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Emojis and the Law

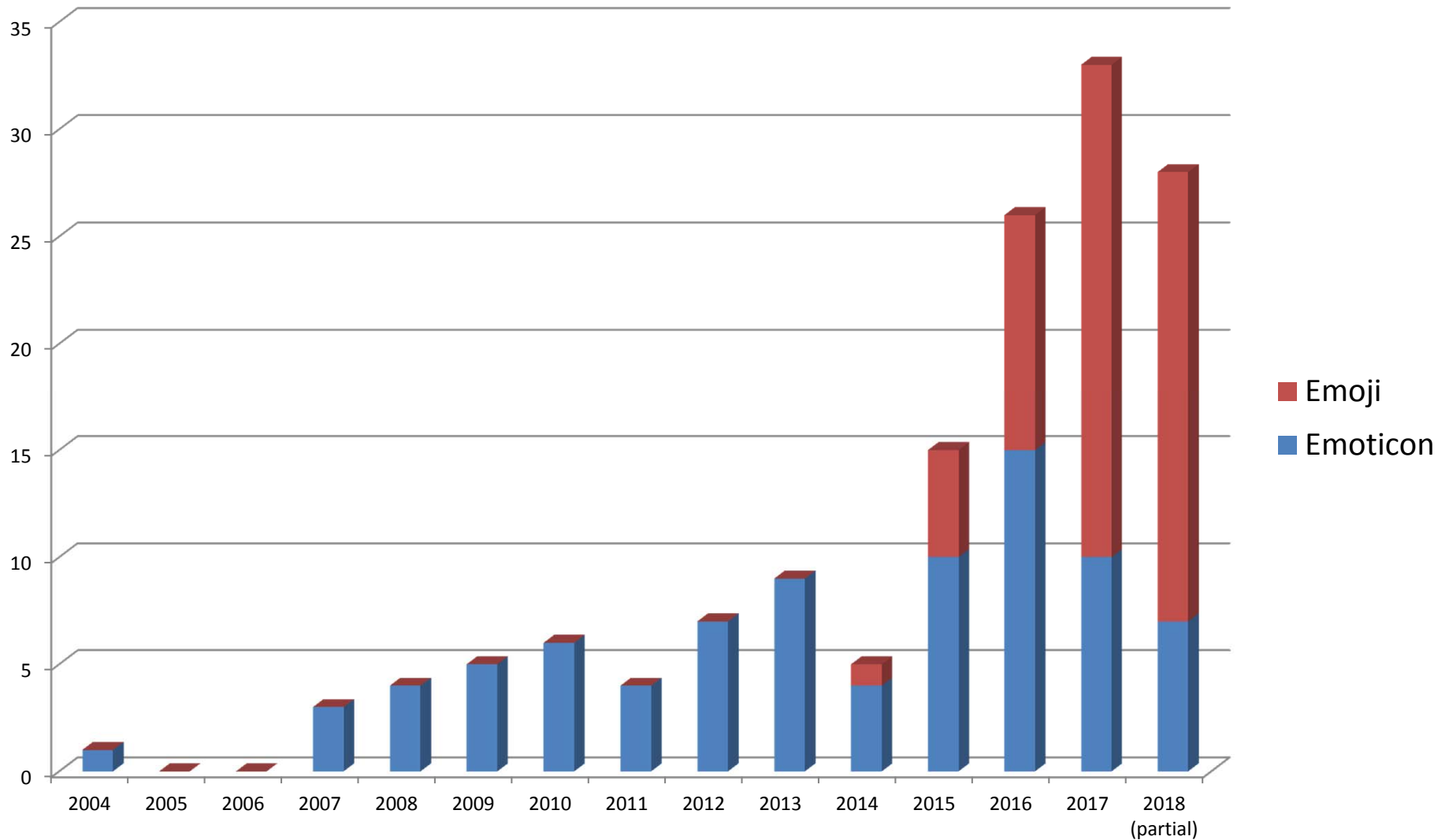
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Case References



