



Recommendation 484 (1967)¹

International protection of type faces

Parliamentary Assembly

The Assembly,

1. Noting that the designing of type faces is a predominantly European craft, requiring great skill and carrying on an ancient tradition ;
2. Realising that new type faces designed in one country are often quickly copied in other countries, and that this danger has been considerably increased by the improvement and simplification of reproduction processes ;
3. Considering that type face designs have, in addition to their artistic value, an important economic value, since production of them often entails considerable investment, if only on account of the time necessary for the setting up of new type faces before they can be sold to the typographical industry ;
4. Considering that, notwithstanding the appreciable benefits which legal protection of type faces would bring to those concerned, such protection is still an unsolved problem in certain member countries, and in particular at international level ;
5. Considering that, accordingly, producers of new type faces have suffered, and often do suffer, considerable financial loss as a result of such plagiarism ;
6. Considering that type faces should be protected in the same way as any other intellectual and industrial property ;
7. Expressing the hope that the European States will establish a system of international protection for type faces ;
8. Acknowledging the importance of the work done by the Committee of Experts on the International Protection of Type Faces within the framework of the United International Bureaux for the Protection of Intellectual Property (BIRPI), which has resulted in the publication of a preliminary draft International Convention,
9. Recommends the Committee of Ministers to instruct the European Committee on Legal Co-operation (CCJ) to draw up, within the framework of fundamental international agreements and on the basis of the draft Convention appended hereto, a European Convention providing international protection of type faces.

Draft Convention for the International Protection of Type Faces

The member States of the Council of Europe, Signatories to the present Convention,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members for the purpose, among others, of facilitating their economic and social progress by agreements and common action in economic, social, cultural, scientific, legal and administrative matters ;

Moved by the desire to assure an adequate protection of type faces on an international basis ;

1. Assembly Debate on 26th January 1967 (23rd Sitting) (see [Doc. 2169](#), report of the Legal Committee). Text adopted by the Assembly on 26th January 1967 (23rd Sitting).



Conscious of the special requirements to which such protection has to conform ;

Considering, moreover, that certain systems of protection make such protection subject to a deposit ;

Referring to Article 15 of the Paris Convention for the Protection of Industrial Property, of 20th March 1883, revised at Brussels on 14th December 1900, at Washington on 2nd June 1911, at The Hague on 6th November 1925, at London on 2nd June 1934, and at Lisbon on 31st October 1958 ;

Referring to Article 20 of the Berne Convention for the Protection of Literary and Artistic Works, of 9th September 1886, supplemented at Paris on 4th May 1896, revised at Berlin on 13th November 1908, supplemented at Berne on 20th March 1914, revised at Rome on 2nd June 1928, and at Brussels on 20th June 1948,

Have agreed as follows :

Article 1

The Contracting States shall undertake to ensure the protection of type faces in conformity with the provisions of the present Agreement, either by means of a special national deposit, or by the extension of the deposit already provided for designs and models by their national legislation, or by copyright provisions.

Article 2

For the purposes of the present Conventions :

the term "International Deposit" shall be understood to mean the deposit of type faces with the Secretariat of the Council of Europe ;

the term "Regulations" to mean the Rules governing the execution of the said Convention ;

the terms "Secretary General" and "Secretariat" respectively to mean the Secretary General and the Secretariat of the Council of Europe.

Article 3

For the purposes of the present Convention, the term "Type Faces" shall mean the designs of :

- a. letters and alphabets as such with their accessories (such as accents, numerals and punctuation marks) ;
- b. additional figurative signs ;
- c. ornaments (borders, fleurons, vignettes), intended to be inserted or used in typographical, typewritten or any other analogous compositions.

Article 4

The protection shall be subject to the conditions that the type faces respond to at least one of the two following criteria :

- a. novelty,
- b. originality.

Article 5

The novelty of type faces shall be judged in relation to their general aspect and style, taking into account technical and aesthetic criteria recognised by qualified professional circles, in particular hereunder enumerated :

- a. the relative proportion of the height and the width of the letters ;
- b. the relative proportions between the thick and thin strokes ;
- c. the particular shapes of the serifs and the terminals ;
- d. the spacing between the letters ;

- e. the alignment of type.

