



Copyright Review Board

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

September 30, 2026

David Donahue, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
151 West 42nd St, 17th Floor
New York, NY 10036

Re: Second Request for Reconsideration of Refusal to Register Major League Soccer 2014 Crest (SR # 1-12723119501; Correspondence ID: 1-69WOLXS)

Dear Mr. Donahue:

The Review Board of the United States Copyright Office (“Board”) has considered Major League Soccer L.L.C.’s second request for reconsideration of the Registration Policy and Practice Program’s refusal to register a two-dimensional artwork claim in the work titled “Major League Soccer 2014 Crest” (“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 reproduced below:

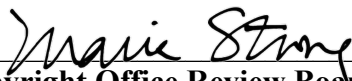


A work may be registered if it qualifies as an “original work[] of authorship fixed in any tangible medium of expression.” 17 U.S.C. § 102(a). In this context, the term “original” consists of two components: independent creation (*i.e.*, not copied from another work) and sufficient creativity. *See Feist 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 work as a whole results 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 shield shape, diagonal slash, lettering, five-pointed stars, and coloration, are not independently copyrightable, *see* COMPENDIUM (THIRD) § 906.1 (common geometric shapes are not protectable); *id.* § 906.2 (familiar designs or mere variations thereof are not protectable); 37 C.F.R. § 202.1(a) (“mere variations of . . . lettering or coloring” 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, the use of different design elements, including the two color gradations (blue on the diagonal slash and red on the upper portion of the shield shape), diagonal slash that extends past the shield’s border and bisects the shield to create uneven red and white sections, offset lettering, and three five-pointed stars, in combination, exhibits the modicum of creativity required for copyrightability. The Board’s decision relates only to this specific combination and arrangement of elements and does not necessarily extend to any variations thereof or any individual elements depicted in the Work. *See* COMPENDIUM (THIRD) § 309.3 (Determinations of copyrightability are “case-by-case” and “regist[r]ation of] a particular work does not necessarily mean that the Office will register similar types of works or works that fall within the same category.”).

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