This chapter discusses the conditions that must be met before a sign can be registered as a trade mark. The Trade Marks Act 1994 defines a ‘trade mark’ as ‘any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of another’. No mark can be registered unless it satisfies the two vital, but related, factors of being a sign and also capable of distinguishing one trader’s products from those of others. The impact of the removal of the requirement that a sign is capable of being represented graphically from the text of the articles of the Directive is also examined.
25. Trade marks—registrability and use

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