

Student Name: Alison Furman

Case Name: Star Athletica, LLC, Petitioner v. Varsity Brands, Inc., Et Al. United States Supreme Court 137 S. CT. 1002

Case Brief

Issue: How does one determine if a feature of a useful article is copyrightable?

Facts:

Varsity Brands, Inc. designs and manufactures clothes and accessories used in many athletic activities, one of which being cheerleading. Varsity received copyright registration for some of the designs they used, which were very similar to designs used by Star Athletica. Varsity sued Star under the claim that they violated the Copyright Act. Star made a counterclaim that Varsity used fraudulent information at the Copyright Office, because they did not believe that it was possible for Varsity to copyright the designs. Both parties ended up filing for summary judgment. Star argued that Varsity's copyrights were not valid because useful articles cannot be copyrighted, and the designs could not be separated from the uniforms. Varsity argued that the designs were separable from the uniforms and that the copyright was valid.

Procedural History:

The case was heard by the Court of Appeals for the Sixth Circuit before it was moved to the Supreme Court.

Holding in this case:

The case was affirmed in the favor of the respondents, that the designs were eligible for copyright.

Reasoning:

The Copyright Acts holds that for a design to be copyrightable, the design must be able to be identified separately from the article and be capable of existing separately from the article. The Court found that the designs of the cheerleading uniforms were able to be identified when removed from the uniform. The Court also found that if the art can be copyrighted when it is removed from the article, then it is still protected when it is on the article. For example, if Varsity had a copyright over the design, then they are the only ones who would be able to use it on their uniforms, like any other mediums of art. The court came up with a test where a design must meet 2 things to be eligible for copyright. First, it can be perceived as a 2- or 3-dimensional work of art separate from the article, and it would qualify as a protectable pictorial, graphic, or cultural work either on its own or in some other medium if imagined separately from the useful article.

Answers to the questions

Critical Thinking:

Do you agree with the ruling of the court in this case? Why or why not? Can you foresee any difficulties in applying the test that the court says it is establishing to clear up confusion among the lower courts?

I do agree with the ruling of the court in this case. Varsity had designs that they made, so it makes sense that they would be able to copyright the designs so that no other companies would be able to sell the exact same designs that they are. I do think that this can cause some difficulties in lower courts. For example, what if the designs someone is trying to protect are super simple? Will they be able to protect those designs? Also, how

does the court decide whether the designs stand-alone from the articles? It seems like the courts still need to make case by case decisions, so the rules might not clear up confusion.

Ethical Decision Making:

What values are furthered by the outcome of the case?

The court is valuing the people who make the designs and their work, which I think is fair. They are allowing people to get credit for their own work, and they are also making it easier for lower courts to determine whether people have ground to apply for copyright protection.