



Typefaces

Under the Copyright Design and Patents Act 1988, designs for typefaces or letter styles benefit from copyright protection as artistic works. Previously, under the 1956 Copyright Act, this was taken as applying to the design of individual letters (although the Act did not specify this) rather than complete founts, whilst the 1988 Act treats all designs as protectable whether for individual letters or founts. A typeface includes any ornamental motif used in printing.

Therefore where an artist has created a particular letter style (e.g. Cassandre) then those letters, individually, benefit from protection as artistic works.

However, copyright protection is limited in effect, because it is not an infringement to use the typeface in the ordinary course of typing, composing text, typesetting or printing, or possessing an article for the purpose of such use, but making or importing or dealing with articles specifically designed or adapted for producing material in a particular typeface may still be an infringement of copyright. So someone who possesses or uses a typewriter or a piece of software and/or a computer programme which incorporates an infringing copy of a copyright type face will not be liable, but someone importing such equipment may be.

Furthermore, where the typeface is exploited industrially, copyright protection may be curtailed. When an artist utilises existing letter styles, copyright protection may still vest in the artist but each case must be considered on its own merit. For instance, an artist incorporating several "Times Roman" letters into a larger work may have created a new work which benefits from copyright protection.

However, if an artist used the same typeface on the cover of a book to state the title, and no other creativity, originality of expression and use of skill and labour went into the book cover it would be very unlikely that any artistic copyright would attach (titles themselves do not benefit from literary copyright protection). Drawing on this it is clear that in instances where an artist is using (or copying) commercially available typefaces to claim any new copyright, that one must look for originality of expression and the expenditure of artistic skill and labour and be wary of asserting an artistic copyright solely by virtue of the act being done by an artist.

In the event that the artist has used a commercially available (or their own design) typeface in creating a literary object (e.g. a poster) then it is possible that literary copyright also exists. However, copyright protection is not usually given to words or phrases which are very short, which comprise names or titles, or are very commonplace or hackneyed phrases where in reality they are so unoriginal as to be incapable of copyright protection.

The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this factsheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice.