

## Our Latest Industry Insights

IP File

March 24, 2017

### **Supreme Court Cuts Through the Noise to Clarify Copyrightability of Designs in Useful Articles**

**By:** Justin Thiele

On October 20, 2016, we published an article discussing the Supreme Court's decision to grant review of the Sixth Circuit's August 2011 ruling in *Varsity Brands, Inc. v. Star Athletica, LLC*. The Supreme Court heard oral arguments on October 31, 2016, and, on March 22, 2017, issued its highly anticipated decision. As discussed below, the Supreme Court has clarified the test to determine whether a design feature on a useful article is subject to protection under the Copyright Act of 1976.

**TAGS:** cheerleading uniforms, copyright & idea theft, copyright act, intellectual property, supreme court, varsity brands inc v. star atletica

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October 20, 2016

### **Supreme Court To Consider Copyrightability of Cheerleading Uniform Designs**

**By:** Brittany Elias

On May 2, 2016, the U.S. Supreme Court granted review of the Sixth Circuit's August 2015 ruling in *Varsity Brands Inc. v. Star Athletica LLC*[i] The Supreme Court will determine the proper test to assess whether Varsity's two-dimensional cheerleading uniform designs are entitled to copyright protection. Notably, this is the first time the Supreme Court will address copyright protection in the context of useful articles and apparel. Thus, its decision bears the potential for a far-reaching impact on the apparel and fashion industries.

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