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*Star Athletica, LLC v. Varsity Brands, Inc.*, No. 15-866

The Copyright Act does not protect the “design of a . . . useful article,” but the “pictorial, graphic, or sculptural

features” of a useful article can be copyrighted if they can be “identified” and “exist[] independently of the

utilitarian aspects of the article.” 17 U.S.C. § 101. In *Star Athletica, LLC v. Varsity Brands, Inc.*, No. 15-866, the

Supreme Court granted review to settle a circuit split over the appropriate test for determining when a design

feature of a useful article qualifies for copyright protection. The creation of a single test should provide stability and

predictability for industries that use unique artistic design features to market products.