



Mel Jones

GSK

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Fonts: just your type, or a journey into Hel(vetica)?

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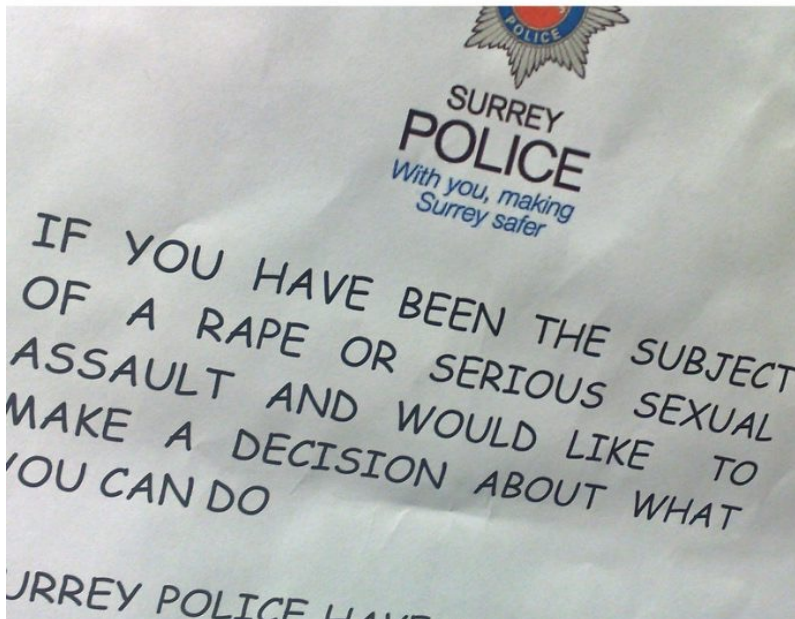
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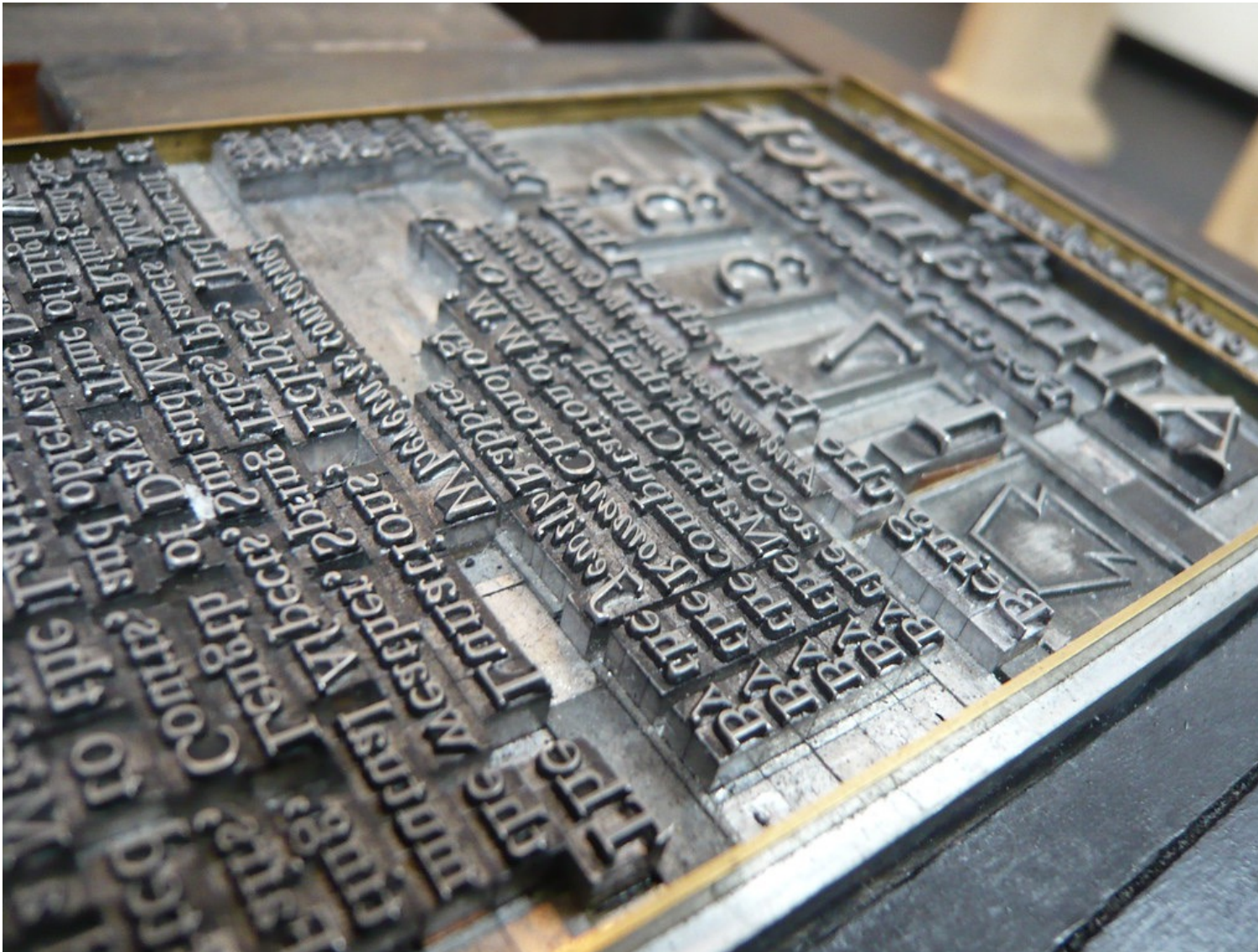
Inappropriate fonts



So many to choose from...

