TITLE 17 - COPYRIGHTS
CHAPTER 13 - PROTECTION OF ORIGINAL DESIGNS

§ 1302. Designs not subject to protection
Protection under this chapter shall not be available for a design that is—
(1) not original;
(2) staple or commonplace, such as a standard geometric figure, a familiar symbol, an emblem, or a motif, or another shape, pattern, or configuration which has become standard, common, prevalent, or ordinary;
(3) different from a design excluded by paragraph (2) only in insignificant details or in elements which are variants commonly used in the relevant trades;
(4) dictated solely by a utilitarian function of the article that embodies it; or
(5) embodied in a useful article that was made public by the designer or owner in the United States or a foreign country more than 2 years before the date of the application for registration under this chapter.


Amendments
1999—Par. (5). Pub. L. 106–44 substituted “2 years” for “1 year”.

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