

# Circular 41

## Copyright Claims in Architectural Works

Application Form VA may be used to file a claim in any architectural work that meets the conditions described below.

### SCOPE OF PROTECTION

An original design of a building embodied in any tangible medium of expression, including a building, architectural plans, or drawings, is subject to copyright protection as an “architectural work” under Section 102 of the Copyright Act, 17 U.S.C., as amended on December 1, 1990. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design but does not include individual standard features or design elements that are functionally required.

The term **building** means structures that are habitable by humans and intended to be both permanent and stationary, such as houses and office buildings, and other permanent and stationary structures designed for human occupancy, including but not limited to churches, museums, gazebos, and garden pavilions.

**NOTE:** A work is considered published when underlying plans, drawings, 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. Construction of a building does not itself constitute publication for purposes of registration, unless multiple copies are constructed.

### Eligible Works

Architectural works created on or after December 1, 1990, and any architectural works that were unconstructed and embodied in unpublished plans or drawings on that date are eligible for protection.

### Works Excluded

The following works cannot be registered:

- Structures other than buildings, such as bridges, cloverleaves, dams, walkways, tents, recreational vehicles, mobile homes, and boats.
- Standard configurations of spaces, and individual standard features, such as windows, doors, and other staple building components, as well as functional elements whose design or placement is dictated by utilitarian concerns.

- The designs of buildings where the plans or drawings of the building were published before December 1, 1990, or the buildings were constructed or otherwise published before December 1, 1990.

### TERM OF PROTECTION

Protection for an architectural work created as a work made for hire (see “Name of Author” on page 3) on or after December 1, 1990, lasts for 95 years from the date of publication of the work or for 120 years from the date of creation of the unpublished plans, whichever term is less.

Protection for an architectural work created on or after December 1, 1990, by an individual in his or her personal capacity (not as a work made for hire) lasts for the life of the author plus 70 years.

Protection for an architectural work that is unconstructed and embodied in unpublished plans on December 1, 1990, terminates on December 31, 2002, unless the work is constructed by that date.

### REGISTRATION REQUIREMENTS

To register a claim to copyright in an architectural work, send the following material **in the same envelope or package** to:

Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.,  
Washington, D.C. 20559-6000

1. A properly completed application Form VA
2. A nonreturnable copy of the work (see “Deposit Requirement” below)
3. A nonrefundable filing fee of \$30\* in the form of a check, money order, or bank draft payable to the Register of Copyrights

### Separate Registration for Plans

A claim to copyright in an architectural work is distinct from a claim in technical drawings of the work. If registration is sought for both an architectural work and technical drawings of the work, separate applications must be submitted.

### Registration Limited to Single Architectural Work

A single application may cover only a single architectural work whether published or unpublished. A group of architectural works may not be registered on a single application

form. For works such as tract housing, a single work is one house model with all accompanying floor plan options, elevations, and styles that are applicable to that particular model.

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## HOW TO COMPLETE FORM VA

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### Title

At space 1, indicate the title of the building as well as the month and year when construction was completed. If the building has not yet been constructed, follow the title with the notation "not yet constructed." The "nature of this work" space should state "architectural work."

### Name of Author

At space 2, give the full name of the author who created the design of the architectural work. If the work was made for hire, name the employer as the author, and check "yes" to show that the work was made for hire. A work "made for hire" is one prepared by an employee within the scope of his or her employment, such as an architect employed by a firm. If the work was not "made for hire," name the individual who actually created the design as the author, and check "no" to show that the work was not made for hire. For more information on work for hire, request Circular 9, "Works Made for Hire Under the 1976 Copyright Act."

At this space, also list the country of which the author is a citizen or the country in which the author is domiciled.

### Nature of Authorship

"Architectural work" is the acceptable authorship description. Do not refer to authorship of the drawings on an application for an architectural work (see "Separate Registration For Plans" above).