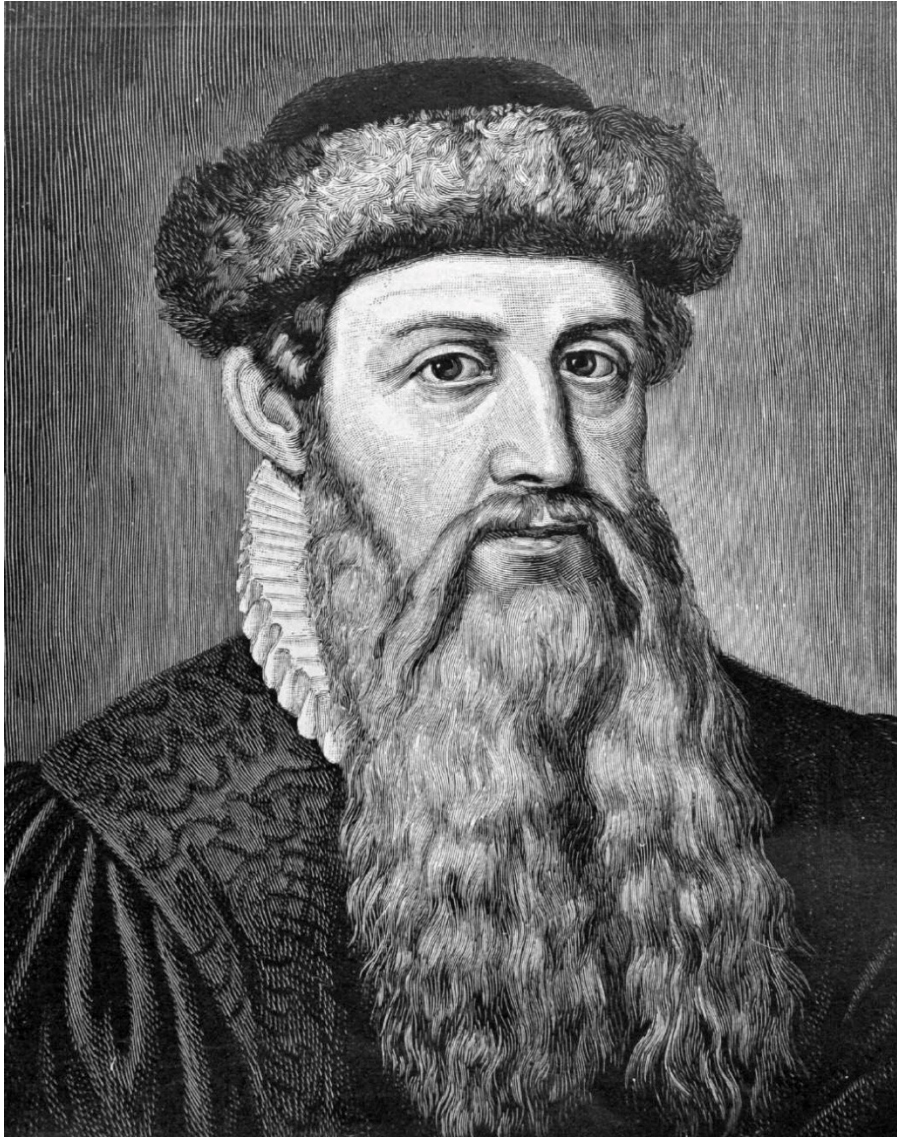



My qualifications?





