

Mel Jones

GSK



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

Mel Jones Assistant General Counsel, Legal Brand Protection



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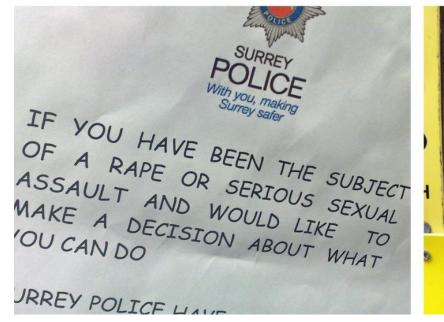


Fonts: just your type, or a journey into Hel(vetica)? Mel Jones Assistant General Counsel, Legal Brand Protection

Inappropriate fonts











So many to choose from...

HAHRE FUELLED Wooden Nickel

MOZZARELLA QUEEN MARGHERUTA FULL+PLATE NEÁPOLITAN+PIZZA

Titotar HIRLH Impact dennit! Fampre proplemy state sem factoring MCTesp County
Co DUO ENG 1900

VALLEUGRRRL

FRACondensedFrench
METTEC ETTEC
GACHERA, 11 heggen DADK LATE Samo Destanto BUDMO term fear

Chair Scap

RSTUVWXYZA LMNOPORSTU VWXYZ

ABCDEFGHIJ KLMNOPOR STUVWXYZ **ABGDEFGHIJ** KLMNOPOR STUVWXYZ 1234567 890

BAZ Q.11.8% ARMOVAGE

DISTRESSED OUT! Karseraie Krimpur Larrange MILDOR Hacker Krimpur Larrange MILDOR Hacker Krimpur Larrange & Newsdester SKATER PARK ZOTER Persy ARREST FATURES CHICKEN SCRIPT AZTEKA Breaking News GRUNGE FACE MyType SHIMER BLOCK KNIPERTYPE A MOCHED ARTHURY Perpendie GRENDER Zarpie TCANAZAD Streets Streets NEITHER MANGAGE My Fault

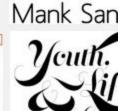
Georgia Georgia-Bold Arial Boldinic WI Helpelina-Bold **ArialRoundedWTBob** Helical Chloud Courier-Bold HelyeticaNeue-Boto

սսսսսս բյասսալարասս Վչ

RECOUNTINE

Courier-BoldOblique HiraKakuProN-W3 Courler-Oblique HiraKakuProN-WS Markerfelt Die

CoursesNewPS-BoldM CourierNewPS-BoldItalicH TimesNewRomanPS-BoldMT Since New Roman PS, Raddhally MT Trebuchet#5-Bold Trebuchet-BoldItalic TrebuchetMS-Itelic Verdana-Bold Verdana-Bold Itali Verdana-Stalic



CLARKE



Palett

Fug Tool

To the best of my KNOWLEDGE fast food is not that healthy HOWEVER did you eat hamburgers? Because MAKING a góód time!



AaBbCeDdEeFfGg Jj/k/MuNuOcPpl Sstelu/el/uxe/yZ: 1234567890

BBYS TS SYMM hohoho Silent Night TA LA LA White Wheelerland REINDEER GAMES Candy Cans **BAINT ₩ICK** Chely light





HELL VORLO!

Aa Bt Ce Dd

Joe 2 Castle Basson Corbitt Margret World Phon Fredri

HUGE MOVING TRUCK Sleeping with intent to snore HEAVY PENALTIES



Georgia

Regular | Italic | Bold | Bold Italic The five boxing wizards jump quickly.

AMERICANA AUSTERE AVANT GARDE Decka Bible Script
Breach Script
Cat vices
Calfish
Charchward
Dissense
Homence BOOKMAN COLLEGE COOPER PRIZ QUAD RABEL Arectur Palatino Inly Supi Intern Putate Scrawlin



وره لطبه واله ages desired ages his count our

ABCEDF VWXY GHIJKL 01234 MNOP 6789 QRSTU &!@f\$

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E.F.P. Gatthe de dikkelemm n. O. ProgPu STEUNDE WW Xx 49 3301234 56789

Verdana is better for e-mail.