Article 6

1. The protection entitles the owner of the right to prohibit any reproduction, whether identical or slightly modified, for any use whatsoever, of the type faces covered by the said protection, without his consent, whether the type faces had been known by the author of the reproduction or not, by any means, form or medium whatsoever.
2. The protection shall also enable the owner to prohibit all reproduction obtained by the distortion of the said type faces by any purely technical means, whatever the results of such distortion.
3. The provisions of the present Article shall not prevent a person having legitimately acquired the rights of reproduction from using these rights in conformity with current technical methods.
4. The Contracting States basing the protection on the criterion of originality may have the faculty to provide that the right defined in paragraph 1 of the present Article shall apply only in the case where the type faces were known to the author of the reproduction.
5. The provisions of paragraphs 1, 2, 3 shall not apply to reproduction by a third party for his private use, not to reproduction obtained exclusively for purposes of instruction, scientific research or quotation.

Article 7

The term of protection granted shall not be less than twenty-five years.

Article 8

1. The nationals of the Contracting States or persons who are not nationals of one of the said States, but who are domiciled or who possess a real and effective industrial or commercial establishment in the territory of any one of the said States, shall be entitled to make an international deposit of type faces with the Secretariat in conformity with the provisions of the present Convention.
2. This international deposit shall enjoy protection identical with that provided by the national deposits referred to in Article 1 in all States Members of the present Convention.
3. International deposits can be made with the Secretariat either :
 - a. directly, or
 - b. through the intermediary of the national Administration of a Contracting State provided that the laws of the said State so permit.
4. The national legislation of each Contracting State may require that all international deposits, in respect of which the said State is held to be the country of origin, be dealt with through the channel of its national Administration. Non-observance of such regulations shall not, however, prejudice the effects of international deposit in the other Contracting States
5. Within the meaning of the present Article, the term "country of origin" shall denote the Contracting State wherein the depositor possesses a real and effective industrial or commercial establishment, or in the event of the possession by the said depositor of similar establishments in more than one of the Contracting States, the Contracting State he shall have designated in his application ; if the said depositor has no domicile in any of the Contracting States, then the Contracting State of which he is a national.

Article 9

1. The international deposit of type faces shall be made with the Secretariat under open or sealed deposit.
2. Sealed deposits shall be opened at the end of a period of one year, or earlier at the request of the depositor or pursuant to the decision of a competent tribunal or any other competent authority, of which the depositor has been notified.

3. Each Contracting State may declare at the time of the signature of the Convention or of the deposit of its instrument of ratification or of accession, that a sealed deposit shall be recognised as having legal effect in respect of the said State only as from the date of the opening thereof.

Article 10

1. The deposit shall be accompanied by an application for international registration in triplicate, together with the documents and declarations, in English or French, as required by the Regulations.

2. An international deposit shall be considered valid from the date on which the Secretariat receives the application made in proper form together with the fee and all other documentation prescribed by the Regulations ; if these are not received simultaneously, the said deposit shall be valid only from the date on which the last formality has been fulfilled.

3. Upon receipt of an application for a deposit, whether open or sealed, the Secretariat shall immediately record the said application on a special register and shall publish it in the "international bulletin of type faces", copies of which shall be sent free of charge to the national Administrations of each of the Contracting States.

Article 11

1. Each international deposit of type faces shall be published in the "international bulletin of type faces" as soon as possible, and shall include in particular the following items :

- a. the full reproduction in black and white or, at the express request of the depositor, in colour, of the type faces ;
- b. the date of the international deposit ;
- c. whatever information shall have been prescribed by the Regulations.

2. Sealed deposits shall be published only after the date of the opening thereof.

Article 12

An international deposit cannot be effected more than six months after the date of the prior deposit.

Should an international deposit of type faces be effected within the six months following the prior deposit of the same type faces either in one of the Contracting States or in conformity with the provisions of The Hague Agreement on Industrial Designs and Models of 6th November 1925, revised at London on 2nd June 1934, and at The Hague on 28th November 1960, and should priority be subsequently claimed for the international deposit provided for by the present Convention, the date of priority shall be the first of the aforesaid deposits.

Article 13

1. The international deposit is effected for an initial period of fifteen years, with the possibility of renewal for further periods of ten years.

2. During the first six months of the last year of each period the Secretariat shall send the depositor an unofficial warning of the date of expiry.

