



Leveraging Copyright Law to Protect Against the Unauthorized Use of a Brand's Logo

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The Lanham Act,¹ which defines the contours of much of trademark law, provides the primary legal framework within which one protects and enforces rights in a brand. However, not all unauthorized uses of a word, a phrase, or a logo that are associated with a brand are actionable under that statute. In general, to prevail on a claim under the Lanham Act for trademark infringement, one must show a likelihood of confusion as to the source of a good or service. Unfortunately, proving that an unauthorized action by another person or entity created sufficient confusion and, thus, forms the basis of liability and/or injunctive relief under the Latham Act can be cumbersome and costly.

While the term “logo” does not appear in the text of the Latham Act, courts have held that brand owners whose brands are symbolized by logos can avail themselves of protections under the Act. In addition, brand owners are also afforded protection against unauthorized use of their logo under copyright law. In order to decrease the likelihood of unauthorized use of their logo, brand owners should consider whether to try to register and to enforce not only their trademark rights, but also their copyright rights. The addition of a cause of action under copyright law carries with it certain benefits that are not present in a cause of action under trademark law. However, not all logos merit copyright protection. Moreover, in order to maximize the value of including a cause of action for copyright infringement, in general, the copyright holder must have taken certain steps prior to the occurrence of the infringement at issue. Appreciating the advantages of using copyright law to protect one's logo, how and when to avail oneself of this protection, and the threshold level of creativity necessary to protect a logo under copyright law can be invaluable to a brand owner.

I. The Interplay between Trademarks and Copyright Rights in Logos

A. Trademarks

The Lanham Act defines a trademark as “any word, name, symbol or device or any combination thereof . . . [that is used] to identify and distinguish . . . goods . . . from those manufactured or sold by others and to indicate the source of the goods[.]”² Although the definition of a “trademark” does not explicitly recite “logos,” courts have universally recognized that under the Lanham Act, as well as under common law, logos can be the source of trademark rights.³

Trademark rights protect against the unauthorized use of a trademark that is likely to cause confusion, to cause mistake, or to deceive, with respect to the source or sponsorship of goods or services.⁴ With trademark rights comes the right to sue for civil remedies and injunctive relief.⁵

Under the Lanham Act, brand owners have the option, but not the obligation to register their trademarks with the United States Patent and Trademark Office (“USPTO”).⁶ Thus, registration of a trademark is not a prerequisite to enforcement of rights.⁷ However, with registration of a trademark comes certain advantages, including that registration is *prima facie* evidence of the mark’s validity and serves as constructive notice of the registrant’s claim of ownership.⁸ Further, once a mark has been registered on the principal register for five years, it can become incontestable.⁹ Because of the benefits of registration, practitioners who counsel clients on trademark issues, often recommend that unless a trademark application is likely to be rejected by the USPTO or opposed by a third party, and the mark is being used or will be used in interstate commerce, the benefits of registering a trademark outweigh the costs.

When pursuing a cause of action under the Lanham Act for trademark infringement, the brand owner must establish a likelihood of confusion regardless of whether the trademark is registered.¹⁰ This proof requires the consideration of a long list of factors (only a subset of which might be applicable in any particular case).¹¹ Satisfying this burden can be costly, and the fact specific nature of an analysis of the likelihood of confusion factors often renders a claim resistant to decision upon summary judgment.¹²

B. Copyright Rights

Brand owners may also be able to obtain copyright protections for their logos, but such logo must be sufficiently unique,¹³ containing the stylization

of letters, numbers, words, shapes, patterns, or a combination thereof. The benefits of possessing copyright rights include the following rights, which are not associated with trademark rights: (1) the availability of statutory damages and attorneys' fees when the rights have been registered prior to infringement or within three months of first publication;¹⁴ (2) an ability to avoid the complex likelihood of confusion analysis mandated under the Lanham Act, and instead focus on whether there is a substantial similarity between the logo as created and as used by the accused infringer;¹⁵ (3) the availability of defendant's profits, with the burden on the infringer to prove deductible expenses;¹⁶ and (4) a breadth that extends to unauthorized uses in connection with goods or services that are unrelated to those of the brand owner.¹⁷

As with trademarks rights, the creation of copyright rights is not dependent upon registration of those rights.¹⁸ However, unlike with trademark rights, registration is generally a prerequisite to enforcing one's copyright rights, unless certain limited exceptions apply.¹⁹

II. Copyrightability of Logos

Copyright law protects original works of authorship that are fixed in any tangible medium.²⁰ As the Supreme Court has noted: "The *sine qua non* of copyrightability is originality."²¹ To be original, a work must be independently created and contain a modicum of creativity.²² It is important for brand owners to understand the threshold "modicum" of creativity.

