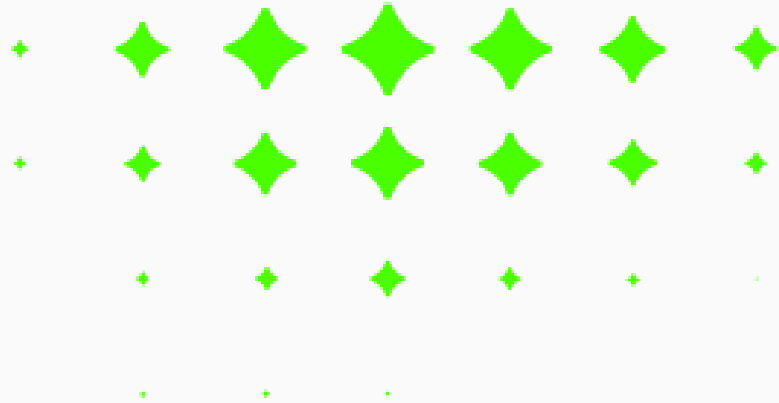
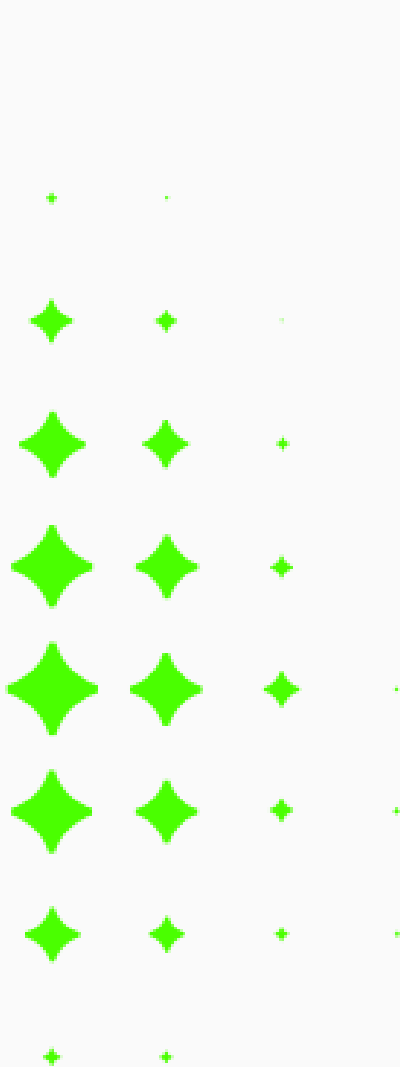


Copyright and architecture. Can a building's blueprint be considered a work of art?

Summary



From the earliest permanent settlements built of stone and mud to true masterpieces considered Wonders of the Modern World, architecture has always sought a balance among the three fundamental principles established by the Roman architect Vitruvius: strength, functionality, and beauty.

Each of these principles is open to free interpretation by architects, hence their works and projects can bear a strong imprint of their own personality; and it is precisely this glimpse into the author's personality that allows architecture to become a true work protected by copyright.

In this article, we will analyze in detail the connection between architecture and intellectual property and examine a practical example on how copyright interacts with the stage preceding the finished work: the blueprints.

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When we try to conceptualize architecture, we can think of it as the perfect balance between design, functionality, and technique, with a clear purpose: to organize the space around us. Similarly, the Royal Spanish Academy -*Real Academia Española (RAE)*- defines architecture as “*the art of designing and constructing buildings.*”

Since its inception, architecture has been built on solid foundations that include practicality and safety (ensuring the structures are usable), stability and durability (through the application of appropriate techniques and materials), and, of course, aesthetics (which are dynamic and ever-evolving, faithfully reflecting the culture of the time in which the structure is created).

The Spanish Intellectual Property Law covers a wide range of works eligible for copyright protection, specifically mentioning projects, plans, models, and designs of architectural works (Article 10.1.f) TRLPI). Thus, the protection of architectural works is not limited to the final structure but also extends to the documentation that constitutes the preceding creative process, including technical plans or, for example, a conceptual model.

