

All Things IP



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Architectural Works- Protection under the Copyright law

The moment we think of exploring any place in the world, the list of things to do in such place would mostly include a visit to the iconic architectural monuments and landmarks that are famous and unique to that location. In recent times, there has been a conscious effort for construction companies to emerge with unique building plans with distinctive visual elements, but at the same time maintain certain uniform standards and aesthetic patterns that are unique to their ideas in relation to their building models in order to enable the public to spontaneously identify the source of architecture. A work of architecture is an intangible asset of an Architect as it is a result of his own creativity and labour. Such a creative work can be safeguarded under the Copyrights Act, 1957.

The Copyright Act provides registration for the architectural drawings or plans as an Artistic Work and the Copyright subsists in the artistic character, visual elements and design of the structure and shall not extend to processes or methods of construction.

What can be considered as the work of architecture and who is the Author of the work?

Any building or structure having an artistic character or design, or any model for such building or structure can be considered as a work of architecture. Further, an architect is the author of the building plan/drawing.

How to file Copyright Application?

A Copyright Application has to be filed along with the following documents:

- An architectural drawing or plans expressed in technical signs, symbols, and graphical representations together to form an instruction to build a structure in entirety
- No objection letter from the author/architect if the applicant and author are not one and the same.

Validity of registration:

The validity of registration shall be lifetime of the author plus 60 years from the date of completion of the architectural work.

Advantages of registering the work of Architecture:

The certificate acts as a prima facie evidence while initiating suit against the infringement and imitation of the architectural work.

We at Eshwars regularly advise our clients on various Copyright registration matters and for more information please reach out to us at: saisunder@eshwars.com.

