

USA: Folkens v. Wyland Worldwide, LLC, United States Court of Appeals, Ninth Circuit, No. 16-15882, 02 February 2018

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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.).

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