A. Recent Guidance from the Courts

Courts will not review a decision of the Copyright Office to register a work or to deny registration of a work except under the Administrative Procedures Act ("APA"),²³ which requires that a court not set aside an agency decision unless it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.²⁴ This high burden deters most applicants whose works are denied registration from seeking court review. One recent case filed by Speedway Motors Inc. ("Speedway"), in connection with its attempt to register its logos, illustrates the onerous burden on a plaintiff who seeks court review.²⁵

Speedway tried to register copyright rights in the following three logos:²⁶



It filed a separate copyright application for each logo.²⁷ The Copyright Office denied each application, noting “familiar symbols or designs; basic geometric shapes; words and short phrases such as names, titles, and slogans; or mere variations of typographic ornamentation, lettering or coloring” fall “into a narrow area where admittedly independent efforts are deemed too trivial or insignificant to support a copyright.”²⁸

Speedway first sought reconsideration of the refusals to register within the Copyright Office, and, when unsuccessful, sought review by the United States District Court for the District of Nebraska, arguing that the Copyright Office’s denials of its applications for registration were arbitrary, capricious, not in accordance with law, and were inconsistent with prior decisions.²⁹ Although Speedway used the language of the APA when trying to persuade the Court, the Court concluded that the Copyright Office had not abused its discretion and its acts were not arbitrary or capricious.³⁰ In doing so, the Court emphasized that the Copyright Office had clearly stated its reasoning on the record and the Court deemed the reasoning “a rational connection between the facts found—that the logos consist of individual elements that are not subject to copyright and that the arrangement of those elements as a whole is also insufficiently creative to justify copyright—and the choice made to deny Speedway’s applications.”³¹

The Court’s deference to the expertise of the Copyright Office is common amongst copyright cases and, as such, *Speedway* illustrates the importance of a brand owner successfully registering its logo with the Copyright Office.³²

B. Copyright Office Practice

The Copyright Office considers whether a logo is worthy of copyright protection if the logo “embodies ‘some creative authorship in its delineation or form.’”³³ As guideposts, in its Compendium of U.S. Copyright Office Practices,³⁴ the Copyright Office lists six types of logos that it will refuse to register. They are logos that consist only of:

- Wording.
- Mere scripting or lettering, either with or without uncopyrightable ornamentation.
- Handwritten words or signatures, regardless of how fanciful they may be.

- Mere spatial placement or format of trademark, logo or label elements.
- Uncopyrightable use of color, frames, borders, or differently sized font.
- Mere use of different fonts or functional colors, frame, or borders, either standing alone or in combination.³⁵

This list, describing the lower boundary of logos not worthy of copyright protection, provides minimal guidance and, to the dismay of brand owners, “there is no bright-line test for how much detail is required to make two dimensional art [such as logos] copyrightable.”³⁶

Further, the Copyright Office’s regulations are also of minimal assistance. For example, 37 C.F.R. § 202.1(a) notes a prohibition against registration of familiar symbols or designs, with the proviso that although the Copyright Office will register works that consist of merely geometric shapes, “the author’s use of those shapes [must] result[] in a work that as a whole, is sufficiently creative.”³⁷ Glaringly, this regulation raises questions with respect to what it means for a logo to be “sufficiently creative.” For true guidance, one needs to delve into how the Copyright Office has treated applications to register copyright rights in logos.³⁸

III. Recent Copyright Office Decisions

Within the Copyright Office, the Review Board (the “Board”) hears appeals from adverse decisions by Copyright Office specialists who decide whether to accept applications for registration. A review of these decisions shows that the Copyright Office is diligent when refusing to register copyright rights in logos that it deems to be the combination of basic shapes or stylized fonts or a combination thereof. The Copyright Office recently refused to accept the following logos:



Noting that the circles and diamond-like shapes are unprotectable, concluding “the combination of these unprotectable elements is insufficiently creative to support copyright rights[;]”³⁹



Noting that the tapered repeated spiral bands of decreasing size were common geometric shapes and thus ineligible for copyright protection, and their combination, even with the specific color arrangement was insufficient for copyright rights;⁴⁰



