<table>
<thead>
<tr>
<th>Title</th>
<th>Year</th>
<th>Categories</th>
<th>Outcome</th>
<th>Summary of Reasoning</th>
<th>Image of Logo</th>
<th>Cases &amp; Authorities Cited in Letter Ruling</th>
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<tr>
<td>American Airlines</td>
<td>2013</td>
<td>Dimensions, symbols, designs; Two-dimensional artwork, Labels and logos; Originality</td>
<td>Refusal Affirmed in Part</td>
<td>Applicant did not provide instructions for using specimen radiography system, but not system itself. Logo consists of two calligraphic, crescent-shaped lines, which are &quot;not copyrightable because they are merely variations of geometric shapes.&quot; Simple arrangement of two unprotectable shapes does not constitute copyrightable authorship. Though applicant contends creative authorship in stylized &quot;A&quot;, merely trivial variations are insufficient. Even if stylized &quot;A&quot; represents design choice, the Board does not consider a work's &quot;meaning or symbolism,&quot; just its appearance.</td>
<td><img src="https://www.copyright.gov/registration/images/ACCUGRID.png" alt="Image of Logo" /></td>
<td>17 U.S.C. § 102(a)</td>
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<tr>
<td>ACCUGRID</td>
<td>1986</td>
<td>Dimensions, symbols, designs; Two-dimensional artwork, Labels and logos; Originality</td>
<td>Refusal Affirmed</td>
<td>The Bird-head element hovers just below center of aircraft tail element. Shading of combination of various familiar, but slightly adjusted shapes. Aircraft tail element is oriented on an angle (rather than the parallel orientation of a trapezoid or rectangle), and current bird-head element hovers just below center of aircraft tail element.higher resolution image provided by Applicant . Account card element is created on an angle (rather than the parallel orientation of a trapezoid or rectangle), and current bird-head element hovers just below center of aircraft tail element. Shading highlights illusion of depth causing bird-head element to appear to be above and separated from aircraft tail.</td>
<td><img src="https://www.copyright.gov/registration/images/ACCUGRID.png" alt="Image of Logo" /></td>
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<tr>
<td>Bleistein v. Donaldson Lithographing Co., Inc.</td>
<td>1970</td>
<td>Labels and logos; Text</td>
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<td>Applicant did not provide instructions for using specimen radiography system, but not system itself. Logo consists of two calligraphic, crescent-shaped lines, which are &quot;not copyrightable because they are merely variations of geometric shapes.&quot; Simple arrangement of two unprotectable shapes does not constitute copyrightable authorship. Though applicant contends creative authorship in stylized &quot;A&quot;, merely trivial variations are insufficient. Even if stylized &quot;A&quot; represents design choice, the Board does not consider a work's &quot;meaning or symbolism,&quot; just its appearance.</td>
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**Cases & Authorities Cited in Letter Ruling**

- *Prince Group, Inc. v. MTS Prod.* (1997)
- *Baker v. Selden* (1879)
- *Prince Group, Inc. v. MTS Prod* (1997)
- *Prince Group, Inc. v. MTS Prod* (1997)
- *Prince Group, Inc. v. MTS Prod* (1997)
- *Baker v. Selden* (1879)
- *Runstadler Studios, Inc. v. MCM LP* (1997)
- *Prince Group, Inc. v. MTS Prod* (1997)
**Design**

- **UAC Triangle**
- **LIV Logo**
- **Starball Device**
- **League Champions**
- The UEFA Speechmark
- **Vodafone (Energy Burst)**
- **Meatball**

Refusal Affirmed: Logos are not protected by copyright as they lack originality. Logos are not original because they are based on elements that are common and not registrable. Logos are not registrable as they are based on elements that are common and not registrable.