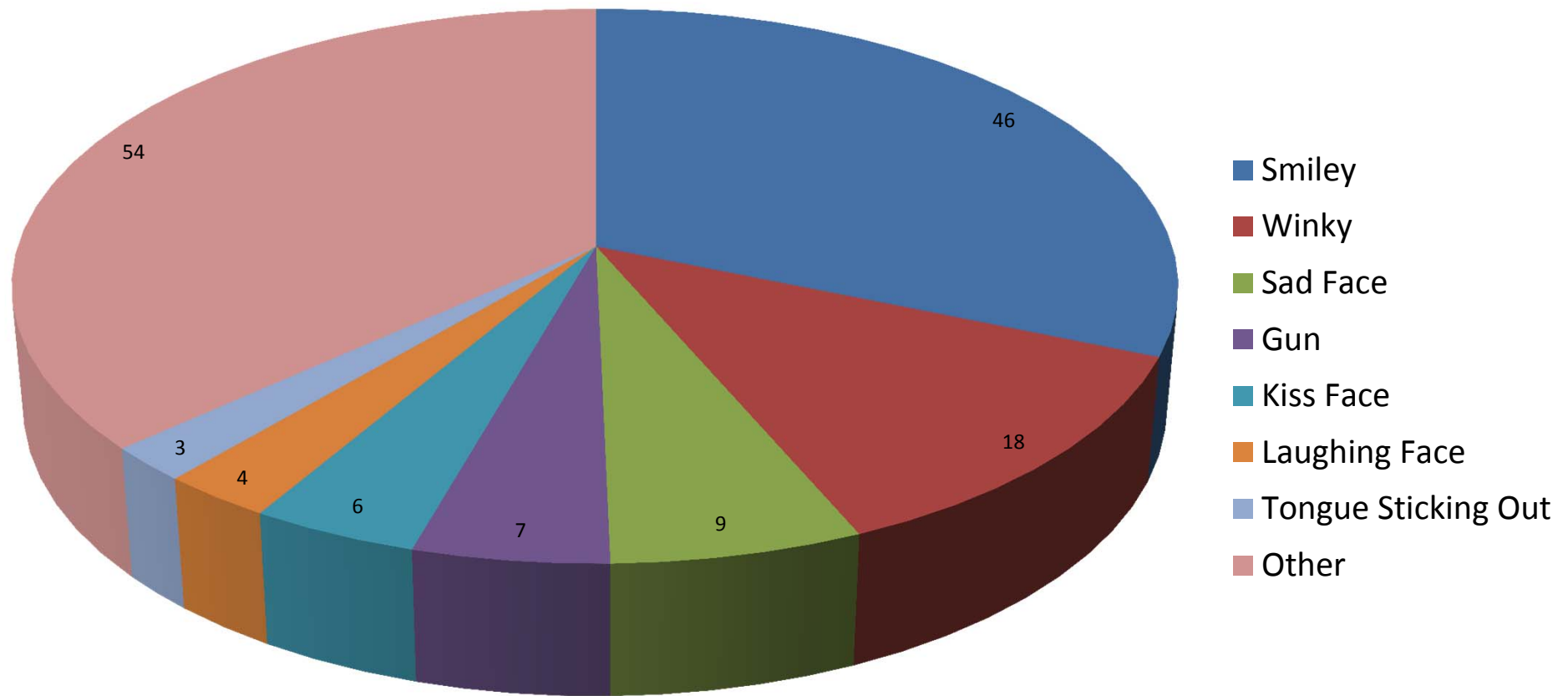
n = 146

Case counted only if phrase "emoji" or "emoticon" appeared in text

Count reflects judge's characterization, even if obviously wrong

4 cases referencing both terms counted in emoji category only

What Symbols Are Litigated?



n = 147

2 times: Angry Face, Blushing Face, Bomb, Crossing Fingers, Devil, Fists, Hearts, Skull, 100

1 time: Angel Next to Devil, Batting Eyelashes, Broken Hearts, Butt Cheeks, Cat, Clapping Hands, Confused, Cowboy, Crying Face, Dollar Sign with Wings, Dollar Signs, Drugs, Explosion, Face with Xs for Eyes, Fire, Forks/Knives, French Kiss, Frown, Gun Pointed at Head, Hitler, I Love You, Knives, Laughing/Crying, Lips, Mixed Smile, Needles, Nervous, Red Faced Smiley, Scissors, Smiley With Halo, Smirking Face, Smug, Surgical Mask Face, Train Wreck, Two Eyes, Zipper Mouth

Emoji Interpretation in Court



Rough Translation: "Good morning" [smiley] "Interested in the house" [emoji string] "Just need to discuss the details...when is a good time for you?"

Copyrighted Emojis

Full Title	Copyright Number	Date
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - BABY.	VA0002071314	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - WOMAN SHRUGGING.	VA0002071541	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - FACE PALM (woman)	VA0002071540	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - HAPPY WOMAN RAISING ONE HAND.	VA0002071539	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - PILOT (man)	VA0002071348	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - FIREFIGHTER (woman)	VA0002071347	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - FACTORY WORKER (man)	VA0002071469	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - STUDENT (man)	VA0002071466	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - COOK (man)	VA0002071465	2016
Apple Emoji 2016 (Dec) typeface for OS X (Smileys & People - Diversity) - FARMER (man)	VA0002071464	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - WANING GIBBOUS MOON.	VA0002071761	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - SUNFLOWER.	VA0002071759	2016
[Apple Emoji 2016 (Dec) typeface for OS X (Activity) - MARTIAL ARTS UNIFORM]	VA0002071721	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - FLOWER.	VA0002071791	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - ROSE.	VA0002071780	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - BOUQUET.	VA0002071779	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - EAR OF RICE.	VA0002071778	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - CROCODILE.	VA0002071851	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - BUTTERFLY.	VA0002071850	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - UNICORN.	VA0002071849	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - HORSE HEAD.	VA0002071848	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - BOAR.	VA0002071847	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - SUN WITH FACE.	VA0002071846	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - PENGUIN.	VA0002071845	2016
Apple Emoji 2016 (Dec) typeface for OS X (Animals & Nature) - FOX FACE.	VA0002071826	2016