Noting that the individual elements, portions of the letters “H,” “D,” and “R” even in a specific typography, were not copyrightable and their combination was not sufficiently creative to provide a basis for copyright rights;⁴¹



Noting that a spoon is a common shape and thus not protectable under copyright law and that its combination with the words of the logo was not sufficiently creative to warrant copyright protection;⁴²



Noting “when viewed as a whole, the selection, coordination and arrangement of the star, the protruding curved lines, and the short phrases are not sufficiently creative to rend the Work original”;⁴³



Noting that the arrangement of two letters inside a bisected circle that could be viewed as a third letter to be “too simplistic to meet the legal requirements” for copyright protection;⁴⁴



Noting “the short phrase combined with familiar symbols/designs that make up the Work, as a whole, lacks the requisite amount of creativity in their selection, combination and arrangement to warrant copyright protection[;]”⁴⁵ and



Noting “the Work here includes minor variations of unprotectable shapes and letters that do not rise to the level of sufficient creativity” to warrant copyright protection.⁴⁶

By contrast, the Board has, in a few instances, reversed examination specialists who refused to register logos. These decisions provide guidance as to when a logo possesses sufficient creativity to be the basis of copyright rights:



Noting “each of the Work’s individual elements—chevrons, arrows, a square, a hexagon, and coloring are not copyrightable . . . the Work’s selection and combination of its individual elements displays sufficient creativity to meet the statutory requirement for copyright protection[;]”⁴⁷



Noting that this particular combination of colors and shapes creates “a sufficient, although minimal, amount of original and creative two-dimensional authorship to support copyright protection;”⁴⁸



Noting “the combination of elements in the Stitch Design—namely the asymmetrical and differing curvature of each line, the inversion of the bottom line from that normally found in baseball stitching and the varying appearance of each stitch mark – in the aggregate constitutes a sufficient, although minimal amount of original and creative authorship[;]”⁴⁹



Noting “the asymmetric star-like shape in the center of the design, colored in black and white to create dimension and shading, combined with the red and black background help demonstrate the modicum of creativity required for copyrightability;”⁵⁰



Noting that the stylization of overlapping rhombus shapes that are bisected by text, allowing the shapes to be seen as either diamonds or triangles, in combination with the three colors demonstrates “the modicum of creativity required for copyrightability[;]”⁵¹ and



Noting that the combination of a blue element and a red element that conform to the contours of an aircraft tail in combination with a white and gray triangle that evokes the head of an eagle with shading “provides the minimum amount of creativity necessary for copyright protection.”⁵²

When the reversals and affirmations by the Copyright Board are reviewed, one can see a pattern. The Copyright Board disfavors common uses and arrangements of letters, shapes, and patterns, including simple combinations of the same. Conversely, when a logo involves the arrangement of multiple different shapes and colors, tending to a unique impression that is more than the sum of the components of the logo, the Copyright Office is receptive to applications for the registration of copyright rights.

IV. Conclusion

Trademark rights and copyright rights are neither mutually exclusive nor co-extensive. Instead, they may be overlapping. Because Congress has provided copyright holders with certain advantages relative to trademark owners, including, if timely registered, the advantages of attorneys’ fees and statutory damages, and a wider scope of protection (that extends beyond a likelihood

of confusion as to source identification), brand owners that make use of logos that are more than the simple combination of shapes, symbols and/or letters are well advised to consider registering and enforcing those rights.

