



Copyright Review Board  
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000

June 12, 2026

Wen-Ping Hsieh  
c/o Yu Chuan Su  
12F.-4, No. 666, Sec. 2, Wuquan W. Rd., Nantun Dist.  
Taichung City, 40899 Taiwan

**Re: Second Request for Reconsideration of Refusal to Register Atec  
(SR # 1-12772789561; Correspondence ID: 1-69K1RQZ)**

Dear Wen-Ping Hsieh:

The Review Board of the United States Copyright Office (“Board”) has considered Wen-Ping Hsieh’s (“Hsieh”) second request for reconsideration of the Registration Program’s refusal to register a two-dimensional artwork claim in the work titled “Atec” (“Work”). After reviewing the application, deposit copy, and relevant correspondence, along with the arguments in the second request for reconsideration, the Board affirms the Registration Program’s denial of registration.

## **I. DESCRIPTION OF THE WORK**

The Work is a two-dimensional artwork in black and white, combining the word “Atec” with three concentric curved bands on its left. The two inner bands are incomplete and the negative space contains the first letter of “Atec.” The Work is as follows:



## **II. ADMINISTRATIVE RECORD**

On July 13, 2023, Hsieh filed an application to register a copyright claim in the Work. In a September 1, 2023 letter, a Copyright Office registration specialist refused to register the

claim, determining that “it lacks the authorship necessary to support a copyright claim.” Initial Letter Refusing Registration from U.S. Copyright Office to Yu Chuan Su at 1 (Sept. 1, 2023).

On November 8, 2023, Hsieh requested that the Office reconsider its initial refusal to register the Work, arguing that “the design of the registration is meant to constantly remind our company to be vigilant about ourselves and provide the best service to make consumers feel truly welcome” and “is aimed to provide consumers with a good impression and thus the customers would feel more confidence on the products produced by our company.” Letter from Wen-Ping Hsieh to U.S. Copyright Office at 2 (Nov. 8, 2023) (“First Request”). After reviewing the Work in light of the points raised in the First Request, the Office reevaluated the claims and again concluded that the Work could not be registered. Refusal of First Request for Reconsideration from U.S. Copyright Office to Wen-Ping Hsieh (Mar. 20, 2024) (“Second Refusal”). The Office concluded that, after considering its elements individually and as a whole, the Work “do[es] not exhibit a sufficient amount of original and creative authorship to support a copyright registration.” *Id.* at 3.

In a letter dated June 12, 2024, Hsieh requested that, pursuant to 37 C.F.R. § 202.5(c), the Office reconsider for a second time its refusal to register the Work. Letter from Wen-Ping Hsieh to U.S. Copyright Office (June 12, 2024) (“Second Request”). Hsieh argued that the Work is sufficiently creative to be registered. *Id.* at 2. Hsieh made various arguments concerning the Work’s symbolic meaning, including that “the design should be viewed as an Earth shape” and that the Work “symbolizes that the applicant’s company can provide a wide range of services across [the globe].” *Id.* at 1. Hsieh also claimed that the Work “aim[s] to convey a sense of comfort and high security to . . . consumers.” *Id.* at 2.

### III. DISCUSSION

After carefully examining the Work and considering the arguments made in the First and Second Requests, the Board finds that the Work does not contain the creativity necessary to sustain a copyright claim.

A work may be registered if it qualifies as an “original work[] of authorship fixed in any tangible medium of expression.” 17 U.S.C. § 102(a). In this context, the term “original” consists of two components: independent creation and sufficient creativity. *See Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345 (1991). First, the work must have been independently created by the author, *i.e.*, not copied from another work. *Id.* Second, the work must possess sufficient creativity. *Id.* Only a modicum of creativity is necessary, but the Supreme Court has ruled that some works (such as the alphabetized telephone directory at issue in *Feist*) fail to meet even this low threshold. *Id.* The Court observed that “[a]s a constitutional matter, copyright protects only those constituent elements of a work that possess more than a *de minimis quantum* of creativity” and that “garden-variety,” “obvious,” or “practically inevitable” selection, coordination, and arrangement lack the necessary “creative spark required by the Copyright Act.” *Id.* at 362–64.

