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## **Copyright Protection of Home Building Plans**

By Robb B. Kahl, General Counsel and COO of Hometown Bancorp, Ltd.

Just like books, movies and songs, federal copyright laws protect the intellectual property of architects and home designers. These legal protections exist to protect all parties. Copyright laws respect and support the intellectual property of the original architect or designer, and prevent anyone from using the design without written permission.

Generally, all home plans include a copyright release and a license to use the documents to construct a single home. When you purchase construction documents, the licensor grants to you, as licensee, the right to use the documents to construct a single unit. This is generally an exclusive license, which may not be resold, duplicated, published or distributed without written permission. Furthermore, construction blueprints may not be reproduced without prior written consent of the home designer or publisher

As a plan licensee, you may customize the design to fit your personal preferences. Modified plans are considered "derivative works" of the original and it is crucial that you understand that these "derivative works" as well as the original work still retain copyright protection. No "derivative work" or revised design, even if completely redrawn, may be sold, duplicated, distributed or used to construct any units without the purchase of a license from the publisher, architect or home designer.

As a plan licensee, you may lend the home plans to third parties (builders, contractors, sub-contractors, inspectors, governmental agencies, etc.) as necessary to assist in the construction of the dwelling involved. All such lent plans must be retrieved and destroyed, except for the owner's reference sets, and those sets required by governmental agencies, after such assistance has been completed.

It is also illegal to copy home designs found in any plan book, on a CD-Rom or on the internet. It is a common misunderstanding that it is permissible to copy, adapt or change a floor plan or a design found in such sources but it is not. It is also illegal to copy any existing home that may have been built (if it is protected by copyright), even if you have never seen the plans for the home. If a particular home plan or existing home is desired, a set of plans must be purchased from the publisher, home designer or architect. Finally, it also important to remember that kitchen designers and landscaping architects and designers are now also copyrighting their work and these works are therefore afforded the same protections as home plans.

\*This information was provided by The Homebuilders Association of Fond du Lac and Dodge Counties, Inc.