United States Copyright Office
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April 5, 2006

Ms. Jill Pietrini
Manatt Phelps and Phillips LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614

Control Number : **61-208-7178 (M)**
Re: **Bruce Lee Core Symbol**

Dear Ms. Pietrini:

I am writing on behalf of the Copyright Office Review Board in response to your letter dated December 24, 2003, on behalf of your client, Concord Moon, LLP ("Concord"), in which you requested the U.S. Copyright Office ("Office") to reconsider its refusal to register a copyright claim for the Bruce Lee Core Symbol ("Core Symbol"). The Board has carefully examined the application, deposit materials, and all correspondence in this case and affirms the denial of the registration of the Core Symbol as a two-dimensional artwork.

I. ADMINISTRATION RECORD

The work at issue here, the Bruce Lee Core Symbol, consists of three design elements: a Yin/Yang symbol, two arrows, and 12 Chinese characters.



The registration claim is for the new matter,12 Chinese characters and the arrows, which have been modified from an earlier work. The Yin/Yang symbol, also referred to as Tai Chi, is in the public domain, as you acknowledge, and therefore no claim for copyright protection is being sought for this element.

A. Initial submission

On April 19, 2002, the Office received a Form VA application for registration of Bruce Lee's Core Symbol on behalf of your client, Concord Moon, LLP. In a letter dated January 15, 2003, Visual Arts Section Examiner, Joanna Corwin, refused registration of this work because the new material lacked sufficient authorship to support a copyright claim.

Ms. Corwin explained the fundamental concept that a work cannot support a copyright claim unless it possesses a minimal amount of literary, artistic, or musical expression. She also explained that in the case where the work contains public domain material or previously registered or previously published material, copyright registration would only cover the additional material or modifications appearing for the first time. However, the additional material must include material protectable under the copyright law and consist of more than minor variations. As noted in Ms. Corwin's letter, copyright protection does not extend to names, titles, short phrases and symbols, typography, layout, format, or a mere change of size or coloring. Letter from Corwin to Pietrini of 01/15/03.

B. First request for reconsideration [first appeal] and Office response

On May 14, 2003, the Visual Arts Section in the Copyright Office received a letter from your firm requesting reconsideration of the Office's refusal to register the Core Symbol. In this letter, you characterize the Core Symbol as a derivative work which contains sufficient originality to sustain a copyright registration under the prevailing legal standard for a derivative work articulated in *Alfred Bell & Co. v. Catalda Fine Arts, Inc.*, 191 F.2d 99 (2d Cir. 1951). You also note that courts have held that even distinguishable variations of short statements from prior works and the addition of a short phrase to a preexisting illustration can be sufficient to create a copyrightable derivative work, citing *Applied Innovations, Inc. v. Regents of the University of Minnesota*, 876 F.2d 626 (8th Cir. 1989) and *American Greetings Corp. v. Kleinfab Corp.*, 400 F. Supp. 228 (S.D.N.Y. 1975) respectively. Letter from Pietrini to Examining Division of 05/14/03, at 3.

You then argue that the Core Symbol contains sufficient originality under these decisions and should be registered as a derivative work. Specifically, you maintain that the new material, namely, the Chinese characters and the narrowed arrows, represent much more "than a 'trivial variation' of the preexisting material, creating a 'distinguishable variation' entitled to copyright protection." Moreover, you argue that Bruce Lee chose these specific Chinese characters because their meaning, translated as "Using No Way as Way" and "Having No Limitation as Limitation," together with the symbolism of the Yin/Yang symbol and the narrowed arrows used in the design, create a work that is much greater than the sum of its parts. You contend that this combination of elements is "representative of an entire philosophy of life taught by the late Bruce Lee to students of his original martial art, Jun Fan Jeet Kune Do." *Id.* at 3-4. Finally, you characterize this combination of elements as a "condensation" of Bruce Lee's personal philosophy and note that

"derivative works entitled to protection under copyright law include condensations of prior works."