The Office’s regulations implement the longstanding requirement of originality set forth in the Copyright Act. *See, e.g.*, 37 C.F.R. § 202.1(a) (prohibiting registration of “[w]ords and short phrases such as names, titles, and slogans; familiar symbols or designs”); *id.* § 202.10(a)

(stating “to be acceptable as a pictorial, graphic, or sculptural work, the work must embody some creative authorship in its delineation or form”). In its regulations and publications, the Office explained that copyright does not protect common geometric shapes or familiar designs. *Id.* § 202.1(a); U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 906.1 (3d ed. 2021) (“COMPENDIUM (THIRD)”) (noting that common geometric shapes are not protectable). Copyright likewise does not protect “words and short phrases,” or “mere variations of typographic ornamentation, lettering or coloring.” 37 C.F.R. § 202.1(a).

At the same time, some combinations of common or standard design elements may contain sufficient creativity with respect to how they are juxtaposed or arranged to support a copyright claim. Nevertheless, not every combination or arrangement will be sufficient to meet this test. *See Feist*, 499 U.S. at 358 (finding the Copyright Act “implies that some ‘ways’ [of selecting, coordinating, or arranging uncopyrightable material] will trigger copyright, but that others will not”). A determination of copyrightability in the combination of standard design elements depends on whether the selection, coordination, or arrangement is done in such a way as to result in copyrightable authorship. *Id.*; *see also Atari Games Corp. v. Oman*, 888 F.2d 878, 883 (D.C. Cir. 1989); *Coach, Inc. v. Peters*, 386 F. Supp. 2d 495, 498–99 (S.D.N.Y. 2005). As the Ninth Circuit has explained, “a combination of unprotectable elements is eligible for copyright protection only if those elements are numerous enough and their selection and arrangement original enough that their combination constitutes an original work of authorship.” *Satava v. Lowry*, 323 F.3d 805, 811 (9th Cir. 2003).

Applying these legal standards, the Board finds that the Work’s individual elements and the Work as a whole fail to demonstrate sufficient creativity for copyright protection. The Work combines a word with three concentric curved bands, all in black and white. Neither the word “Atec” nor the bands are copyrightable. *See* 37 C.F.R. § 202.1(a) (“words . . . such as names, titles, and slogans” not subject to copyright); COMPENDIUM (THIRD) §§ 906.1 (common geometric shapes not copyrightable), 906.2 (familiar symbols and designs or mere variations thereof not copyrightable). The Work’s individual components therefore do not exhibit a sufficient amount of original and creative authorship to support a copyright registration.

Viewed as a whole, the selection and arrangement of the Work’s unprotectable elements are also insufficiently creative to warrant copyright protection. Here, the individual elements are arranged together in a simple, routine fashion. The unoriginal arrangement of few elements does not constitute an original work of authorship. *See Satava*, 323 F.3d at 811; *see also* COMPENDIUM (THIRD) § 905.

Hsieh argued that the Work is intended to express certain symbolic meaning, including that its design “was inspired by the concept of the Earth” and “symbolizes that the applicant’s company can provide a wide range of services across [the globe].” Second Request at 1.<sup>1</sup> Symbolic meaning and the author’s inspiration and intent, however, are not considered evaluating originality. *See* COMPENDIUM (THIRD) §§ 310.3, 310.5. To determine whether a


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<sup>1</sup> Hsieh claimed in the Second Request that “the examiner mentioned that the registration design needs more explanation in terms of its symbolic meaning, psychological impact, and the meaning of the image that conveys to the viewer.” Second Request at 1. This assertion is contradicted by the record. The Second Refusal responded to Hsieh’s *earlier* arguments regarding symbolic meaning and made clear that “the symbolic meaning or impression of a work is irrelevant to this determination.” Second Refusal at 4.

work satisfies the originality requirement, the Office considers only the expression that is fixed in the work itself and is perceptible in the deposit copy. *Id.* § 310.3.

#### **IV. CONCLUSION**

For the reasons stated herein, the Board affirms the refusal to register the copyright claim in the Work. Pursuant to 37 C.F.R. § 202.5(g), this decision constitutes final agency action in this matter.

  
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**U.S. Copyright Office Review Board**  
Maria Strong, Associate Register of Copyrights and  
Director of Policy and International Affairs  
John R. Riley, Acting Deputy General Counsel  
Nicholas R. Bartelt, Assistant General Counsel