

---

# Kluwer Copyright Blog

## Copyright case: Folkens v. Wyland Worldwide LLC, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, March 5th, 2018

An artist's illustration of two dolphins crossing underwater was an idea that was found first in nature and was not protectable under copyright law, the U.S. Court of Appeals in San Francisco has held. The court affirmed a district court's grant of summary judgment in favor of another artist who created a painting with a similar concept. Although the artist held a thin copyright in his expression of unique details in his illustration, those protectable details were not present in the defending artist's painting, so the works could not be deemed substantially similar (Folkens v. Wyland Worldwide, LLC, February 2, 2018, Gould, R.).

Case date: 02 February 2018

Case number: No. 16-15882

Court: United States Court of Appeals, Ninth Circuit

A full summary of this case has been published on [Kluwer IP Law](#)

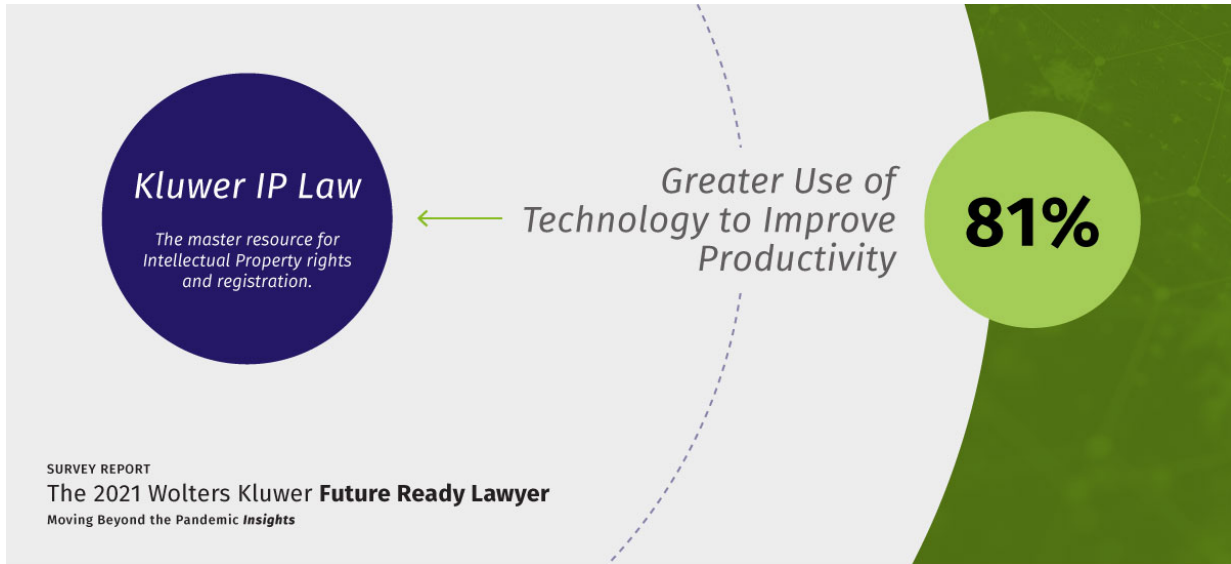
---

*To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe [here](#).*

## Kluwer IP Law

The **2021 Future Ready Lawyer survey** showed that 81% of the law firms expect to view technology as an important investment in their future ability to thrive. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.



Kluwer IP Law

 Wolters Kluwer

This entry was posted on Monday, March 5th, 2018 at 8:59 am and is filed under [Case Law, USA](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.