



Copyright Review Board
United States Copyright Office · 101 Independence Avenue SE · Washington, DC 20559-6000

June 5, 2026

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Olympic Tower – 645 Fifth Avenue
New York, NY 10022

Re: Second Request for Reconsideration of Refusal to Register GRAND RAPIDS GOLD Banner and Ball, GR and Ball (SR # 1-10637407531, 1-10637407620; Correspondence ID: 1-56BYRLM, 1-56BYRZ2)

Dear Mr. George:

The Review Board of the United States Copyright Office (“Board”) has considered The Denver Nuggets Limited Partnership’s (“DNLP”) second requests for reconsideration of the Registration Program’s refusal to register two-dimensional artwork claims in the works titled “GRAND RAPIDS GOLD Banner and Ball” (the “Banner Work”) and “GR and Ball” (the “Ball Work”) (collectively, the “Works”). After reviewing the applications, deposit copies, and relevant correspondence, along with the arguments in the second requests for reconsideration, the Board affirms the Registration Program’s denials of registration.

I. DESCRIPTION OF THE WORKS

A. GRAND RAPIDS GOLD Banner and Ball

The Banner Work consists of a blue rectangle, with a gold and white border and black outline, displaying the words “GRAND RAPIDS GOLD” in stylized gold and white typeface. Part of each “R” in the Banner Work’s text is stylized to resemble a river, while the “O” in the word “GOLD” includes intersecting gold curved and straight lines, with interior sections colored blue and red, to resemble a basketball.

The Banner Work is as follows:



B. GR and Ball

The Ball Work is a circle in gold, red, blue, and white. The circle contains gold straight and curved lines to resemble a basketball, as well as the letters “GR” in white stylized typeface. Part of the letter “R” is stylized to resemble a river.

The Ball Work is as follows:



II. ADMINISTRATIVE RECORD

On July 7, 2021, DNLP filed two applications to register copyright claims in the Works. In two August 5, 2021 letters, Copyright Office registration specialists refused to register the claims, determining that the Works lack the authorship necessary to support registration. Initial Letter Refusing Registration of the Banner Work from U.S. Copyright Office to Anil George (Aug. 5, 2021); Initial Letter Refusing Registration of the Ball Work from U.S. Copyright Office to Anil George (Aug. 5, 2021).

On November 3, 2021, DNLP requested that the Office reconsider its initial refusals to register the Works, arguing that the stylization and arrangement of the Works’ elements display sufficient originality to support registration. Letter from Anil George re: the Banner Work to U.S. Copyright Office at 3 (Nov. 3, 2021); Letter from Anil George re: the Ball Work to U.S. Copyright Office at 3 (Nov. 3, 2021). After reviewing the Works in light of the points raised in these requests, the Office reevaluated the claims and again concluded that the Works could not be registered. Refusal of First Request for Reconsideration of the Banner Work from U.S. Copyright Office to Anil George (Mar. 23, 2022); Refusal of First Request for Reconsideration of the Ball Work from U.S. Copyright Office to Anil George (Mar. 23, 2022). The Office explained that the Works are comprised of unprotectable familiar designs, basic geometric shapes, short phrases, typographic ornamentation, lettering, and coloring, and that the combinations of these unprotectable elements in the Works lack sufficient creative authorship to support registration. *Id.* at 3.

In two letters dated June 22, 2022, DNLP requested that, pursuant to 37 C.F.R. § 202.5(c), the Office reconsider for a second time its refusals to register the Works. Letter from Anil George re: the Banner Work to U.S. Copyright Office (June 22, 2022) (“Banner Second

Request”); Letter from Anil George re: the Ball Work to U.S. Copyright Office (June 22, 2022) (“Ball Second Request”) (collectively “Second Requests”). DNLP argued that the Copyright Office’s past registration of sports franchise logos with “similar levels of authorship” made the Office’s denial of registration of the Works “inconsistent.” Second Requests at 2. DNLP also argued that the Ball Work is a “unique identifier” of the Denver Nuggets minor league team, the Grand Rapids Gold, and the specifically chosen colors evoke the team’s association to the Denver Nuggets and reference Colorado’s mining heritage, while the Ball Works’ river-shaped stylized “R”’s reference Grand Rapids’ nickname, “River City.” Ball Second Request at 2–3. DNLP recognized that the Works “might contain elements considered ‘common’ or ‘ordinary[,]’” but argued that “those elements are highly stylized and combined in an arrangement in such a way as to be considered an independent creation of original authorship.” Banner Second Request at 1–3; Ball Second Request at 2–3.

III. DISCUSSION

After carefully examining the Works and considering the arguments made in the First and Second Requests, the Board finds that the Works do not contain the creativity necessary to sustain copyright claims.

