

# Professional Ethics and Code of Conduct in Architecture: An Evaluation of Indian Scenario

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## Abstract

*Architecture thrives on creativity and originality, yet rising cases of plagiarism and Intellectual Property Rights (IPR) violations threaten professional integrity. The aim of this research is to understand legal and ethical frameworks that balance creativity, authorship, and inspiration. While existing literature on architectural ethics, the Copyright Act, and IPR focuses on broad legal principles, their practical application in architecture remains underexplored. Comparison with international frameworks reveals gaps in India's legal and ethical systems, emphasizing the need for stronger alignment with global standards to protect creativity and authorship. Using thematic analysis, the study combines surveys, interviews, and secondary data from legal and policy documents, including Council of Architecture (CoA) guidelines and professional codes of conduct. This research explains the dynamics of ethical governance, authorship, and professional accountability in architecture, understanding how ethical and legal frameworks safeguard creativity and authenticity in design. Findings reveal poor IPR awareness, weak enforcement, and institutional gaps in ethical regulation.*

**Keywords:** COA, code of conduct, copyright act, IPR, plagiarism

## INTRODUCTION

Architecture thrives on creativity, originality, and innovation. Every architectural work reflects not only technical knowledge but also the imagination and intellectual identity of its creator. However, in recent years, the profession has witnessed increasing instances of plagiarism, imitation, and Intellectual Property Rights (IPR) violations [1–3]. The availability of digital design tools and online platforms has made it easier to copy or modify designs without consent [4–5], raising serious questions about ownership, authorship, and professional accountability [1, 6]. These issues challenge the ethical foundations of the architectural profession and highlight the need for stronger legal and ethical mechanisms to protect creative work [3, 7]. This study focuses on understanding how professional ethics and copyright laws together ensure fairness, originality, and integrity in architectural practice, particularly in the Indian context [8–10].

In India, the architectural profession is governed by the Council of Architecture (CoA) under the

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Architects Act, 1972, which defines the Code of Conduct for ethical professional practice [11]. Despite these established guidelines, cases of plagiarism, unauthorized alterations, and failure to credit original architects continue to surface [9–10, 12]. Such practices damage the credibility of the profession and undermine the creative rights of designers. Furthermore, many architects and students lack awareness of the Copyright Act, 1957, which legally protects architectural designs as artistic works. This lack of awareness and weak enforcement of ethics have created a gap between

written regulation and real-world practice [1, 3, 7–8]. The study is motivated by the need to promote accountability and strengthen ethical awareness among architects. It examines how the existing legal and ethical systems protect creativity and evaluates their effectiveness in maintaining professional integrity. By comparing Indian frameworks with those in the United States, European Union, and China, as well as referencing global standards from WIPO and UNESCO [13–14], the research aims to identify shortcomings and suggest improvements for a stronger ethical and legal structure in architecture.

The aim of this research is to understand legal and ethical frameworks that balance creativity, authorship, and inspiration. Architecture, being a discipline rooted in originality, often faces challenges related to plagiarism, imitation, and unauthorized use of creative works [2–3]. This study, therefore, examines how professional ethics and copyright laws can effectively protect architectural originality while maintaining integrity within design practice [8, 11]. It further aims to identify common forms and patterns of malpractice, including intellectual property violations and ethical misconduct that threaten professional credibility [1, 9, 12]. The research also evaluates the effectiveness of the Council of Architecture's (CoA) Code of Conduct in promoting ethical responsibility and preventing malpractice. Additionally, it compares Indian ethical and copyright frameworks with international standards to highlight existing gaps and propose reforms [11, 13–14]. Ultimately, the study seeks to suggest practical measures that can strengthen ethical awareness, ensure accountability, and safeguard creative authorship within the architectural community [1, 7].

The study seeks to explore the complex relationship between creativity, authorship, and professional responsibility within architectural practice. It begins by examining architectural malpractice, questioning how unethical practices, such as plagiarism, imitation of design, and infringement of intellectual property rights (IPR), arise in both academic and professional settings [2–3]. Understanding when and why these disputes occur helps identify underlying causes such as weak ethical awareness, insufficient legal protection, and lack of institutional enforcement [7, 11]. The research also explores the current level of understanding among Indian architects and students regarding IPR and copyright protection, as this often influences how creative rights are exercised or violated. Closely related is an examination of how professional ethics, academic institutions, and governing bodies, like the Council of Architecture (CoA), can help reduce malpractice through education, regulation, and disciplinary action [1, 8, 11]. At a broader level, the study analyses how India's IPR protection and ethical frameworks compare with those of other countries, including the United States, the United Kingdom, the European Union, and China. This comparison helps identify gaps and assess the adaptability of international treaties and best practices such as those established by WIPO and the Berne Convention [13–14]. The research further questions the effectiveness of India's professional ethics and code of conduct in preventing unethical practices and protecting creativity. It also investigates why awareness and enforcement of IPR remain weak in India's architectural profession, particularly regarding institutional implementation by the CoA [1, 3, 11]. Finally, the study seeks to determine strategies for ensuring fair recognition and protection of architectural contributions, thereby fostering originality, accountability, and professional integrity in architecture [1, 7].