Endnotes

- 1 Lanham Trade-Mark Act of 1946 § 1, *et seq.*, 15 U.S.C. 1051 *et seq.* (2018).
- 2 15 U.S.C. § 1127; *Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 1321 (CCPA 1981) (“To function as a trademark, defined to include ‘any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others[.]’” (quoting 15 U.S.C. § 1127)).
- 3 *See e.g., First Bank v. First Bank Sys., Inc.*, 84 F.3d 1040, 1044 (8th Cir. 1996) (opining that common law trademark arises from the adoption and actual use of a word, phrase, logo, or other device to identify goods or services with a particular party); *Vaad L’Hafotzas Sichos, Inc. v. Kehot Publication Soc.*, 935 F. Supp. 2d 595, 602 (E.D.N.Y. 2013) (holding the Kehot logo is a trademark), *cert. denied*, 2014 WL 1026592 (E.D.N.Y., Mar. 20, 2014).
- 4 15 U.S.C. § 1114.
- 5 *Id.*
- 6 *See Matal v. Tam*, 137 S. Ct. 1744, 1752 (2017) (“Without registration, a valid trademark may still be used in commerce.”) (quoting 3 *McCarthy on Trademarks and Unfair Competition* § 19:8 (5th ed.)), *ZW USA, Inc., v. PWD Sys., LLC*, 889 F.3d 441, 449 (8th Cir. 2018) (“The Lanham Act protects both registered and unregistered trademarks.”).
- 7 *See Matal*, 137 S. Ct. at 1752-53 (holding unregistered trademarks may be enforced under Section 43 of the Lanham Act, as well as under state law); *Commodores Entertainment Corp. v. McClary*, 879 F.3d 1114, 1131 (11th Cir.) (“Notably, a plaintiff need not have a registered trademark to use and enforce the mark”), *cert. denied*, 139 S. Ct. 225 (2018); *Nirvana, LLC v. Mark Jacobs Int’l, LLC*, 2019 WL 7817082, *13 n.10 (C.D. Cal. Nov. 8, 2019).
- 8 *See Iancu v. Brunetti*, 139 S. Ct. 2294, 2297-98 (2019) (holding registration constitutes prima facie evidence of validity and serves as constructive notice of the claim of ownership).
- 9 15 U.S.C. § 1065.
- 10 *See American Rice, Inc. v. Producers Rice Mill, Inc.*, 518 F.3d 321, 329 (5th

Cir.), *rehearing and rehearing en banc denied* 277 Fed.Appx. 525 (5th Cir. 2008); *Savin Corp. v. Savin Group*, 391 F.3d 439, 445 (2d Cir. 2004), *cert. denied sub nom. Savins Engineers, P.C. v. Savin Corp.*, 546 U.S. 822 (2005); *Sardi's Rest. Corp. v. Sardie*, 755 F.2d 719, 723 (9th Cir. 1985).

- 11 When conducting a likelihood of confusion analysis, the precise recitation of factors to consider differs among the circuits, but in large part they overlap. Additionally, each circuit recognizes both that their listing of factors is not exhaustive and that not all factors are applicable in all circumstances. See *Affliction Holdings, LLC v. Utah Vap or Smoke, LLC*, 935 F.3d 1112, 1114-15 (10th Cir. 2019) (listing factors); *Swagway, LLC v. ITC*, 934 F.3d 1332, 1338-39 (Fed. Cir. 2019) (listing factors); *Uncommon, LLC v. Spigen, Inc.*, 926 F.3d 409, 425 (7th Cir. 2019) (listing factors); *PlayNation Play Sys., Inc. v. Velez Corp.*, 924 F.3d 1159, 1165 (11th Cir. 2019) (listing factors); *Alliance for Good Gov't v. Coalition for Better Gov't*, 901 F.3d 498, 508 (5th Cir. 2018) (listing factors); *American Soc'y for Testing & Materials v. Public.Resource.Org, Inc.*, 896 F.3d 437, 456 (D.C. Cir. 2018) (listing factors); *Swarovski Aktiengesellschaft v. Bldg No. 19, Inc.*, 704 F.3d 44, 49 n.2 (1st Cir. 2013) (listing factors); *Century 21 Real Estate Corp. v. Lendingtree, Inc.*, 425 F.3d 211 (3d Cir. 2005) (listing factors); *AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 792-93 (6th Cir. 2004) (listing factors); *Barbecue Marx, Inc. v. 551 Ogden, Inc.*, 235 F.3d 1041, 1043-44 (7th Cir. 2000) (listing factors); *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1205 (9th Cir. 2000) (listing factors); *Estee Lauder Inc. v. The Gap, Inc.*, 108 F.3d 1503, 1510 (2d Cir. 1997) (listing factors); *Insty*Bit, Inc. v. Poly-Tech Indus., Inc.*, 95 F.3d 663, 667 (8th Cir. 1996), *cert. denied*, 519 U.S. 1151 (1997) (listing factors); *Sara Lee Corp. v. Kayser-Roth Corp.*, 81 F.3d 455, 463 (4th Cir.), *cert. denied*, 519 U.S. 976 (1996) (listing factors).
- 12 See *Schneider Saddlery Co., Inc. v. Best Shot Pet Prod. Intern*, 2009 WL 864072, *22 n.17 (N.D. Ohio 2009) (“When a court is evaluating a larger claim for trademark infringement, there are no rigid rules that will enable a court to find a likelihood of confusion—each case is necessarily somewhat different. It is, indeed, the nature of a predominantly factual inquiry and the reason that summary judgment is so rare on the question of trademark infringement.”).
- 13 See e.g., *Vigil v. Walt Disney Co.*, 1995 WL 621832, *4 (N.D. Cal. Oct. 16, 1995) (“Purloining an existing logo, which already has both copyright and trademark protection, and placing it on another product or device, does not create intellectual property rights in the person responsible for the misappropriation.”).

