



United States Copyright Office

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June 12, 2017

Paul Juhasz
The Juhasz Law Firm, P.C.
10777 Westheimer, Suite 1100
Houston, TX 77042

Re: Second Request for Reconsideration for Refusal to Register SIX-MODE SIMULATOR, and EIGHT-MODE SIMULATOR; Correspondence ID: 1-1JUR1DF; SR 1-3302420841, and 1-3302420241

Dear Mr. Juhasz:

The Review Board of the United States Copyright Office (the “Board”) considered Amcrest Global Holdings Limited’s (“Amcrest”) second request for reconsideration of the Registration Program’s refusal to register claims in two-dimensional artwork for the works titled “SIX-MODE SIMULATOR” and “EIGHT-MODE SIMULATOR” (the “Works”). After reviewing the applications, deposit copies, and relevant correspondence, along with the arguments in the second request for reconsideration, the Board finds that the Works exhibit copyrightable authorship and thus may be registered.

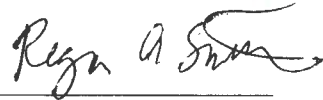
SIX-MODE SIMULATOR is a screen print of a device screen. A clock symbol, a number display, and the battery symbol appear at the top. Below that are six mini screens, each containing a set of roman numerals (either I and II, or I, II, III). The mini screens also contain varying arrangements of lines and dots. Below the mini screens are two volume/intensity control symbols (a series of thick dash symbols with the plus and minus signs on either side of the series of dashes), one preceded by the roman numeral I and the other preceded by the roman numeral II.

EIGHT-MODE SIMULATOR is also a screen print of a device screen. The play and pause symbols, a lock symbol, and a battery life symbol appear at the top. Below that is a number display along with eight numbered mini screens that consist of lines and dots and other geometric shapes. At the bottom of the screen appears the word “Intensity” followed by a volume/intensity control symbol (a series of thick dash symbols with the plus and minus signs on either side of the series of dashes).

The Board believes that the Works contain a sufficient, although minimal, amount of original and creative two-dimensional artwork authorship. Our decision to register the Works is based on the low standard for copyrightability articulated in *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991). But the Board’s decision relates only to the Works as a whole, and does not extend individually to any of the standard and common elements depicted in the Works such as the play and pause symbols, the number display, the lock symbol, the battery symbol, or the volume/intensity control symbol. See 37 C.F.R. § 202.1(a) (“[W]orks

not subject to copyright [include] [w]ords and short phrases [and] familiar symbols or designs”);
see also COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES
§§ 313.3(E), 313.4(C), 313.4(J) (3d ed.).

For the reasons stated herein, the Review Board of the United States Copyright Office reverses the refusal to register the copyright claims in the Works. Accordingly, the Board’s decision will be referred to the Office’s Registration Program so that the applications for the Works can be registered.

BY: 

Regan A. Smith
Copyright Office Review Board