

Copyright Registration of Architectural Works

This circular provides information about registering an architectural work with the U.S. Copyright Office. It covers

- Eligibility for copyright protection
- Authorship in architectural works
- Submitting an application
- Submitting a deposit

For specific information, see **chapter 900**, section 926 of the *Compendium of U.S. Copyright Office Practices*.¹

An architectural work is the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. Copyright protects architectural works created on or after December 1, 1990. Copyright also protects unconstructed architectural works embodied in unpublished plans or drawings on December 1, 1990, if the design was constructed on or before December 31, 2002.

The Copyright Office may register a claim to copyright in an architectural work if the work is a humanly habitable structure that is intended to be both permanent and stationary. Examples of works that satisfy this requirement include houses, office buildings, churches, and museums. By contrast, the Office will refuse to register bridges, cloverleaves, dams, walkways, tents, recreational vehicles, or boats (although a house boat that is permanently affixed to a dock may be registerable as an architectural work).

Authorship in Architectural Works

The authorship in an architectural work includes the overall form of the building—the exterior elevations of the building when viewed from the front, rear, and sides—as well as any arrangement and composition of walls or other permanent structures that divide the interior into separate rooms and spaces. Copyright does not protect the following elements:

- Individual standard features of the architectural work, such as windows, doors, or other staple building components.
- Standard configurations of spaces, such as a square bathroom or one-room cabin.
- Purely functional features of an architectural work, such as innovations in architectural engineering or construction techniques.
- Interior design, such as the selection and placement of furniture, lighting, paint, or similar items.

Copyright Registration

To file a claim to copyright in an architectural work, you must submit the following to the Copyright Office: (1) a completed application form; (2) a nonrefundable filing fee; and (3) the required “deposit copies” of your work. You must submit your application through the electronic registration system, and you must use the Office’s Standard Application. If you attempt to use the Single Application or a paper application, the Office will refuse registration and instruct you to resubmit your claim using the appropriate form.

An application covers only one architectural work. Multiple architectural works may not be registered using one application, filing fee, and deposit. This circular highlights issues common to registrations of architectural works. For more information, see **chapter 900**, section 926 of the *Compendium*. For general registration information, see *Copyright Registration (Circular 2)*.

NOTE: Copyright Office fees are subject to change. For current fees, see *Copyright Office Fees (Circular 4)*, available on the Office’s website at www.copyright.gov or call the Office at (202) 707-3000 or 1-877-476-0778 (toll free).

Mistakes in applications lead to delays in registration, so it is important to complete the application correctly. Here are some tips regarding common points of confusion.

Type of Work

At the beginning of the application, select “Work of the Visual Arts” on the “Type of Work” screen. The questions on the application are based on the type of work you select. If you select the wrong option, you will need to start over. Line one of the form should give the title of the building.

Publication

An architectural work is deemed published when underlying plans or drawings of the building or other copies of the building design are distributed or made available to the general public by sale or other transfer of ownership or by rental, lease, or lending. Mere construction of a building does not itself constitute publication for purposes of registration.

Year of Completion

The year of completion is the year in which the version of the architectural work you are registering was first fixed in drawings or any other tangible form. If you are registering an architectural work that was developed over a long period of time, or a work that constitutes a new version of an earlier work, give the year of completion of the final work or new version.

NOTE: If the architectural work was embodied in unpublished plans or drawings on or before December 1, 1990, and if the construction of the design was completed before January 1, 2003, you should also provide the construction date in the “Note to Copyright Office” field.

Author

The author of an architectural work is the person who created the design of the building, unless the work is a work made for hire. If the architectural work is a work made for hire, give the name of the employer, not the person who actually created the architectural work.

Type of Authorship

To register an architectural work, check the box marked “architectural work” in the author created field on the “Authors screen.” To register the design of a building or other structure, you must assert only a claim in the “architectural work.” Do not select any other options, such as 2-D artwork, text, or technical drawing.

IMPORTANT NOTE REGARDING TECHNICAL DRAWINGS: An architectural work and a technical drawing for an architectural work are separate works. To register both an architectural work and a technical drawing as separate works, you will need to file separate applications for each work.

If you only intend to register an architectural drawing or blueprint as a visual art work (but do not intend to register the architectural work depicted in those drawings), select “technical drawing.”

If you submit an architectural drawing or blueprint and assert a claim in “technical drawing,” the registration will cover the diagrams, illustrations, and accompanying text contained within that drawing, but it will not cover the building or structure depicted in the technical drawing.

Deposit Requirements

To register your architectural work, you must send a copy of the work to the Copyright Office. Once a deposit has been submitted, it becomes part of the public record and cannot be returned.

The deposit should be one complete copy in visually perceptible form of the most finished form of an architectural drawing. It must show the overall form of the architectural work (i.e., external elevations of the building when viewed from the front, rear, and sides) and any interior arrangement of spaces and/or design elements in which copyright is claimed (i.e., walls or other permanent structures that divide the interior into separate rooms and spaces). If known, include the building site and names of the architect(s) and draftperson(s) on the deposit.

If the building or structure has been constructed, submit photographs that clearly show several views of the exterior and interior of the architectural work being registered.

The deposit may be submitted in any form that allows the Copyright Office to access, perceive, and examine the entire copyrightable content of the work being registered. The Copyright Office encourages the submission of deposits by upload through the online registration system. Files uploaded to the electronic system must be submitted in an acceptable format not to exceed 500 MB. Please note that uploaded deposits of published architectural works will not satisfy the mandatory deposit requirement. For more information, see *Mandatory Deposit of Copies and Phonorecords for the Library of Congress* (**Circular 7B**). If the name of the architect, draftsperson, or copyright owner appears in a proprietary legend in the margins of the blueprints or drawings, please upload a separate file containing this information.

NOTE

1. This circular is intended as an overview of copyright registration of architectural works. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Publications Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

