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WHEN LETTERS HAVE NO LAW: TYPEFACE AND FONT PROTECTION IN INDIA, THE UNITED KINGDOM, AND THE UNITED STATES — A COMPARATIVE ANALYSIS AND BLUEPRINT FOR REFORM

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I. ABSTRACT

Typefaces and fonts occupy an uncertain and contested position within intellectual property law. As the visual substrate through which language is transmitted, they simultaneously embody artistic creativity and functional utility, a duality that has produced radically divergent legal responses across jurisdictions. This paper undertakes a systematic comparative examination of the legal frameworks governing typeface and font protection in the United Kingdom, the United States, and India.

The United Kingdom represents the most generous copyright regime among the three jurisdictions studied, explicitly recognising typefaces as artistic works under the Copyright, Designs and Patents Act 1988 while balancing that protection with carefully crafted exceptions permitting ordinary printing use. The United States, by contrast, categorically excludes typeface designs from copyright protection, channelling protection through design patents and software copyright. India, whose legal infrastructure derives in significant measure from its colonial-era inheritance of English law, has nonetheless declined to extend copyright protection to typefaces, relying on a narrow statutory framework.

Following the comparative analysis, this paper proposes a detailed blueprint for how typefaces and fonts could, and should, be protected in India. Drawing on the UK model, it argues for legislative amendment to the Copyright Act 1957, registration under the Designs Act 2000, and greater judicial creativity in construing existing provisions. The paper also examines the implications of India's proposed amendments to the Designs Act 2000 as announced by the DPIIT in January 2026, which carry significant potential for improved typeface protection.

Keywords: *Typeface; Font; Copyright; Artistic Work; CDPA 1988; Copyright Act 1957; Designs Act 2000; India; United Kingdom; United States; Reform.*

II. INTRODUCTION

The question of the copyrightability of typefaces and fonts occupies a unique space in the realm of intellectual property law, blending elements of art, functionality, and innovation. As tools of communication, typefaces and fonts serve both aesthetic and utilitarian purposes, making them a fascinating subject for legal analysis. While they are omnipresent in the modern digital and physical landscape — gracing everything from printed books to digital screens — their legal treatment remains a topic of debate, shaped by differing jurisdictions and interpretations of intellectual property rights.[1]

At its core, the distinction between typefaces and fonts is crucial to understanding their copyrightability. A typeface refers to the overall design of the letters and characters, embodying the artistic vision of the designer. In contrast, a font traditionally denotes the specific implementation of that typeface — such as its size, weight, and style — whether in physical form, such as metal type, or digital formats like software

[1]Arul George Scaria and Lijo George, 'Copyright Law in India' in Susy Frankel and Daniel Gervais (eds), *The Evolution and Equilibrium of Copyright in the Digital Age* (Cambridge University Press 2014).

files.[2] This distinction plays a pivotal role in determining the scope and extent of legal protections available to these creations.

Globally, the copyrightability of typefaces and fonts has been shaped by a combination of statutory frameworks, judicial interpretations, and policy considerations. In jurisdictions like the United States, the law draws a line between utilitarian design and artistic expression, often excluding typefaces from copyright protection while affording some protection to font software as a functional tool. In the European Union, however, typefaces may qualify for design protections or be regarded as artistic works under copyright law. These differences highlight the diverse legal approaches to balancing innovation, artistic freedom, and public access.

India presents an evolving landscape for the protection of typefaces and fonts, reflecting a mix of statutory ambiguities and judicial discretion. While the Copyright Act 1957 does not explicitly address typefaces, interpretations of the law have the potential to accommodate their artistic elements under the broader category of 'artistic works'. However, the absence of direct legal provisions often leaves room for debate, especially in the context of digital technologies and the global reach of type design.

The interplay between functionality and artistic expression lies at the heart of the legal discourse surrounding typefaces and fonts. This interplay raises compelling questions: should a typeface's artistic merit outweigh its utilitarian purpose when assessing copyrightability? How do technological advancements, such as digital font creation and distribution, affect traditional interpretations of intellectual property law? And what implications do these issues hold for designers, businesses, and consumers?

This paper seeks to unravel these questions by exploring the intellectual property rights vested in typefaces and fonts, examining their treatment under Indian and international legal frameworks, and analysing landmark cases that have shaped the discourse. In doing so, it aspires to provide insights into the broader challenges and opportunities of protecting artistic innovation in an increasingly digitalised and interconnected world.

