



**Copyright Review Board**

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

June 12, 2026

Timothy C. Bradley, Esq.  
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**Re: Second Requests for Reconsideration of Refusals to Register Yin Yang, Street Blammer, Samurai The Way Of The Warrior (SR # 1-11054357091, 1-11054445546, 1-11054289442; Correspondence ID: 1-598PN6E, 1-598QRCJ, 1-598PND9)**

Dear Mr. Bradley:

The Review Board of the United States Copyright Office (“Board”) has considered Represent Holdings, LLC’s and CoryXKenshin’s (“Represent Holdings”)<sup>1</sup> second requests for reconsideration of the Registration Program’s refusal to register two-dimensional artwork claims in the works titled “Yin Yang,” “Street Blammer,” and “Samurai The Way Of The Warrior” (individually, a “Work,” and collectively, the “Works”). After reviewing the applications, deposit copies, and relevant correspondence, along with the arguments in the second requests for reconsideration, the Board affirms the Registration Program’s denial of registration for all three Works.

**I. DESCRIPTION OF THE WORK**

The Works are all two-dimensional graphic designs.

**A. Yin Yang**

Yin Yang is a black rectangle with three white kanji<sup>2</sup> around a centered yellow and black yin yang symbol. “CoryxKenshin” appears at the bottom of the rectangle in white and yellow.

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<sup>1</sup> Represent Holdings, LLC and CoryXKenshin LLC are listed as claimants on the registration applications for all three Works.

<sup>2</sup> Kanji is a Japanese writing system that uses Chinese logographic characters. The kanji in Yin Yang and Street Blammer appear to represent the English words “heavens,” “flowers,” and “flour.”



***B. Street Blammer***

Street Blammer is a black rectangle with three grey kanji each centered over the bottom of the English letters “C,” “X,” and “K.” The letters are white and yellow.



***C. Samurai The Way Of The Warrior***

Samurai The Way Of The Warrior is a black rectangle with four lines of text: “Samurai” in block letters; “The Way of the Warrior,” “Bu Shi Do,” and “Cory Kenshin” in white letters. Red dots separate the words in “Bu Shi Do” and “Cory Kenshin.” The three red kanji for Bushidō overlay the word “Samurai.”



## II. ADMINISTRATIVE RECORD

On December 17, 2021, Represent Holdings filed three applications to register copyright claims in the Works. In two separate December 21, 2021 letters, a Copyright Office registration specialist refused to register the claims for Yin Yang and Street Blammer, determining that both “lack[] the authorship necessary to support a copyright claim.” Initial Letter Refusing Registration of Yin Yang from U.S. Copyright Office to Timothy Bradley at 1 (Dec. 21, 2021); Initial Letter Refusing Registration of Street Blammer from U.S. Copyright Office to Timothy Bradley at 1 (Dec. 21, 2021). On January 31, 2022, a Copyright Office registration specialist refused to register Samurai The Way Of The Warrior, finding that it “lacks the authorship necessary to support a copyright claim.” Initial Letter Refusing Registration of Samurai The Way Of The Warrior from U.S. Copyright Office to Timothy Bradley at 1 (Jan. 31, 2022).

In substantively identical letters dated March 21, 2022, Represent Holdings requested that the Office reconsider its initial refusals to register the Works. Letter from Timothy Bradley re: Yin Yang to U.S. Copyright Office (Mar. 21, 2022); Letter from Timothy Bradley re: Street Blammer to U.S. Copyright Office (Mar. 21, 2022); Letter from Timothy Bradley re: Samurai The Way Of The Warrior to U.S. Copyright Office (Mar. 21, 2022) (collectively, “First Requests”). After reviewing the Works in light of the points raised in the First Requests, the Office reevaluated the claims and again concluded that the Works could not be registered because they “do[] not contain a sufficient amount of creativity either elementally, or as a whole.” Refusal of First Request for Reconsideration of Yin Yang from U.S. Copyright Office to Timothy Bradley at 3 (June 14, 2022); Refusal of First Request for Reconsideration of Street Blammer from U.S. Copyright Office to Timothy Bradley at 3 (June 14, 2022); Refusal of First Request for Reconsideration of Samurai The Way Of The Warrior from U.S. Copyright Office to Timothy Bradley at 3 (June 14, 2022).