In response to your request, Attorney Advisor Virginia Giroux of the Examining Division, reexamined the application and determined that the Core Symbol lacked any elements, either alone or in combination, that possessed the minimum amount of creativity needed to support a copyright. As Ms. Giroux explained:

> Originality, as interpreted by the courts, means that the authorship must constitute more than a trivial variation of public domain elements. *See Alfred Bell & Co. v. Catalda Fine Arts, Inc.*, 191 F.2d 99 (2d Cir. 1951). In applying this standard, the Copyright Office examines a work to determine whether it contains elements, either alone or in combination, on which a copyright can be based. Also, because the Copyright Office does not make aesthetic judgments, the attractiveness of a design, its visual effect or impression, its interpretative meaning, its purported symbolism, or its commercial success in the marketplace are **not** factors in the examining process. The question is whether there is sufficient original and creative authorship within the meaning of the copyright law and settled case law.
> Letter from Giroux to Pietrini of 08/27/03, at 1.

Ms. Giroux then noted that, in the case of a derivative work, copyright protection extends only to the additions or changes made for the first time and correctly stated that registration is possible only if the new material is sufficiently original and copyrightable. She then explained that minor variations of common shapes like the arrows in the Core Symbol are not subject to copyright protection. She also concluded that the 12 Chinese characters lacked sufficient textual authorship to support a copyright registration whether considered alone or in combination with the arrows and the Yin/Yang symbol. In support of her reasoning, she cited *John Muller & Co. v. New York Arrows Soccer Team, Inc.*, 802 F.2d 989 (8th Cir. 1986) (upholding refusal to register logo consisting of four angled lines forming an arrow with the word "arrows" in a cursive script below it on grounds that it lacked the minimal creativity for authorship); *Forstmann Woolen Co. v. J.W. Mays, Inc.*, 89 F. Supp. 964 (E.D.N.Y. 1950) (finding a label with words "Forstmann 100% Virgin Wool" interwoven with three fleur-de-lis not copyrightable); *The Homer Laughlin China Co. v. Oman,* 22 U.S.P.Q.2d 1074 (D.D.C. 1991) (upholding refusal to register chinaware "gothic" pattern composed of simple variations or combinations of geometric designs due to insufficient creative authorship to merit copyright protection); and *Jon Woods Fashions, Inc. v. Curran*, 8 U.S.P.Q.2d 1870 (S.D.N.Y. 1988) (upholding refusal to register fabric design consisting of striped cloth with small grid squares superimposed on the stripes where Register concluded that the design did not meet minimal level of creative authorship necessary for copyright). Letter from Giroux of 08/27/03, at 2.

Ms. Giroux further noted that, while court cases have found that a slight amount of creativity will suffice to obtain registration, "there remains a narrow area where admittedly independent efforts are deemed too trivial or insignificant to support a copyright" and concluded that the derivative work at issue falls within this narrow area. *Id.*, citing 1 Melville B. Nimmer & David Nimmer, *Nimmer on Copyright* § 2.01(B) (2002). Letter from Giroux of 08/27/03, at 2. Ms. Giroux also discussed the standards set forth in *Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340 (1991) for determining whether a work contains sufficient originality to support a copyright and found that additional material in the Core Symbol did not possess even the slight amount of original authorship required under *Feist*. Finally, she distinguished *Regents of the Univ. of Minn.* and *American Greetings* from the current analysis, noting that in the former case, the test statements at issue consisted of several simple, declarative sentences which when taken together constituted a work of greater complexity and authorship than the Core Symbol, and that in the latter case, the court never ruled on the copyrightability of the short phrase, "Put on a Happy Face." Ms. Giroux also underscored that copyright is not determined by the range of choices available, but rather whether the final choices result in an expression or product that contains copyrightable authorship. Letter from Giroux of 08/27/03, at 3.

C. Second request for reconsideration [second appeal]

On December 24, 2003, you submitted a second appeal on behalf of your client, Concord Moon, LLP, maintaining that the Bruce Lee Core Symbol exhibits the modicum of creativity necessary to support a copyright registration. You argue that the Core Symbol design meets the minimal or modest originality requirement for a derivative work articulated by the courts in *Weissmann v. Freeman*, 868 F.2d 1313 (2d Cir. 1989), and *Folio Impressions, Inc. v. Byer California*, 937 F.2d 759 (2d Cir. 1991).

