

## Copyright case: Dr. Seuss Enterprises LP v. ComicMix LLC, USA

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An illustrated book titled "Oh, the Places You'll Boldly Go!" did not make transformative use of Dr. Seuss's copyrighted pictures and stories, although Lanham Act claims were properly dismissed under the Rogers test.

In a closely watched copyright and trademark dispute over a "mash-up" book imitating and combining features of the works of author/illustrator Dr. Seuss and the science fiction franchise Star Trek, the U.S. Court of Appeals has reversed a district court's summary judgment in favor of the defendants on the copyright infringement claim and affirmed the district court's dismissal and grant of summary judgment in favor of the defendants. The Ninth Circuit held that the defendants' use of Dr. Seuss's copyrighted works in a book titled Oh, the Places You'll Boldly Go! ("Boldly"), including the Seuss book Oh, the Places You'll Go! ("Go!"), was not fair use, as the district court had determined. The appellate court held, however, that the plaintiffs did not have a cognizable trademark infringement claim because the allegedly valid trademarks in the title, the typeface, and the style of Go! were relevant to achieving Boldly's artistic purpose, and the use of the claimed Go! trademarks was not explicitly misleading (Dr. Seuss Enterprises, LP v. ComicMix LLC, December 18, 2020, McKeown, M.).

Case date: 18 December 2020  
Case number: No. 19-55348  
Court: United States Court of Appeals, Ninth Circuit

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