The Taj Mahal in India, the Sydney Opera House in Australia, and the Guggenheim Museum in Bilbao (Spain) are unquestionably original architectural works—an evident fact at a mere glance at their facades, which convey a profound sense of creativity.

In fact, regarding the protection of architectural works, the relevant legislation does not introduce any additional requirements beyond those already commonly required for any type of artwork: its originality and its expression through any means or any format, whether tangible or intangible. However, to recognize such originality, a higher degree of distinctiveness appears to be expected in comparison to other categories of works.

When we talk about originality, we refer to the work's ability to reflect the author's personality. Consequently, what is protected is the specific, creative, and unique expression that the author has embodied in his or her creation.

The truth is that, in the field of architectural works, some examples are clearer than others. To that end, the Taj Mahal in India, the Sydney Opera House in Australia, and the Guggenheim Museum in Bilbao (Spain) are unquestionably original architectural works—an evident fact at a mere glance at their facades, which convey a profound sense of creativity expressed in each of their curves, geometries, and proportions, which is nothing less than a reflection of their architects' vision.

Nonetheless, author's creative freedom may be limited by technical considerations inherent to the type of work we are analyzing; therefore, to determine whether the originality requirement is met, an analysis must be conducted that takes into account the author's scope for creativity, the functional needs of the structure, and its technical and/or urban planning limitations.

Below we will examine a judgement concerning the protection of this type of architectural project and work, which, although functional, are no less deserving of copyright protection.

Thus, in 2023, a Spanish architect filed a lawsuit against several housing developers for building 45 single-family homes allegedly based on a design she had created.

The defendants contested the claim, arguing that the project was different because it included modifications, and denied having made an unauthorized use of the original. The Spanish First Instance Court ruled in favor of the plaintiff, finding that the architect's work had in fact been used for the development of the homes.

In response, the housing developers filed an appeal challenging the scope of protection afforded to the blueprint and sketches, and emphasizing the lack of originality in the design, arguing that a substantially similar house development had been built nearby.

In its decision No. 202/2026, March 9th, 2026, the Zaragoza Provincial Court examined whether the design created by the plaintiff-architect could be considered a work protected by intellectual property rights, and whether there had in fact been an

infringement of her rights. In conducting this analysis, the Provincial Court referred to the Supreme Court's judgment of April 26, 2017, and reached the conclusions set forth below.

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Both architectural works and related preparatory materials—such as illustrations, maps, plans, or sketches—are eligible for copyright protection when they constitute an original, externalized human creation.

Due to the functional nature of this type of work, there is a tendency to exclude so-called ordinary constructions from intellectual property protection; therefore, creative activity—and, consequently, originality—is of particular importance, as it endows the work with a novel character and allows it to be distinguished from preexisting works.

When an architectural project is largely driven by technical or functional requirements and compliance with urban planning regulations, the project or the completed building is not protected by copyright to the extent that it is dictated by technical, functional, or regulatory requirements, unless originality is achieved precisely through the novelty of the solutions adopted to meet those requirements.

In this specific case, the Zaragoza Provincial Court found that the architect's work had not been limited to resolving technical issues, but rather had provided the 45-unit housing development with an original construction solution, which involved designing the sketches, creating the final model of the homes, their technical development, and the preparation of the graphic documentation.

In addition, the concept of originality was supported by the court-appointed expert, who highlighted the intellectual effort and creativity involved in the project created by the architect and concluded that the final design was intellectually derived from the original because it preserves its essence.

As a result, the Zaragoza Provincial Court found it proven that the defendants had used the architect's blueprint design without her authorization, which constituted an infringement of her intellectual property rights.

This Judgment allows us to establish a fundamental principle: architectural designs can be protected by copyright as long as they are original and reflect the author's personality. It also needs to be considered that their functional nature may influence many of their elements and restrict the author's creative freedom.

In conclusion, the most important aspect of architecture is the expression of the work, just as the Italian architect Carlo Scarpa pointed out: *"The value of a work lies in its expression; when something is well expressed, its value increases."*

Both architectural works and supporting documentation related to illustrations, maps, plans, or sketches are works protected by copyright.