3. Each depositor has the right to prolong the period of deposit of ten years.

4. Six months' grace shall be granted in respect of renewals of international deposits at the request of the depositor.

Article 14

Depositors may, at any time, renounce their deposit by making a declaration addressed to the Secretariat which shall publish it in accordance with Article 10 above.

Article 15

The Secretariat shall enter in its registers and publish any change affecting the property of a design of a type face covered by a valid international deposit and also the granting of licences.

Article 16

1. The Secretariat shall deliver to any person, upon application, a certified copy of the entries on the Register opened in accordance with Article 10, 3 above.
2. The information shall be accompanied by a certified copy or, if required, by a reproduction of the type face certified as being in conformity with the open deposit.

Article 17

1. The provisions of the present Convention shall not impede the granting of rights wider in scope, that might eventually be enacted by the national legislation of a Contracting State and shall not in any way affect the protection extended to artistic works and works of applied art by the international Conventions and Treaties on Copyright.
2. The Contracting States which have already granted special protection to type faces shall have the option of stipulating that the benefit of protection already covering designs or models shall not extend, within their territory, to type faces.

Article 18

1. There shall be established within the Council of Europe an International Committee on Type Faces consisting of representatives of all the Contracting States.
2. The Committee shall have the following duties and powers :
 1. to establish its own rules of procedure ;
 2. to amend the Regulations ;
 3. to examine the legislation of the States invited to adhere to the present Convention ;
 4. to study matters concerning the application and possible revision of the present Convention and all other problems concerning the international protection of type faces ;
 5. to comment on the yearly reports of the International Deposit Department and to give general directives to the Secretariat concerning the discharge of the duties entrusted to it by virtue of this Convention.
3. The decisions of the Committee shall be taken by a majority of four fifths of its members present or represented and voting in the case of numbers (1), (2) and (3) of paragraph 2, and by a simple majority in all other cases. Abstentions shall not be considered as votes.
4. The Committee shall be convened by the Secretary General :
 1. at least once every three years ;
 2. at any time on request of one third of the Contracting States, or, if deemed necessary, at the initiative of the Secretary General.
5. The travel expenses and subsistence allowances of the members of the Committee shall be borne by their respective Governments.

Article 19

The present Convention shall be submitted to revision on the proposal of the International Committee on Type Faces.

Article 20

1. Two or more Contracting States shall have the option at any time of notifying the Secretary General that a common Administration has been substituted for their separate national Administrations and that, consequently, the whole of their territories shall be treated as a single State for the purpose of application of the provisions for international deposit.

2. This notification shall take effect only after six months from the date of the communication thereof by the Secretariat to the other Contracting States.

Article 21

The present Convention shall remain open for signature until....

Article 22

1. The present Convention shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General.

2. The Convention shall enter into force three months after the date of deposit of the eighth instrument of ratification or acceptance.

3. In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force three months after the date of deposit of its instrument of ratification or acceptance.

Article 23

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any Member of the International Union for the Protection of Industrial Property or of the Berne Convention for the Protection of Literary and Artistic Works, which is not a Member of the Council of Europe, to accede thereto, after an examination of its legislation by the Committee provided for in Article 18 above.

2. Such accession shall be effected by depositing with the Secretary General an instrument of accession which shall take effect one month after the date of its deposit.

Article 24

1. Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Convention shall apply.

2. Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by notification addressed to the Secretary General, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 25 of this Convention.

Article 25

1. This Convention shall remain in force indefinitely.

2. Any Contracting Party may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General.

3. Such denunciation shall take effect one year after the date of receipt by the Secretary General of such notification.

Article 26

The Regulations shall govern the details concerning the implementation of this Convention.

The Secretary General shall notify the member States of the Council, any State which has acceded to this Convention and the Director of the International Bureau for the Protection of Intellectual Property of :

- a. any signature ;
- b. any deposit of an instrument of ratification, acceptance or accession ;
- c. any date of entry into force of this Convention ;

- d. any declaration or notification received in pursuance of the provisions of Article 9 paragraph 3 or Article 24 paragraphs 2 and 3 ;
- e. any notification received in pursuance of the provisions of Article 20 or of Article 25 paragraph 2 and of the date on which denunciation takes effect.