▶ Earliest examples



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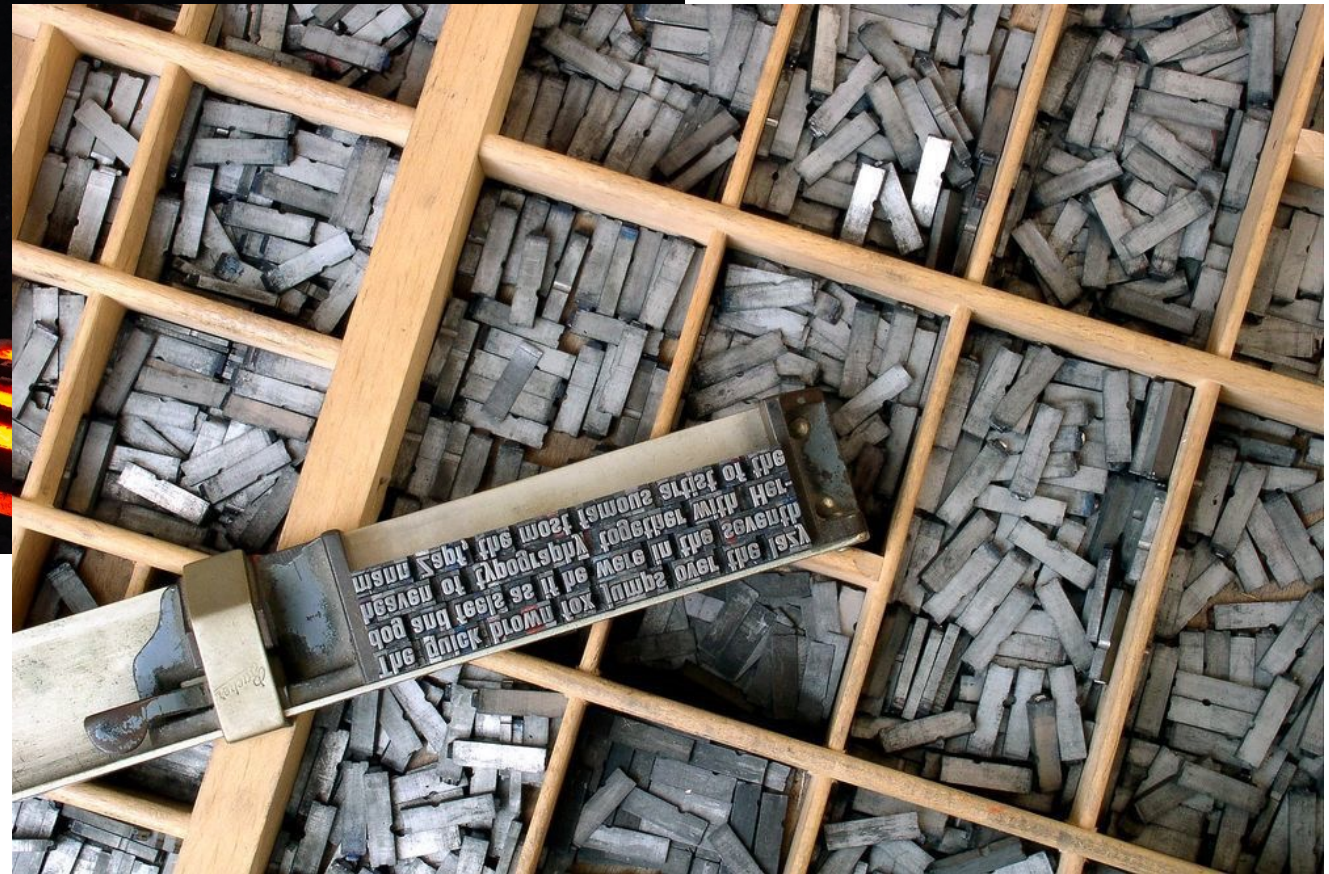
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The inspiration?

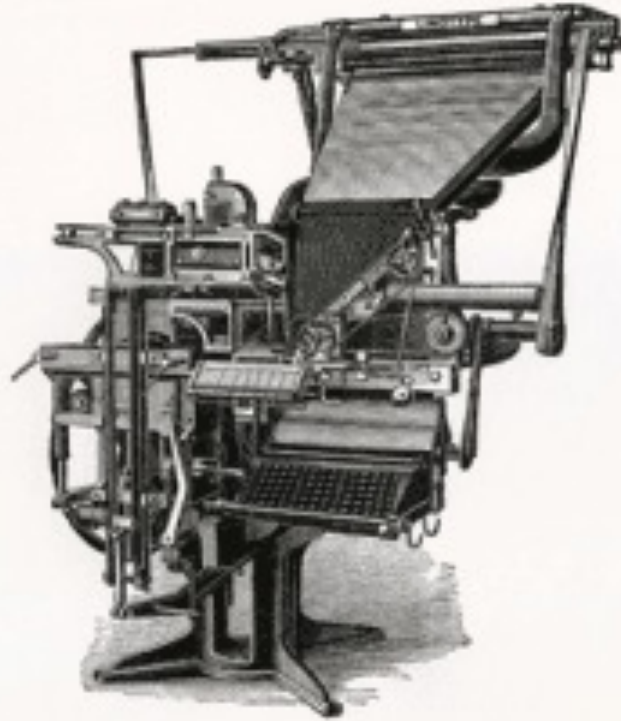


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Why call them “Font Foundries”



BEHOLD!



