



For example, in Atari, the Seventh Circuit Court of Appeals examined the idea/expression dichotomy in the context of video games to determine which elements of the Pac-Man video game were expression, subject to protection, rather than ideas which are in the public domain. Atari, Inc. v. North American Philips Consumer Electronics Corp., 672 F.2d 607, 617 (7th Cir. Ill. 1982). In so doing, the Court stated that dissection of the subject matter into copyrighted and unprotected elements is generally rejected in favor of examining the “total concept and feel” of the copyrighted work. Id. at 614. The Court cautioned that while such dissection was not appropriate, the substantial similarity inquiry must “take into account that the copyright laws preclude appropriation of only those elements of the work that are protected by the copyright.” Id.

In conducting its examination, the Court found that while the overall idea of the Pac-Man game was not copyrightable, the “particular form in which it is expressed (shapes, sizes, colors, sequences, arrangements, and sounds) provides