

Abstract

A Study on the Typeface Design Protection in Korea

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This paper studies on the typeface design protection in our legal system. Usually the typeface (also known as font family) is a set of characters that share common design features. Under the Industrial Design Protection Act, the typeface is defined as follows : the typeface is a set of characters (including numbers, punctuation marks, and symbols) of the same design for recording, writing or printing.

In the past typeface-designers wanted the typeface to be protected by copyright law. But the Supreme Court held that the typeface could not be registered as a copyrightable work. So the Court declined to protect the typeface by copyright law. But afterwards the Court held that the digital font is a computer program and protected by copyright law (at that time 'Computer Program Protection Act').

Even though the digital font is protected as a computer program by copyright law, the designer group wanted the typeface design itself protected. So the Industrial Design Protection Act was revised and began to protect the typeface design in 2005. Now the typeface design is protected primarily by the Industrial Design Protection Act. To be protected, the typeface design must be registered through substantive examination procedure. The term of protection is 15 years from the date of registration. The use of the typeface in ordinary course of printing is not

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infringement of the design right.

Besides the Industrial Design Protection Act, there are also other sources of law to protect the typeface. Those are the Unfair Competition Prevention Act, the Content Industry Promotion Act and tort law. In protecting typeface design, they all could be applied cumulatively.

Keywords

Typeface, Digital Font, Applied Art, Copyrighted Works, Computer Program, Industrial Design Protection Act, Unfair Competition Prevention Act, Content Industry Promotion Act, Tort