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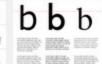


SDB How to Report a Phirting Issue (Cartanell, 9pt) SDB:How to Report a Printing Issue (DejaVu Sans, Spt) SDB:How to Report a Printing Issue (DejaVu Sans Mono, Spt) SDB How to Report a Printing Issue (Liberation Sans, 9pt)

SDB How to Report a Printing Issue (Cantarell, 10pt)

ABCDEFGHIJKLM NOPQRSTUVWXYZ abcdefghijklm noogrstuvwxvz



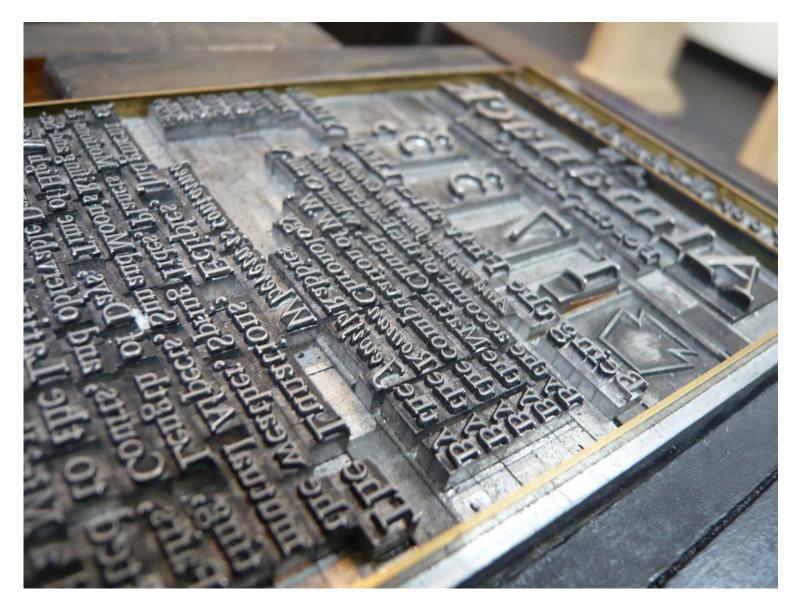


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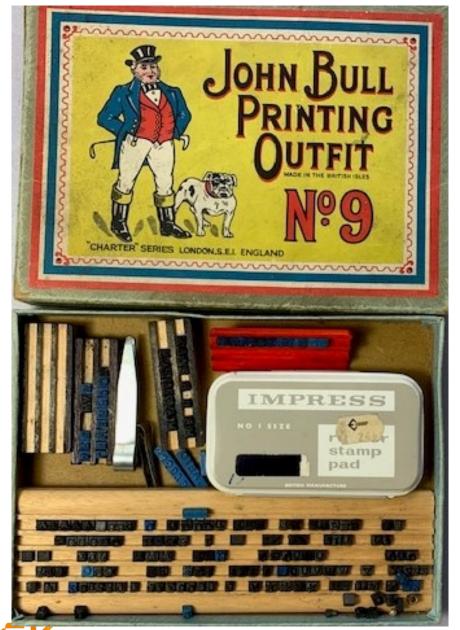
ALLSTA



My qualifications?



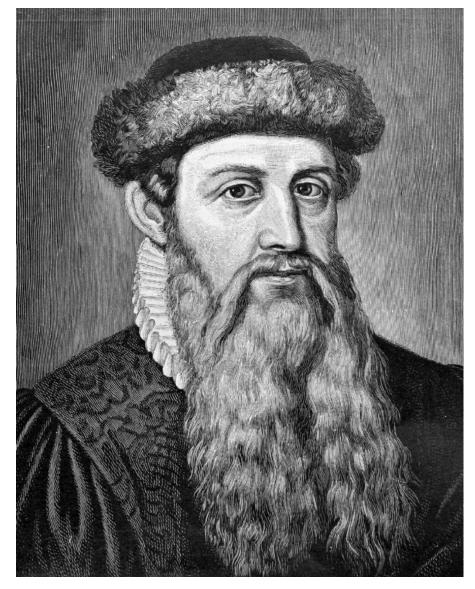








Earliest examples







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The inspiration?





