

Use of Fonts

*American Institute
of Graphic Arts*

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“Use of Fonts” is one topic in the AIGA business and ethics series, a range of publications dealing with ethical standards and practices for designers and their clients. New topics will be added to the series regularly.

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A Q U E N T

Use of Fonts

Fonts are creative, intellectual property, similar to designers' creative work or a proprietary business product. Since type seems so ubiquitous and fonts are so easy to share among computer users, the legal and moral issues of the simple process of using a font are often overlooked.

There are four good rules that guide ethical practice in font licensing:

- If you are using a font, whether it's on your computer or that of someone else, make sure you have a license to use the font.
- If you want to use a font that is not installed on your computer, you must ensure that you or your employer has a license to install the font on your computer, or else acquire a license to use it.
- If you have any questions about your font license, contact the foundry or supplier of the font. (If you do not know the foundry or supplier, almost any foundry or supplier can help you identify the source.)
- Don't lend or give a font to others to use. Your friends, clients and colleagues need to acquire the rights to use them. When it comes to licensing fonts, ethical practice makes sense legally and financially. Violating the terms of a license agreement puts the designer, the client and future business relationships at risk. An ethical approach to font use and font licenses is therefore both good business practice and good business.

**Fonts are creative,
intellectual property.**

Typefaces are collections of letterforms. They endow written communications with a character or style, which ultimately represents the character or style of the originator of the communication, whether a corporation or an individual. Typefaces are the result of extensive research, study and experimentation, and for some designers, the creation of typefaces is a full-time occupation. The training and expertise required to develop a typeface qualifies the product as intellectual property and merits its protection under copyright law in many countries.

A font is the software that describes the characters in a typeface. Digital fonts, like any software, are intellectual property and may be subject to federal copyright and trademark laws.

**You do not own a font.
You license it for limited uses.**

Fonts are not bought. The right to reproduce them is licensed, and the license to use them states specific terms.

The right to use a font designed by someone else for any or all communications is acquired from the foundry that created the font and is granted in the form of an end-user license agreement, or EULA. Some foundries will allow a supplier to administer the license agreements for a font, but the agreement itself is always between the licensee and the foundry that created the font.

The terms of use described by an end-user license agreement vary from foundry to foundry and may vary depending on the scope of the desired use. Licenses usually grant permission for the licensee to install a given font on a certain number of computers. However, licenses can also describe use on printers, periods of exclusivity for custom typefaces and distribution rights. If you have questions about what you may or may not do with the font you are using, the best thing to do is to contact the foundry or supplier of the font.

You need permission to alter a font for use in your design.

Because the software that describes a typeface is automatically subject to copyright protection upon its creation, any version of the original font is considered a “derivative work” under copyright law. It is because the adaptation is derived from copyrighted software that describes the typeface that the revision should not be considered an authorized derivative work. It cannot be used for commercial purposes without violating the copyright.

Some font licenses allow the licensee to alter the characters in a font or to convert the font to other formats. Other foundries do not allow derivative works at all without permission. Therefore many designers, when asked to create a derivative work, have made it standard ethical practice to get permission from the font designer before altering any font data.

If you need to find out who designed the font you want to alter, you may refer to the copyright information identified in software such as Adobe Type Manager. You may also contact the foundry or font supplier.

You cannot share a font with someone who does not have his or her own license to use it.

Font software may not be given or loaned to anyone who does not have a license to use it. Therefore, misuse or unauthorized copying of a font that belongs to a client or your employer is an infringement of the designer’s rights and could subject you to legal action.

When the client is the “end user” of the license agreement, the designer may not take the font with him or her when the project is over, even though it may mean another license must be purchased for the next job.

You can embed a font in a file to have it viewed or printed by others.

A font may only be sent with a job to a service bureau, consultant or freelancer if the contractor has a license for the font or if the license agreement makes provision for it. When necessary, it is acceptable for font data to be embedded in file formats such as EPS and PDF for printing and previewing purposes.

This is an issue of ethics, respect and law.

There are tangible and intangible consequences of using a font without a license. If caught using a font without the proper license, the licensee will have to purchase the correct license for the font and in some cases pay damages to the originating foundry. More importantly, the use of a font without the proper license could prevent a professional designer from being fully compensated.

It is the value of the intellectual property of a colleague that is ultimately at stake in the licensing of fonts. To purchase the proper license for a font, especially as a practicing design professional, is to recognize the value of a colleague's work, to respect the practice of another designer and to uphold the integrity of the design profession.

About AIGA

AIGA (American Institute of Graphic Arts) is the oldest and largest membership association for professionals engaged in the discipline, practice and culture of visual communications and graphic design. AIGA was founded in 1914 and now represents 16,000 designers through national activities and local programs developed by more than 40 chapters and 80 student groups.

AIGA is authoritative in promoting and communicating standards for ethical conduct and professional expertise and in collecting and analyzing data about the profession. It is stimulating in its provocative programming on critical issues facing design and in celebration of both effective and innovative design—a source of inspiration for many members. AIGA is open to new ideas, new professional disciplines and the ever-evolving nature of design.

Members of AIGA include professional designers, educators and students engaged in type and book design, editorial design, communications and corporate design, posters, interface and web design, and new media and motion graphics design. AIGA serves as a hub of information and activity within the design community using conferences, competitions, exhibitions, publications, educational activities and its web space. While many activities are open to both the public and members, AIGA also enables many focused conversations among designers about the issues facing the profession and society.

The role of AIGA's local chapters is both integral and complementary to the organization's national role. Chapters provide AIGA members with local forums for meeting, exchanging ideas and information and creating traveling programs of national import to designers and the public. In addition, chapters play a primary role in the growth, expanding service base and creative vitality of AIGA.

AIGA is a national not-for-profit educational organization incorporated under Section 501 (c)(3) of the Internal Revenue Code in the State of New York

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A Q U E N T

Aquent connects design professionals with their clients¹ project work and permanent positions in 57 cities in 12 countries. Companies work with Aquent when they need to hire pre-screened and qualified creative talent on a project, freelance or permanent basis. By working with Aquent agents with industry expertise and an exclusive Online Portfolio System, clients find the creative talent they need.

As the Official Talent Agency of AIGA, Aquent supports designers in their pursuit of professional success through generous financial support of AIGA activities, including the Design Ethics Series. Aquent was also the first company to offer benefits to freelancers and is a strong advocate for appropriate levels of compensation for design professionals and respect for their contribution to effective business solutions.

To locate an Aquent office near you, call 877-2AQUENT/800-622-8367 (in North America) or visit www.aquent.com.

“Use of Fonts” is one topic in the AIGA business and ethics series, a range of publications dealing with ethical standards and practices for designers and their clients. New topics will be added to the series regularly. Additional copies can be downloaded from www.aiga.org. For more information on solving communications design problems or hiring a professional designer, visit www.aiga.org.

To join AIGA or to review the purpose and benefits of AIGA, visit www.aiga.org.

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