

Typeface is now considered as intellectual property

By Luis Llabrés

For the very first time, after 10 years of a long legal process, an originally created alphabet is considered «protectable artistic work» by the Intellectual Property Law in Spain



It is well known that Europe lacks of an efficient register to defend author rights over Typography. This text reviews an unauthorized appropriation case of an original typeface in

Spain, that finally, after 10 process years, has achieved legal recognition and can give the right that didn't exist before.

There is very outdated criteria about the Intellectual Property register that just allow to register models as a software pieces, literature piece, musical piece and bi-dimensional graphic piece. Given the concrete nature of the alphabet, it could be registered either as a software or as a bi-dimensional graphic piece. But these options don't meet each and every necessary requirement to get legal protection. A typeface is not an autonomous software nor a defined graphic piece, because its own condition would allow it to be always associated to another editing software and to uncountable colors, back ups and compositions according to its characters. Therefore, facing a tribunal, work would be subjected to a magistrate's interpretation, who might not be educated in the sensibility of its forms and spaces. Some would advice to register the alphabet as and industrial piece, much more expensive and also lacking in the same way characteristics related to its use, so it would also be subjected to a very interpretable judgement.

My labor has been different, maybe because I lacked experience at the moment because I still was a student during the creation of my typeface, but I had a great illusion and honesty to defend what my creation was. I tried to carry out the hard mission of making a judge understand that my work, absolutely original and provable, was used by a big company with a clear commercial intention. In 2004, RENAULT was signing a publicity campaign¹ in Spain and part of Latin America, in which my typeface was being used without previous permission nor any communication attempt from their side.

I consulted attorneys-at-law and they told me that there was no Intellectual Property, just as the judge also told me several times. They advised me to quit the case. Nevertheless, I found someone who wanted to fight with me and finally accomplish, after 10 years, that 3 magistrates recognized my typeface as a Protectable Artistic Work by the Intellectual Property Law, by Appeal in the Provincial Audience of Madrid.

I am now in a divulgation process in which my sentence is key to achieve other historical hits. I take part of all meetings and talks which are offered to me to let this to be known. My sentence can be the necessary jurisprudence so new typeface creators can stand up for their work against unauthorized appropriation in Spain and Europe.

The case review done by WIPO² and OHIM/OAMI³ cheers me up after these successful events; making campaign with typographers and with an attorney-at-law, the request of including a new typographic register in Europe.

Additionally, I'm working on the *Luis vs. Goliat*⁴ blog, including every detail on this topic, with the plan to make a campaign to explain and cheer up those who have suffered from the same cases. I also know that I will be observed by RENAULT and its agency which responsible for that campaign: Tiempo BBDO. Even though the sentence stands up for my authorship, the judge considers a non-proved evidence index of my use authorization, so he condemns me to pay for the legal procedure. Something really unfair, after suffering from this unauthorized appropriation of work that belongs to me.

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1. See details of the [Renault Megane Sport](#) campaign.
 2. N. del E. [World Intellectual Property Organization](#).
 3. N. del E. [Oficina de Armonización del Mercado Interior](#).
 4. Review the [Luis vs. Goliat](#) blog.

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