



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

September 30, 2026

Amanda B. Slade, Esq.
Wolf, Greenfield & Sacks P.C.
600 Atlantic Avenue, 23rd Floor
Boston, MA 02210

**Re: Second Request for Reconsideration of Refusal to Register ECHO LAKE
TREE DESIGN (SR # 1-11562470331; Correspondence ID: 1-5SC6MXP)**

Dear Ms. Slade:

The Review Board of the United States Copyright Office (“Board”) has considered Simon Pearce (US) Inc.’s second request for reconsideration of the Registration Policy and Practice Program’s refusal to register a sculptural claim in the work titled “ECHO LAKE TREE DESIGN” (“Work”). After reviewing the application, deposit copy, and relevant correspondence, along with the arguments in the second request for reconsideration, the Board finds that the Work exhibits copyrightable authorship and may be registered.

The Work is a sculptural work, consisting of two conical shapes and a circular base. The Work’s outer conical shape is decorated with a variety of circular glass strands.

The Work is reproduced below:



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). Although not every combination or arrangement of common or standard design elements will be entitled to copyright registration, some such combinations will contain sufficient creativity with respect to how they are juxtaposed or arranged to meet the test for protectability. *See id.* at 358. A determination of copyrightability in a 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.* For example, the Office may register a work that consists merely of geometric shapes where the “author’s use of those shapes results in a work that, as a whole, is sufficiently creative.” U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 906.1 (3d ed. 2021) (“COMPENDIUM (THIRD)”); *see also Atari Games Corp. v. Oman*, 888 F.2d 878, 883 (D.C. Cir. 1989) (“[S]imple shapes, when selected or combined in a distinctive manner indicating some ingenuity, have been accorded copyright protection both by the Register and in court.”).

The Board finds that the Work satisfies the requirement of creative authorship necessary to sustain a claim of copyright. Although the Work’s individual elements, including its conical shapes, circular base, and outer glass strands, are not copyrightable, *see* COMPENDIUM (THIRD) §§ 906.1 (stating that common geometric shapes are not protectable), 906.2 (noting that familiar designs or mere variations thereof are not protectable), the Work as a whole employs a selection, arrangement, and combination of individual elements that displays sufficient creativity to meet the requirements for copyright 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.”). Specifically, in creating an abstract depiction of an evergreen tree, the selection and arrangement of the circular base and conical shapes with the irregular, layered design of the outer glass strands contains the modicum of creativity required for copyrightability. *See id.* at 812 (stating that the “distinctive curls of particular tendrils” in a glass-in-glass jellyfish sculpture could be copyrightable as designs that added original expression to—rather than merely replicate—elements found in nature).

The Board’s decision relates only to the Work’s specific combination and arrangement of elements as a whole and does not extend to any of the Work’s individual elements. The Work’s copyright registration does not extend to the procedures or processes to create this design; it only extends to the Work’s specific combination of otherwise unprotectable elements, as reflected in the deposit. *See* 17 U.S.C. § 102(b) (copyright does not protect the procedures or processes by which authors create their works).

For the reasons stated herein, the Board reverses the refusal to register the copyright claim in the Work. The Board now refers this matter to the Registration Policy and Practice division for registration of the Work, provided that all other application requirements are satisfied.



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