



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

June 12, 2026

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Re: Second Request for Reconsideration of Refusal to Register Crisp Light Sculpture (SR # 1-10506157161; Correspondence ID: 1-5600N29)

Dear Mr. Raynal:

The Review Board of the United States Copyright Office (“Board”) has considered RBW Studio, LLC’s (“RBW Studio”) second request for reconsideration of the Registration Program’s refusal to register a copyright claim in the sculptural work titled “Crisp Light Sculpture” (“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 light fixture, consisting of an outer, translucent glass cylinder with a rippled front face and an inner, centrally placed opaque cylinder. The Work is as follows:



II. ADMINISTRATIVE RECORD

On July 6, 2021, RBW Studio filed an application to register a copyright claim in the Work. In an August 6, 2021 letter, a Copyright Office registration specialist refused to register the claim, determining that the Work “is a useful article that does not contain any separable, copyrightable authorship.” Initial Letter Refusing Registration from U.S. Copyright Office to George Raynal (Aug. 6, 2021).

On November 5, 2021, RBW Studio requested that the Office reconsider its initial refusal to register the Work, arguing that the “the Work can be perceived separately as a modern, sculptural work independent of the utilitarian purpose, and . . . this sculptural Work contains a sufficient amount of expressive and creative authorship.” Letter from George Raynal to U.S. Copyright Office at 2 (Nov. 5, 2021) (“First Request”). RBW Studio further asserted that “[i]n particular, the combination of a transparent cylindrical form with a rippled face and an interior opaque form results in an original appearance.” *Id.* at 4. RBW Studio likewise cited several prior Board decisions, including *Yeezy Boost 350 Versions 1 & 2*, *Pendant Lamp*, and *Trillane Strand*, stating that they are “informative as to how the Board might review [RBW Studio]’s claim” regarding both separability and originality. *Id.* at 4. After reviewing the Work in light of the points raised in the First Request, the Office reevaluated the claims and found that, while “the rippled front face of the light” was separable, it was not sufficiently original to support a claim for registration. Refusal of First Request for Reconsideration from U.S. Copyright Office to George Raynal at 3 (Mar. 31, 2022).

In a letter dated June 30, 2022, RBW Studio 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 George Raynal to U.S. Copyright Office (June 30, 2022) (“Second Request”). RBW Studio argued that the Work possesses several separable features beyond its rippled front face, namely, “the cylindrical shape . . . , the translucent inner cylinder, the clear outer cylinder, and the unique expressive and original appearance in sculpture and refraction of light that results from the original selection and arrangement of these visual features.” *Id.* at 2. RBW Studio likewise maintained that the Work is sufficiently original, asserting that it “is just one expression of the idea of a cylindrical glass light fixture, which unique, original expression is characterized by the above noted selection and arrangement of geometries, material appearance and surface finishes.” *Id.* at 5. Finally, after reiterating the arguments from its First Request regarding several prior Board decisions, RBW Studio contended that “the [Work] is at least as original and registrable as the works at issue in *Warm and Runstadler*.” *Id.* (referencing *Warm v. Innermost Ltd.*, No. 21-cv-4402, 2022 WL 2062914 (C.D. Cal. Apr. 26, 2022) and *Runstadler Studios, Inc. v. MCM Ltd. P’ship*, 768 F. Supp. 1292 (N.D. Ill. 1991)).

III. DISCUSSION

After carefully examining the Work and considering the arguments made in the First and Second Requests, the Board concludes that the Work does not contain the requisite creativity necessary for copyright registration.

Because the Work is a light fixture, it is a “useful article” under the Copyright Act and must be analyzed under this framework. *See* 17 U.S.C. § 101 (defining “useful article” as “an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information”); U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 924.1 (3d ed. 2021) (“COMPENDIUM (THIRD)”) (citing “lamps and lighting fixtures” as examples of useful articles). Useful articles may receive copyright protection “only if, and only to the extent that,” they incorporate pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article. 17 U.S.C. § 101 (defining “pictorial, graphic, and sculptural works”). The Board must therefore apply the test articulated by the Supreme Court in *Star Athletica, L.L.C. v. Varsity*

Brands, Inc., to determine whether the work includes features that “(1) can be perceived as a two- or three-dimensional work of art separate from the useful article and (2) would qualify as a protectable pictorial, graphic, or sculptural work—either on its own or fixed in some other tangible medium of expression—if it were imagined separately from the useful article into which it is incorporated.” 580 U.S. 405, 409 (2017).

To qualify as a protectable sculptural work, the Work’s separable features must be “original works of authorship.” 17 U.S.C. § 102(a). The Supreme Court has explained that the test for originality requires that works are “independently created by the author” and contain “some minimal degree of creativity.” *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345 (1991). Only a modicum of creativity is necessary, but some works fail to meet even this low threshold. *Id.* The Court has 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.” *Id.* at 363.