You assert that, like the rose design in *Folio*, the rendition of the arrows and the choice and arrangement of the Chinese characters is original and, therefore, copyrightable. You also argue that the artistic choices with respect to a number of items distinguishes the Core Symbol from the telephone directory which the *Feist* court held not to be copyrightable. Specifically, you identify the following choices in creating the Core Symbol as having sufficient originality to support a copyright registration: the shape and size of the arrows; the arrangement of the arrows around the Yin/Yang symbol; the selection of specific Chinese characters to convey Bruce Lee's philosophy; the arrangement of those characters with the Yin/Yang symbol and the arrows to form an artistic symbol that embodies the author's artistic idea. Letter from Pietrini of 12/24/03, at 3.

Furthermore, you allege that the Office has erroneously considered each item in a vacuum, determining the copyrightability of each item rather than analyzing the work as a whole as required by law. *Id.*, citing *Atari Games Corp. v. Oman*, 979 F.2d 242 (D.C. Cir. 1992); *Reader's Digest Ass'n v. Conservative Digest, Inc.*, 821 F.2d 800 (D.C. Cir. 1987), and *Folio*. You also maintain that the Office has rejected the registration of the Core Symbol because it is not distinct or unique, a standard which is not applicable to a determination of copyrightability.

And finally, you argue that the Office has granted registration to works with less creativity based upon the Office's registration of the "Universal Logo." Letter from Pietrini of 12/24/03, at 3-4.

II. Decision

After reviewing the application and deposit submitted for registration and the arguments you have presented, the Copyright Office Review Board affirms the Examining Division's refusal to register the work Bruce Lee's Core Symbol because it does not contain sufficient creative authorship to support registration.

A. Feist's principle and Office practice

Feist straightforwardly articulated the principle that only a modest level of creativity is needed to sustain copyright protection. Letter from Giroux to Pietrini of 08/27/03, at 2. Under *Feist*, originality in a work of authorship means that the work was independently authored and that the work possesses at least some minimal degree of creativity. 499 U.S. at 345. We assume for purposes of this second request for reconsideration that the overall design of the derivative work submitted for registration, although consisting, in part, of the public domain element of the Yin/Yang symbol, Letter from Pietrini of 12/24/03, at 5, was independently authored by Bruce Lee. We thus focus our analysis on the second *Feist* requirement–creativity–in order to determine copyrightability of the overall design of Bruce Lee's Core Symbol.

Before proceeding with that analysis, we point out that the Supreme Court also ruled that some works (such as the telephone white-page listing at issue in *Feist*) fail to meet the creativity standard. The Court observed that "as a constitutional matter, copyright protects only those constituent elements of a work that possess more than a *de minimis* quantum of creativity," 499 U.S. at 363, and that there can be no copyright in works in which "the creative spark is utterly lacking or so trivial as to be virtually nonexistent." *Id.* at 359. We recognize that pre-*Feist* case law held no demanding standard for copyrightability. You have cited *Catalda* (finding that "'Original' in reference to a copyrighted work means that the particular work 'owes it origin' to the 'author.' No large measure of novelty is necessary.") 191 F.2d at 102. This does not mean, however, that no standard at all existed. Although *Catalda* itself stated that "no large measure of novelty is necessary" in a work of authorship in order to enjoy copyright protection, the same Second Circuit opinion also held that the distinguishable variation in a work of authorship for which copyright protection is sought, must be "more than a 'merely trivial' variation." *Id.* at 102-103. Forty years later, *Feist* again confirmed that the "standard of originality is low, but it does exist." 499 U.S. at 362.[1]

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[1] We thus do agree with your statement, Letter from Pietrini of 12/24/03, at 3, n. 3, that "*Feist* confirmed, not changed, prior law on the test to meet originality." For this position you cite *Atari Games*, 979 F.2d at 244, n. 4.

