
Kluwer Copyright Blog

Copyright case: Sophia & Chloe, Inc. v. Brighton Collectibles, LLC, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Thursday, February 1st, 2018

A jewelry designer's "Buddha's Kiss" earring was entitled only to "thin" copyright protection because there were a limited number of ways to design an earring containing the work's single protectable idea—a teardrop-shaped earring incorporating the henna symbol for the word "kiss" and the shape of the Buddha—the U.S. Court of Appeals in San Francisco has decided. Therefore, a competing designer's earrings had to be "virtually identical" to the Buddha's Kiss earring to infringe the copyright in the design, and a district court erred in instructing a jury to apply the more lenient "substantial similarity" standard. Because the complaining designer had admitted that it could not meet the "virtually identical" standard, the appellate court reversed the district court's denial of the defending designer's post-trial motion for judgment of a matter of law in its favor on the issue of infringement (*Sophia & Chloe, Inc. v. Brighton Collectibles, LLC*, January 8, 2018, per curiam).

Case date: 08 January 2018

Case number: No. 16-55290

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 **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and

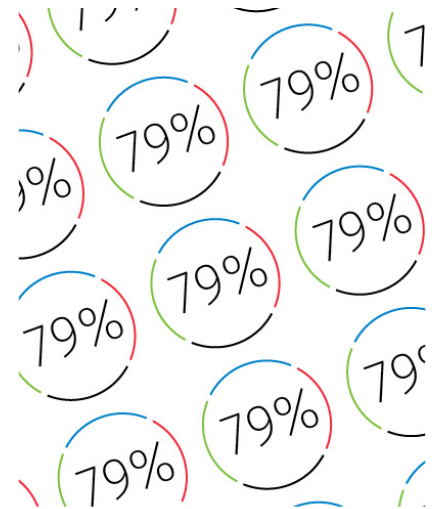
tools from every preferred location. Are you, as an IP professional, ready for the future?

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

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Thursday, February 1st, 2018 at 9:16 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.