

Insights: Alerts

Something for Designers to Maybe Cheer About

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Star Athletica, LLC v. Varsity Brands, Inc., 137 S. Ct. 1002 (2017)

Background

Historically, fashion designers, as well as other designers whose creative efforts are incorporated into useful/functional articles like clothing, shoes, and furniture, have struggled successfully to assert copyright protection for their works. Because copyright protections under the Copyright Act extend only to those elements of a useful article that “can be identified separately from, and are capable of existing independently of the utilitarian aspects of the article,” courts have had trouble identifying the line between the usefulness of clothing and various design elements that have been claimed to be separate from the function of the clothing itself.

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