The *Compendium of Copyright Office Practices II* (1984) [hereinafter *Compendium II*] has long recognized this principle: "[w]orks that lack even a certain minimum amount of original authorship are not copyrightable." *Compendium II*, Ch. 200, § 202.02(a)(1984). With respect to pictorial, graphic, and sculptural works, the class within which this Bruce Lee's Core Symbol work falls [enumerated at 17 U.S.C. § 102(a)(5)], *Compendium II* states that a "certain minimal amount of original creative authorship is essential for registration in Class VA or in any other class." *Compendium II*, Ch. 500, § 503.02(a). *Compendium II* recognizes that it is the presence of creative expression that determines the copyrightability of a work, and that registration cannot be based upon the simplicity of standard ornamentation. This *Compendium* principle is confirmed by numerous judicial decisions, some of which Ms. Giroux cited in her August 27, 2003, letter. In *John Muller*, the court, citing 37 CFR § 202.10 (a), upheld a refusal to register a logo consisting of four angled lines forming an arrow, with the word "arrows" in cursive script below, noting that the design lacked the minimal creativity necessary to support a copyright and that a "work of art" or a "pictorial, graphic or sculptural work ... must embody some creative authorship in its delineation of form." 802 F.2d at 990. *See also Bailie v. Fisher*, 258 F.2d 425 (D.C. Cir. 1958) (cardboard star with two folding flaps allowing star to stand for display not copyrightable 'work of art'); *Magic Marketing, Inc. v. Mailing Services of Pittsburgh, Inc.*, 634 F. Supp. 769 (W.D. Pa. 1986) (envelopes with black lines and words "gift check" or "priority message" did not contain minimal degree of creativity necessary for copyright protection); *Forstmann* (label with words "Forstmann 100 % Virgin Wool" interwoven with three fleurs-de-lis held not copyrightable); *Homer Laughlin* (upholding refusal to register chinaware design pattern composed of simple variations or combinations of geometric designs due to insufficient creative authorship to merit copyright protection); *Jon Woods* (upholding refusal to register fabric design consisting of striped cloth with small grid squares superimposed on the stripes where Register concluded design did not meet minimal level of creative authorship necessary for copyright); *Tompkins Graphics, Inc. v. Zipatone, Inc.*, 222 U.S.P.Q. 49 (E.D. Pa. 1983) (collection of various geometric shapes not copyrightable).

Given the considerable case law sustaining Copyright Office decisions of refusal to register simple designs, the Office nevertheless recognizes that the use of public domain elements, of commonly known and/or geometric shapes, and of familiar symbols may yet result in a copyrightable graphic work as long as the overall resulting design, taken in its entirety, constitutes more than a trivial variation of the constitutive, non-protectible elements. The complementary principles that a work of authorship should be considered as a unified entity in order to determine its copyrightability and that a work may be copyrightable even if it is composed of elements all of which are not copyrightable in themselves are principles established in case law and which the Copyright Office applies in its examining procedures. In *Knitwaves, Inc. v. Lollytogs, Ltd.*, 71 F.3d 996 (2d Cir. 1995), the court, although considering the appropriate infringement test for a design on clothing, articulated a copyrightability analysis in terms of the overall pattern that was infringed in that case, pointing out that "[W]hat is protectible then is 'the author's original contributions,' (citing *Feist*, 499 U.S. at 350)– the original way in which the author has 'selected, coordinated and arranged' (citing *id.* at 358) the elements of his or her work," 71 F.3d at 1004. *See also Atari.*

We comment specifically regarding *Atari* that, although the Office had initially refused to register the work at issue in *Atari*, the Office did, upon reconsideration, register the videogame work at issue in recognition of the overall audiovisual authorship, composed of several individual elements–a series of related images with sound–which, taken together, were sufficient. Thus, as you urge in your December 24, 2003, letter, the Office examines a work submitted for registration from the perspective of analysis of the work as a whole, "considered in its entirety to determine the originality of it." Letter from Pietrini of 12/24/03, at 3, citing *Atari*, 979 F.2d at 245 and *Reader's Digest*, 821 F.2d at 806 (D.C. Cir. 1987). Taking into account this necessary perspective for viewing a work of authorship, the Office has concluded that the overall configuration of the design in Bruce Lee's Core Symbol does not rise to the level of copyrightable authorship. Our reasoning follows.

B. Analysis of the work

You have described the work at issue here, Bruce Lee's Core Symbol, as consisting of the following design elements: a selection of the size and shape of the curved arrows surrounding the symbol, as well as the arrangement of the arrows around the Yin/Yang symbol; a selection of the exact Chinese characters to express the idea, for their artistic appearance within the work, and to convey the exact meaning intended; and the arrangement of the Chinese characters creatively around the Yin/Yang with arrows to form an artistic symbol that embodies the artistic idea. Letter from Pietrini of 12/24/03, at 3.

