



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

March 13, 2026

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Re: Second Request for Reconsideration of Refusal to Register POETIC PEOPLE POWER Logo (SR # 1-12452859381; Correspondence ID: 1-642WRNB)

Dear Mr. Lerner:

The Review Board of the United States Copyright Office (“Board”) has considered Tara Bracco’s (“Bracco”) second request for reconsideration of the Registration Program’s refusal to register a two-dimensional artwork claim in the work titled “POETIC PEOPLE POWER Logo” (“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 black and white logo consisting of three words written in capital letters (“POETIC,” “PEOPLE,” and “POWER”) stacked on top of one another. The letters in each word are distributed evenly within the graphic. The letter “O” within each word contains a different symbol, either a microphone (in “poetic”), a five-pointed star (in “people”), or a closed fist (in “power”).

The Work is as follows:



II. ADMINISTRATIVE RECORD

On April 13, 2023, Bracco filed an application to register a copyright claim in the Work. In a letter dated May 17, 2023, a Copyright Office registration specialist refused to register the claim, determining that the Work lacked the authorship necessary to support a copyright claim. Initial Letter Refusing Registration from U.S. Copyright Office to Mark Lerner (May 17, 2023).

On August 15, 2023, Bracco requested that the Office reconsider its initial refusal to register the Work, arguing that the Work’s layout, typography, and inclusion of graphic elements met the creativity threshold. Letter from Mark Lerner to U.S. Copyright Office at 2 (Aug. 15, 2023) (“First Request”). After reviewing the Work in light of the points raised in the First Request, the Office again concluded that the Work could not be registered, because “familiar symbols or designs/geometric shapes, words, lettering . . . are not copyrightable” and “[t]he addition of the graphics created with common shapes, all centered within a circle, does not inject the work with the requisite creativity.” Refusal of First Request for Reconsideration from U.S. Copyright Office to Mark Lerner at 3–4 (Dec. 15, 2023) (“Second Refusal”).

In a letter dated March 15, 2024, Bracco 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 Mark Lerner to U.S. Copyright Office (Mar. 15, 2024) (“Second Request”). In that letter, Bracco argued that the variations in typographical elements of the Work demonstrate original authorship sufficient to satisfy the creativity standard. *Id.* at 4. Additionally, Bracco argued that the microphone and fist graphics are not familiar symbols, and even if they are, they are made up of smaller, component shapes that are arranged in a sufficiently creative way “in order to achieve the design of the fist and microphone as they appear.” *Id.* at 5–7. To further support her claim regarding the combination of common shapes, Bracco compares the microphone, star, and fist symbols to the wrapping paper example offered in *Compendium of U.S. Copyright Office Practices*. *Id.* at 6; *see also* U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 906.1 (3d ed. 2021) (“COMPENDIUM (THIRD)”). Finally, Bracco argued that if the Office deems that there are only a few protectible elements within the Work, it should be afforded a “thin copyright.” Second Request at 7–8.

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 362–63.

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 mere 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.”).

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; mere variations of typographic ornamentation”); *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 *Compendium of U.S. Copyright Office Practices*, the Office has explained that copyright does not protect geometric shapes or familiar designs. 37 C.F.R. § 202.1(a); *see also* COMPENDIUM (THIRD) §§ 906.1 (noting that common geometric shapes are not protectable), 906.2 (“[C]opyright law does not protect mere variations on a familiar symbol or design, either in two- or three-dimensional form.”).

Applying the above framework to the Work, the Board finds that the Work’s elements, when viewed both individually and as a whole, fall short of the creativity required for copyright protection. First, upon examining the Work’s individual elements, the Board concludes that the microphone and fist graphics are insufficiently creative to satisfy the originality standard.¹ Both graphics are common designs—the microphone is a basic rendering of a familiar object, and the fist, even when depicted with only the knuckles on display, is a simplistic variation on a human hand. 37 C.F.R. § 202.1(a).² Further, each graphic is comprised of slightly altered rectangles and/or trapezoids, which are unprotectable variations on common shapes. *See* COMPENDIUM

¹ In the Second Request, Bracco does not dispute that the words (“POETIC PEOPLE POWER”) and star graphic, in isolation from the overall design, are unprotectable. The Board nonetheless affirms the reasoning in the Second Refusal denying registration as to these individual elements.

² *See, e.g., Microphone vector icon*, SHUTTERSTOCK (Aug. 11, 2017), <https://www.shutterstock.com/image-vector/microphone-vector-icon-694470754>; *Microphone icon vector*, SHUTTERSTOCK (Feb. 21, 2018), <https://www.shutterstock.com/image-vector/microphone-icon-vector-1030111240>; *Oncoming Fist Gesture Emoticon. Vector Fist Emoji*, SHUTTERSTOCK (May 16, 2022), <https://www.shutterstock.com/image-vector/oncoming-fist-gesture-emoticon-vector-emoji-2156758037>; *Forward punch logo icon design, clenched fist symbol, martial arts concept*, SHUTTERSTOCK (Oct. 4, 2024), <https://www.shutterstock.com/image-vector/forward-punch-logo-icon-design-clenched-2525742009>.