THE EIGHTH WONDER OF THE WORLD

LINOTYPE THE FILM

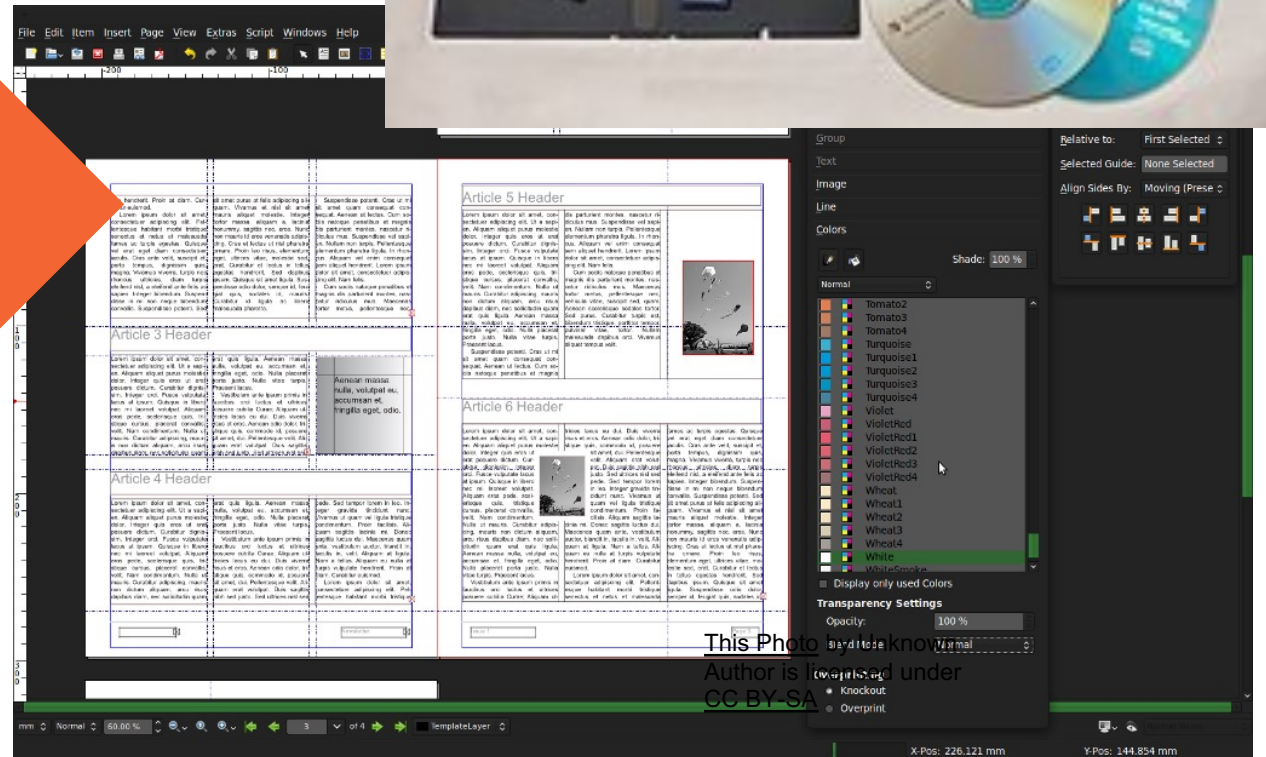
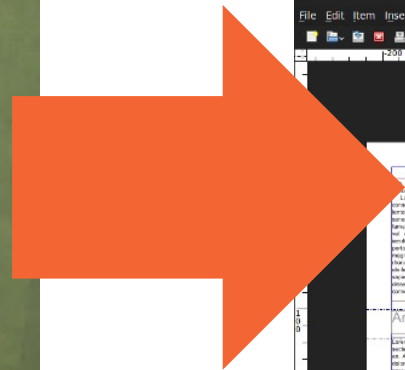
WWW.LINOTYPEFILM.COM

Copyright printed with Word & Film Film' loan to the director, Doug Wilson

Technology's impact on font ownership



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What's in a font?

How IPR protects them



US position on copyright – complex, but focuses on software-as-a-font



Generally not protected by trade marks – unlikely to function as a TM (individually)



Industry will try to enforce TM rights on particularly distinctive typefaces



Licence terms – contractual remedies

► Famous (not-)fonts

Barbie

Famous (not-)fonts

Coca-Cola

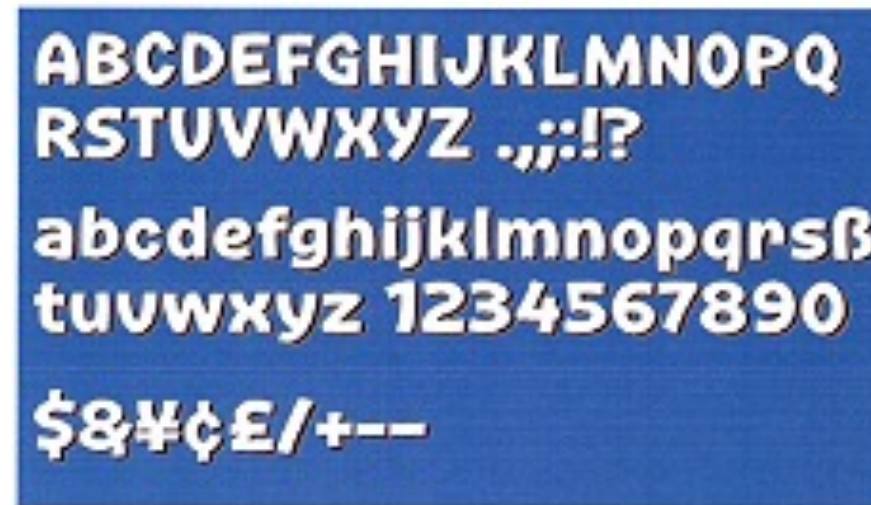
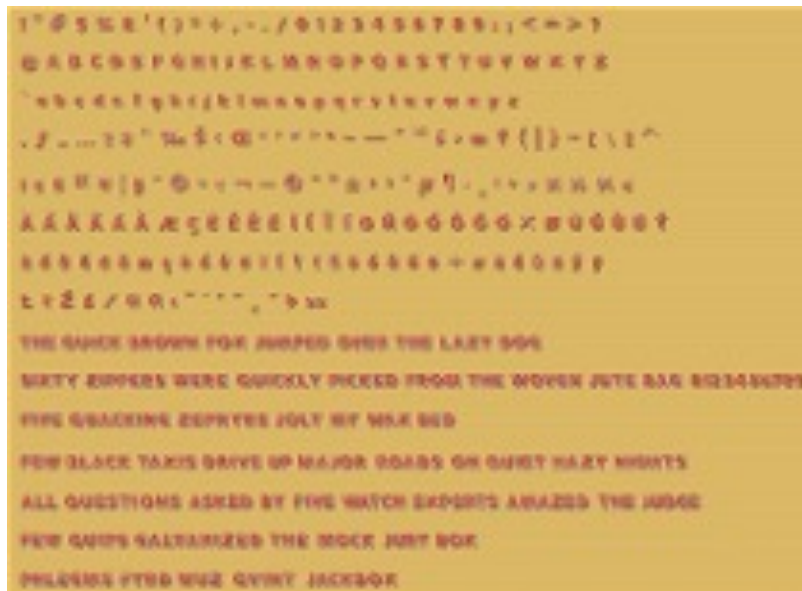
Conceal-Carry
REGISTERED HANDGUN