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► Why call them "Font Foundries"





Linotype





THE EIGHTH WONDER
OF THE WORLD

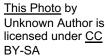


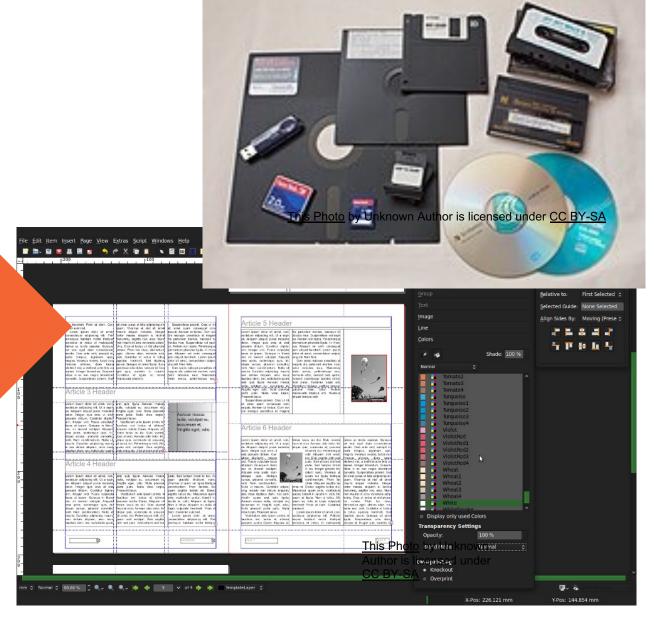




Technology's impact on font ownership







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





Famous (not-)fonts







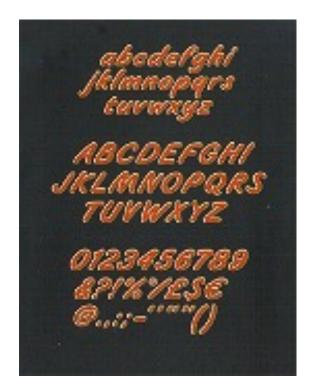


► Famous (not-)fonts





Name the chocolate product...



abcdefghijklmnopqrstuvwxyz

ABCOEFGH GOCGETGRIJNI
IJKLMMOPO MADPOINIUNN
RSTUNNKYZ 192
1234567890
THE QUICK BROWN FOX JUMPEO OVER THE LAZY OOG
SIXTY ZIPPERS WERE QUICKLY PICKED FROM THE WOVEN JUTE BAG 1234567890
FIVE QUACKING ZEPHYRS JOLT MY WAX BED
FEW BLACK TAXIS DRIVE UP MAJOR ROADS ON QUIET HAZY MIGHTS
ALL QUESTIONS ASKED BY FIVE WATCH EXPERTS AMAZED THE JUDGE
FEW QUIPS GALVANIZED THE MOCK JURY BOX
PHLEGMS FYRD WUZ OVINT JACKBOX

ABCDEFGHIJKLMNOPQ RSTUVWXYZ .,;:!? abcdefghijklmnopqrsß tuvwxyz 1234567890 \$&\&\&\&\&\&\



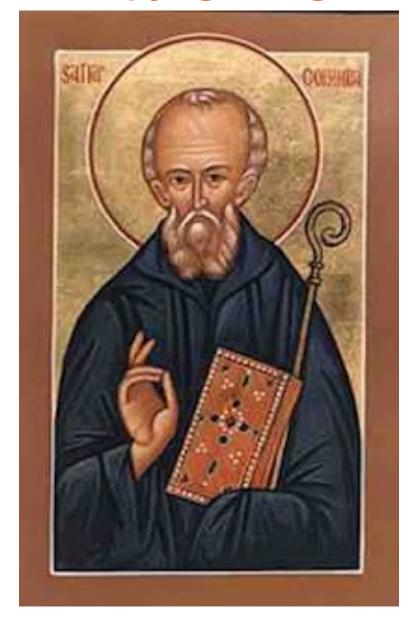
Famous (yes, for once this is a) font







► 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?



