

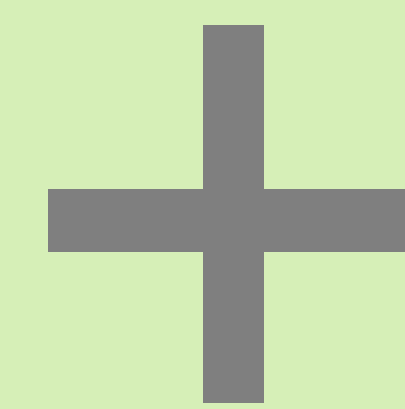
# Star Athletica, L.L.C. v. Varsity Brands, Inc.

The AALL Copyright Committee serves to represent, promote, and advocate the Association's interests regarding copyright and other intellectual property issues in legislative, regulatory, and judicial affairs.

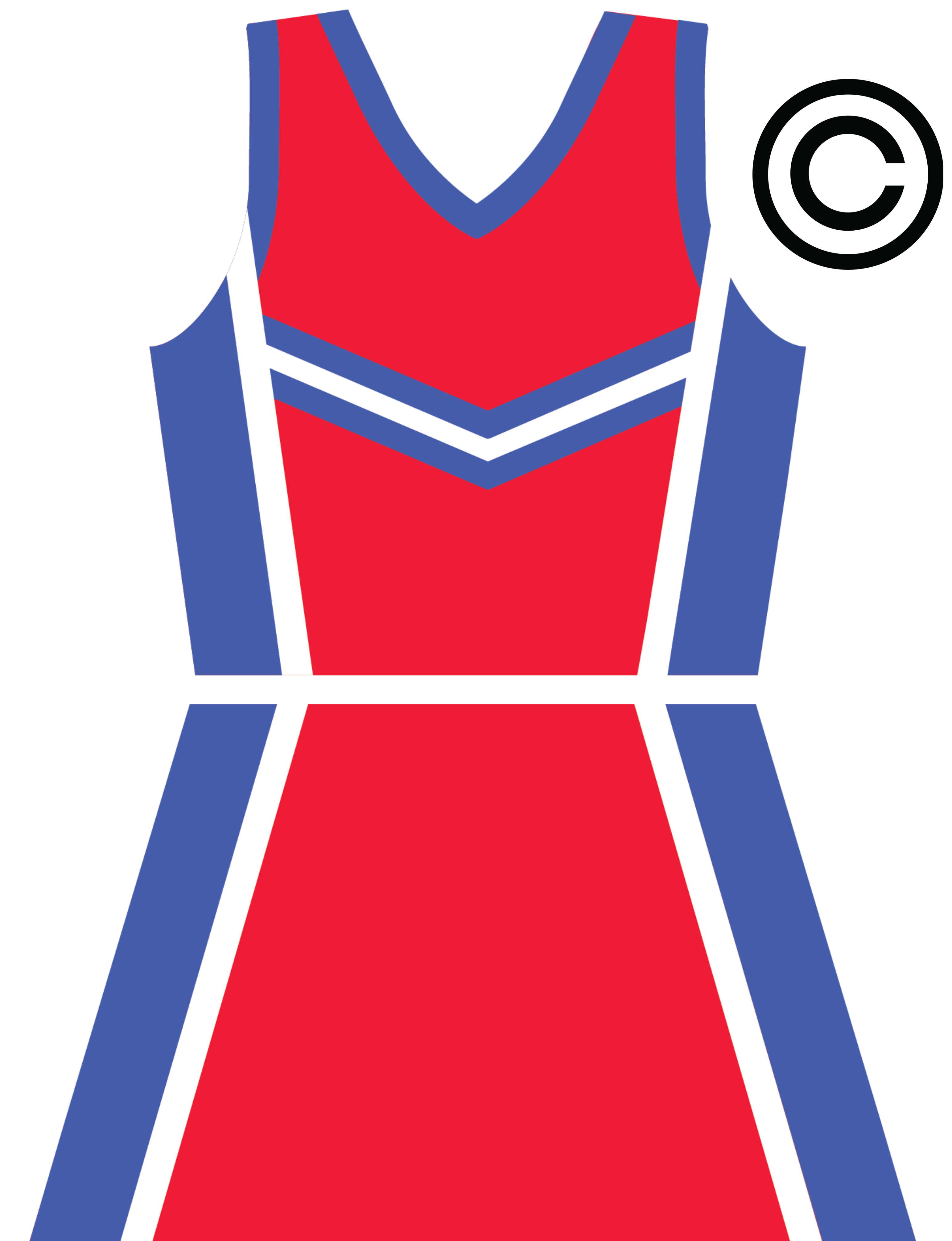
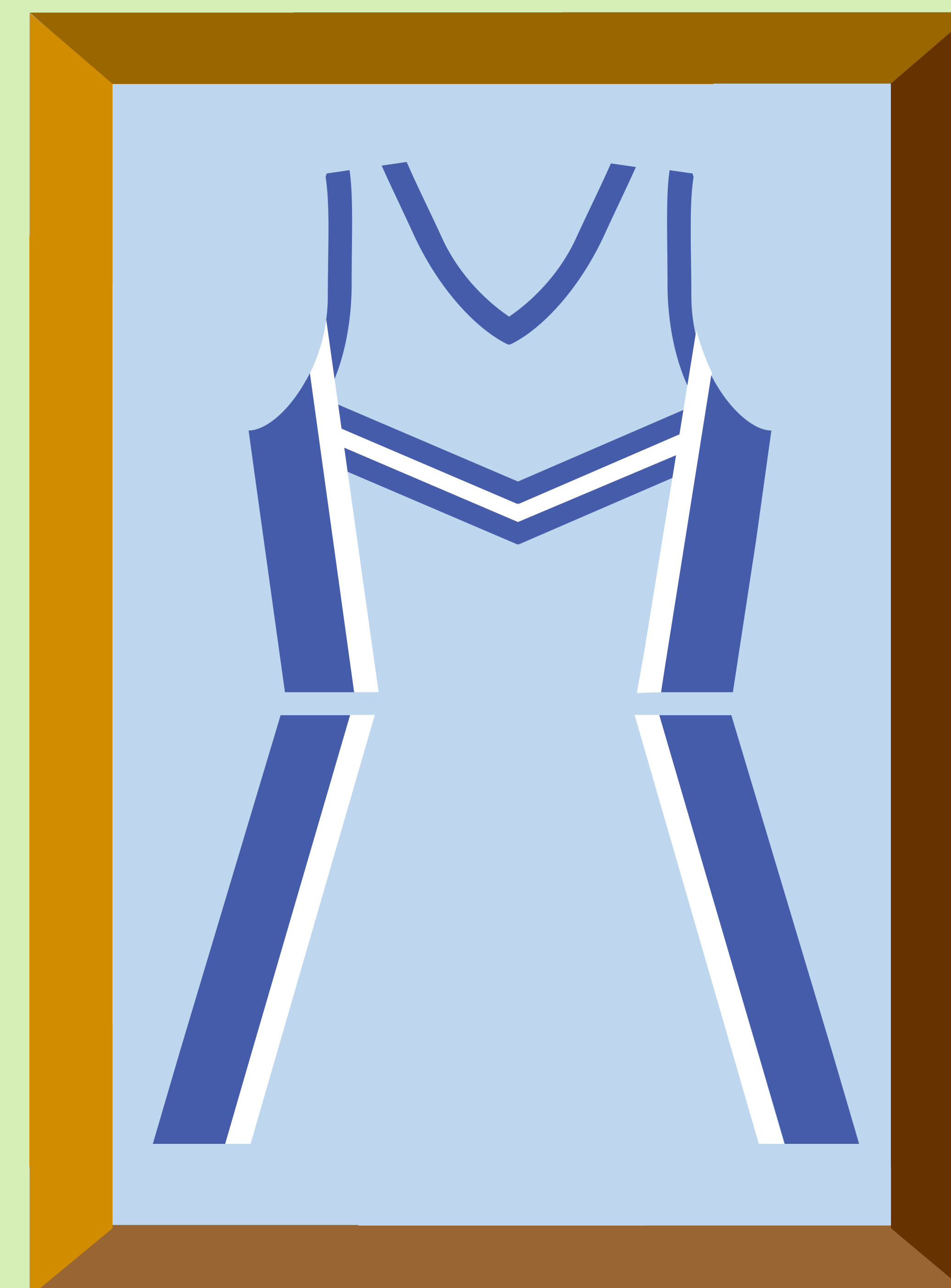
Varsity Brands sued Star Athletica for infringing its copyright in designs on cheerleader uniforms. Copyright does not protect the utilitarian aspects or items; no one can copyright the shape of an item of clothing, like a cheerleader uniform.



The shape of the uniform is utilitarian in function, and thus not copyrightable.



The stripes and chevrons can be imagined separately from the physical uniform and could be copyrightable art (imagine if the stripes and chevrons were painted on canvas; that would be eligible for copyright).



But what about the stripes, chevrons, and other images on the uniforms? Can those elements be copyrighted?

The Supreme Court held that designs incorporated into useful articles (like uniforms) can be copyrighted if:

1. The feature can be perceived as a two- or three-dimensional work of art separate from the useful article
- And**
2. Would qualify as a protectable work if it were imagined separately from the useful article.

The Court held that since the stripes and chevrons at issue met its two-part test, the uniforms are eligible for copyright and remanded to the lower court for further proceedings.