### Creation and Publication

At space 3, give the year of creation and, if applicable, the date of first publication (month, day, year) of the architectural work. The creation date is the year in which the architectural work is embodied in plans, drawings, or models. Publication is defined in the boxed note on page 1.

### Claimant

At space 4, give the name(s) and address(es) of the copyright claimant(s) in this work, even if the claimant is the same as the author. Copyright in a work belongs initially to the author of the work. The copyright claimant is either the author or a person or organization to whom the author has transferred **all** of the rights in the United States copyright.

### Transfer

Ownership or partial ownership of the rights in a work must generally be transferred by a written instrument or by operation of law. If the copyright claimant is other than the author, give a brief statement in space 4 of how the claimant obtained ownership of the copyright, for example, "by written contract," "transfer of all rights by author," or "by assignment." Do not attach transfer documents.

## Previous Registration

The questions in space 5 are intended to find out whether an earlier registration has been made for this work and, if so, whether there is any basis for a new registration. As a rule, only one basic copyright registration can be made for the same version of a particular work.

If this version is substantially the same as a work covered by a previous registration, a second registration is not generally possible unless: (1) the work has been registered in unpublished form and a second registration is now sought to cover the first published edition; (2) someone other than the author is identified as copyright claimant in the earlier registration, and the author is now seeking registration in his or her own name; or (3) the work has been changed, and registration is now sought to cover the additions or revisions; and (4) the previous registration was for a technical drawing, and registration is now sought for the architectural work. If any of these exceptions applies, check the appropriate box and give the previous registration number and year. If more than one previous registration has been made for the work, give the most recent registration number and year. If the previously registered work has been changed, complete both parts of space 6 in accordance with the instructions below for "Derivative Work."

**NOTE:** If a drawing representing this architectural work has been previously registered, indicate on the last line of space 5 that the previous registration was for a drawing.

## Derivative Work

Complete space 6 if this work is a "changed version" or "derivative work" and if it incorporates one or more earlier works that have already been published or registered for copyright or that are in the public domain. A derivative work may be registered if it contains substantial additions or modifications to an earlier work and if these modifications, as a whole, represent an original work of authorship.

In space 6a describe the preexisting work. In space 6b describe the substantial additions or modifications for which registration is sought.

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## DEPOSIT REQUIREMENT

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The required nonreturnable deposit for an architectural work, whether or not the building has been constructed, is one complete copy of an architectural drawing or blueprint in visually perceptible form showing the overall form of the building and any interior arrangement of spaces and/or design elements in which copyright is claimed.

In cases where the claimant is seeking registration for both an architectural work and for the same work's technical drawings, the deposit of a single technical drawing will suffice for both claims if the applications are submitted together.

For archival purposes, the Copyright Office prefers that the drawings constitute the most finished form of presentation drawings and consist of the following in descending order of preference:

1. Original format, or best quality form of reproduction, including offset or silk screen printing
2. Xerographic or photographic copies on good quality paper
3. Positive photostat or photodirect positive
4. Blue line copies (diaz or ozalid process)

The deposit for a building that has been constructed must also include identifying material in the form of photographs that clearly disclose the architectural work being registered. The Copyright Office prefers 8 x 10-inch, good quality photographs that clearly show several exterior and interior views. The Copyright Office prefers that the deposit disclose the name(s) of the architect(s) and draftsman(s) and the building site.

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## FOR MORE INFORMATION

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**Information via the Internet:** Frequently requested circulars, announcements, regulations, other related materials, and all copyright application forms are available via the Internet. You may access these via the Copyright Office homepage at [www.loc.gov/copyright](http://www.loc.gov/copyright).

**Information by fax:** Circulars and other information (but not application forms) are available from Fax-on-Demand at (202) 707-2600.

**Information by telephone:** For information about copyright, call the Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty in the Public Information Office from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them from the Forms and Publications Hotline at (202) 707-9100 24 hours a day. Leave a recorded message.

Information by regular mail: Write to:

Library of Congress  
Copyright Office  
Public Information Office, LM-401  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000