III. DISTINGUISHING TYPEFACES FROM FONTS

A. The Technical Distinction

Very often, the terms 'typeface' and 'font' are used interchangeably. A typeface refers to a set of design characteristics that give a particular collection of letters, numbers, and symbols its distinctive style.[3] Typefaces can be thought of as the creative expression of a designer's vision. They encompass the overall design aesthetic, including the shape, weight, width, and proportions of the characters. Classic examples of typefaces include Helvetica, Times New Roman, and Futura — each has its own personality and conveys a different mood or tone.

Fonts, often used synonymously with typefaces, are in fact the digital files containing the information necessary to display a particular typeface. They are the digital representations of typefaces and enable the rendering of characters on screens and in print. They include various styles and weights within a typeface family. For example, Arial Regular, Arial Bold, and Arial Italic are different fonts within the Arial typeface family.

B. The Legal Distinction

Historically, typefaces have not been given copyright protection owing to their functional nature. Utilitarian or functional items are generally excluded from copyright.[4] For instance, the US Copyright Statute (the Copyright Act 1976) directly excludes 'procedures, processes, systems, and methods of

[2]See generally Robin Kinross, *Modern Typography: An Essay in Critical History* (2nd edn, Hyphen Press 2004) 7–12.

[3]ibid.

[4]Dan L Burk, 'Copyright's Golden Braid' (2018) 68(1) Case Western Reserve Law Review 1, 14–17.

operation' from copyrightable expression. In contrast, fonts — as the digital implementation of typefaces — have been afforded copyright protection as software, and their use is governed by licensing agreements specifying whether they may be used for personal, commercial, or other purposes.[5]

HLA Hart, in his critically acclaimed article in the Harvard Law Review, distinguishes between the 'core' and 'penumbra' of law, where the former encompasses settled legal principles and the latter involves areas of legal uncertainty requiring judicial interpretation.[6] Though advanced in a different context, this framework aptly describes the current legal landscape surrounding typefaces and fonts. The copyrightability of typefaces, particularly in common law jurisdictions, arguably falls into the penumbral category: courts have had to navigate the uncertain boundaries between protectable and unprotectable aspects of type design.[7]

IV. THE GLOBAL LANDSCAPE

A. The United States

In the United States, copyright law is presently regulated by the Copyright Act 1976. The Supreme Court, in *Star Athletica LLC v Varsity Brands Inc*,[8] set out guidelines on the copyrightability of useful articles. According to the majority, artistic features of a useful article are eligible for copyright protection only if they satisfy a two-step test: first, they must be perceivable as a two- or three-dimensional work of art separate from the useful article; and second, they must qualify as a protectable pictorial, graphic, or sculptural work either on their own or in some other medium if imagined separately from the useful article.[9] Even under such an approach, the majority of typefaces are unlikely to obtain copyright protection.

Similarly, in *Brandir International Inc v Cascade Pacific Lumber Co*,[10] a further test was adopted, designed to minimise protection for functional components of utilitarian articles while preserving protection for truly expressive elements. According to the majority, where design elements reflect a merger of aesthetic and functional considerations, the artistic aspects of a work cannot be said to be conceptually separable from the utilitarian elements.[11] The scholarship of Lipton has further traced how these tests, applied to typefaces, have consistently produced a finding of non-copyrightability.[12]

A significant turning point came in the 1998 case *Adobe Systems Inc v Southern Software Inc*,[13] where Adobe successfully argued that while typeface designs were unprotectable, the underlying font software — the digital code instructing computers on how to render the typeface — could be protected by copyright. The court found that the mathematical instructions and arrangement of control points within the software demonstrated sufficient creativity to qualify as a protectable work of authorship. This decision created an important legal distinction: while the visual appearance of a typeface remains outside the scope of copyright protection, its digital implementation as font software is eligible for protection. This distinction between typeface and font continues to define intellectual property rights in the United States to this day.