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<th>Description</th>
<th>Status</th>
<th>Reasoning</th>
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<tr>
<td>Common bear symbol</td>
<td>Common shapes/symbols, labels and logos, Originally, Two-dimensional artwork</td>
<td>Refusal</td>
<td>Work lacked sufficient originality. Simple arrangements of non-protectable elements do not demonstrate the necessary level of creativity. Work is comprised of basic geometric shapes. Colors of U.S. flag are exceedingly common. Collection of two “common place shapes,” suggesting bird’s anatomy, is a very common design choice for an airline logo.</td>
</tr>
<tr>
<td>Community logo</td>
<td>Common shapes/symbols/designs, labels and logos, Originally, Two-dimensional artwork</td>
<td>Refusal</td>
<td>Work lacked sufficient creativity. Work’s constituent elements – non-parallelograms, the hexagon, and triangle – are not individually subject to copyright protection. Combination of elements also not sufficiently creative.</td>
</tr>
<tr>
<td>Common dolphins tail</td>
<td>Common shapes/symbols/designs, labels and logos, Originally, Two-dimensional artwork</td>
<td>Refusal</td>
<td>Work contains a region of the original. Logo “uses two blue lines to create an exceedingly simplistic design with essentially three ‘logo shapes,’ which are unprotectable under copyright law. Rejected applicant’s arguments that because design depicts a whale’s tail, it should be protected as more than familiar or geometric shapes. Considering the design as depiction of an animal’s physical characteristics does not make design more creative.</td>
</tr>
<tr>
<td>Award Logo</td>
<td>Vignettes, Two-dimensional artwork, labels and logos, Originally, Two-dimensional work</td>
<td>Refusal</td>
<td>Use of stylized letter “O” is merely variation of typographic ornamentation and therefore ineligible for copyright protection. Trivial variations of basic building blocks of expression, like letters of alphabet, cannot be copyrighted regardless of how novel and creative the shape and form of the respective characters may be. “Minimized effect of the word ‘STORY’ is among unoriginal elements that fall within the narrower category of works that lack even a minimum level of creativity.”</td>
</tr>
<tr>
<td>Art Museum, Knife, Ball, and Spike</td>
<td>Vignettes, Two-dimensional artwork, labels and logos, Text, Typography, Words and short phrases</td>
<td>Reversed in Part</td>
<td>Board reversed on procedural grounds to allow applicant to amend application in light of revised version of the Compendium released shortly after denial. Board upheld refusal of two-dimensional artwork, which it summarized as “insufficiently creative. Partial reversal allowed applicant to amend its application to include claim based on text elements, which claim was absent in original application. Applicant convinced Board that omission was honest mistake, and was therefore allowed to amend application under new policy in 2017 edition of Compendium. Board then reconsidered amended application to Office of Registration Policy and Practice to review text claim.</td>
</tr>
<tr>
<td>White Pianos</td>
<td>Common shapes/symbols/designs, labels and logos, Originally, Two-dimensional artwork</td>
<td>Refusal</td>
<td>Work did not contain “requisite level of authorship to sustain a claim of copyright.” Work’s elements were “mere variations of typographic ornamentation” which, under Compendium, the “Office cannot register… 90-degree edges and slight tapering of characters deemed inconsequential differences not protected by copyright.” Work’s elements ultimately deemed too similar to other designs to be copyrightable. Board found round edge of letter “T” is “a common design feature in logos, found in Chicago Cubs, Comedy Central, CNN, and Federal Communications Commission logos, among others.” Board further noted that designs with similar elements were denied copyright protection. Attractiveness and effort in creation are not factors to be considered.</td>
</tr>
</tbody>
</table>

**Citations:**

5. **COMPENDIUM (THIRD), §§ 310.2, 313(A), 905, 906.1**
6. **37 CFR § 202.1(a), 202.5(g)**
7. **17 U.S.C. § 102(a)**
Refusal Affirmed. Underlying work is a 'barely perceptible element that does not possess more than a minimal quantum of creativity.' Work lacked sufficient "independent creation" and "sufficient creativity." Board flatly rejected Applicant's attempt to compare Work to a similar registered work.

Refusal Affirmed. Work is not a genuine product of Applicant's own independent creation. Work contained no original elements. Work was not an original composition.

Refusal Affirmed. Combination of textual and graphic elements are not original. A non-protectable combination of standard font, spacing, and short phrases, which are likely dictated by industry guidelines or practice.