You have argued in your second request for reconsideration that the Office has made the error of "parcing [sic] out each individual component and considering them in a vacuum." *Id.* In its analysis of the work at issue here, the Board has identified the components of the design and, although concluding that the components are, each in itself, *de minimis* in nature, has nevertheless then evaluated the work in its entirety, setting aside the fact of the *de minimis* characteristic of the components. The examining of works submitted for registration proceeds on the principle that the analysis must ultimately focus on the entire structure of the work at issue as we have explained, *id.* at 6. The work which the Board has viewed as an entirety is a Yin/Yang symbol, partially encircled by two arrows, each wider at the bottom than at the point of the arrow tip; the arrows are placed in different directions around the circle of the Yin/Yang symbol. Outside those arrows are Chinese characters which state an aspect of Bruce Lee's philosophy. The Board has examined the work and, even taking into account the two-color scheme of the design [the Chinese characters' being black print], it does not consider the totality of the design sufficient to support a copyright registration.[2]

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[2] The philosophy or concept which Bruce Lee may have wished to express and which may have been intended to be portrayed or expressed in the work at issue here is not protected by copyright. 17 U.S.C. § 102 (b): "In no case does copyright protection for an original work of authorship extend to any idea, procedure, system, method of operation, concepts, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work."

We point out that the new matter, or the added authorship which is to provide the basis of this copyright claim, is described as "narrowed arrows and added Chinese characters to outside of design." Application for registration, received in the Copyright Office April 19, 2002. *Compendium II* states the general examining principle in the case of derivative works is that the new matter statement provided by the applicant is essentially a description of the extent of the claim, i.e., it "describes all the copyrightable authorship on which the claim is based." Ch. 600, § 626.01(c). If we were, thus, to focus solely on the new matter described by the applicant as forming the basis of its claim, we would target in our analysis the "narrowed arrows and added Chinese characters to outside of design," i.e., outside of the preexisting design of the Yin/Yang symbol with previously existing arrows created by Bruce Lee. The new matter, i.e., the very slightly altered arrows, one in each of two colors, along with the Chinese characters following the curved arrows, would not, in itself, represent a copyrightable design.[3] The two elements–the slightly modified arrows and the Chinese characters/writing encircling the arrows–is insufficient authorship to support a copyright claim.

We have also, however, taken a broader view of the work submitted for registration and find that, even under such analysis, the work fails to rise above the *de minimis* level of authorship. Section 101 of the copyright statute provides the definition of "derivative work" as a work which "is based upon one or more preexisting works" and which utilizes a preexisting work/form which has been "recast, transformed, or adapted." 17 U.S.C. § 101. In the Bruce Lee Core Symbol at issue here, we have viewed the work as a whole, including both the preexisting elements as well as the new elements since both form the derivative work which has been submitted for registration. That derivative work consists of the Yin/Yang symbol in the same two colors as the opposite direction arrows encircling the Yin/Yang as well as the Chinese characters placed outside and around the arrows. The entire work thus consists of essentially three simple elements which, either in themselves or in combination, do not rise to the level of copyrightable authorship.

We are in agreement with your citations to *Weissman*, 868 F.2d at 1321, *Folio*, 937 F.2d at 765, and to *Catalda* for the principle that "to support a copyright, a derivative work must be more than trivial" but also that "[I]n the law of copyright, only an unmistakable dash of originality need be demonstrated, high standards of uniqueness in creativity are dispensed with." *Folio*, 937 F.2d at 765, reciting *Weissman*, 868 F.2d at 1321, which, in turn, was pointing out *Catalda*'s teaching that the "originality requirement for a revised version is a 'minimal' or 'modest' one." When the Supreme Court took up the question of the requirement of originality for works for which copyright is sought, it confirmed the general principle that the "originality requirement is not particularly stringent;" the Court acknowledged, however, that there "remains a narrow category of works in which the creative spark is utterly lacking or so trivial as to be virtually

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[3] We point out that the Chinese characters are just that–symbols in Chinese which represent words, phrases or letters. The Office's regulations at 37 CFR § 202.1(a) cites examples of works not subject to copyright; among such elements are mere variations of typographic ornamentation, lettering, or coloring. Thus, although the Chinese characters cannot be considered in themselves to be copyrightable, we have included them, *in toto*, as a design element, i.e., as part of the new design described in space 6 of the application to registration.

nonexistent." *Feist*, 499 U.S. at 358-359. Taking the work at issue here as a cohesive whole and considering the work to be an integrated entity, we again come to the conclusion that the derivative design, reflecting only a few and also simple design elements, as a whole fails to meet *Feist*'s standard.

