

Legal Issues in Electronic Publishing

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Brief Introduction to the Evolution of Publishing

Information initially spread by word of mouth

Earliest evidence of writing dates to 3100s
from Mesopotamia

Early documents written by Sumerians in
Cuneiform script

Earliest books came from Mesopotamia and
Egypt and date back to 3000-2001 years BC

First known records for printing dates to the
6th century CE in China.

1440-1450 printing press invented Johannes
Gutenberg

Brief Introduction to the Evolution of Electronic Publishing

1960s first computers used to produce print-on-paper

1960s the first database came online

1980s first electronic publishing in the form of plain text e-mails

CD-ROMs used for electronic publishing but use quickly diminished

1994 to 1995 first electronic journal

Evolution of Intellectual Copyrights

- 1710 – First copyright laws created in England
- 1790 – First copyright laws created in the United States
- First U.S copyright laws only protected U.S authors, reprinting of European works allowed
- 1880 - 10 European countries established the International Union for the Protection of Literary and Artistic Works and signed the Berne Convention in 1886
- Berne Convention was to provide equal treatment to authors at the national level.
- Today, Berne convention has 179 participating parties

Evolution of Intellectual Copyrights Cont'd

1995 - Universal Copyright Convention (UCC) was developed by the United Nations Educational, Scientific, and Cultural Organization (UNESCO)

1970 - World Intellectual Property Organization (WIPO) was formed

WIPO headquartered in Geneva and is responsible for the protection of intellectual property rights throughout the world

1947 - General Agreement on Tariffs and Trade (GATT). GATT initially signed

1993 - final round of GATT completed, called the Uruguay Round. 117 countries sign agreement to reduce trade barriers and create more comprehensive trade rules

1995 - Uruguay Round went into effect in January

Intellectual Property Rights in Electronic Publishing

- Technology era brought about many concerns around piracy
- Attempts made to amend current copyright laws and solutions proposed to protect individuals digit content
- Electronic rights management systems (ERMSs) created. Usernames and passwords required to access digital content
- TPM technologies proposed to protect work such as music, text, and
- Cryptography - protects work during transmission and distribution by scrambling the language so it is not readable.

Intellectual Property Rights in Electronic Publishing Cont'd

- Digital Watermark Technology - protects multimedia, database, and text files by identification information which is inserted into the document.
- Digital Signature Technology - used to identify the the sender/receiver and the date /time the content was distributed.
- Electronic Marking - a technology which tags each of the copies of the document.
- In 1998 WIPO pass the Copyright Treaty and Performances and Phonograms Treaty to adapt to the internet era
- In 1998 U.S. amends their copyright laws to implement the WIPO Copyright Treaty and Performances and Phonograms Treaty and two other major legislation's signed: the Sonny Bono Copyright Term Extension Act and the Digital Millennium Copyright Act

Typeface and Fonts



The terms typeface and fonts are sometimes used interchangeably but their meanings differ



A typeface is a set of letters, words, or symbols that share a similar design idea



A font is a computer program or file which instructs your computer to display the letter, word or symbol in a particular way

Intellectual Property Rights in Typeface

- Thousands of typefaces are available for use
- Typefaces were traditionally sourced from Type Foundries
- Applications such as Microsoft Word and Adobe pay for licenses to use typefaces
- Licenses are issues at the individual or computer level

Intellectual Property Rights in Typeface

Cont'd

- According to the 1976 United States Copyright Act Typeface are not copyrightable
- The Copyright Act states that work is protected by copyrights when it is an author's original work for which is fixed in a tangible medium of expression
- Typeface meets the criteria of originality and "fixation", however it is not considered an independent work of art

Intellectual Property Rights in Typeface

Cont'd

- The the U.K Copyright, Designs and Patents Act of 1988 protects typeface under copyrights
- U.K allows for possession and use of a typeface for typing, composing text, typesetting, or printing without infringing on the current copyright laws
- They do not allow one to sell, distribute, or exhibit a typeface to the public where the individual is not the author.

Intellectual Property Rights in Fonts

- Initially fonts were not protected by the Copyright Act in the U.S.
- In 1978 the first court appeal concluded that fonts could not be registered for copyrights because they were not "works of art"
- In 1992, after significant lobbying by Adobe the Copyright Office started to register scalable fonts

Design Patents

- Design patents are created to protect the design of an object
- Design patents are specifically used protect those designs that are not protected by copyright laws
- In 1842 the first U.S design patent was issued

Issues With Design Patents

- The duration of design patents are short - 14 years
- It takes a long time to create a new Typeface and takes time for it to be appreciated in the market
- Design Patents are very expensive, and the typeface industry is not lucrative

Trademarks

- Trademarks include any word, name, symbol, or device which can represent a company or product
- A trademark can be used in order to protect the name of a typeface, but it does not protect the typeface design
- The typeface name "Times New Roman" was registered as a trademark by Monotype Corporation in 1985, however only the name was registered and not the specific design

General Norms in Typeface Design Industry

- Two schools of thought around typeface norms
 - First is strictly against copying and modifying existing typeface
 - The second supports reusing and modifying existing typeface
- Acceptable norms mean that you borrow existing elements from the design, but you add your own originality

Why has Typeface Flourished Despite Lack of Protection?

- Advancements in technology made it easier to create a new typeface design
- Anyone can create their own design with software such as FontLab Studio or FontForge
- Increased anonymity among players in the industry increased the number of participants since an individual can create and also distribute their own typeface

Legal Disputes

- In 2009, Font Bureau filed a lawsuit in the U.S. District Court against NBC for misused fonts. The claim was that NBC copied the computer software containing fonts owned by Font Bureau and used those fonts in their own business.
- In another case in 2011, NBC was sued for \$1.5 million by P22 Type Foundry. The claim was that NBC had used "Cezanne Regular type face font software" to create Harry Potter merchandise
- NBCU was sued by Brand Design Co. for \$3.5 million. The company was sued for using copyright software on their website.

Legal Disputes Cont'd

- In 2009, Font Bureau also sued CNBC. The allegation was that CNBC had used fonts on their web page which were unlicensed
- in 2007 Microsoft was sued by Zhongyi. Microsoft had signed a licensing agreement to use Zhongyi fonts, however Zhongyi claimed that Microsoft was only permitted to use their fonts in Windows 95



Thank You



Questions