On September 14, 2022, Represent Holdings requested that, pursuant to 37 C.F.R. § 202.5(c), the Office reconsider for a second time its refusals to register the Works. Letter re: Yin Yang from Timothy Bradley to U.S. Copyright Office (Sept. 14, 2022) (“Yin Yang Second Request”); Letter re: Street Blammer from Timothy Bradley to U.S. Copyright Office (Sept. 14, 2022) (“Street Blammer Second Request”); Letter re: Samurai The Way Of The Warrior from Timothy Bradley to U.S. Copyright Office (Sept. 14, 2022) (“Samurai The Way Of The Warrior Second Request”) (collectively “Second Requests”). In those letters, Represent Holdings

claimed that the Office “has not adequately considered the Work[s] as a whole” and that the elements “have been selected, coordinated, and/or arranged in a sufficiently creative manner” to warrant copyright protection. Second Requests at 1–2. For example, Represent Holdings argued that the elements in each Work are placed and juxtaposed in sufficiently creative ways to meet the modicum of creativity standard. *Id.* at 2. Represent Holdings further contended that the use of contrasting colors, spacing, and symbolism satisfies the modicum of creativity standard. Yin Yang Second Request at 2 (pointing to the use of color contrast, stylized lettering, and symbolic placement of kanji); Street Blammer Second Request at 2 (emphasizing high-contrast “CXK” lettering with symbolic coloring, a dual-function “X,” and layered kanji); Samurai The Way Of The Warrior Second Request at 2 (identifying stylized “SAMURAI” lettering as symbolic, overlaid kanji, and high-contrast presentation). Represent Holdings also asserted that the Works’ alleged copying and sale of counterfeit versions on third-party websites support registrability. Second Requests at 2 (citing MELVIN NIMMER & DAVID NIMMER, 1 NIMMER ON COPYRIGHT § 2.01[B][1] (2022)).

### III. DISCUSSION

After carefully examining the Works and considering the arguments made in the First and Second Requests, the Board finds that the Works do not contain the requisite creativity necessary to sustain claims to copyright.

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 and publications reflect the Copyright Act’s longstanding originality requirement. *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” or “mere variations of typographic ornamentation, lettering or coloring”); *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”); 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).

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 the above legal standards, the Board finds that the Works’ individual elements and each Work as a whole fail to demonstrate sufficient creativity for copyright protection. The Works consist of a combination of kanji; dots and rectangles; a yin yang symbol; English letters, words, and short phrases; and the colors red, black, yellow, grey, and white—none of which are individually copyrightable. The kanji, English letters “C,” “X,” and “K,” and short text “CoryxKenshin” are not individually copyrightable. *See* 37 C.F.R. § 202.1(a); COMPENDIUM (THIRD) §§ 313.3(D), 906.4; *see also Zheng v. Heineken N.V.*, No. 8-cv-6506, 2010 WL 4457460, at \*5 (C.D. Cal. May 12, 2010) (finding that a design consisting of four ornate kanji, or Chinese logographic characters, did not warrant copyright protection). The lines of text “The Way of the Warrior,” “Bu Shi Do,” “Cory Kenshin,” and “Samurai,” are uncopyrightable words and short phrases. *See* 37 C.F.R. § 202.1(a); *see also* COMPENDIUM (THIRD) § 313.4(C). The yin yang symbol is an unprotectable familiar symbol. *See* 37 C.F.R. § 202.1(a); COMPENDIUM (THIRD) § 313.4(J). The colors, dots, and rectangles are uncopyrightable colors and common geometric shapes. *See* 37 C.F.R. § 202.1(a); COMPENDIUM (THIRD) §§ 906.1, 906.3.

