The Register of Copyrights
of the
United States of America

April 8, 1996

[illegible]y of Congress
[illegible]ment 17
[illegible]ngton, D.C. 20540

(202) 707-8350

Dear Mr. Kreten:

This letter concerns the work LOVE/GOD which your client Sow Love International wishes to register with the Copyright Office. Copies of the application, deposit, and correspondence between you and the Copyright Office were carefully reviewed by the Copyright Appeals Board following your letter of June 30, 1995, in which you requested that the Office reconsider its decision that LOVE/GOD was not a copyrightable work.

The Appeals Board was unable to detect even the minimum level of original authorship that would allow the Office to register a claim to copyright in the work. The work is a collection of letters that make up a scripted word, either "love" or "god"; neither words, phrases nor lettering are copyrightable subject matter. See 37 C.F.R. 202.1(a). See also Isaacs v. Daly, 39 N.Y. Super. Ct. (1874)(words which in their ordinary and universal use, denote the virtues, such as "Charity", "Faith", cannot ordinarily be appropriated by any one...."); Tralins v. Kaiser Aluminum & Chemical Corp., 160 F. Supp. 511 (D.Md. 1958)(copyright does not protect a right to use certain words, but rather the arrangement of words which an author selects to express ideas); O'Brien v. Chappel & Co., 159 F. Supp. 58 (S.D.N.Y. 1958)(copyright does not extend to words or phrases isolated from their context, nor to abstract ideas or situations).

You cite Pantone, Inc. v. A.I. Friedman, Inc., 294 F. Supp. 545 (S.D.N.Y. 1968) to support your assertion that the work contains copyrightable elements. However, Pantone concerned the expression, combination and arrangement of color sample presentations in a copyrighted booklet. The discussion of originality in that case is useful in the context of general copyrightability, but the case itself is not helpful in considering the copyrightability of short words or phrases or the copyright protection available for calligraphic elements.

In addition, the effect of seeing the reverse image of the word "love" as the word "god" (and vice versa) is in the nature of an idea or method, which is not copyrightable for its process or functionality. See 37 C.F.R. 202.1(b).

In conclusion, because there are no elements in the above listed work which support your claim to copyright protection, the Copyright Office must again refuse to register the work. The Appeals Board's decision as set forth in this letter constitutes final agency action.

Sincerely,

Marybeth Peters
Register of Copyrights

Bernard Kreten
Bloom & Kreten
77 Cadillac Drive
Suite 245
Sacramento, California 95825