**ANNOTATIONS AND COMMENTS**

“The merger doctrine provides that ‘expression is not protected in those instances where there is only one or so few ways of expressing an idea that protection of the expression would effectively accord protection to the idea itself.’” *BUC Int’l Corp. v. Int’l Yacht Council Ltd.*, 489 F.3d 1129, 1142 (11th Cir. 2007). The merger doctrine operates as an exception to the idea-expression dichotomy. *See id*. at 1143.

This charge is based upon that provided by the American Bar Association, Section of Litigation’s Model Jury Instructions, Copyright, Trademark, and Trade Dress Litigation. *See* Model Jury Instructions, Copyright, Trademark and Trade Dress Litigation §§ 1.4.7 (Todd S. Holbrook and Alan Nathan Harris eds., American Bar Association Section of Litigation, 2008).