registration of its company name as a trade-mark is a government owned entity; or
- (e) on any other reasonable ground.

No appeal

14B.—(1) No court, tribunal, commission or adjudicating body has the power or entitlement to hear or determine a claim, complaint, application that purports or purported to challenge the decision of the Minister made under section 14A.”

GIVEN under my hand this 30th day of October 2012.

EPELI NAILATIKAU
President of the Republic of Fiji