With useful articles, the Office must consider whether any separable features satisfy the *Feist* standard for originality. 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 id.* 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). A simplistic arrangement of non-protectable elements does not demonstrate the level of creativity necessary to warrant protection. *See Satava v. Lowry*, 323 F.3d 805, 811 (9th Cir. 2003) (“[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.”).

Applying the above framework to the Work, the Board finds that the Work contains separable, non-utilitarian features, but those features do not contain sufficient creativity to be protected under the Copyright Act. The separable features that can be perceived in the Work are the inner cylinder, and outer cylinder with rippled front face. However, the “refraction of light,” which RBW Studio argues is separable, is a utilitarian feature of the Work’s lighting element and therefore inseparable. Second Request at 4. Furthermore, the separable features are not protectable because they lack, individually or in combination, the requisite minimum degree of creativity required for copyright protection. The two cylinders and rippled surface are unprotectable common geometric shapes or familiar designs. *See* 37 C.F.R. § 202.1(a) (prohibiting registration of “familiar symbols or designs”); COMPENDIUM (THIRD) §§ 906.1 (“The Copyright Act does not protect common geometric shapes, either in two-dimensional or three-dimensional form.”), 906.2 (“Familiar symbols and designs are not protected by the Copyright Act.”). Thus, the Work’s individual elements are unprotectable.

Viewed as a whole, the selection and arrangement of the Work’s unprotectable elements are also insufficiently creative to warrant copyright protection. Although some combinations of

unprotectable elements may contain sufficient creativity with respect to how they are arranged, not every combination will be numerous enough and their arrangement original enough to constitute an original work of authorship. *See Satava*, 323 F.3d at 811; COMPENDIUM (THIRD) § 905. Here, the Work consists of one smaller cylinder nesting centrally within a larger cylinder, which is a common, if not practically preordained, arrangement of only two geometric shapes. While one cylinder is clear and the other translucent, these two minor variations affecting how the fixture diffuses light likewise do not imbue the Work with sufficient creativity. *See Satava*, 323 F.3d at 811; *cf.* COMPENDIUM (THIRD) § 906.3 (“Mere coloration or mere variations in coloring alone are not eligible for copyright protection.”). Moreover, the placement of the standard rippled design on the front surface of the larger cylinder is obvious with ridges rendered in a common manner—equal in size and evenly spaced. *See* COMPENDIUM (THIRD) § 905 (“Merely bringing together only a few standard forms or shapes with minor linear or spatial variations does not satisfy this requirement.”).


RBW Studio’s assertions that the Work’s combination of elements is unique and creates a “mystifying, complex, refractory, appearance,” are not relevant to the originality analysis. Second Request at 2–3. Neither impression nor uniqueness nor the “look and feel” of a work are considered in the originality analysis. COMPENDIUM (THIRD) §§ 310.1, 310.3, 310.4.

Additionally, the Board finds RBW Studio’s arguments that the Work is at least as creative as the works discussed in the *Warm* and *Runstadler* decisions unconvincing. *See* Second Request at 3–5. The court in *Warm* ruled on a question of separability rather than originality. 2022 WL 2062914 at *1. The court determined that creative elements of plaintiffs’ metal lampshades may be separable from their utilitarian function, *id.* at *2–4, just as the Board reached a similar determination as to certain elements of the Work. The court, however, made no determination regarding the creativity of the lampshades and therefore has no relevance to the Board’s determination on this issue. While *Runstadler* is on point to the extent that it addresses the originality threshold, it is factually distinguishable from this appeal. The work at issue in *Runstadler* is composed of “39 glass rectangles, overlying each other to form a spiral with approximately 405° of arc.” 768 F. Supp. at 1294. In contrast, here, the Work consists of two nested glass cylinders, one of which has ridges. So, where the court in *Runstadler* concluded that the “choice of location, orientation and dimensions of the glass panes, and the degree of arc of the spiral” together demonstrate sufficient creativity to warrant copyright protection, *id.* at 1295–96, the limited number of choices embodied in the Work, even when combined, do not.

As for RBW Studio’s argument that the Work is at least as creative as certain works found to be copyrightable in prior Board decisions, the Office generally does not compare works that have been previously issued or refused registration. *See* COMPENDIUM (THIRD) § 309.3 (“The fact that the U.S. Copyright Office registered a particular work does not necessarily mean that the Office will register similar types of works or works that fall within the same category.”). Rather, copyrightability decisions are “made on a case-by-case basis.” *Id.*

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.



U.S. Copyright Office Review Board
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