- 14 17 U.S.C. § § 412, 504.
- 15 See *Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.*, 602 F.3d 57, 63 (2d Cir. 2010). Courts have recognized that there is a lesser burden to prove copyright infringement, and that if one cannot prove substantial similarity for a copyright claim, one would have little basis for establishing a likelihood of confusion requirement of a trademark claim. See *Warner Bros., Inc. v. American Broad. Cos., Inc.*, 720 F.2d 231, 246 (2d Cir. 1983) (“[T]he absence of substantial similarity [under copyright law] leaves little basis for asserting a likelihood of confusion[.]” (internal citation and quotation marks omitted)); *Kaplan v. Stock Market Photo Agency, Inc.*, 133 F. Supp. 2d 317, 329 n.17 (S.D.N.Y. 2001) (quoting *Warner Bros, supra*); *Little Souls, Inc. v. Petits*, 789 F. Supp. 56, 59 (D. Mass. 1992) (absence of substantial similarity leaves little basis for asserting likelihood of confusion); *Cory Van Rijn, Inc. v. California Raisin Advisory Bd.*, 697 F. Supp. 1136, 1145 (C.D. Cal. 1987) (absence of substantial similarity leaves little basis for asserting likelihood of confusion).
- 16 17 U.S.C. § 504.
- 17 *United States v. Giles*, 213 F.3d 1247, 1252 (10th Cir. 2000) (“Our conclusions are supported by the distinction between trademarks and copyrights. Trademark is meant to identify goods so that a customer will not be confused as to their source. Copyright is intended to protect the owner’s right in an abstract design or other creative product. These differing purposes inform the different rights each law creates. ‘Copyright law gives the author the right to prevent copying of the copyrighted work in any medium. Trademark law prevents the use of a similar mark on such goods or services as would probably cause confusion. Thus, the scope of rights in copyrights and trademarks is defined quite differently.’” 1 J. THOMAS MCCARTHY, *MCCARTHY ON TRADEMARKS & UNFAIR COMPETITION* § 6.14, at 6–28 (4th ed.1996)).
- 18 17 U.S.C. § 408 (“[T]he owner of copyright . . . may obtain registration of the copyright claims[.]”); see also *Arthur Rutenberg Homes, Inc. v. Drew Homes, Inc.*, 29 F.3d 1529, 1531 (11th Cir. 1994) (“Copyright inheres in authorship and exists whether or not it is registered.”).
- 19 17 U.S.C. § 411 (providing, except for Berne Convention works, “no action for infringement of the copyright in any work shall be instituted until registration of the copyright claim has been made”); see also *Arthur Rutenberg Homes, Inc.*, 29 F.3d at 1531 (“Copyright registration is a pre-requisite to the institution of a copyright infringement lawsuit.”). Thus, Berne Convention works are exempt from the requirement of registration prior to bringing

suit. See *The Football Ass'n Premier League Ltd. v. YouTube, Inc.*, 633 F. Supp. 2d 159, 163-64 (S.D.N.Y. 2009) (discussing Congressional intent to exempt Berne Convention works from requirement of registration prior to bringing action in court). However, if one sues on a Berne Convention work prior to registering the work, one cannot avail oneself of attorneys' fees or statutory damages. *Id.* at 164.

20 17 U.S.C. § 102(a).

21 *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345 (1991).

22 See *Id.* at 346.

23 See e.g., *John Muller & Co. v. New York Arrows Soccer Team, Inc.*, 802 F.2d 989, 990 (8th Cir. 1986) ("Register had not abused his discretion in finding that appellant's logo [four angled lines forming an arrow with the word 'Arrows' written in cursive] lacked the level of creativity needed for copyrightability.").

24 See *Voyageurs Nat. Park Ass'n v. Norton*, 381 F.3d 759, 763 (8th Cir. 2004).

25 *Speedway Motors, Inc. v. Perlmutter*, 553 F. Supp. 3d 703, 705-06 (D. Neb. 2021).

26 *Id.* at 706.

