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## ARCHITECTURE AND COPYRIGHT

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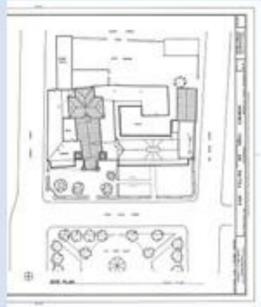
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# Architecture and Copyright

Architectural Works Copyright Protection Act (1990) covers “the overall form as well as arrangement and composition of space and elements in the design, but does not include individual standard features”

## Eligible Buildings & Designs



Plans & Drawings



Models



Constructed Buildings



## Years Covered

Designs created on or after December 1, 1990

Designs that were created in unpublished plans or drawings but not constructed as of December 1, 1990, but were constructed before January 1, 2003

Architectural Drawings and Plans before 1990 covered under previous copyright rules



## Ineligible Built Works



bridges, cloverleaves, dams, walkways, tents, recreational vehicles, mobile homes, and boats



## Ineligible Elements



Standard configurations of spaces and features  
Functional elements whose design or placement is dictated by utilitarian concerns



## Joint Authorship

Each author must:

1. Contribute original material
2. Intend to make a joint work

Each author can without consent of other authors:

1. Grant permissions to 3rd parties
2. Transfer their ownership interest
3. Modify their work

**Copyright** = life of the author plus 70 years.



## Work for Hire

1. A work prepared by an employee within the scope of his or her employment; or
2. A work specially ordered or commissioned for use as a contribution to a collective work

**Copyright** = 95 years from publication or 120 years from creation, whichever is less



**Thomas SHINE**  
v.  
**David M. CHILDS & Skidmore Owings & Merrill, LLP**

Shine a Yale architecture student, sued for infringement of his studio design of which Childs was a reviewer, in the “Freedom Tower” design

## Inspiration or Infringement?

Courts say: An average lay observer must be able to identify substantial similarity of expression not similarity of ideas



Judge Mukasey Rules for Childs: “Both towers twist as they rise, but as defendants’ expert points out with ample evidence, the idea of a twisting tower with a rectangular base and parallel sides is by no means unique.”