Cities and Counties Cooperate on Brownfields

A group of mayors and county officials met with Vice President Gore on December 17, 1997, to enlist his support for pressing regional problems such as transportation and brownfields. The latter provides opportunities for landscape architects in terms of planning, design, and sustainability.

Watcha Gonna Do?

Landscape Architecture Ethics

He believed he was justified in using it because it reflected the kind of work he believed his new firm could produce if given the chance. Fringement brushed off the affair and told Dignant to speak to the photographer, Vi Olation.

Olation said that she owned the rights to the photograph even though Dignant had paid her to take it. She told Dignant, “I've sold dozens of these kinds of prints at my swimming pool in my backyard!”

In this instance, although the copyright law provides protection against any reproduction of the plans, blueprint, or drawing of the design, it would not necessarily transfer to a photograph of the work once it is executed and becomes part of the landscape.

The Ethics Committee also notes that Olation, the photographer, should have taken into consideration the wishes of Dignant, who commissioned the photograph. Without doing so, Olation disregarded her own professional code. The American Society of Media Photographers Code of Ethics Rule 21 states, “Consider an original assignment client's interests with regard to allowing subsequent stock use of that work by the client's direct competition, absent an agreement allowing such use.”

The Ethics Committee believes that if Dignant was unable to get sufficient redress from Fringement, then Dignant should consider the feasibility of filing a civil suit on the grounds that such a reproduction of Dignant's original design without his permission violated copyright laws and provisions. Whether Dignant had signed a property release when the photograph was taken might have a bearing on the outcome of the suit.

The Ethics Committee suggests Dignant should have copyrighted his design with the Library of Congress under “Works of the Visual Arts.” The filing fee is $20 and the copyright office can be reached at either (202) 707-3000 or through its hotline at (202) 707-9100.

Although Dignant's work automatically became copyrighted once it was created, unless he registered it with the copyright office he would not be entitled to the benefits that come with having a public record of the design. A copyright registration basically ensures that when an infringement occurs the person holding the copyright receives statutory damages and compensation for attorneys' fees.

In this instance, although the copyright would provide protection against any reproduction of the plans, blueprint, or drawing of the design, it would not necessarily transfer to a photograph of the work once it is executed and becomes part of the landscape.

Editor's Note: One of the objectives of the ASLA Ethics Committee is to educate members about the ASLA Code and Guidelines for Professional Conduct. The code contains important principles relating to duties to clients and to members of the Society.