A work may be registered if it qualifies as an “original work[] of authorship fixed in any tangible medium of expression.” 17 U.S.C. § 102(a). In this context, the term “original” consists of two components: independent creation and sufficient creativity. *See Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345 (1991). First, the work must have been independently created by the author, *i.e.*, not copied from another work. *Id.* Second, the work must possess sufficient creativity. *Id.* Only a modicum of creativity is necessary, but the Supreme Court has ruled that some works (such as the alphabetized telephone directory at issue in *Feist*) fail to meet even this low threshold. *Id.* The Court observed that “[a]s a constitutional matter, copyright protects only those constituent elements of a work that possess more than a *de minimis* quantum of creativity” and that “garden-variety,” “obvious,” or “practically inevitable” selection, coordination, and arrangement lack the necessary “creative spark required by the Copyright Act.” *Id.* at 362–64.

The Office’s regulations implement the longstanding requirement of originality set forth in the Copyright Act. *See, e.g.*, 37 C.F.R. § 202.1(a) (prohibiting registration of “[w]ords and short phrases such as names, titles, and slogans; familiar symbols or designs”); *id.* § 202.10(a) (stating “to be acceptable as a pictorial, graphic, or sculptural work, the work must embody some creative authorship in its delineation or form”). In its regulations and publications, the Office explained that copyright does not protect common geometric shapes or familiar designs. *Id.* § 202.1(a); U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES § 906.1 (3d ed. 2021) (“COMPENDIUM (THIRD)”) (noting that common geometric shapes are not protectable). Copyright likewise does not protect “mere variations of typographic ornamentation, lettering or coloring.” 37 C.F.R. § 202.1(a).

At the same time, some combinations of common or standard design elements may contain sufficient creativity with respect to how they are juxtaposed or arranged to support a copyright claim. Nevertheless, not every combination or arrangement will be sufficient to meet this test. *See Feist*, 499 U.S. at 358 (finding the Copyright Act “implies that some ‘ways’ [of

selecting, coordinating, or arranging uncopyrightable material] will trigger copyright, but that others will not”). A determination of copyrightability in the combination of standard design elements depends on whether the selection, coordination, or arrangement is done in such a way as to result in copyrightable authorship. *Id.*; *see also Atari Games Corp. v. Oman*, 888 F.2d 878, 883 (D.C. Cir. 1989); *Coach, Inc. v. Peters*, 386 F. Supp. 2d 495, 498–99 (S.D.N.Y. 2005). As the Ninth Circuit has explained, “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.” *Satava v. Lowry*, 323 F.3d 805, 811 (9th Cir. 2003).


Applying these legal standards, the Board finds that the Works’ individual elements and each Work as a whole fails to demonstrate sufficient creativity for copyright protection. Both Works are primarily comprised of uncopyrightable common geometric shapes and familiar designs. *See* COMPENDIUM (THIRD) §§ 906.1 (stating the Copyright Act does not protect common geometric shapes such as straight or curved lines, circles, ovals, or rectangles), 313.4(J), 906.2 (explaining that copyright does not protect “mere variations on a familiar symbol or design”). The Banner Work features a series of rectangles that form a simple rectangular frame. Both Works use a few straight and curved lines within a circle to form a simplistic representation of a basketball. The Works’ textual elements—the words “GRAND RAPIDS GOLD” and the letters “GR”—are unprotectable short phrases and letters. *See* 37 C.F.R. § 202.1(a). The curves in the letter “R” and other minor modifications to the letters are mere variations on typographic ornamentation. *See id.* Both Works display simple coloration in common shades of gold, blue, red, white, and black. These individual elements lack a degree of originality sufficient to support registration. *See id.*; COMPENDIUM (THIRD) § 906.1.

Viewed as a whole, the selection and arrangement of the Works’ unprotectable elements are also insufficiently creative to warrant copyright protection. The Banner Work combines its constituent elements into a garden-variety rectangular design, containing centered text (including the basketball “O”) in two font sizes, all rendered in five solid colors. Similarly, the Ball Work combines its constituent elements into a simple basketball-shaped circular design, containing two letters, rendered in the same five solid colors. For each Work, the selection of unprotectable elements is insufficiently numerous and their arrangement insufficiently creative to satisfy the threshold for originality. *See Feist*, 499 U.S. at 362–63; *Satava*, 323 F.3d at 811.

Finally, DNLP advances two other arguments in the Second Requests. First, DNLP cites instances in which the Copyright Office “has previously granted registration to designs with similar levels of authorship[] and sharing similar elements” to the Works. Second Requests at 1. However, determinations of copyrightability are made on a case-by-case basis, and past registration decisions have no precedential force on future decisions. *See* COMPENDIUM (THIRD) § 309.3. Second, DNLP states that the Ball Work’s colors and certain design elements evoke the team’s association to the NBA’s Denver Nuggets, Colorado’s mining heritage, or Grand Rapids’ “River City” nickname. Ball Second Request at 2–3. DNLP argues that these elements make the Ball Work a “unique identifier” of the Grand Rapids Gold team. *Id.* at 2. Symbolic meaning and the author’s inspiration and intent, however, are not considered when evaluating originality. *See* COMPENDIUM (THIRD) §§ 310.3, 310.5.

IV. CONCLUSION

For the reasons stated herein, the Board affirms the refusal to register the copyright claim in the Works. Pursuant to 37 C.F.R. § 202.5(g), this decision constitutes final agency action in this matter.



U.S. Copyright Office Review Board
Maria Strong, Associate Register of Copyrights and
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