Viewed as a whole, the selection and arrangement of each Work’s unprotectable elements are also insufficiently creative to warrant copyright protection. In Yin Yang, the elements are arranged in a simple, obvious fashion: the kanji are placed around the yin yang symbol with text centered below. The placement of the kanji—one at the top and two at the bottom—centrally around a symbol is a common design configuration and does not, by itself, contribute sufficient originality to make the Work registerable. *See Satava*, 323 F.3d at 811. The use of contrasting colors is a routine design practice and does not imbue the Work with sufficient creativity for copyright protection. *See* COMPENDIUM (THIRD) § 906.3 (providing that mere coloration or variations in coloring are not copyrightable, even where such “coloration makes a work more aesthetically pleasing or commercially valuable”). In Street Blammer, the uncopyrightable letters and kanji are centered linearly on a black rectangle, reflecting a garden-variety design configuration that does not display the minimal level of creativity necessary to satisfy the originality requirement for copyright protection. *See Feist*, 499 U.S. at 358; COMPENDIUM (THIRD) § 308.2. The use of yellow, white, and grey on a black background and overlaying the English letters with the kanji does not add more than a *de minimus* amount of creativity to the Work. *See* COMPENDIUM (THIRD) § 914.1 (The Office “typically refuses to register . . . logos” that consist of only “mere use of different fonts or colors, frames, or borders, either standing alone or in combination.”). In Samurai The Way Of The Warrior, the uncopyrightable words and short phrases are centered in four lines of text in a stock, garden-variety arrangement that is not sufficiently creative for registration. *See Satava*, 323 F.3d at 811; COMPENDIUM (THIRD) § 308.2. Layering evenly spaced kanji on top of English text in a contrasting color likewise does


not infuse the Work with sufficient creativity for copyright protection. *See* 37 C.F.R. § 202.1(a); COMPENDIUM (THIRD) §§ 906.3, 906.4.

Represent Holdings advances several contentions regarding the Works’ symbolic evocations and impressions. Yin Yang Second Request at 2 (contending that the yellow “x” “provides harmony with the yellow yin yang symbol” and the “even spacing of the Japanese characters around the yin yang symbol . . . symbolizes balance”); Street Blammer Second Request at 2 (submitting that the letter “X” serves as a letter and a symbol, the white coloration of the letters “C” and “K” symbolize talcum powder, and the kanji are “subtle and reserved”); Samurai The Way Of The Warrior Second Request at 2 (arguing that the stylized letters “S,” “A,” and “R” in “SAMURAI” “mimic[] the angled profile of ancient Samurai helmets”). Symbolic meaning, impression, or intended significance is not relevant to the Office’s determination of whether a work “possess[es] the minimal creative spark required by the Copyright Act and the Constitution.” COMPENDIUM (THIRD) § 310.3 (citing *Feist*, 499 U.S. at 363). The Office focuses only on the actual appearance of the work that has been submitted for registration and will not consider any “meaning or significance that the work may evoke” or the author’s “creative intent[] or intended meaning.” *Id.* §§ 310.3, 310.5.

Finally, Represent Holdings posits that the Works possess sufficient originality to support copyright registration because they have been copied and counterfeits have been sold on third-party websites. Second Requests at 2 (citing 1 NIMMER ON COPYRIGHT § 2.01[B][1] (2022) (stating “if any author’s independent efforts contain sufficient skill to motivate another’s copying, there is *ipso facto* a sufficient quantum of originality to support a copyright”)). The fact that a work is copied, however, does not make otherwise uncopyrightable material sufficiently creative to receive copyright protection. *See Feist*, 499 U.S. at 345–46. Independent creation and creativity, not copies and counterfeits, are the measures of originality. *See id.* And while Professor Nimmer’s treatise suggests that evidence of another’s copying could be used to *bolster* an originality analysis in an infringement case, even this initial hypothesis is tempered by subsequent text recognizing that “there remains a narrow area in which admittedly independent efforts are deemed too trivial or insignificant to support copyright.” 1 NIMMER ON COPYRIGHT § 2.01[B][1] (2022); *see Feist*, 499 U.S. at 362.

#### 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