Refusal Affirmed. Visa Flag and Visa Brand design filed as two-dimensional artwork. Combination of Work elements. Work does not exhibit creativity. Work is not original. Work is a non-protectable combination of standard elements. Work is not the product of independent creation. Work is not original. Work is a combination of elements that contain a de minimis amount of expression. Work is not protectable. Work is not sui generis. Work is not registered Work. Work is not sui generis. Work is aesthetic. Work is a non-protectable combination of standard elements.

Refusal Affirmed. Combination of Work elements. Work does not exhibit creativity. Work is not original. Work is a non-protectable combination of standard elements. Work is not the product of independent creation. Work is not original.
Three simple, black trapezoid shapes not sufficiently creative to earn copyright protection and arrangement from smallest to largest in ascending order does not make sufficiently creative. Board says ASCII bars are analogous to a work in Compendium that shows a “picture composed of a purple background and evenly spaced white circles,” which is stated not to exhibit sufficient creativity. Adidas bars design is “basic combination of of ordinary, public domain shapes.”

**Label and Logo**

**Common shapes/symbols/design:**

- Two-dimensional artwork
- Originality

**Two-dimensional artwork, Originality, Layout and format:**

- Useful

**Work consists of capitalized H with 12 five-point stars in circular shape around the H. Work therefore consists of a selection and arrangement of non-copyrightable elements. Some combinations of unprotectable elements will qualify for copyright protection but not all combinations and arrangements. To qualify for protection, elements must be numerous and arrangement thereof must be original. Work consists of arrangement that is not unique in any way and it obvious or minor. Accordingly, Work does not have requisite originality and creative authorship.**

**Refusal Affirmed**

**Board states that “intangible attributes . . . including the professional skills and choices of the Work’s designer in selecting design elements———cannot be assessed in an objective manner because they are not evident in the deposit itself.” Board does not evaluate author’s claimed intentions or design’s visual impact in assessing originality. Sweat of the brow argument does not pass muster; how much time or skill Apple says was put into the design is irrelevant.

**IBM icon, although consisting of combination of elements such as well-known BlackBerry Logo placed within speech balloons, failed to satisfy requirement of creative authorship to be granted copyright protection. Work comprised of combination of common geometric shapes and commonly used symbols. Even the combination of several elements used did not render Work sufficiently original. Work is said to be “simple combination” and fails to meet even low threshold of originality.**

**Refusal Affirmed**

**Three simple, black trapezoid shapes not sufficiently creative to earn copyright protection and arrangement from smallest to largest in ascending order does not make sufficiently creative. Board says ASCII bars are analogous to a work in Compendium that shows a “picture composed of a purple background and evenly spaced white circles,” which is stated not to exhibit sufficient creativity. Adidas bars design is “basic combination of of ordinary, public domain shapes.”**

**Refusal Affirmed**

**Combination of square with rounded edges, the word “iAd” in white, Apple logo in white a curved line, and blue shading lacks requisite creativity and each individual element is uncopyrightable. Apple argues Board should consider that icon is shaped like an “app icon” and not rounded square. Board responds that looks like a rounded square, which is a common shape for app icons. Changing name of shape does not effect outcome. Apple argued that each element was product of many creative choices. Board states that “intangible attributes . . . including the professional skills and choices of the Work’s designer in selecting design elements———cannot be assessed in an objective manner because they are not evident in the deposit itself.” Board does not evaluate author’s claimed intentions or design’s visual impact in assessing originality. Sweat of the brow argument does not pass muster; how much time or skill Apple says was put into the design is irrelevant.**

**Refusal Affirmed**

**Board considered useful article and not registrable. Because bottle design is not registrable, it cannot be a compilation, even if its labels might be separately registrable.**