## LITERATURE REVIEW

This study on Professional Ethics and Code of Conduct in Architecture: An Evaluation of the Indian Scenario focuses on the growing need to connect creativity with law in architectural practice. Architecture is both an artistic and technical field, but architects often face ethical and legal problems like plagiarism, authorship disputes, and copying of designs [1–2, 15]. This literature review looks at national and international research that explores how copyright, ethics, and professional responsibility relate to architectural practice. It also identifies gaps in existing studies and explains why this research is needed.

Across the world, many scholars have studied architecture as a creative art that deserves the same legal and moral protection as paintings or sculptures. The WIPO–UNESCO Report [13] laid an early

foundation by defining architecture as both an artistic and cultural expression. It emphasized originality, creative authorship, and moral rights of designers. However, the report also pointed out that every country protects architecture differently, creating inconsistency. This lack of uniform protection still affects developing countries like India. The Copyright Act, 1957 is the main law that protects architectural designs. It includes drawings, models, and structures under “artistic works” and protects them for 60 years after the creator’s death. Sections 2(c), 22, and 52 define what is protected and what counts as fair use. However, as Monica R. [1] explains, the Act does not clearly address digital or 3D works. Her comparative study of India, the U.S., and the EU shows that architects in India are more vulnerable to design theft because of missing legal clarity. She suggests creating special courts and reforms to handle architectural copyright cases more effectively. The question of originality in design is discussed by Wojtkun and Simatupang et al. [2, 16]. Their studies show that in the digital age, where software and prefabrication are common, it is difficult to identify plagiarism. Simatupang used a legal approach to propose measurable aspects such as spatial layout, proportions, and form to judge originality. These studies reveal that globally there is still no standard method to detect copied designs a gap that this study will explore in the Indian context.

Indian court cases also show how copyright and ethics clash in practice. In *Anil Agarwal v. Delhi Vidyut Board*, the court ruled that an architect’s drawings are artistic works and cannot be used without permission. In *Associate Builders v. DDA*, the court introduced the idea of an “implied license,” allowing limited reuse of designs for extensions of existing projects. Similarly, in *Eastern Book Company v. D.B. Modak*, the court discussed that originality comes from skill and judgment, not just effort. The *Raj Rewal v. Union of India* case further showed that while architects are creative authors, property owners still hold the right to modify or demolish buildings – exposing the weak moral rights of architects in India [9–10, 12, 17].

The Manual of Architectural Practice MAP, by the Council of Architecture (CoA) gives ethical and professional guidelines to Indian architects. It includes the Architects Act, 1972 and the Code of Professional Conduct [11]. MAP explains that while the client owns the physical building, the architect remains the author of the design and holds copyright under the Act. However, it mainly focuses on conduct and does not provide legal solutions for copyright violations. This shows the gap between ethical advice and actual legal enforcement. From a moral and cultural view, Eweda and Ruhtiani et al. [3, 7] study how ethics and intellectual property are connected. They argue that protecting authorship is not just a legal duty but also a moral one that benefits society. Their research highlights the need for moral education and awareness about intellectual property something India also needs to strengthen among students and professionals. Technology is now changing how architectural copyright can be protected. Lin et al. proposed a blockchain- and IoT-based model to track digital design ownership and ensure authorship verification. This system could prevent design theft and help manage BIM and 3D models in India’s growing digital design industry. Other international studies also point to similar issues. Zhilskiy et al. [18] and the EU Directive 98/71/EC found that definitions of architectural originality and enforcement methods vary across countries. In the U.S., Bradberry and Hixon found that although the Architectural Works Copyright Protection Act improved protection, it also made it harder to separate artistic from functional elements of a building [4, 15, 18, 19].