27 *Id.*

28 *Id.* at 707 (quoting the Copyright Office decision).

29 *Id.* at 709.

30 *Id.* at 709-10.

31 *Id.* at 710.

32 As noted above, *supra* note 19, there is an exception to the general requirement that copyright holders must first register their works with the Copyright Office for foreign works first published abroad. See also *Sadhu Singh Hamdad Trust v. Ajit Newspaper Advert.*, 503 F. Supp. 2d 577, 584 (E.D.N.Y. 2007) ("[T]he Berne Convention does not require the owner of a foreign copyright to register in the United States before seeking redress for infringement of works originating in foreign nations, such as India, that are signatories to the convention."). These cases would not be governed by the Administrative Procedures Act.

33 U.S. COPYRIGHT OFFICE, *COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES* § 914.1 (3d ed. 2021), <https://www.copyright.gov/comp3/> (quoting 37 C.F.R. § 202.10(a)). Hereinafter, the third edition of the COPYRIGHT OFFICE, *COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES* shall be cited as *COMPENDIUM (Third)*.

- 34 COMPENDIUM (Third) § 914.1.
- 35 *Id.*
- 36 Eric Goldman, Emojis and the Law, 93 WASH L. REV. 1227, 1278 (Oct. 2018).
- 37 COMPENDIUM (Third) § 906.1.
- 38 While decisions by the Copyright Office do not have precedential value (*see TY Inc. v. Target Corp.*, 2022 WL 4367181 *4 (N.D. Ill. 2022) (quoting COMPENDIUM (Third) § 1704.2) (“A decision issued by the Review Board has no precedential value, nor is any decision binding upon the Board in any other appeal.”)), such decisions, nevertheless, provide the best available guidance on how the Copyright Office is likely to act.
- 39 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-4SI85UP, SR 1-9895700671, Fruit Bunch (August 17, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/fruit-bunch.pdf>.
- 40 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-4KH6AI4, SR 1-8536940141, Whirl Design Logo (August 17, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/whirl-design.pdf>.
- 41 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3FRN0PY, SR 1-8228476671, HDR Logo Design (August 17, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/hdr-logo-design.pdf>.
- 42 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-4PNBG5C, SR 1-6822248641, Core Kitchen Design (January 19, 2020), <https://www.copyright.gov/rulings-filings/review-board/docs/core-kitchen.pdf>.
- 43 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3ZKWEH1, SR 1-8510425523, American Made (June 15, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/american-made.pdf>.
- 44 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-4P6TC9E, SR 1-9245157361, Team Solomid TSM Original Design (June 15, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/team-solomid-tsm-original-design.pdf>.
- 45 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3VVNOUJ, SR 1-7637637029, Come and Drink It (June 21, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/come-and-drink-it.pdf>.

- 46 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-42-UMH5I, SR 1-8313812653, TB Diamond Logo (June 16, 2021), <https://www.copyright.gov/rulings-filings/review-board/docs/tb-diamond-logo.pdf>.
- 47 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-4MNB8KH, SR 1-8882877581, Hexagon Shaped Logo (April 14, 2022), <https://www.copyright.gov/rulings-filings/review-board/docs/hexagon-shaped-logo.pdf>.
- 48 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3MIT68F, SR 1-6278787931, Northwind logos with boat (October 9, 2020), <https://www.copyright.gov/rulings-filings/review-board/docs/northwind-logo.pdf>.
- 49 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3FPM6MD, SR 1-5612989081, Cooperstown Vodka Artwork (August 12, 2020), <https://www.copyright.gov/rulings-filings/review-board/docs/cooperstown-vodka.pdf> (affirming in part and reversing in part).
- 50 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3M8QY9R, SR 1-729466177, Dead Kennedys “DK” Logo (May 7, 2020), <https://www.copyright.gov/rulings-filings/review-board/docs/dead-kennedys-dk-logo.pdf>.
- 51 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-3FQTX8P, SR 1-6079580741, 2010 Vancouver Whitecaps Primary Crest (April 23, 2020), <https://www.copyright.gov/rulings-filings/review-board/docs/vancouver-whitecaps-primary-crest.pdf>.
- 52 U.S. Copyright Office Review Board, Opinion Letter, Correspondence ID 1-28H4ZFK, SR 1-3537494381, American Airlines Flight Symbol, (January 8, 2018), <https://www.copyright.gov/rulings-filings/review-board/docs/american-airlines-flight-symbol.pdf>.

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