ENJOY
Cocaine

Famous (not-)fonts

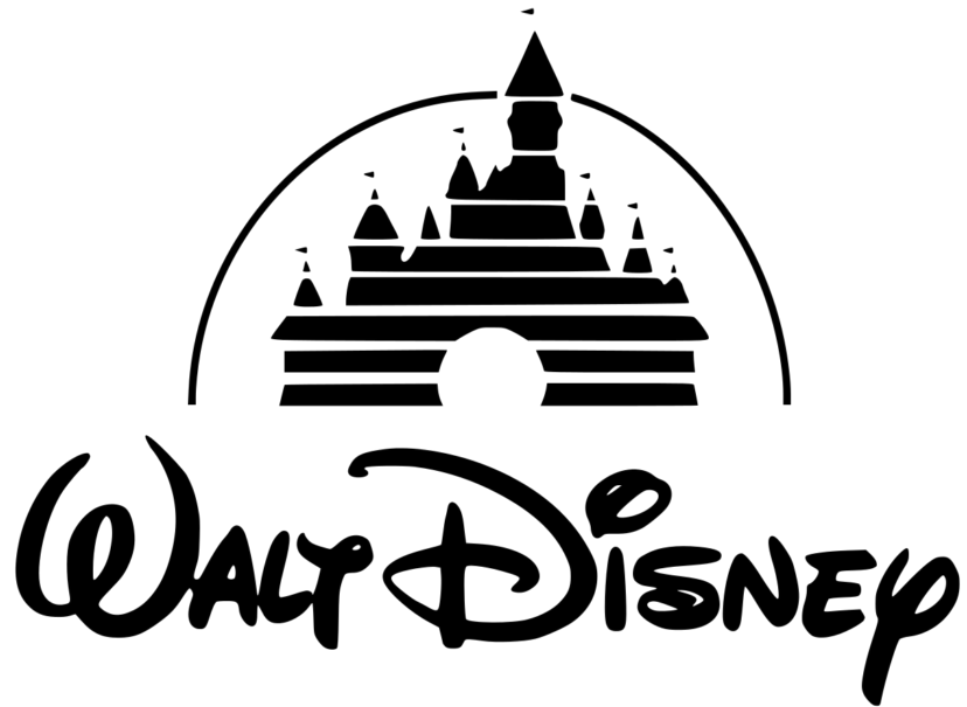


Name the chocolate product...