Trademarked/Design Patented Emojis



TM 5048843



TM 4942364

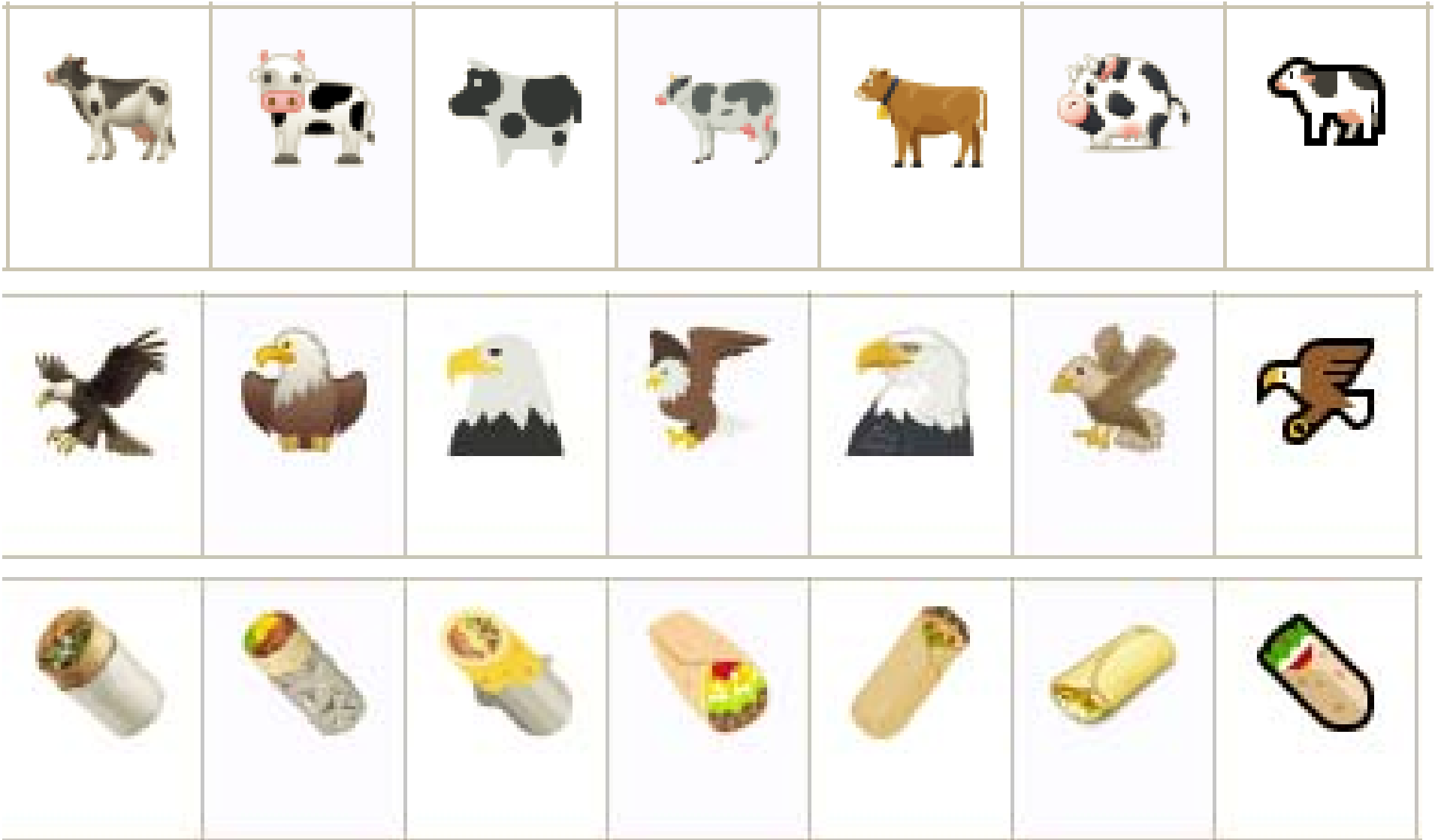


TM 3078614



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Emoji Discrepancies



Source: <https://unicode.org/emoji/charts/full-emoji-list.html> (July 5, 2018 version)

Want More?

- Emojis and the Law:
<http://bitly.com/emojiandlaw>
 - First Draft: Surveying the Law of Emojis:
<https://ssrn.com/abstract=2961060>
- Emojis and Intellectual Property Law (with Gabriella Ziccarelli):
<https://ssrn.com/abstract=3201355>