Overall, these studies show a clear research gap. Despite many laws, ethical codes, and global conventions, architecture still lacks a unified system that brings together legal protection, professional ethics, and modern technology. In India, the Copyright Act and the Council of Architecture’s Code of Conduct exist separately and are weakly enforced. There is also little research on how well architects understand or apply these rights in their work.

This research aims to fill that gap by creating a framework to evaluate professional ethics and copyright protection for architects in India. It combines legal comparison, case analysis, policy review, and survey-based methods to study how law and ethics function together. Architecture [1, 8, 11].

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## RESEARCH METHODOLOGY

This study looks into an important problem in the field of architecture in India – the issue of unethical practices like plagiarism, copying designs, and violations of Intellectual Property Rights (IPR).

The study uses a qualitative and comparative research method. This means it combines different ways of gathering and analyzing information. First, the research reviews existing laws, policies, and case studies related to architectural malpractice in India and other countries. These sources help understand the rules and challenges architects face when protecting their work.

The group of people studied includes practicing architects registered with the CoA, architecture teachers, students in their final or postgraduate years, and policymakers involved in architectural regulation. These groups were selected because they play an important role in shaping and following ethical and legal rules in architecture. The research also considers different backgrounds of these people, such as their age, gender, work experience, and education, to see how these factors affect their knowledge and views on IPR and ethics. Data was collected from September to November 2025, a period chosen to fit well with academic and professional schedules. This timing helped ensure good participation and high-quality responses. The data collection mostly happened during daytime, when most participants were available and able to respond thoughtfully.

The study used two main ways to collect data: surveys and interviews. The survey included structured questions designed to measure how much people know about IPR and ethics, their opinions, and their experiences with plagiarism or design copying. The survey had set of questions, i.e., basic personal details, Awareness of Copyright & Ethics, IPR & Ethical perception, comparative & framework some using a scale to measure agreement with statements, and some XYZ as open-ended questions where respondents could share their thoughts in their own words. The survey was shared electronically and completed by about 20 people. Using surveys helped collect standardized information, making it easier to compare responses and find common patterns.

In addition to surveys, the study conducted semi-structured interviews with about 20 people such as experienced architects, educators. These interviews allowed the researcher to explore more detailed views and stories about ethical issues, challenges in protecting designs, and suggestions for improvement. The semi-structured format gave flexibility to ask follow-up questions and dive deeper into important topics, like the use of technology (for example, Building Information Modelling or blockchain), to protect design ownership and the role of CoA in enforcing ethics.

Using both surveys and interviews was helpful because it combined broad, measurable data with rich, detailed personal insights. While laws and cases show the formal rules, surveys reveal what people actually know and think, and interviews explain the real challenges and possible solutions. This combination made the research more reliable and gave a fuller picture of the problem.

## RESULTS AND DISCUSSIONS

The findings of this research reveal that architectural malpractice in India manifests primarily through plagiarism, unauthorized imitation, uncredited reuse of design elements, and violations of IPR. Both survey and interview data confirm that unethical replication is widespread: 68.4% of respondents reported witnessing plagiarism, especially in academic submissions and early professional work. Examples included copying façade designs from online platforms, reusing project templates, and adopting design concepts without attribution. These practices align with global concerns highlighted in the literature, where digital tools and easily accessible online imagery have increased the vulnerability of architectural creativity to imitation.

Malpractice disputes typically arise when authorship is unclear, when multiple designers contribute to the same project, or when clients engage several architects simultaneously. Survey patterns reinforce this observation: 73.7% respondents indicated disputes arise when designs are shared digitally without

control, while 63.2% linked conflicts to reused design materials and unclear project authorship. Interviewees emphasized that client pressure to reuse or imitate popular designs often triggers ethical dilemmas and disputes over originality.

The study also found low levels of IPR awareness among Indian architects and students. Survey data show that 57.9% of respondents had low-to-medium awareness of copyright laws, and 63.2% had never referred to CoA's Code of Conduct or MAP 2011, despite these being central ethical guidelines. This gap is consistent with interview statements from educators who observed insufficient integration of ethics and IPR training in architectural curricula. Poor documentation practices, such as lack of authorship records, copyright notes on drawings, or digital timestamps, further weaken protection.

When comparing India with global frameworks, clear differences emerge. 73.7% survey participants rated CoA's effectiveness as largely "average" or "poor", reflecting weak enforcement of ethical standards. In contrast, systems in the USA (AWCPA 1990), EU Directive 98/71/EC, and China's design registration model provide stronger legal backing, stricter penalties, and clearer originality criteria. Survey responses also show 57.9% uncertainty about WIPO and Berne Convention protections, indicating limited awareness of international standards that could enhance Indian practice.

