

## 1 Statutory & regulatory baseline

Source	Rule
17 U.S.C. § 102(b)	Ideas, systems, and “methods of operation” aren’t copyrightable.
37 C.F.R. § 202.1(e)	“Typeface as typeface” is excluded from registration.
U.S. Copyright Office Compendium (Third) § 906.4 + Circular 33 (2021 rev.)	Typefaces/lettering are “building blocks” and “not registrable,” but a <i>computer program</i> that generates them may be.

## 2 Controlling case law

Holding	Key decision
Typeface designs are unprotectable industrial design.	<i>Eltra Corp. v. Ringer</i> , 579 F.2d 294 (4th Cir. 1978).
Digital <i>font software</i> (the Bézier-point data and accompanying code) is protectable as a computer program; copying that code infringes.	<i>Adobe v. Southern Software</i> , 45 USPQ2d 1827 (N.D. Cal. 1998).
Recent courts still draw the same line: typeface ↔ no, font software ↔ yes (if original).	<i>Laatz v. Zazzle</i> , No. 22-cv-04844, slip op. at ¶¶62-64 (N.D. Cal. 2023).

## 3 Why the line is drawn

- Fonts show letters needed to convey ideas → functional “methods of operation.”
- Copyright protects expression, not the utilitarian letter shapes themselves.
- The *software* that tells a computer where to plot the points is a literary work under § 102(a)(1); that code can display unlimited shapes and thus is not bound to the “useful article.”
- The Copyright Office’s 1992 Policy Decision, 57 Fed. Reg. 6201, confirms that only the original computer instructions—not the glyph shapes—may be registered.

## 4 Key limitations

Limitation	Practical effect
Typeface shapes remain public-domain; anyone may draw the same letterforms.	
Only the exact digital data or code is protected; re-digitising the same outlines from scratch avoids infringement ( <i>Adobe</i> notes this explicitly).	
Merger & scènes-à-faire doctrines: common stroke endings, overshoots, etc., are unprotectable.	
If the code was produced largely by an automated tool with minimal human choices, originality may fail ( <i>Laatz</i> , at ¶¶64-70).	

## 5 Applying the rules to the hypotheticals

Scenario	Copyright outcome
<b>A. “Font created by proprietary software.”</b> Designer chooses point coordinates, kerning tables, hinting, etc. -> those specific instructions constitute a computer program protectable as a literary work. Copying the <i>file</i> infringes; reproducing the letterforms independently does not.	
<b>B. Designer merely types paths into an off-the-shelf generator that autocalculates all points.</b> Originality is thin or absent; registration may be refused, and infringement suit will likely fail. ( <i>Laatz</i> highlights this risk.)	
<b>C. Each capital “A” integrates a realistic apple drawing.</b> The drawing is a separable pictorial element; it can be registered and enforced. Others remain free to use the same underlying “A” outline without the apple. The apple graphic itself is protected.	

## 6 Other IP routes (outside the question’s scope but often relevant)

Design patents can protect novel ornamental typeface for 15 years; trademarks can guard a font name (e.g., “Helvetica®”) or a logotype. Neither changes the copyright analysis above.

### Bottom line

*Typeface designs per se are excluded from U.S. copyright. The digital files that instruct a computer how to render those designs qualify for protection if they embody at least minimal original code authored by a human. Decorative artwork embedded in a glyph is protectable—yet only the artwork, not the basic letterform, receives that protection.*