The Register of Copyrights
of the
United States of America

Library of Congress
Department 17
Washington, D.C. 20540

(202) 707-8350

November 6, 2001

Howard B. Rockman, Esq.
Lee, Mann, Smith, McWilliams,
Sweeney & Ohlson
Suite 410
209 South La Salle St.
Chicago, Illinois 60604-1202

Re: Flanders Brilliant Cut Diamond
Control No. 60-709-0129(S)

Dear Mr. Rockman:

After careful consideration, the Copyright Office Board of Appeals has decided to register Flanders Brilliant Cut Diamond. The registration is only for the three dimensional faceted stone because of the complexity of the overall sculptural configuration. We rarely see such complexity in gemstones used in jewelry design, and we cannot recall previously making such a registration. The registration, of course, does not cover any aspect of the faceting process.

As you know courts have held that copyright protection in this type of work is limited. For example, in Weindling International Corp. v. Kobi Katz Inc., 56 USPQ2d 1763, 1766 (2000), the court determined that a jewelry design was copyrightable, if not slavishly copied; it stated, however, that it "follows, of course, that the protection is a narrow one, for it applies only to the unique combination and arrangement of otherwise uncopyrightable elements into the particular design."

We are also returning the replica of the gemstone.

Sincerely,

Marybeth Peters

Marybeth Peters
Register of Copyrights