The study identified several reasons for weak enforcement in India: slow disciplinary processes within the CoA, ambiguous interpretation of moral rights (as seen in *Raj Rewal v. Union of India*), lack of firm-level ethics policies, and limited access to legal resources. Interviews added that architects often prioritize client demands over ethical obligations, leading to compromised authorship and design integrity.

To ensure fair recognition of architectural contributions, participants recommended mandatory IPR education, stronger CoA action, digital authorship tools (timestamps, BIM logs, blockchain verification), and clear contractual clauses on authorship. 70% survey responses showed strong agreement for the need for stricter ethical training and internal firm policies. Overall, the findings indicate an urgent need for regulatory strengthening, educational reform, and incorporation of global best practices to enhance ethical conduct and protect originality in Indian architecture.

## CONCLUSION

This research set out to examine the complex issue of architectural malpractice in India, focusing on plagiarism, design imitation, and violations of IPR. The findings demonstrate that unethical practices are not isolated occurrences, but systemic challenges deeply linked to gaps in legal awareness, weak enforcement mechanisms, and insufficient ethical education within architectural training and professional practice. Survey results revealed that a large proportion of respondents primarily young architects and students have witnessed plagiarism firsthand, while the majority possess only limited understanding of copyright laws, authorship rights, and their responsibilities under CoA Code of Conduct and MAP 2011. These insights confirm that malpractice often arises not only from intentional wrongdoing but also from widespread lack of clarity about legal and ethical standards.

The study further shows that disputes around architectural plagiarism typically emerge where authorship is unclear, where digital design sharing lacks control, and where client-driven pressures encourage imitation. Interviews with practitioners and educators affirmed that architectural creativity is increasingly vulnerable due to digital platforms that make copying effortless. At the same time, documentation practices remain weak, leaving architects unprotected even when original work is produced. These realities highlight the need for stronger institutional guidance and legal literacy to safeguard artistic integrity.

A comparative review of global IPR framework, such as the USA's AWCPA, EU originality directives, and China's design registration system, illustrates that India's current mechanisms fall short in both clarity and enforcement strength. The limited understanding of Berne Convention and WIPO

protections among survey participants reinforces the gap between international best practices and their application in Indian architectural practice. Despite the existence of legal precedents, like *Raj Rewal v. Union of India*, the Indian system continues to struggle with protecting moral rights and authorship claims effectively.

The significance of this research lies in its combined doctrinal, empirical, and comparative approach, offering a comprehensive picture of how ethical lapses and legal vulnerabilities intersect in India's architectural landscape. By integrating first-hand data with legal analysis, the study highlights the urgency of strengthening ethics education, improving IPR awareness, and equipping architects with the tools and knowledge required for responsible practice.

The findings hold strong future relevance. As India's architectural profession becomes more digitally integrated and globally connected, the need for robust IPR protection and ethical accountability will only intensify. This research underscores the importance of reforming professional regulations, adopting global best practices, developing clearer contractual frameworks, and ensuring that architectural creativity receives fair recognition. Strengthening these systems will support a more transparent, ethical, and innovative architectural ecosystem for the future.

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## APPENDICES

### Appendix A: Literature Review Summary Table

This appendix includes the table summarizing all 19 research papers reviewed in the study. It presents the paper titles, authors, year, source, and key findings related to disaster shelters, forming the foundation of the research understanding.

S. N.	Paper title	Author name	Year	Journal name	Summary
1	Copyright protection for the Architectural designs in India: a comparative analysis of the copyright act, 1957 with international standards	Monica R	2024	<i>Journal of Novel Research and Innovative Development (JNRID)</i>	The paper critically examines the protection of architectural designs under the Indian Copyright Act, 1957, and compares it with international laws such as the U.S. Architectural Works Copyright Protection Act (1990) and EU Directives. It identifies several gaps in India's legal framework, including the lack of a clear definition of "architectural work," limited recognition of moral rights, poor enforcement, and the absence of protection for digital or virtual designs. Through case studies, like <i>Anil Agarwal v. Delhi Vidyut Board</i> , <i>Associated Builders v. DDA</i> , and <i>D.B. Bhargava v. Housing Development Board</i> , the study highlights how inconsistent judicial interpretation weakens architects' rights. The paper proposes reforms, such as amending the Act to cover constructed and digital works, introducing a hybrid IP system combining copyright and design laws, and establishing special tribunals for architectural disputes. It concludes