B. The United Kingdom

The history of typeface protection in English law predates the modern statutory framework by more

[5] *Adobe Systems Inc v Southern Software Inc* No C-97-1941-MHP, 1998 WL 104303 (ND Cal 1998).
[6] HLA Hart, 'Positivism and the Separation of Law and Morals' (1957) 71 Harvard Law Review 593, 607.
[7] Scaria and George (n 1).
[8] *Star Athletica LLC v Varsity Brands Inc* 580 US 405 (2017).
[9] ibid 410.
[10] *Brandir International Inc v Cascade Pacific Lumber Co* 834 F 2d 1142 (2d Cir 1987).
[11] ibid 1145.
[12] Jacqueline Lipton, 'To © or Not to ©? Copyright and Innovation in the Digital Typeface Industry' (2009) 43 UC Davis Law Review 143, 170 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3083904> accessed 15 February 2026.
[13] *Adobe Systems Inc v Southern Software Inc* (n 5).

than seven decades. The first significant judicial engagement with the question arose in *Stephenson Blake and Co v Grant Legros and Co Ltd*,[14] decided in 1916. The plaintiff, a Sheffield-based type founder, sought to protect the design of a typeface known as 'Windsor' as a registered design under the Patents, Designs and Trade Marks Act 1883 and, additionally, under the Copyright Act 1911 as an artistic work.

The court in *Stephenson Blake* recognised that a typeface could in principle attract copyright protection, but confined the scope of that protection to the full display of the typeface — that is, the depiction of all characters in a specific order as a single composite image. This conclusion was of limited practical utility, as it meant that an infringer could evade liability merely by reproducing individual letters or reordering the characters. The decision was described by subsequent commentators as 'devoid of any practical value for copyright holders',[15] precisely because the protection it afforded was restricted to the overall presentation rather than the individual character designs that formed the typeface's commercial value.

The Copyright Act 1956 did not expressly address typefaces, and the position under that Act remained uncertain. This legislative silence was remedied by the Copyright, Designs and Patents Act 1988 (CDPA 1988), which for the first time placed typeface protection on a clear statutory footing, representing a considered policy choice to protect typeface designs as artistic works while simultaneously limiting that protection through carefully crafted exceptions.

The most distinctive and consequential feature of the United Kingdom's approach is the pair of exceptions set out in sections 54 and 55 of the CDPA 1988. Section 54[16] provides that it is not an infringement of copyright in an artistic work consisting of the design of a typeface: (a) to use the typeface in the ordinary course of typing, composing text, typesetting, or printing; (b) to possess an article for the purpose of such use; or (c) to do anything in relation to material produced by such use. The practical effect of section 54 is that despite the typeface being protected by copyright, the ordinary user — the printer, publisher, typographer, or graphic designer — incurs no infringement liability merely by using the typeface to produce text.[17] Copyright in the typeface design is not a right to control the use of text set in that typeface. This is a fundamental distinction from the copyright that subsists in a painting: a copy of a painting infringes copyright, but text produced using a protected typeface does not.

However, section 54(2) preserves secondary infringement liability for persons who make, import, or deal with articles specifically designed or adapted for producing material in a particular typeface. This means that the manufacturer of a font file who copies a protected typeface design to produce an infringing font program remains liable under the secondary infringement provisions of the Act.[18]

Section 55[19] provides a further temporal limitation: where articles specifically designed for producing material in a particular typeface have been marketed by or with the licence of the copyright owner, after twenty-five years from the end of the calendar year of first marketing, those articles may be freely copied. In the digital context, this means that font software embodying a typeface commercially released for twenty-five years enters a form of limited public

[14] *Stephenson Blake and Co v Grant Legros and Co Ltd* (1916) 33 RPC 406.
[15] Alexander Favorov, 'The Letter of the Law' (Type.today, 2020) <https://type.today/en/journal/intellectual_property_favorov> accessed 14 February 2026.
[16] Copyright, Designs and Patents Act 1988, s 54.
[17] Pinsent Masons Out-Law, 'Typeface Copyright Decision in UK High Court' (Pinsent Masons, July 2001) <https://www.pinsentmasons.com/out-law/news/typeface-copyright-decision-in-uk-high-court> accessed 12 February 2026.
[18] Page White and Farrer, 'Unregistered Design Right After Brexit: First Publication in the UK vs First Publication in the EU' (Page White and Farrer, 2021) <https://www.pagewhite.com/news> accessed 14 February 2026.
[19] Copyright, Designs and Patents Act 1988, s 55.

domain as regards the reproduction of further font files.