**Refusal Affirmed**

**Satava v. Feist**

**Atari**

**COMPENDIUM (THIRD) §§ 309.3, 313.4(C), 313.4(J), 906.1 (3d ed. 2014)**

**37 C.F.R. §§ 202.1(a), 202.5(c) 202.5(g)**

**17 U.S.C. § 102(a)**


**Mazer v. Stein, 347 U.S. 201 (1954)**

**Simply Soft, Inc. v. Starbuzz Tobacco, Inc. 755 F.3d 1038. 1041 n.2 (9th Cir. 2014)**

**Esquire Inc. v. Ringer, 591 F.2d 796, 800 (D.C. Cir 1978)**


**37 C.F.R. §§ 202.1(a), 202.5(c), 202.5(g) 202.10(b)**

**17 U.S.C. §§ 101, 102(a)(5)**


**37 C.F.R. §§ 202.1(a), 202.5(c), 202.5(g) 202.10(b)**

**17 U.S.C. §§ 101, 102(a)(5)**

**Inhale, Inc. v. Starbuzz Tobacco, Inc. 755 F.3d 1038. 1041 n.2 (9th Cir. 2014)**


**37 C.F.R. §§ 202.1(a), 202.5(c), 202.5(g) 202.10(b)**

**17 U.S.C. §§ 101, 102(a)(5)**

**Board states that “intangible attributes . . . including the professional skills and choices of the Work’s designer in selecting design elements———cannot be assessed in an objective manner because they are not evident in the deposit itself.” Board does not evaluate author’s claimed intentions or design’s visual impact in assessing originality. Sweat of the brow argument does not pass muster; how much time or skill Apple says was put into the design is irrelevant.**

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**Refusal Affirmed**

**Board considered useful article and not registrable. Because bottle design is not registrable, it cannot be a compilation, even if its labels might be separately registrable.**

**Refusal Affirmed**
| Refusal Affirmed | Works ("J logos") do not contain sufficient amount of original and creative artistic authorship, despite Applicant's argument that the logos were "highly stylized" in such a way that consumers would not even recognize the shapes to be the letters "J." Argument that a professional graphic designer created the works was deemed irrelevant. Copyright Office found the "creative spark utterly lacking. A combination of unprotectable elements can be registrable only if the arrangement is original.

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    Refusal Affirmed
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| Refusal Affirmed | Applicant has burden to identify all copyrightable elements original and creative authorship. Board allows amendment of what was claimed. Up for reconsideration is whether textual elements are registrable. Board already deemed two-dimensional artwork elements insufficiently creative in prior opinion.

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    Refusal Affirmed
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| Refusal Affirmed | Jewelry design application for rings, earrings, and bracelets bearing design scales and interlocking logo lacked originality and creative authorship. Dragon scales are too common and ordinary; jewelry design and common natural design. Cassinis-type cross-sectional shape of the jewelry did not have "creative spark necessary for copyright protection." Designations of metal quality are also unprotectable elements and names are uncopyrightable as mere lettering. "A mere simplistic arrangement of non-protectable elements does not demonstrate the level of creativity necessary to warrant protection." Attractiveness of design, intentions of author, its symbolism, time and effort to create design and commercial success are not factors in determining copyrightability.

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    Refusal Affirmed
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| Refusal Affirmed | Jewelry design lacking originality, said to be a simplistic arrangement of non-copyrightable elements. Here, the shapes, colors, and arrangement are not individually copyrightable and are not arranged in a way that makes them so. The creative spark is not present. The arrangement is too obvious. Copyright does not protect common geometric shapes unless arranged creatively. ADT argues that its design is "unique." Board's response is that it does not consider uniqueness and novelty during the originality analysis. The Board adds that the ADT logo is a combination of letters, colors, and shapes, typical of a logo design.

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    Refusal Affirmed
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| Refusal Affirmed | Office does not register "labels that consist of only... [6]" as a single, 2-D graphic logo design consisting of two adjacent "J" shapes, one larger than the other.

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    Refusal Affirmed
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| Refusal Affirmed | Jewelry design of ring, earring and bracelet bearing design scales and interlocking logo lacked originality and creative authorship. Dragon scales are too common and ordinary; jewelry design and common natural design. Cassinis-type cross-sectional shape of the jewelry did not have "creative spark necessary for copyright protection." Designations of metal quality are also unprotectable elements and names are uncopyrightable as mere lettering. "A mere simplistic arrangement of non-protectable elements does not demonstrate the level of creativity necessary to warrant protection." Attractiveness of design, intentions of author, its symbolism, time and effort to create design and commercial success are not factors in determining copyrightability.

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