United States Copyright Office
Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

September 24, 2013

Lathrop & Grace LLP
Attn: Amy Brozenic
10851 Mastin Boulevard
Building 82, Suite 1000
Overton Park, KS 66210-1669

RE: Growler Light Truck Tire Tread
Rocker Light Truck Tire Tread
Maddog Light Truck Tire Tread
Correspondence ID: 1-FFANS5

Dear Ms. Brozenic:

The Review Board of the United States Copyright Office (the "Board") is in receipt of your second request for reconsideration of the Registration Program's refusal to register the works entitled "Growler Light Truck Tire Tread," "Rocker Light Truck Tire Tread," and "Maddog Light Truck Tire Tread" (the "Works"). You submitted this request on behalf of your client Tire Mart, Inc.

The Board has examined the application, deposit copies, and all of the correspondence in this case. After careful consideration, the Board has determined to register the Works as two-dimensional graphic works, which was the basis for authorship that you identified in the application for copyright registration. The certificates of registration for the Works are being mailed separately and should arrive soon.

In making these registrations, the Board particularly notes that we did not consider the designs as being part of useful articles and, therefore, did not apply the law and regulations governing useful articles as defined in section 101 of the Copyright Act, 17 U.S.C. The registrations are confined to the two-dimensional, graphic designs that you submitted as deposit copies of the Works, and not to three-dimensional works of the same design such as truck tires or other useful articles. The Board determines that this clarification of the extent of these registrations in necessary in light of the statement that you made in your second request for reconsideration that "the designs can stand on their own as 2-dimensional *or 3-dimensional artwork* independent of their placement on an article." *Letter from Amy Brozenic to Copyright RAC Division*, at 2 (August 6, 2013)(emphasis

added). The registrations do *not* apply to three-dimensional works, such as truck tires that contained the designs which, under the copyright law, would be viewed as three-dimensional sculptural works.

Maria A. Pallante
Register of Copyrights

BY: _____
William J. Roberts, Jr.
Copyright Office Review Board