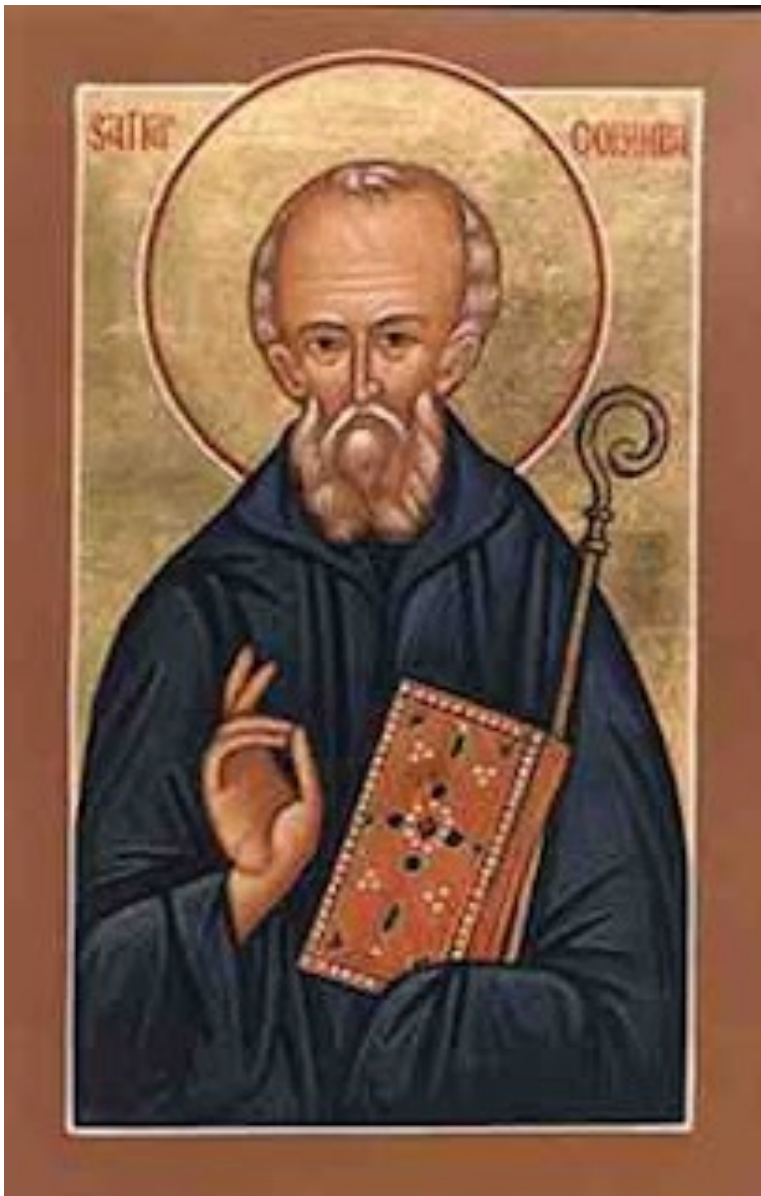


abcdefghijklmnopqrstuvwxyz

Famous (yes, for once this is a) font



The origins of copyright litigation



▶ Notable font copyright claims

Font Bureau v NBCUniversal (online)	2009	\$1.5m
P22 v NBCUniversal (Harry Potter merchandise)	2011	\$2m
Brand Design v NBCUniversal (use by other group companies)	2012	\$3.5m
Nadav v Cher (font copied on album art)	2013	\$5m
Berthold v Volvo (font copied in corporate logo)	2017	\$1.5m
Tal v Microsoft (Microsoft claimed licence from agencies)	2013	\$1.5m
Tal v Masterfont	2009	\$4.5m
Production Type v Nike (use beyond licence terms)	2023	\$150k/each
Laatze v Zazzle (single person licence, but allowed all users)	2023	TBC

The nature of a font copyright complaint

Are we seeing:

More font claims?

More
sophisticated/complex
complaints?

A limited number of
small complaints?

An “industry focus”?

Increasing reliance on
AI to find
infringements?

More the same than different?

PTMG lawyers or the font industry?



Each of us have different personal styles



We spend most of our working lives doing this and really care about it



Our work product is often the written word



Communication is at the heart of what we do



We enable better understanding



It's legitimate to protect our intellectual property rights (and we have a reputation for doing so!)



We are thoughtful about when we litigate and act reasonably

Important insights



A Compassionate Approach to Font Enforcement

Monotype's 4-phase approach

What can we learn?

RESEARCH

What fonts being used, how being used, is there a licence?

ANALYSIS

Apply facts from phase one to the law – do I have rights and are they being infringed (legal input)?

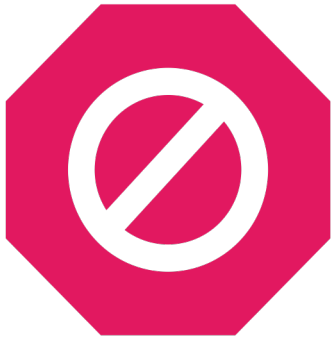
OUTREACH

Who makes approach? What do we say? “Try to educate with compassion”.

RESOLUTION

Licencing is key focus. Want a long term relationship, not just settlement. “Nurture the customer relationship”. Best for them and their designers, to whom they can pay an ongoing royalty.

Responding to a complaint



Stop ongoing
infringement



Consider the
claimant's
driving force



Assemble the
team



Investigate the
claim

Assessing the claim

Conduct your own investigation because:

- Damages are often overstated (compared to possible court award)
- Often claims based on “single item” tariff, ignoring bulk purchasing power of large companies
- Complaint included products sold by another company
- Fonts included that hadn’t been used
- Mistaken understanding of how or where fonts were being used
- Exaggerated estimates of page impressions for websites (i.e. far less people viewing them than claimed)



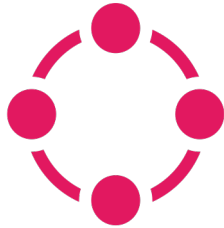
Preparing for settlement



Has it been possible to stop ongoing infringements?



Is speed or thoroughness better?



Do you want a future relationship?



How quickly can you pay?



Control the terms of settlement



Confidentiality – often a pre-requisite.

▶ They're in this for the long haul...

Associate Enforcement Counsel

Posted:

2/22/2024, 4:00:00 PM

Location(s):

Noida, Uttar Pradesh, India

Experience Level(s):

Mid Level · Senior

Field(s):

Legal & Compliance · Product

Are you our “TYPE”?

Monotype (Global)

Named "One of the Most Innovative Companies in Design" by Fast Company, Monotype brings brands to life through type and technology that consumers engage with every day.

The company's rich legacy includes a library that can be traced back hundreds of years, featuring famed typefaces like Helvetica, Futura, Times New Roman and more.

