

Ask a Lawyer[Ask a Question](#)[Today's Q&A](#)[Question & Answer Archive](#)[Topic Schedule](#)**Research Areas of Law**[Bankruptcy](#)[Family Law](#)[Labor and Employment Law](#)[Personal Injury](#)[Real Estate](#)**Related Links****Articles:**[- Do I Really Need a Lawyer?](#)[- Selecting a Lawyer](#)[- Lawyers' & Clients'](#)[Responsibilities to Each Other](#)[Ask a Lawyer > Question & Answer Archive](#)**Ask a Lawyer Archive**

Copyright Law: What Protections Are Available To Protect Architectural Designs?

[Kristie Prinz](#)

Q. How does intellectual property law protect the schematic or conceptual designs of an architect? Does the designer have any rights if his work is duplicated or used without his consent?

-- *Anonymous*

A.

Copyright law protects "original works of authorship" fixed in a tangible form of expression. Copyrightable works include the following:

- a. literary works;
- b. musical works, including any accompanying words;
- c. dramatic works, including any accompanying music;
- d. pantomimes and choreographic works;
- e. pictorial, graphic, and sculptural works;
- f. motion pictures and other audiovisual works;
- g. sound recordings; and
- h. architectural works.

Schematic or conceptual designs of an architect could fall under either the "pictorial, graphic, and sculptural works" category or the "architectural works category." Thus, they clearly constitute copyrightable works protected by copyright law.

Copyright protection is secured automatically when the work is created; registration with the Copyright Office is not necessary to protect the work. As a result, if a copyrightable work is duplicated or used without the consent of the author, then such duplication or use most likely constitutes copyright infringement.

There are a few scenarios, however, where such use or duplication would not constitute infringement.

Browse for a Lawyer[- Find Lawyers & Law Firms by State or Province](#)[- Find Lawyers & Law Firms by Area of Law](#)**Find a Lawyer**

Type in an area of law or a lawyer/firm name:

City:

State:

Country:

[Advanced Search](#)[Search Help](#)

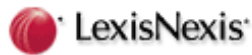
First of all, the use or duplication would be permitted, if it was by the owner of the copyright following a written transfer of all right, title, and interest in the copyright by the author to an assignee. A written assignment would transfer the ownership rights in the copyright from the author to the assignee, thereby terminating the author's rights in the copyright.

Second of all, the use or duplication would be permitted if it was by a party obtaining all, right, title, and interest in the copyright through a "work for hire" relationship where ownership rights were transferred to an employer or contracting party through a written assignment agreement.

My advice to any architect finding himself in this situation is that he or she should consult with an [intellectual property lawyer](#) in his or her jurisdiction specializing in copyright law. Such a lawyer will be able to discuss the specific facts of the architect's case and advise the architect on how best to proceed.

-- Kristie Prinz

[Find a Lawyer](#) | [Research Legal Information](#) | [Ask a Lawyer](#) | [Blogs](#) | [Contact Lawyers at attorneys.com](#) | [Community](#)



LexisNexis Martindale-Hubbell is the most complete, trusted source for identifying qualified legal counsel.

Disclaimer: The information provided on Lawyers.com is not legal advice, Lawyers.com is not a lawyer referral service, and no attorney-client or confidential relationship is or should be formed by use of the site. The attorney listings on Lawyers.com are paid attorney advertisements and do not in any way constitute a referral or endorsement by Lawyers.com or any approved or authorized lawyer referral service. Your access to and use of this site is subject to additional [Terms and Conditions](#).

[Martindale.com](#) | [Canada](#) | [attorneys.com](#) | [LawyerLocator.co.uk](#) | [www.findalawyer.cn](#) (China) | [www.law24.co.za](#) (South Africa) | [www.martindale.jp](#) (Japan) | [anwalt24.de](#) (German) | [martindale.co.il](#) (Israel) | [Lexis Nexis](#) | [lexisONE Free Case Law](#)

[Help](#) | [Site Map](#) | [About Us](#) | [Press Room](#) | [Info for Lawyers](#) | [Contact Us](#) | [Home](#) | [Index Map](#)

©2008 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.