Commentators have noted that the CDPA 1988 'was not crafted with modern electronic usage of fonts in mind',[20] giving rise to interpretive challenges when applying provisions drafted in the context of physical type articles to the contemporary reality of downloadable font files.[21]

C. India

i. The Copyright Framework and the Ananda Decision

The copyrightability of typefaces and fonts in India is an infrequently addressed subject within intellectual property law. The seminal case on the matter is *In Re: Anand Expanded Italics*,[22] adjudicated by the Copyright Board in 2002. In this case, M/s ABP Ltd sought copyright registration for a series of fonts comprising Bengali alphabets and other symbols. The Copyright Office initially rejected the application, stating that the works did not qualify as 'artistic works' under section 2(c) of the Copyright Act 1957. Upon appeal, the Copyright Board upheld this decision, concluding that typeface designs do not fit within the specified categories of artistic works as defined in the Act.

The Board's reasoning was influenced by the principle of *ejusdem generis*, suggesting that the term 'any other work of artistic craftsmanship' in section 2(c) should be interpreted in the context of preceding categories such as paintings, photographs, and architectural works. Consequently, typefaces were deemed outside the scope of copyright protection. The Board also noted that typefaces could be registered as designs under the Designs Act 2000, which offers an alternative form of protection.

This 2002 judgment remains the primary legal reference on the issue, and there has been a notable absence of subsequent judicial discourse on the copyrightability of typefaces and fonts in India. The legal stance established in *Ananda*[23] continues to influence the protection of typeface designs, with creators often seeking recourse under design registration rather than copyright law.[24]

ii. Alternative Avenues of Protection

The Designs Act 2000[25] provides the most viable current avenue for formal protection of typefaces in India. Under section 2(d), a 'design' means features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article, whether in two or three-dimensional form, by any industrial process or means, which in the finished article appeals to and are judged solely by the eye. Typefaces, treated as patterns or ornamental compositions of lines, may qualify as designs within this definition.

The Registrar in *Ananda* expressly acknowledged that 'typefaces are treated as a pattern' under the Designs Act and that a typeface is capable of being registered as a design. Registration as a design affords the registered proprietor a monopoly in the application of the design for an initial period of ten years, renewable for a further five years, pursuant to section 11 of the Designs Act 2000.[26]

The critical limitation of design protection is section 15(2) of the Copyright Act 1957.[27] This provision provides that if a design is capable of registration under the Designs Act and has been applied to more than fifty articles, any copyright that might otherwise subsist in the design as an artistic work ceases. This creates a severe practical constraint: a type designer wishing to exploit a typeface commercially will almost invariably produce more than fifty

[20]Marks and Clerk, 'Font Licensing: Sign of the Times (New Roman)' (Mondaq, 26 May 2023).
[21]Page White and Farrer (n 18).
[22]In Re: Anand Expanded Italics Copyright Board Order No CB/35/2002 (Copyright Board India, 2002).
[23]ibid.
[24]ibid.
[25]Designs Act 2000 (Act No 16 of 2000).
[26]ibid, s 11.
[27]Copyright Act 1957 (Act No 14 of 1957), s 15(2).

reproductions, thereby extinguishing copyright and leaving only design registration as a formal avenue of protection.

Beyond design registration, the software copyright route under section 2(o) of the Copyright Act 1957 provides protection for the font file as a computer program and literary work. This route was confirmed as available in the United States context by *Adobe Systems Inc v Southern Software Inc*,[28] a decision noted with approval in Indian commentary.[29] The protection afforded is, however, limited to the source code of the font program rather than the visual design of the typeface itself.

The name of a typeface is registrable as a trademark under the Trade Marks Act 1999 if it is distinctive. The Delhi High Court's decision in *Bikanervala Foods Pvt Ltd v New Bikanerwala*[30] confirmed the protection of distinctive names in the context of commercial branding, and the same principle applies to typeface names. Trademark protection prevents third parties from marketing competing font products under confusingly similar names but does not protect the visual design of the letterforms themselves. The common law action of passing off may, in principle, provide a remedy where a type designer's reputation in a distinctive typeface has been damaged by a competitor's use of a confusingly similar design, though the requirement to establish goodwill, misrepresentation, and damage makes this avenue difficult and expensive to pursue.[31]

iii. Proposed Designs Act Reform (DPIIT 2026)

On 23 January 2026, the Department for Promotion of Industry and Internal Trade published a Concept Note proposing comprehensive amendments to the Designs Act 2000.[32] The Note is motivated by the rapid growth of digital products and interfaces that have exposed gaps in the existing law's focus on physical articles, India's increasing global standing in design filings, and the need to align the statutory framework with India's signing of the Riyadh Design Law Treaty and its proposed accession to the Hague Agreement Concerning the International Registration of Industrial Designs.