Monotype also provides a first-of-its-kind service that makes fonts more accessible for creative professionals to discover, license, and use in our increasingly digital world. We work with the biggest global brands, and with individual creatives, offering a wide set of solutions that make it easier for them

Monotype Imaging Inc

Website: <https://monotype.com/>

Headquarter Location: Woburn, Massachusetts, United States

Employee Count: 501-1000

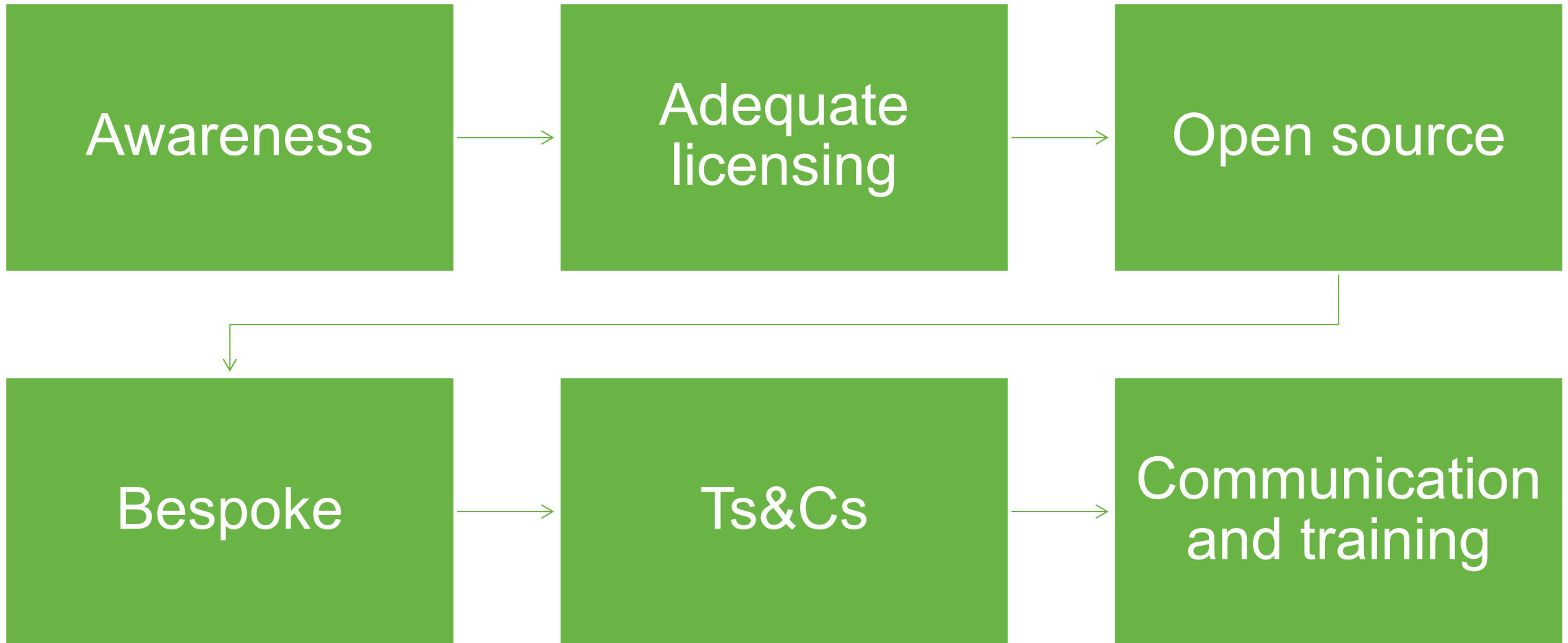
Year Founded: 1999

IPO Status: Public

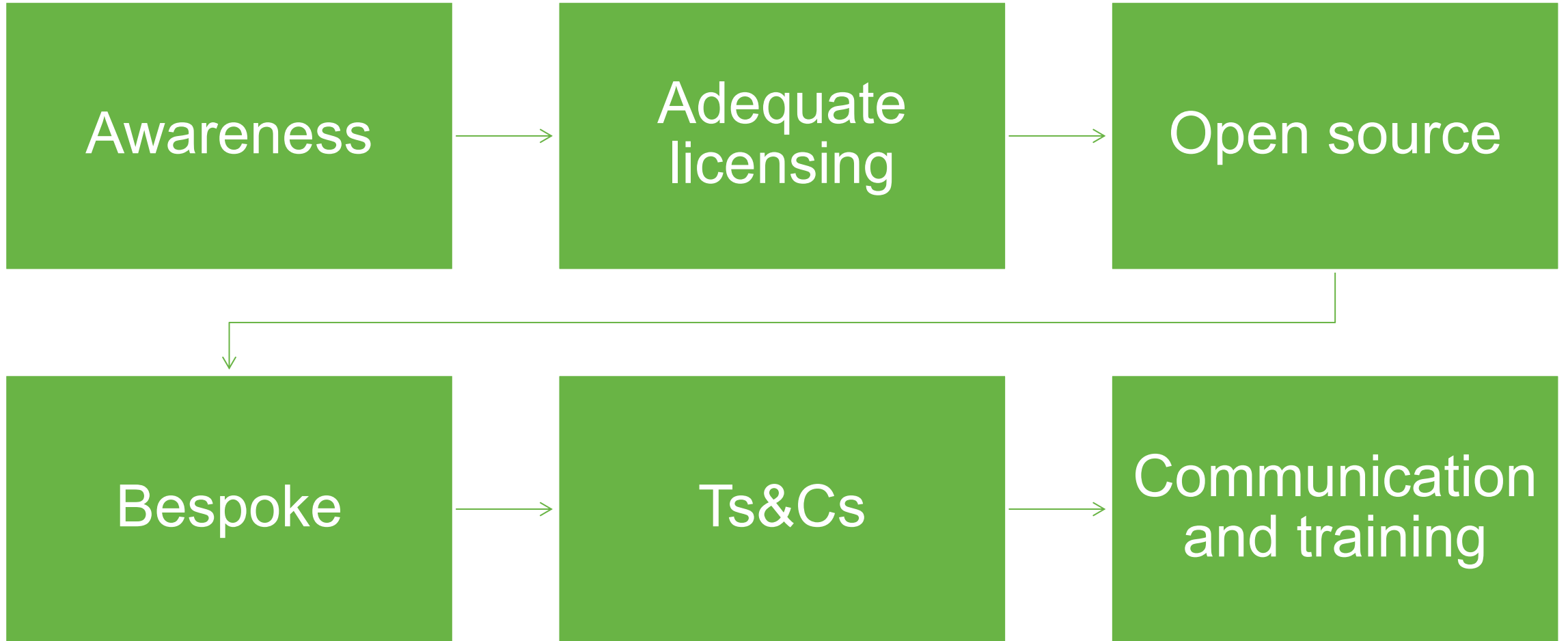
Industries: Brand Marketing · Consulting