This conclusion does not mean that we have parsed out individual elements and found those elements lacking. As we have explained in our discussion of *Atari*, *above* at 6, our examining practices consider a work of authorship in its entirety, taking into account the legitimacy of bringing together or combining elements which themselves may not be protectible but which, in combination and arrangement, may constitute a work sufficient for registration. This principle does not, of course, mean that all combinations and arrangements of commonplace, simple, or unprotected-in-themselves elements will rise to the level of copyrightable authorship. In *Satava v. Lowry*, the Ninth Circuit held unprotectible sculptural arrangements which combined elements not copyrightable in themselves. 323 F.3d 805 (9th Cir. 2003). The court explained that not "any combination of unprotectable elements automatically qualifies for copyright protection." Our case law suggests, and we hold today, that 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." *Id.* at 811. The Bruce Lee Core Symbol at issue here exhibits only a few design elements which are arranged in a simple manner. The Board finds that this work, consisting of very few elements, each element not protectible in itself, and arranged in a commonplace manner, lacks the required minimal creativity.[4]

C. Other works which have been registered

Finally, you have also pointed out a registration made for a work entitled "Universal Logo," VA 838-139. You argue that if this work possesses sufficient creativity to support a registration, so does the Bruce Lee Core Symbol work. Letter from Pietrini of 12/24/03, at 4. We offer the following information.

The Office's examination procedure for copyrightability does not include a comparison with other works–whether those works have been registered or have been refused registration. This differs from the other administrative areas of intellectual property law of patents and trademarks. Originality in copyright law does not include a requirement for comparison to prior works. We cite *Compendium II*, Ch. 100, § 108.03, that the Office does not generally make

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[4] We add a note concerning the publication status of this work. Although you have indicated the work to be unpublished and have given a 1964 creation date on the registration application form, we have encountered the symbol appearing in published books and we have also come across it within Internet sites. If we were going to proceed with registration of the work based on an assessment of copyrightable authorship, we would question the assertion of the unpublished status of the work. Because, however, the Board has determined that there is insufficient authorship in the configuration of the work itself to sustain a claim, no further questioning of the publication status of the work at issue here is necessary.

comparisons of copyright deposits to determine whether or not particular material has already been registered. The Copyright Office does not base its decisions regarding copyrightability on comparisons with other works. Each individual work of authorship is considered on its own merits, i.e., the particular expression of authorship, viewed as an integrated whole; this examination is made without regard to any other specific work. We cite an action brought under the Administrative Procedure Act in *Homer Laughlin*. That court pointed to this *Compendium II* provision and further stated that the court was "not aware of any authority which provides that the Register must compare works when determining whether a submission is copyrightable."22 U.S.P.Q.2d at 1076. *Accord, Coach, Inc. v. Peters*, 386 F. Supp.2d 495 (S.D.N.Y. 2005). Again, each work submitted for registration is evaluated on its own merits, with the Office applying the relevant statutory and regulatory guidelines as well as its examining practices set forth in *Compendium II*. The fact that an individual examiner might have–perhaps erroneously–accepted for registration a work that arguably is not more creative than the Bruce Lee Core Symbol work at issue here does not require the registration of the latter work which the Review Board finds to be *de minimis* authorship and, thus, not registrable. The judgment of an individual examiner with respect to a particular registration cannot be categorized as administrative *stare decisis* for purposes of the Review Board's consideration of subsequent works for which reconsideration has been requested. The Board does not compare works which have been registered with those which are on appeal and it is not bound by previous registration decisions of individual examiners which, as I have stated above, may or may not have been erroneous.

Again, we have considered the work at issue here and determined that, under the principles of *Feist,* only a modicum of authorship creativity being necessary and some works failing even that admittedly low test, registration is not possible for Bruce Lee's Core Symbol. For the reasons stated in this letter, the Copyright Office Review Board affirms the Examining Division's refusal to register. This decision constitutes final agency action in this matter.

Sincerely,

/s/

Nanette Petruzzelli
Special Legal Advisor for Reengineering
For the Review Board
United States Copyright Office