

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

REGISTRATION OF ORIGINAL TYPEFACE DESIGNS

The following excerpt is taken from Volume 39, Number 176 of the Federal Register for Tuesday, September 10, 1974:

LIBRARY OF CONGRESS

Copyright Office

[37 CFR Part 202]

MATERIAL NOT SUBJECT TO COPYRIGHT Registration of Original Typeface Designs

The Copyright Office is considering amending §202.1(a) of the Copyright Office Regulations to permit copyright registration for original typeface designs. The present Regulations prohibit registration for "mere variations of typographic ornamentation [or] lettering," and this prohibition is interpreted to include designs for type fonts within its scope.

This advance notice of proposed rule-making is being issued to facilitate the widest possible public expression of views on the legal and policy questions implicit in the possible change in registration practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire to the Copyright Office, Office of the General Counsel, Washington, D.C. 20559. Each person submitting a comment should include his name and address, and give reasons for his recommendations. A public hearing will be held on November 6, 1974, from 10 a.m. to 4 p.m. in room 1112, Building 2, Crystal Mall, Arlington, Virginia.

All communications received on or before November 15, 1974, will be considered by the Register of Copyrights and the Librarian of Congress before taking action on the proposed rule. If it is determined to be in the public interest to proceed further after consideration of comments received in response to this notice, a notice of proposed rulemaking will be issued.

The Copyright Office registers claims to copyright in accordance with Title 17 U.S.C. in "writings of authors," that

is, original works of authorship in the form of literary, musical, dramatic, pictorial, and sculptural expression. Typeface designs have not previously been accepted for registration. In view of developments in the industry, judicial developments, and conclusion of an international convention in Vienna in 1973 aimed at an international system of protection for typeface designs under copyright or other legal theories, it is proposed that the validity of the present prohibition on registration for typeface designs be reevaluated. Comments are specifically requested in the following areas:

- (1) Whether type fonts, as "useful articles," can incorporate original design elements capable of being identified as "works of art" within the scope of the present copyright statute;
- (2) The distinctions, if any, between calligraphy, ornamental lettering, and typeface designs for copyright purposes;
- (3) Whether a typeface design can, by its nature, incorporate the degree of originality and creativity necessary to support a copyright;
- (4) Whether, for purposes of copyright registration, workable standards can be established for distinguishing "new" designs based on previously-existing typefaces from mere copies or minor variants of earlier designs;
- (5) Assuming the potential copyrightability of certain typeface designs, the practical means of complying with the formal requirements of the copyright law as to notice, deposit, and registration.

This advance notice of proposed rule-making is issued under the authority of section 207 of the Copyright Code, Title 17 U.S.C.

Dated: August 29, 1974.

BARBARA RINGER,
Register of Copyrights.

Approved by:

L. QUINCY MUMFORD,
Librarian of Congress.

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