

Advertising Industry Guideline

Moral Right of Attribution - Architectural Works



INTRODUCTION

This Guideline has been produced to guide the advertising industry and the architectural profession in respect to the reasonable application of the Copyright Amendment (Moral Rights) Act 2000 for the attribution of architects' works published in advertisements.

THE LEGISLATION

The Copyright Amendment (Moral Rights) Act 2000 provides, amongst other things, in Section 192 and 194:

The author of a work has a right of attribution of authorship in respect of works that are published; and in Section 195:

The identification of the author is to be clear and reasonably prominent.

GUIDELINE PRINCIPLE

The principle adopted for the purpose of the guideline is:

“Where a visual, spoken or written reference to a work of architecture is integral to the purpose of an advertisement, in any media, the architect for the work is to be clearly identified.”

ARCHITECTURAL WORKS

For the purpose of this guideline, architectural works are defined as any or all of the following, which have been created by an architect:

- drawings, models and illustrations
- a building or groups of buildings
- an urban environment such as a town square or civic place
- furniture.

FORM OF ATTRIBUTION

The attribution of an architect's work should simply state the word 'architect' followed by the name of the individual or entity who is the architect of the work.

This should be done in manner that is clear to the audience to whom the advertisement is directed

INTERPRETATION

It is not intended that this guideline would apply to advertisements, which publish general views of a collection of various architectural works, such as a view of a city, or streetscape, which illustrates the work of many individuals.

IDENTIFICATION OF THE AUTHORS OF ARCHITECTURAL WORKS

The legislation requires publishers to make all reasonable efforts to identify the author of works they wish to publish.

This information is often available through the following sources:

1. Local council building and planning offices
2. State libraries
3. National Trusts
4. The Royal Australian Institute of Architects