feedback

Avoiding infringement claims



Avoiding infringement claims



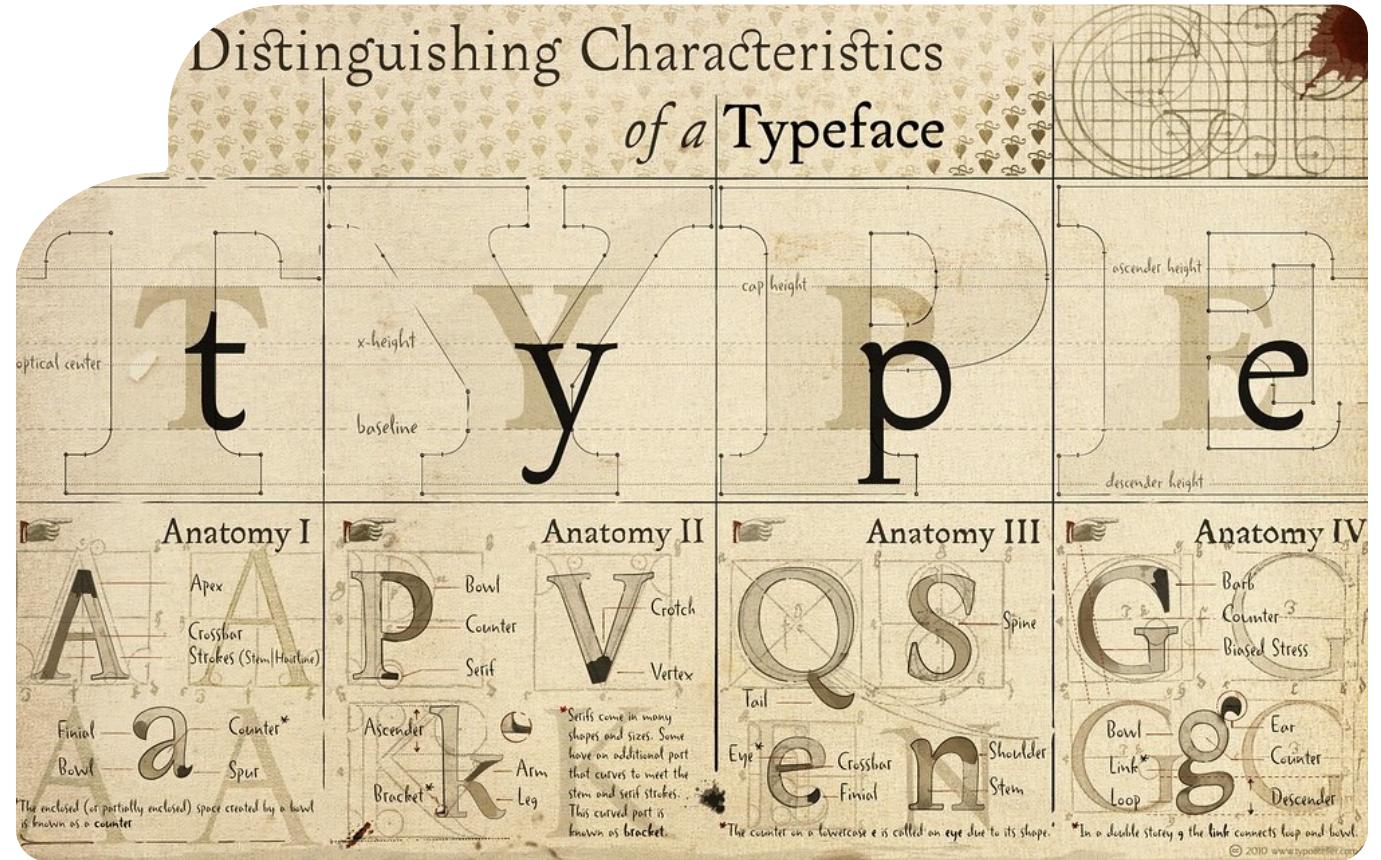
Unforeseen dangers

GSK ≠ LEAP to LEAD
AHEAD TOGETHER

Take-away message

Things to think about...

- Fonts matter
- Complaints by font foundries are common
- Actual litigation remains rare
- Time spent on understanding, negotiating and communicating licence terms is critical
- Remind the business that alternatives exist
- Stop the infringing act as soon as possible
- Invest in carrying out your own investigation (balancing effort & cost)
- Understand the foundry's motivation
- Expect settlement, be fair, but be firm where necessary



Any questions?

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