Among the amendments proposed, several carry particular significance for typeface protection. First, the Note proposes expanding the definition of protectable subject matter to encompass digital and virtual designs, which would explicitly extend protection to font software interfaces and digital typeface applications. Second, the Note proposes a fifteen-year copyright term for works capable of registration but not registered, thereby addressing the practical problem of the fifty-reproduction extinction rule in section 15(2). Third, the Note proposes stronger enforcement mechanisms, including enhanced statutory damages of up to Rs 50 lakhs for a first instance of design infringement. These proposals, if enacted, would represent the most significant reform of typeface protection in India since the *Ananda* decision.

V. COMPARATIVE ANALYSIS: UNITED KINGDOM, UNITED STATES, AND INDIA

The three jurisdictions examined in this paper represent three distinct approaches to the fundamental question of typeface protection, which can be ordered along a spectrum from most to least protective.

The United Kingdom adopts a comprehensive copyright model: typeface designs are protected as artistic works under section 4 of the CDPA 1988, with the full duration of life plus seventy years, subject to the narrowly tailored use exceptions of sections 54 and 55. Copyright is complemented by registered and unregistered design rights, trademark protection for

[28] *Adobe Systems Inc v Southern Software Inc* (n 5).
[29] Acures Legal, 'Can Typefaces and Fonts Be Copyrighted in India?' (Mondaq, 7 January 2025) <https://www.mondaq.com/india/copyright/1565126/can-typefaces-and-fonts-be-copyrighted-in-india> accessed 10 February 2026.
[30] *Bikanervala Foods Pvt Ltd v New Bikanerwala* 2005 SCC OnLine Del 103 (Delhi HC).
[31] Acures Legal (n 29).
[32] Department for Promotion of Industry and Internal Trade, 'Concept Note on Amendments to the Designs Act 2000' (DPIIT, 23 January 2026).

typeface names, and separate copyright in font software as a computer program. The UK framework thus deploys multiple overlapping layers of protection, calibrated to different aspects of the type designer's creative and commercial investment.

The United States adopts a copyright exclusion model: typeface designs are expressly excluded from copyright under 37 CFR § 202.1(e),[33] with protection channelled into design patents for the visual design, copyright in font software programs for the code, and trademark for names. The US model reflects a deliberate policy choice grounded in an assessment of the typeface industry's particular dynamics and the risk of monopolising functional letterforms.

India presently adopts an effective non-protection model: typeface designs are not protected by copyright following the *Ananda* decision, design protection is available in principle but practically limited by the fifty-reproduction rule, software copyright protects font programs as literary works, and trademark protects typeface names. The non-protection model is not, on present authority, a deliberate policy choice but rather a consequence of legislative silence and judicial conservatism.

The central conceptual tension underlying all three approaches is the relationship between the functional and artistic dimensions of typeface design. As Scaria and George observe, typefaces exist on the boundary between art and utility: they are designed to serve the communicative function of representing language in visual form, but they do so through the application of aesthetic skill and creative judgment that is indistinguishable from the skill deployed in other recognised forms of artistic creation.[34] The merger doctrine argument — that letterforms can only be expressed in a limited number of ways and that copyright should therefore not subsist in them — is less compelling in the context of complex multilingual typefaces. The range of aesthetic choices available to a designer of a Devanagari typeface is vast: the specific design of each vowel diacritic, the rendering of conjunct consonants, the proportions of half-forms, and the weight distribution of strokes are all matters of creative judgment with no single correct answer.

The UK resolution of this tension is the most sophisticated: copyright protects the design as an artistic work, but the use exceptions prevent that copyright from obstructing its communicative function. The US resolution relies on the separability test — the requirement that the artistic aspects of a work be separable from its functional utility. In the typeface context, courts have consistently held that the artistic and functional aspects of letter design are inseparable: the aesthetic choices made by the type designer in rendering a letter cannot be conceptually detached from its linguistic function. The Indian non-protection model implicitly endorses a similar separability rationale, but without articulating it expressly.

VI. BLUEPRINT: HOW TYPEFACES AND FONTS CAN BE PROTECTED IN INDIA

A. Legislative Reform Pathway

The most comprehensive and durable solution to the inadequacy of typeface protection in India is legislative amendment of the Copyright Act 1957. The blueprint for reform advanced in this paper identifies four specific legislative interventions that, taken together, would create a coherent and proportionate framework for typeface protection modelled on the UK approach while adapted to the specific conditions of Indian law.

