

The self-declared "legal successors" of the stock-corporation H. Berthold AG

For those who cannot read German, here is an English summary written by Professor Dr. Luc Devroye entitled "Bertholdgate". Visit his website: <http://jeff.cs.mcgill.ca/~luc/legal.html>

Bertholdgate I:

German language article by Ulrich Stiehl regarding the question: *Who is the legal successor of H. Berthold AG?* And a damning indictment of the Hunts who run Berthold Types in Chicago. The main dates in this sad case, beautifully researched by Stiehl:

- 1858: Hermann Berthold (1831-1904) founds the company in Berlin.
- 1896: The company becomes Aktiengesellschaft H. Berthold AG.
- 1896-1960s: The company operates from Berlin and Stuttgart under the name H. Berthold AG Schriftgiesserei und Messelinienfabrik.
- 1960s-1993: The company uses the name H. Berthold AG.
- 1993: H. Berthold AG files for bankruptcy. Its main business at that point was the sale of phototypesetting machines, not fonts, and that business had come to a standstill. The 1800 fonts at the time of the bankruptcy are all listed in Stiehl's document.
- 1993: The bankrupt company had incredible debts, and no one was interested in taking over those debts. So, the bankruptcy court in Berlin decided to liquidate the company. There is no legal successor (Rechtsnachfolger). For a period of 30 years after 1993, any legal successor would have to take care of the debts.
- 1994-now: Several companies stake out claims of being legal successors or at least copyright owners of Berthold fonts:
 - Softmaker GmbH in Nürnberg, owned by Martin Kotulla. His 59 Euro CD with 10,000 fonts (the best buy in the business) has over 1,000 of Berthold's 1,800 fonts. The names were changed. Softmaker claims to have copyright to these fonts.
 - Berthold Types Limited, Chicago, owned by Harvey and Melissa Hunt: The CD "Exklusiv Collection" has 800 of the 1,800 Berthold fonts but costs 6350 Euros. This outfit uses the old Berthold names. Incredibly, Berthold Types claims to have the copyright, and states that it is the legal successor of H. Berthold AG. (How can this be, if they never assumed the debts?) To complicate matters, the company started calling itself Berthold Direct Corp in 2005.
 - Franzis Verlag GmbH, owned by Werner Mützel and others: The CD "1800 Profischriften für Windows" (16 Euros, 4 Euros on Ebay) has 1,800 fonts, of which 1,200 (renamed, though) are from the Berthold collection. Franzis claims to have copyright to these fonts. Note: these fonts are qualitywise indistinguishable from the Berthold Types collection.

- FontStuff Ltd, London, or Bertlib Corporation, a post office box company which started up a font business on the web in 2005 based on the old Berthold collection. Just as Berthold Types Limited, they say that they are the legal successors of H. Berthold AG, and that the copyright is theirs. The web site disappeared at the end of 2005 though. Stiehl believes that the company was a front for Klaus-Dieter Bartel's "Babylon Schrift Kontor" (a defunct foundry). Bartel died recently.

As an example, Stiehl compares the copyright lines of several Akzidenz Grotesk styles, starting with H. Berthold AG's own Akzidenz Grotesk Buch (copyright H. Berthold AG, 1992). This was followed by Agba by Franzis (copyright ClassicFontCorporation, 1993), AG Book by Berthold Types (copyright Berthold LLC, 1997 and 2001), Atkins by Softmaker (copyright Softamker Software GmbH, 2002) and Europa-Grotesk by Bertlib (copyright BERTLib Corporation, 2004). Stiehl then notes that the quality of the cheapest collection (Franzis) is just like that of Berthold Types Limited, Chicago. He observes that Berthold Types does not have an office in Germany--for otherwise they could be in legal trouble for misleading web visitors into thinking that they are the legal owners of the Berthold collection. I quote from them: *Berthold Types is the legal successor to H. Berthold AG, the highly regarded German type foundry.* Stiehl produces a document signed by Dr. Susanne Teipel from an attorney's office (Schwabe Sandmair Marx) in München (representing Berthold Types) in which the following official statement is made: *Berthold Types is the legal successor to H. Berthold AG.* Stiehl believes that this alone could spell serious trouble in Germany for both that law firm and Berthold Types.

Bertholdgate II

Before its bankruptcy in 1993, H. Berthold AG had a total of 823 employees, whereas the annual sales dropped from 220 million Deutsch Mark in 1990 down to 149 million DM in 1991, so that the salaries of the employees could not be paid. The Hunts, who own Berthold Types Limited in Chicago, now also called Berthold Direct Corp., claim to have become the legal successor of H. Berthold AG. They would have had to pay these 800+ employees, and settle the demands of the creditors. It is unlikely that Berthold Types did that--they are not the legal successors. For German readers, the economic data on H. Berthold AG are [here](#). Compare this with [the economic data of Linotype](#), which also went through bankruptcy: in that case, Heidelberger Druckmaschinen AG waited until the stock had declined so much that they could buy all the shares for 180 million Deutsch Mark. Linotype thus has a legal successor.

Furthermore, Professor Devroye offer this additional document about the lawsuits instituted by the Berthold Types Ltd. at his website: <http://cgm.cs.mcgill.ca/~luc/berthold.html>

<http://www.sanskritweb.net/forgers/berthold.pdf>