This chapter discusses three requirements that a sign must satisfy to be validly registered or, if it is already registered, to ensure that it is not subsequently declared invalid: there is a sign; the sign can be represented graphically, or otherwise represented adequately; and the sign must be capable of distinguishing the goods or services of one undertaking from those of other undertakings. The chapter also considers specific policy-based limits on the registration of shapes, in the form of three ‘functionality’ exclusions.
36. Subject matter

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