First, the definition of 'artistic work' in section 2(c)[35] should be amended to expressly include the design of a typeface. The amendment could enumerate 'the design of a typeface, being a set of letters, numerals, or other characters sharing a consistent visual design' as a distinct category of artistic work, thereby resolving the ambiguity created by the *ejusdem generis* analysis in *Ananda* rather than leaving

[33] 37 CFR § 202.1(e) (United States Copyright Office Regulations).

[34] Scaria and George (n 1).

[35] Copyright Act 1957 (Act No 14 of 1957), s 2(c).

typefaces to be subsumed within the residual category of 'any other work of artistic craftsmanship'.

Second, equivalents of sections 54 and 55 of the CDPA 1988 should be introduced into the Copyright Act 1957. The Indian provision should provide that it is not an infringement of copyright in an artistic work consisting of the design of a typeface to use the typeface in the ordinary course of typing, composing text, typesetting, or printing, or to do anything in relation to material produced by such use. Without such exceptions, a typeface copyright would obstruct the normal commercial use of typefaces in publishing, printing, and communications — an outcome that would be particularly disruptive in a multilingual country such as India, where typeface creation is not merely an aesthetic luxury but an essential infrastructure of public communication.

Third, section 15(2) of the Copyright Act 1957 should be amended to exclude typefaces from the fifty-reproduction extinction rule. The current provision operates to extinguish copyright in any design capable of registration under the Designs Act once it has been reproduced in articles more than fifty times. For a typeface, which is designed to be used in the production of text across all media, the fifty-reproduction threshold is reached almost immediately upon commercial release. The proposed amendment to the Designs Act 2000 by the DPIIT[36] would partially address this by introducing a fifteen-year copyright term for unregistered designs, but a more targeted amendment to section 15(2) expressly excluding typeface designs from its operation is desirable.

Fourth, the Copyright Office's practice of registering font software as computer programs should be formalised by express statutory provision. A new subsection to section 2(o) could clarify that 'computer programme' includes the software instructions contained in a font file, irrespective of whether the typeface design implemented by that file is separately protected as an artistic work.

B. Judicial Reinterpretation

Short of legislative amendment, a substantial improvement in the protection of typefaces could be achieved through judicial reinterpretation of the existing statutory framework. The *Ananda* decision, while it carries the persuasive weight of a precedent before the Copyright Board, is not a decision of any superior court and does not bind the High Courts or the Supreme Court of India. A writ petition or first appeal challenging a fresh registration refusal would provide an opportunity for curial reconsideration.

The arguments for reinterpretation are strong. The category 'any other work of artistic craftsmanship' in section 2(c)(iii) of the Copyright Act 1957 is derived from the identical formulation in section 35(1) of the Copyright Act 1911. The House of Lords interpreted 'artistic craftsmanship' in the UK context as requiring both craftsmanship (skill in the execution of the work) and artistic quality (a quality that appeals to the aesthetic sensibilities of the informed viewer). Type design satisfies both criteria unambiguously: the skill required to design a complete typeface spanning hundreds of glyphs is considerable, and the aesthetic quality of a well-designed typeface is recognised and valued by its users.

An Indian High Court reconsidering the *Ananda* reasoning in light of contemporary type design practice and the global landscape of protection would have strong grounds for departing from the earlier decision. The court could hold that a well-designed typeface displaying sufficient originality constitutes 'a work of artistic craftsmanship' within section 2(c)(iii), applying adapted criteria to the Indian statutory context. Such a holding would not require legislative amendment and would bring Indian law into alignment with the UK approach while remaining faithful to the statutory text.

C. Designs Act Route

In the interim, pending either legislative amendment or judicial reinterpretation, the most viable pathway

[36]DPIIT (n 32).

for type designers in India is registration under the Designs Act 2000. Registration affords the proprietor the exclusive right to apply the design to articles for a period of ten years, renewable for a further five years. In the context of a typeface, this means the exclusive right to produce font files implementing the registered design. The design registration, combined with the software copyright in the font file and trademark protection for the typeface name, creates a comprehensive multi-layered framework of protection without the need for copyright amendment.

The proposed reforms to the Designs Act 2000 announced by DPIIT in January 2026[37] would further strengthen this route. The proposed fifteen-year copyright term for unregistered designs capable of registration would give type designers who have not formally registered their designs a period of copyright protection, resolving the section 15(2) extinction problem. The enhanced statutory damages of up to Rs 50 lakhs would significantly improve the deterrent effect of the enforcement regime.

