

ACT NO. 29 OF 2025

I assent.

RATU N. T. LALABALAVU
President

[9 December 2025]

AN ACT**TO AMEND THE TRADEMARKS ACT 2021**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Trademarks (Amendment) Act 2025.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Trademarks Act 2021 is referred to as the “Principal Act”.

Section 12 amended

2. Section 12 of the Principal Act is amended by—

(a) in subsection (2)—

- (i) in paragraph (a), deleting “and”;
- (ii) in paragraph (b), deleting “,” and substituting “; and”; and
- (iii) after paragraph (b), inserting the following new paragraph—
“(c) that comprises—

- (i) any iTaukei word, phrase, or symbol of cultural, spiritual, or historical significance;

- (ii) any Fiji Hindi, Rotuman or any other indigenous word deeply tied to cultural identity or societal values;
 - (iii) religious or communal symbol; or
 - (iv) any term likely to mislead or falsely suggest association with Fiji’s indigenous communities, traditions, or institutions;” and
- (b) after subsection (2), inserting the following new subsection—

“(2A) Where the Commissioner does not register a trademark under subsection (2), he or she must within 14 days, provide the applicant with reasons, in writing, for the decision.”.

Section 107A inserted

3. The Principal Act is amended after section 107 by inserting the following new section—

“Application for provisional measures

107A.—(1) The owner of a registered trademark which has been, or is likely to be infringed, may at any time, make an application to the court for an order for provisional measures to—

- (a) prevent an infringement or imminent infringement of an intellectual property right; or
- (b) preserve evidence relating to an alleged infringement.

(2) The court may make an order under subsection (1) with or without notice to the respondent, where the court is satisfied that—

- (a) a delay is likely to cause irreparable harm to the owner of a registered trademark; or
- (b) there is a real risk that evidence may be destroyed, concealed, or otherwise rendered inaccessible.

(3) Without limiting subsection (1), an order for provisional measures may include—

- (a) an interlocutory injunction restraining the sale, distribution, importation, customs clearance or other dealing with the infringing goods, infringing material, or infringing objects;
- (b) the seizure or detention of suspected infringing goods, infringing material, or infringing objects; or
- (c) the preservation or inspection of documents, data, or articles relevant to the alleged infringement.

(4) An application for an order under this section must be supported by evidence that—

- (a) the applicant has a *prima facie* right to the intellectual property;

- (b) there is credible evidence of infringement or imminent infringement; and
- (c) the measures sought are proportionate and necessary in the circumstances.

(5) The court may require the applicant to provide security, an undertaking, or other appropriate assurance, as the court considers just, for the payment of any costs, damages, or losses that may arise from the making or execution of the order.

(6) Where an order is made without notice to the respondent—

- (a) the order must be served on the respondent as soon as practicable, in any event, not later than 7 working days; and
- (b) the respondent is entitled to apply to the court for variation or discharge of the order, and the matter must be heard as soon as practicable and, in any event, not later than 7 working days from the date of service.

(7) An order made under this section lapses unless the applicant initiates proceedings on the merits of the case—

- (a) within 20 working days; or
- (b) within 31 calendar days,

whichever is longer, from the date of the order.

(8) A respondent who has suffered damage as a result of an order made under this section, which is subsequently discharged or found to be unjustified, is entitled to compensation from the applicant, including reasonable legal costs and expenses, in accordance with the rules of the court.”.

Section 110 amended

4. Section 110 of the Principal Act is amended by—

- (a) renumbering subsection (1) as subsection (2);
- (b) renumbering subsection (2) as subsection (3); and
- (c) inserting the following new subsection (1)—

“(1) For the purposes of this section, “commercial scale” means any act or conduct involving the unauthorised use of intellectual property rights that, having regard to its magnitude, context, frequency, or economic impact, is carried out for commercial advantage or financial gain, or is otherwise of a nature or extent that affects legitimate commercial interests, whether or not for profit.”.

Section 131 amended

5. Section 131(3)(a) of the Principal Act is amended by deleting “20 working days” and substituting “10 working days”.

Section 173 amended

6. Section 173 of the Principal Act is amended after subsection (3) by inserting the following new subsection—

“(4) Notwithstanding subsection (3), a trademark that, immediately before the commencement of this Act was valid, retains its existing registration period under the Trade-Marks Act 1933 and may only be renewed where it complies with section 12 (2)(c).”.

Passed by the Parliament of the Republic of Fiji this 4th day of December 2025.