

# Kluwer Copyright Blog

## Copyright case: Silvertop Associates Inc. v. Kangaroo Manufacturing Inc., USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Monday, August 12th, 2019

A preliminary injunction against a competitor was upheld in light of costume maker Rasta Imposta's likelihood of success on the merits of its copyright infringement suit.

Costume supplier Silvertop Associates, Inc., doing business as Rasta Imposta, was entitled to a preliminary injunction stopping competitor Kangaroo Manufacturing from selling a "knock-off" full-body banana costume because Rasta established a reasonable likelihood of success on the merits of its copyright infringement suit, the Third Circuit has held, upholding a lower court decision granting the injunction. In a case of first impression in the Third Circuit, the court applied a 2017 U.S. Supreme Court decision to conclude that, in combination, the costume's non-utilitarian, sculptural features were copyrightable (*Silvertop Associates Inc. v. Kangaroo Manufacturing Inc.*, August 1, 2019, Hardiman, T.).

Case date: 01 August 2019

Case number: No. 18-2266

Court: United States Court of Appeals, Third Circuit

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

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