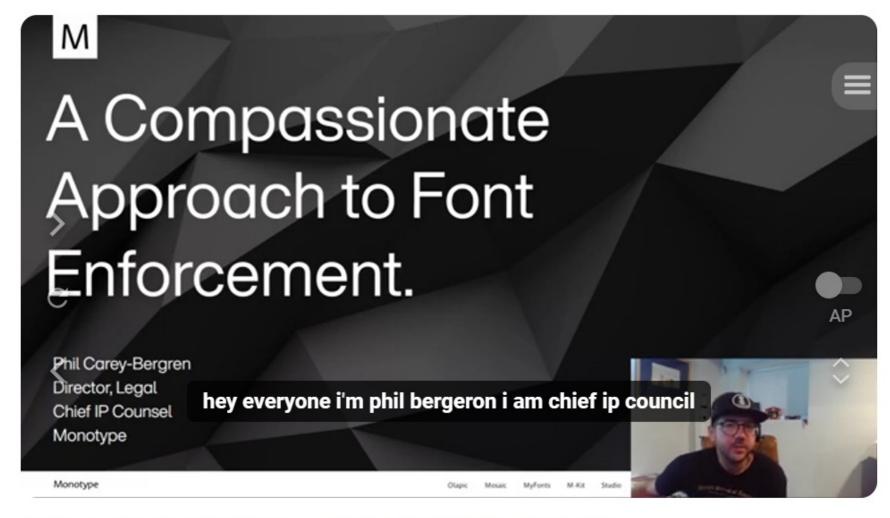
More the same than different?

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



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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

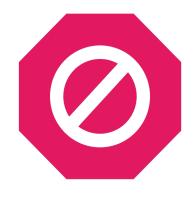
Who makes approach? What do we say? "Try to educate with compassion".

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 prerequisite.



