

Emoji & Commercial Use

Copyright, Trademark, and Rendering Risk for Authors and Publishers

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Summary for Authors

Note: this is research, not legal advice — verify anything load-bearing with a lawyer before you rely on it.

This paper addresses a question with two popular wrong answers: "emoji are just Unicode characters, so anyone can use them for anything," and "emoji are pictures, so using them commercially always needs a license." Neither holds up, because the exposure doesn't attach to the emoji — it attaches to what you did with it.

The short version: the code point isn't copyrighted; the picture is. Type an emoji into your manuscript, your book description, or your marketing copy, and let the reader's own phone, tablet, or Kindle draw it, and you haven't copied anyone's artwork — the device did that, using a font it already has a license to use. Take a screenshot of that same character, or download a vendor's image file, and paste it into a cover, an interior graphic, or a T-shirt design, and the situation reverses: now you're distributing somebody else's copyrighted drawing, and whether that's allowed depends entirely on whose drawing it is.

A second risk runs alongside this one and has nothing to do with pictures at all: a company holds a U.S. trademark registration on the word "emoji" itself, and has filed mass lawsuits against sellers for using that word in product titles and listings. Courts have started pushing back, but the fight isn't over, and it tracks the word, not the artwork.

What works reliably

Emoji used as text — in a manuscript, a book description, ad copy, a social post. The reader's device supplies the picture; you supplied only a code point, the same as typing any other character. No copyright exposure, regardless of which platform's font ends up rendering it.

What requires caution

Emoji used as an embedded image — a cover element, interior art in a fixed-layout book, a coloring page, merchandise. Several major emoji sets publish open licenses that permit exactly this (Twemoji, Google's Noto, OpenMoji, Microsoft's Fluent Emoji), each with its own attribution or share-alike condition attached. Read the specific license of the specific set; they aren't interchangeable.

What does not work

Screenshotting the emoji as it renders on your own phone or laptop — Apple's, Samsung's, or Meta's house style — and reusing that image in a cover, an ad, or a product. None of those three companies has published a license permitting it, and Apple has a documented history of rejecting App Store submissions that reused its emoji artwork.

The word itself

Using "emoji" in a book title or product listing is a separate question from using the pictures, governed by trademark rather than copyright, and still being litigated (Part 1).

Part 1: Legal Background

Unicode and Copyright

Unicode is a standard, not artwork. It assigns a code point — a number — to a character, and defines what that character means, not what it looks like. U+1F600 is "GRINNING FACE"; nothing in the standard specifies its precise line weight, color, or expression. That's the idea/expression distinction copyright law draws everywhere: the concept of a grinning face can't be owned, but a specific drawing of one can be.

Every major platform draws its own version of the standard's fixed list of meanings. Apple's, Google's, Samsung's, and Microsoft's grinning faces are all recognizably the same character and visibly different pictures — closer to how every type foundry draws a different-looking capital "A" than to four copies of one file. The Unicode Consortium licenses none of them and owns none of them:

"The Unicode Consortium is not a designer or purveyor of emoji images, nor is it the owner of any of the color images used in Unicode emoji documents and charts, nor does it negotiate licenses for their use."

Citation: Unicode Consortium, 'Unicode Emoji: Images,' [unicode.org](https://www.unicode.org/emoji/images.html), retrieved September 2026.
<https://www.unicode.org/emoji/images.html>

That sentence is the paper's hinge. The Consortium publishes the *meaning*; the vendor draws and owns the *picture*. Anyone who wants to reuse a specific vendor's picture needs that vendor's permission — Unicode has none to give.

Why the Picture Is Weakly Protected, Even So

Legal commentary treats individual emoji designs as "presumptively copyrightable as graphical images," but flags three reasons a specific design often earns thin protection at best: the shapes are simple, common conventions (a yellow circle for a face) are now expected rather than original, and a platform's version of a Unicode-defined concept is itself a derivative work with narrow protection layered onto a shared idea.

Citation: WIPO Magazine, 'Emojis and Intellectual Property Law,' [wipo.int](https://www.wipo.int/en/web/wipo-magazine/articles/emojis-and-intellectual-property-law-40430), 2018. <https://www.wipo.int/en/web/wipo-magazine/articles/emojis-and-intellectual-property-law-40430>

Practically, this means no single company can stop a competitor from drawing its own grinning face — "yellow circle, two dot eyes, curved mouth" isn't ownable at that level of abstraction — but wholesale copying of one company's specific drawing, line for line, is a different matter. The Copyright Alliance frames the exposure as running against wholesale copying of a particular rendering, not against the underlying concept: a hypothetical cartoon "with characters made to look exactly like Apple's version of various emoji faces" is the example it uses.