Draft Regulations for the Application of the Convention for the International Protection of Type Faces

Article 1

1. Every application referred to in Article 10 of the Convention shall be worded in English or French, and submitted in triplicate on forms issued by the Secretariat of the Council of Europe.

2. Each application shall contain :

- a. the surname, name, or the business name, and address of the applicant ; should there be an agent, the latter's name and address (it must be stated to which of the several addresses given, the Secretariat is to send all correspondence) ;
- b. a statement setting forth the details required under Article 8 paragraph 1 of the Convention ;
- c. the nature of the deposit, namely, whether open or sealed ;
- d. a list of the documents and reproductions accompanying the application ;
- e. if the applicant wishes to claim the priority referred to in Article 12 of the Convention, a statement of the date and number of the deposit which gives rise to the right of priority and, in the case of a national deposit, the name of the State ;
- f. the signature of the applicant or his agent ;
- g. the document concerning the payment of the deposit fee of 500 French francs.

3. The application may be accompanied by :

- a. an application for publication in colour ;
- b. documents supporting any priority claim ;
- c. a statement revealing the name of the true inventor of the type faces which have been deposited.

Article 2

Any application submitted more than six months after the prior deposit shall be returned to the depositor within eight days.

- 1. For publication in black and white, a photograph or other facsimile of the type faces shall be attached to each of the triplicate forms of application.
- 2. For publication in colour, one positive film in colour with colour prints in triplicate of the type faces shall accompany the application.
- 3. The documents mentioned in paragraphs 1 and 2 above shall not exceed 20 by 25 centimetres.
- 4. Publications shall be identical in size to the deposited documents.

Article 3

- 1. Where an agent intervenes, the documents shall be accompanied by a power of attorney. No legalisation is required.
- 2. Any interested party who, by virtue of the provisions of Article 16 paragraph 1 of the Convention, requests the registration of changes affecting the ownership of a design of a type face, the subject of an international deposit in force, must provide the necessary documentary proofs to the Secretariat.

Article 4

Six months before the starting date of each period for which an international deposit may be prolonged, the Secretariat shall send a reminder to the owner of the deposit or to his agent if the name of the agent is recorded in the Register. The failure to despatch this notification will not have any legal effect.

Article 5

When a court or any other competent authority shall order the communication to it of type faces deposited under seal, the Secretariat, when properly required, shall proceed to the opening of the deposited package, and extract and remit the contents thereof to the authority requiring it. The documentation thus communicated shall be returned in the shortest possible time.

Article 6

1. As soon as the Secretariat shall have received the application for deposit in good and due form together with the fee payable and the photographs or other facsimile designs of the type faces, the date of the international deposit, the number of the deposit and the seal of the Secretariat shall be affixed to the three copies of the application and on each of the reproductions, or, in the case of a sealed deposit, on the latter. Each copy of the application shall be signed by the Secretary General or by the representative he shall have designated for the purpose. One of the copies shall be incorporated in the Register, and shall constitute the official act of registration ; the second copy, which shall constitute the registration certificate, shall be returned to the depositor ; the third copy shall be transmitted on loan by the Secretariat to any national Administration of a State Member of the Convention which shall request it.

2. All prolongations, changes affecting the ownership of a design of a type face, the subject of an international deposit in force, the granting of licences, changes in the name or address of the owner of the deposit or his agent, and declarations of renunciation effected under the provisions of Article 14 of the Convention shall be recorded and published by the Secretariat

Article 7

1. The Secretariat shall publish a periodical bulletin entitled the International Bulletin of Type Faces.

2. The Bulletin shall contain for each deposit registered : reproductions of type faces deposited ; the date and number of the international deposit, the name or business name and address of the depositor, the name of the State of origin of the deposit, the date and number of the deposit on which a claim of a right of priority is based and all other necessary information.

3. The Bulletin shall also contain any information relating to registrations referred to in Article 6 paragraph 2 above.

4. The Bulletin may contain indexes, statistics and other information of general interest.

5. Information on selected registrations shall be published in English and French. All information of a general nature shall also be published in English and French.

6. Every national Administration shall receive, upon request, a maximum of five free copies, and ten copies at one third of the normal subscription rates.

Article 8

The present Regulations shall come into force at the same date as the Convention.