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

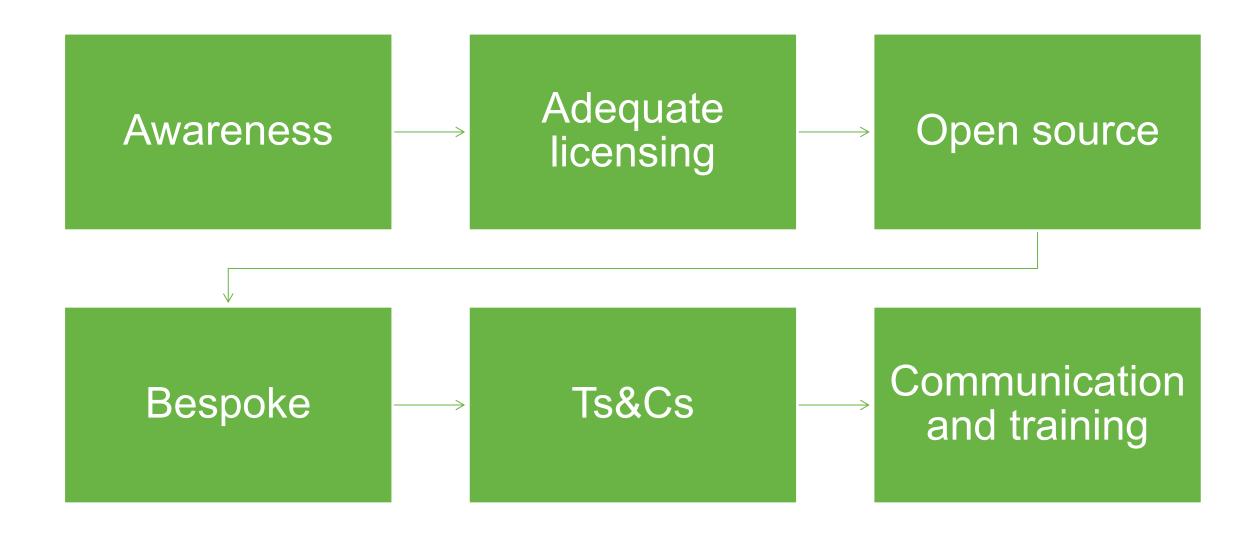
IPO Status: Public

feedback

Industries: Brand Marketing · Consulting

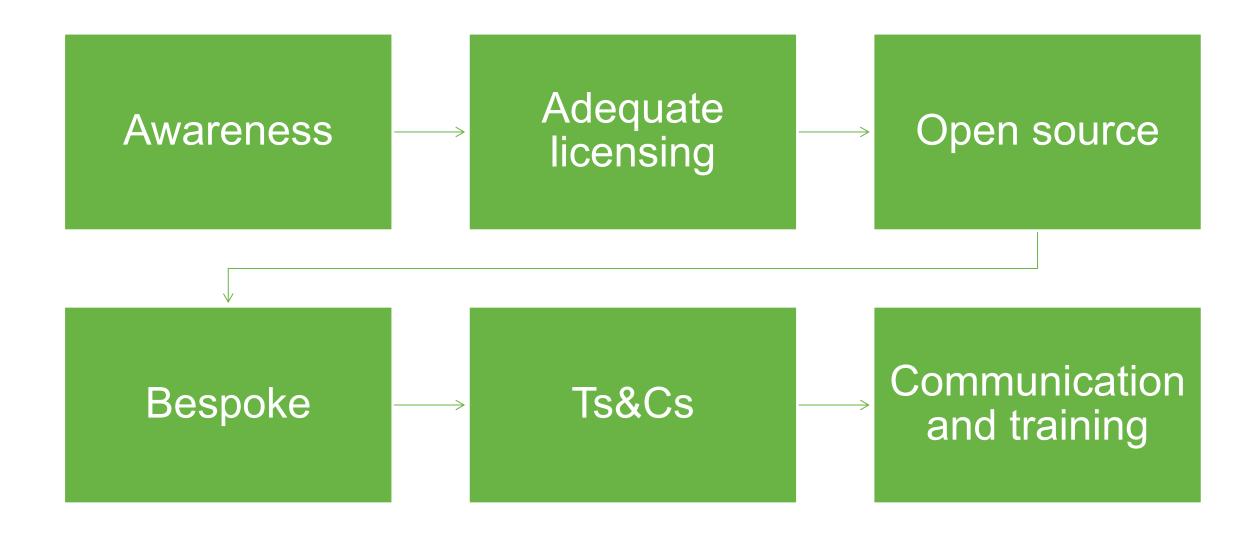


Avoiding infringement claims





Avoiding infringement claims





Unforseen dangers

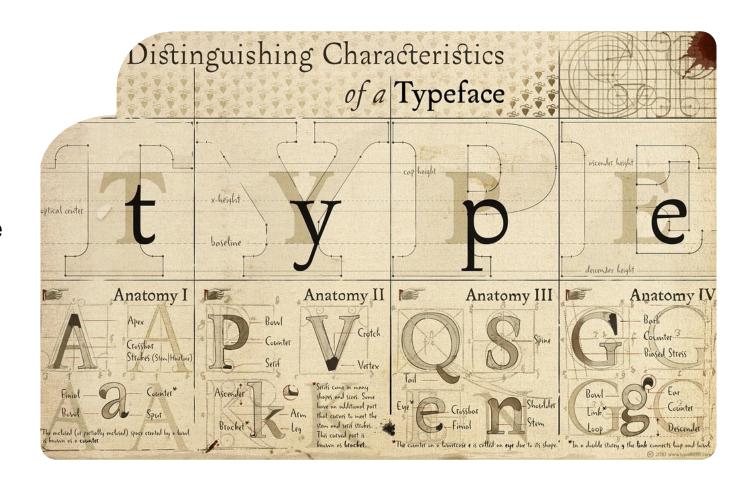




Take-away message

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?

GSK