D. Software Copyright Route

For digital typefaces, the software copyright route under section 2(o) of the Copyright Act 1957 provides immediate and effective protection for the font file, regardless of the protection available for the underlying typeface design. A type designer who creates a digital typeface using font design software produces a font file in which the code — the programmatic instructions for rendering each glyph at any scale and in any context — is an original literary work protected by copyright from the moment of creation.[38]

To maximise the protection available under this route, type designers in India should: (i) register their font software with the Copyright Office as computer programs under section 45 of the Copyright Act 1957; (ii) ensure that the source code of the font program is authored by a human designer rather than generated automatically by font editor software; (iii) maintain detailed documentation of the authorship and creation history of each font file; and (iv) include appropriate copyright notices in the font file metadata. The software copyright route is, however, limited in one important respect: it does not prevent a competitor from creating an independently authored font program implementing a visually similar typeface design. Protection against design copying requires either design registration or, ideally, copyright in the typeface design itself.

E. Trademark Complementarity

A comprehensive protection strategy for typefaces in India should include trademark registration for the typeface name under the Trade Marks Act 1999. Registration as a word mark (or, where the typeface name is used as part of a distinctive logo, as a device mark) provides protection against competitors marketing font products under confusingly similar names, and allows the type designer to build commercial goodwill in the typeface as a branded product.

The Delhi High Court's reasoning in *Bikanervala Foods Pvt Ltd v New Bikanerwala*[39] is instructive by analogy: the protection of distinctive commercial names against deceptive imitation is available under trademark law regardless of the availability of copyright in the underlying design. For type designers operating internationally, the Madrid Protocol — to which India has been a party since 2013 — provides a mechanism for international trademark registration in multiple jurisdictions through a single application.

[38]Monotype GmbH, 'Update on the Application of Copyright Law to Typeface Design and Font Software' (Monotype, 2024) <https://www.monotype.com/resources/update-application-copyright-law-typeface-design-and-font-software> accessed 15 February 2026.

[39]*Bikanervala Foods Pvt Ltd v New Bikanerwala* (n 30).

VII. CONCLUSION

The law governing the protection of typefaces and fonts is an area in which the global legal landscape is deeply fragmented. At one extreme, the United Kingdom offers comprehensive protection at multiple layers — copyright, design right, software copyright, and trademark — creating a framework that rewards type designers' creative labour while preserving the public's ability to use typefaces in the ordinary course of communication. At another extreme, the United States categorically excludes typeface designs from copyright, channelling protection through design patents and software copyright. India, occupying a third position, lacks even the limited certainty of the US approach: neither the legislative framework nor the case law provides a settled basis for protection of typeface designs.

This paper has argued that the Indian position is in need of reform. The statutory text, properly interpreted, contains resources sufficient to accommodate typeface protection within the category of 'artistic craftsmanship'; the *Ananda* decision, narrowly reasoned and decided at the level of the Copyright Board, does not foreclose a more generous judicial interpretation by a superior court. The legislature, meanwhile, has the opportunity — through the proposed amendments to the Designs Act 2000 and a parallel amendment to the Copyright Act 1957 — to place typeface protection on the same clear footing that the UK Parliament achieved in 1988.

The case for reform has been strengthened by the developments of the three decades since *Ananda*. India's digital design industry has matured substantially. Indian type designers create works of international distinction, addressing the complex typographic needs of a country with the world's most diverse script landscape. The absence of effective copyright protection for these works creates a structural disincentive to investment in type design and exposes Indian designers to competitive disadvantage relative to their counterparts in countries that have chosen to protect typeface designs.

The blueprint proposed in this paper — combining legislative amendment of sections 2(c) and 15(2) of the Copyright Act 1957, introduction of use exceptions modelled on sections 54 and 55 of the CDPA 1988, utilisation of the Designs Act 2000 route including proposed reforms, software copyright registration, and trademark complementarity — provides a practical and immediately deployable framework for protection that does not require the resolution of any difficult constitutional or jurisprudential question. The UK experience, with more than three decades of operation of the CDPA 1988 typeface provisions, demonstrates that such a framework can function effectively and proportionately. When letters have no law to protect them, the designers who give them life are left without recourse. India must act to remedy that absence.

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