(THIRD) § 906.2. Even when combined, the handful of common geometric shapes found in the Work are insufficiently numerous to be eligible for copyright. *See Satava*, 323 F.3d at 812.

Second, the Board finds that the Work, when examined as a whole, does not exhibit sufficiently original composition to warrant copyright protection. In *Satava*, the Ninth Circuit noted that “[t]rivial elements of compilation and arrangement, of course, are not copyrightable because they fall below the threshold of originality.” *Id.* at 811–12. Here, Bracco contends that the Work’s graphics are not in “a simple alignment with each other” and “easily could have been placed elsewhere throughout the [Work].” Second Request at 2–4. Bracco’s arrangement of the graphic elements, however, appears to owe more to the way each word is spelled than creative choices. Placing a circular graphic within the letter “O” is a common design choice, which makes the arrangement here at best simplistic, if not practically inevitable. *See Satava*, 323 F.3d at 811; COMPENDIUM (THIRD) § 312.2. Nor does the Board consider alternative artistic choices in discerning registrability. *See* COMPENDIUM (THIRD) § 310.8 (“It is not the variety of choices available to the author that must be evaluated, but the actual work that the author created.”).

Similarly, Bracco argues that the varying “linear contours” of the typeface that achieve “an overall symmetrical aesthetic” embody “many creative decisions.” Second Request at 4. Aligning words evenly is a common design choice; indeed, justifying text is standard option in word processing applications. Moreover, because each word is composed of five to six letters, the variations in the thickness of the letters and kerning are minor and, like the graphic elements, effectively dictated by a commonplace symmetrical arrangement. Accordingly, the Work’s obvious and trivial typeface modifications are insufficiently creative to receive copyright protection. *See* 37 C.F.R. § 202.1(a); COMPENDIUM (THIRD) § 313.3(D).

Bracco further argues that the Work is equally as, if not more, creative than the example of a registrable wrapping paper design the *Compendium*. *See* COMPENDIUM (THIRD) § 906.1. While the Board generally does not compare works and instead makes determinations of copyrightability on a “case-by-case basis,” *see id.* § 309.3, we nonetheless observe that the Work does not feature the same level of creativity as the example. The *Compendium* example would be registerable because its combination of multiple shapes in varying sizes and colors “culminat[es] in a creative design that goes beyond the mere display of a few geometric shapes in a preordained or obvious arrangement.” *See id.* § 906.1. In contrast, the Work’s arrangement of uncopyrightable elements does not meet even a low level of creativity required for copyright protection. The Work’s uncopyrightable elements are primarily arranged in an obvious symmetrical way. *See Satava*, 323 F.3d at 811.

Finally, Bracco argues that the Work should, at a minimum, receive a “thin” copyright and compares it to a logo that one district court concluded was eligible for such protection. *See* Second Request at 7–8 (citing *Milkcrate Athletics v. Adidas*, 619 F. Supp. 3d 1009 (C.D. Cal. 2022); *Urban Textile, Inc. v. Rue 21, Inc.*, No. 14-cv-08285, 2016 WL 6951925 (C.D. Cal. Nov. 28, 2016)). Again, the Office does not compare works and makes copyrightability determinations on a “case-by-case basis.” *See* COMPENDIUM (THIRD) § 309.3. Still, as with the wrapping paper example, the Board notes that the work at issue in *Milkcrate Athletics* appears to be distinguishable. While the work in *Milkcrate Athletics* is, like the Work, a relatively simple black-and-white logo, the court found sufficient creativity in the logo’s shading and oblique positioning of graphic elements. *See* 619 F. Supp. 3d at 1018. Here, the Work has no similar

shading, exhibits a common overall symmetry, and its limited number of graphic elements are arranged in an obvious way. *See* COMPENDIUM (THIRD) § 312.2. As for the work at issue in *Urban Textile*, while Bracco correctly observes that it largely consisted of groups of chevron stripes, the Office in fact noted that those stripes, similar to the symbols in the Work, were not protectable as familiar designs. *See* 2016 WL 6951925 at *4; Resp. of the Register of Copyrights to Req. Pursuant to 17 U.S.C. § 411(b)(2) at 9, *Urban Textile, Inc. v. Rue 21, Inc.*, No. 14-cv-8285 (C.D. Cal. Sept. 16, 2016), <https://www.copyright.gov/rulings-filings/411/urban-textile-inc-v-rue-21-inc-no-2-14-cv-08285-cd-cal-sept-16-2016.pdf>. Unlike the black-and-white evenly spaced elements in the Work, however, the familiar designs in *Urban Textile* were spaced irregularly and rendered in included an uncommon combination of three colors. *See* 2016 WL 6951925 at *4.

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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