

## ETHICAL TYPE DESIGN

### *Brief history*

In the west, type design as a craft in creating reusable lettering has been around since Gutenberg created his lettercasting mold. There have since been many technological advancements improving the ease with which a typeface can be developed. Whereas a designer once had to cut a new font for each point size needed, today's designers can design scalable digital outlines describing the letter shapes at any size.

### *Present state of the industry*

The digital age has brought new concerns to the type market. The same technology that has made fonts easier to manufacture has also made it easy to copy existing type designs in a matter of seconds. Many countries have strict laws concerning type copyrights, while others still have not corrected old laws that allow unscrupulous individuals and companies to appropriate type designs and prosper at the expense of the original designer(s).

### *What is a typeface design?*

A typeface design is, at its most basic level, a style of print. You may still be using the same 26 letters and 10 digits, but they are interpreted in a unique way. An original typeface design might be likened to an original song that uses a set series of notes to form a unique tune. Here, we use "typeface" to describe a typeface design, and the word "font" to describe a font file and its data.

### *The role of the type designer*

It is the responsibility of type designers to produce original and novel typefaces, and to respect the rights of other type designers.

### *Originality*

Originality is the degree of authorship you contribute to the typeface design. To have originated a typeface design, you must have created the design and not copied it.

If, on the other hand, you set out to duplicate the style of an existing typeface, then you are creating a revival. And if your typeface is based on the outlines from another typeface then you are creating a derivative typeface (also known as "remix").

### *Revival*

Revivals are a gray area. Obviously, a designer has to copy from an existing model in order to revive it. To make sure that your revival is done ethically, there are a number of questions you must consider. Has the latest copyright owner of the typeface been dead for more than 75 years? Is the copyright still current? If the answer to either of these is "No," you must seek permission from the current copyright owner.

In addition, be sure you have prepared the revival from original artwork and not from an existing digital typeface. The revived typeface should offer something "new" in today's typographic palette.

### *Respect for others*

In many ways, all typeface designs have been influenced by designs that have come before. Thus, it's important to have respect for other type designers' work. Many typefaces might seem similar to the untrained eye; a type designer, however, should not set out to design a typeface that looks like another.

## Gray areas

### a. **Remixing (derivative fonts, or remixed fonts)**

Most end-user licence agreements (EULAs) prohibit the creation of, or restrict the usage of, derivative fonts (also known as “remixed fonts”). Therefore, you must first seek the copyright owners’ permission before you sell or distribute any derivative fonts.

There is a trend today—particularly with deconstructed typefaces—to mix two types. We’re uncomfortable with this, particularly if the origins are evident in the final work. As with derivative fonts, we welcome “font mixing” when it involves works you’ve created from scratch, or when a licence or permission has been granted from original copyright owners.

### b. **Auto-tracing**

Auto-tracing an original typeface to create outlines should be used as an initial step in the production of a typeface (if at all). But auto-tracing an existing typeface is the same as creating a derivative work.

### c. **Renaming**

You can only rename a font if you are the licensee of the font and you intend to limit use to your own system(s). You should never distribute or sell a renamed font. If you rename a font, you must leave the original copyright information intact. These terms may vary depending on the EULA, so be sure to check.

## Wrong

### a. **Point theft, or using other outlines**

When creating a new typeface it is wrong to use any information from another designer’s font unless you have his or her permission. This includes taking elements or even single points out of existing fonts.

### b. **Piracy**

Piracy consists of any practice in type design that goes against the guidelines in this guide. The theft of others’ font data to pass them off as your own is piracy. Typefaces that have been renamed and distributed, or that have been “filtered” through font-editing programs (e.g. loaded and regenerated several times through one or more software applications), or that have

been resized in a font editor are illegal under international copyright treaties in the absence of permission from the copyright holder. Piracy in any way should be wholly avoided by all type designers.

## Legal info

### **Berne Convention**

Under the Berne Convention, one signatory nation agrees to respect the copyrights of every other signatory. The United States is one of these nations. Since most developed countries protect typeface designs, the U.S. is in the strange and paradoxical position of officially respecting the copyright on foreign typeface designs but not its own domestic designs.

### **Lack of copyright in the U.S.**

The lack of typeface design copyright leaves type designers in the United States extremely vulnerable to piracy—not only domestically, but in export markets as well. As its chief mission, TypeRight seeks to change this situation by winning domestic copyright protection for typeface designs. They believe this will benefit the consumer most of all. The European system has shown that protection of type designs has encouraged the development of new and innovative typefaces and made them more widely available.

### **Protection of font data**

Right now, there’s a misconception that because U.S. copyright law does not protect a typeface’s design, then it does not protect the font data either. This is not true. The data in a font is protected by law, so you are not allowed to take it to create your own fonts. This misconception has encouraged piracy and the illegal production of ultra-cheap font CD-ROMs by individuals and companies that profit at the expense of original designers’ efforts.

Originally written by Chris MacGregor of Type Right

### **Useful links:**

<http://www.atypi.org/> (Association Typographique Internationale)

<http://www.typesociety.org/> (SoTA)

[http://tdc.org/tdc\\_site/](http://tdc.org/tdc_site/) (Type Directors’ Club)

<http://www.typeright.org/> (Type Right)