Citation: Copyright Alliance, 'Are Emojis Protected by Copyright?' [copyrightalliance.org](https://copyrightalliance.org/faqs/are-emojis-protected-by-copyright/), retrieved September 2026.
<https://copyrightalliance.org/faqs/are-emojis-protected-by-copyright/>

This is why the text-vs-image distinction in the Summary matters more than most people expect. Typing the character never touches the drawing at all — the device's own font does that, under whatever license the device manufacturer already secured. Copying the drawing — as a screenshot, a downloaded asset, a traced redraw — puts you inside the zone the Copyright Alliance and WIPO are describing, thin as that zone may be.

Trademark: The Word Itself

A separate and, in practice, more aggressive risk has nothing to do with any picture. A German company, Emoji Company GmbH, holds a U.S. trademark registration on the word "EMOJI" and has filed mass "Schedule A" lawsuits — the kind that name hundreds of Amazon and Etsy sellers at once — against merchants for using the word "emoji" in product titles and descriptions for emoji-themed goods.

Citation: E. Goldman, 'My Declaration Identifying Emoji Co. GmbH as a Possible Trademark Troll,' Technology & Marketing Law Blog, September 2021. <https://blog.ericgoldman.org/archives/2021/09/my-declaration-identifying-emoji-co-gmbh-as-a-possible-trademark->

troll.htm

The tide may be turning. In October 2023, a federal court declined to grant an injunction against one such seller, reasoning that "emoji" in a product title for emoji-themed stickers was a descriptive use — it told the customer what the product was, not who made it — and that consumers searching the word were looking for a category of goods, not a brand.

Citation: E. Goldman, 'In a SAD Scheme Case, Court Rejects Injunction Over "Emoji" Trademark,' Technology & Marketing Law Blog, October 2023. <https://blog.ericgoldman.org/archives/2023/10/in-a-sad-scheme-case-court-rejects-injunction-over-emoji-trademark.htm>

One favorable ruling isn't a settled rule, and the same company has continued filing suits since. An author naming a book "Emoji" something, or keywording a KDP listing with the word, is almost certainly fine under a descriptive-use reading — but "almost certainly fine" and "guaranteed not to receive a demand letter" are different sentences, and this document can't collapse that gap for you.

Part 2: License Reference Tables

The following tables translate Part 1 into a lookup reference: which emoji sets carry what license, which specific uses create copyright exposure, and how the separate trademark question behaves. Support levels are current as of September 2026 and, per the license terms themselves, subject to change without notice from the vendor.

Table 1: Major Emoji Image Sets and Their Licenses

Note: "Commercial use" here means embedding the actual image file in something you publish, sell, or distribute — not typing the character as text, which carries no license question for any set.

Set	Owner / Maintainer	License	Commercial Use	Notes
Apple Color Emoji	Apple Inc.	None published; proprietary system font	Not established	No license permitting off-platform or embedded reuse has been located; App Store submissions reusing this art have been rejected. See Part 4 on sourcing confidence.
Samsung Emoji	Samsung	None published; proprietary	Not established	Same caution as Apple — no public license found.
Meta / Facebook Emoji	Meta Platforms	None published; proprietary	Not established	Same caution.
Noto Color Emoji	Google	SIL Open Font License 1.1	Yes	Free, including commercial embedding. Copyright notice must accompany redistribution; can't be sold as a standalone font.
Twemoji	Formerly Twitter; now the community fork jdecked/twemoji	CC BY 4.0 (graphics)	Yes	Twitter/X discontinued official maintenance in 2023; the fork continues under the same license.
OpenMoji	HfG Schwäbisch Gmünd	CC BY-SA 4.0	Yes	Share-alike is the catch: a modified set has to be released under the same license.
Fluent Emoji	Microsoft	MIT License	Yes	Among the most permissive of the open sets; copyright notice retained in the license file, no share-alike.
JoyPixels (formerly EmojiOne)	JoyPixels	Free tier: personal/non-commercial only. Paid tiers required for commercial use.	Only with a paid license	The free PNGs are explicitly excluded from production or commercial deployment.

Citations: GitHub, googlefonts/noto-emoji, LICENSE. GitHub, twitter/twemoji, LICENSE-GRAPHICS; jdecked/twemoji (fork). OpenMoji FAQ, openmoji.org. GitHub, microsoft/fluentui-emoji, LICENSE. JoyPixels, 'New EmojiOne Licensing Terms & Pricing,' joypixels.com/blog. Emojiguide, 'Can I use Apple's emoji artwork in my app?' emojiguide.com.

Table 2: Text Use vs. Image Use

Use	Copyright Exposure	Notes
Typing an emoji character in manuscript text, a blurb, ad copy, or a social post	None	The reader's device renders it with its own already-licensed font. You contributed a code point, not a picture.

Embedding an openly-licensed set's image (Twemoji, Noto, OpenMoji, Fluent) in a cover, interior graphic, or product, following that license's terms	None, if the terms are followed	Attribution, and for OpenMoji, share-alike, are conditions of the license, not suggestions.
Embedding a JoyPixels image beyond the free tier's personal-use scope	Yes, without a paid license	The free tier is explicitly excluded from commercial or production use.
Screenshotting or downloading Apple's, Samsung's, or Meta's rendering and embedding it	Yes, unresolved in your favor	No published license permits this; Apple has enforced against it in at least one documented context (App Store apps).
Redrawing a platform's emoji closely enough to be recognizable as that platform's specific design	Yes	The "wholesale copying" the Copyright Alliance flags — drawing your own generic grinning face is fine, tracing Apple's specific one is not.

Table 3: The Word "Emoji" in Commerce

Use	Trademark Exposure	Notes
Emoji as a Unicode character in text	None	Trademark reaches trade names and product marketing, not text content.
The word "emoji" used descriptively in a product title, listing, or keyword (e.g., "Emoji Coloring Book")	Contested, trending toward permitted	An October 2023 federal ruling treated this as fair descriptive use; the trademark holder continues litigating other sellers.
The word "emoji" used as a brand name for your own product line	Higher exposure	Closer to the source-identifying use the registration is meant to cover.

Part 3: Practical Guidance

If you're only ever typing the character

Nothing here changes what you already do. Write the emoji into your manuscript or metadata like any other character; the rendering-support questions — will it show up as a box on an old Kindle — belong to the companion paper, *Unicode & eBook Glyphs*, not this one.

If you need an actual embedded image

Pick a set whose license matches your use before you start designing, not after:

- For a one-off personal or noncommercial project: any of the open sets, or JoyPixels' free tier.
- For anything you'll sell or distribute — a cover, a coloring-book page, merchandise: Noto (OFL), Twemoji (CC BY), Fluent (MIT), or OpenMoji (CC BY-SA), each with its attribution or share-alike line honored somewhere in your credits. A paid JoyPixels license is the alternative if their specific style is the one you want.
- Never Apple's, Samsung's, or Meta's own rendering, however you obtained the image file.

On the word itself

If a title or keyword needs "emoji" to describe what the product actually is, current case law leans toward that being fine. If you'd rather not be a test case, a synonym — character, glyph, sticker — sidesteps the question entirely.

Verify before you commit

Every license cited here can change. Twitter/X discontinued official Twemoji maintenance mid-project in 2023, and JoyPixels has revised its commercial terms before. Check the current license text at the source before publishing — not the summary in this document.

Part 4: Notes on This Research and Its Limitations

This document was researched and written using Claude (Anthropic) as the research tool. The following sources were consulted and are cited throughout:

- Unicode Consortium, 'Unicode Emoji: Images' (unicode.org, 2026)
- Copyright Alliance, 'Are Emojis Protected by Copyright?'
- WIPO Magazine, 'Emojis and Intellectual Property Law' (2018)
- GitHub: googlefonts/noto-emoji, twitter/twemoji, jdecked/twemoji, microsoft/fluentui-emoji (license files)
- OpenMoji FAQ (openmoji.org)
- JoyPixels, 'New EmojiOne Licensing Terms & Pricing'
- Emojiguide FAQ, 'Can I use Apple's emoji artwork in my app?'
- Emojipedia, 'Apple's Emoji Crackdown' (2018)
- Eric Goldman, Technology & Marketing Law Blog (2021 and 2023 posts on Emoji Co. GmbH)
- KDP Content Guidelines (kdp.amazon.com, 2026)

What this document does not cover

This is U.S. law only; copyright and trademark treatment of emoji varies elsewhere, and Emoji Company GmbH's registrations and enforcement extend well beyond the United States. It does not cover animated or platform-specific sticker formats (Bitmoji, LINE stickers, Slack custom emoji), which usually carry their own separate terms of service rather than a font license. It does not independently verify Apple's terms against Apple's own end-user or developer agreements — the claim that Apple has not licensed its emoji art for off-platform use rests on secondary reporting (Emojiguide, Emojipedia), not a located primary-source clause, and is held at that confidence level rather than a higher one. It does not cover fair-use defenses for commentary, criticism, or parody, which could change the analysis for a specific project.

KDP's own content guidelines, checked directly for this document, contain no emoji-specific rule. The applicable language is the general instruction that authors are responsible for not infringing anyone's copyright or trademark — which sends the question straight back to Parts 1 and 2.

Citation: KDP Content Guidelines, kdp.amazon.com, 2026. https://kdp.amazon.com/en_US/help/topic/G200672390

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