					that strengthening moral rights and aligning Indian laws with global standards can reduce plagiarism, safeguard originality, and promote ethical architectural practice.
2	Originality versus plagiarism and similarity in architecture: Copyright aspects of Architectural design	Grzegorz Wojtkun	2024	<i>Space &amp; Form (Przestrzeń i Forma)</i>	The paper examines how copyright law protects architectural creativity and the challenges in defining originality and plagiarism in design. It reviews how architectural works – being complex, spatial, and collaborative – often blur the line between inspiration, imitation, and infringement. The author highlights those modern tools, like computer-aided design and prefabrication systems, complicate originality, as many architects use shared digital libraries. The study also explains Poland’s copyright laws, emphasizing moral and economic rights of architects, and notes that unintentional plagiarism can occur due to overlapping design ideas. Overall, the paper stresses the need for clearer legal and ethical frameworks to balance creativity, authorship, and inspiration in architecture.
3	Study on the Application of the Concept of Substantial Similarity for the Protection of Architectural Works Towards Renewal of the Copyright Law in Indonesia	Taufik H. Simatupang, Trisapto Wahyudi Agung Nugroho, Imam Lukito, and Antonio Rajoli Ginting	2021	Advances in Social Science, Education and Humanities Research (ASSEHR)	The paper explores how Indonesia’s Copyright Law can better protect architectural originality. The authors explain that many buildings resemble each other due to shared inspiration, making it difficult to distinguish between creativity and plagiarism. Using a normative juridical method, the study finds that Indonesia’s current Copyright Law does not clearly define what counts as imitation or substantial similarity in architecture. The paper recommends revising the law to include technical standards for identifying imitation in aspects, like design, form, and spatial composition, ensuring fairer protection for architects and their creative works.
4	The copyright act, 1957 (14 of 1957)	Government of India, Ministry of Law and Justice	1957	<i>Parliament of India.</i>	Section 2(b) of the Copyright Act, 1957 defines a work of architecture as any building or structure with artistic design, including models for such buildings. Section 2(c) defines artistic work as paintings, sculptures, drawings, engravings, photographs, works of architecture, and any artistic craftsmanship, regardless of artistic quality. Section 13 states that copyright protects the artistic design, models, and works themselves, but not the method or technique of construction. According to Section 22,

					copyright lasts for 60 years from the start of the year following the author's death for published literary, dramatic, musical, and artistic works. Section 52 deals with fair use, this act prohibits the exact copying of architectural designs. However, it does not prohibit introduction of new features in the existing model and elements of originality are present, allowing architectural designs to be used with the creator's consent, balancing the author's rights and public interest. Section 52(s) clarifies that acts, like photographing, engraving, painting, or including publicly accessible architectural works in films, do not count as infringement, provided originality is maintained and no exact copying occurs.
5	Case comment on Raj Rewal v. Union of India & ORS.	Deeksha Prakash	2020	Indraprastha Law Review	In the case of <i>Raj Rewal v. Union of India</i> , the court had to decide whether an architect could stop the government from demolishing buildings he had designed. Raj Rewal argued that his copyright gave him moral rights over the Hall of Nations and Nehru Pavilion, meaning they should not be destroyed without his consent. However, the court ruled that since the buildings were on government-owned land, the owner had the right to tear them down. The law protects artists from having their work distorted or modified in ways that harm their reputation, but it does not clearly say anything about full destruction. The court explained that once a building is completely gone, it no longer affects the architect's reputation. It also emphasized that the constitutional right to property is stronger than the moral rights granted under copyright law. International cases support this view, showing that once ownership is transferred, the creator's rights are limited. The ruling made it clear that architects cannot demand their work be preserved forever. This case highlights the need to update copyright laws to better protect architectural works and clarify what counts as harm to an architect's reputation – especially in a country where urban development often clashes with cultural preservation.
6	Works of Architecture: Preparatory Document for and Report of the WIPO/UNESCO Committee of Governmental Experts	World Intellectual Property Organization (WIPO) in collaboration with UNESCO	1986	<i>World Intellectual Property Organization (WIPO)</i>	The WIPO/UNESCO Report (1986) discusses how architectural works deserve recognition and protection under international copyright law. It emphasizes that architecture is not only a technical profession but also a

				<i>Publication No. 120(E), Geneva.</i>	creative art form that reflects cultural identity. The report explains key principles, such as the right of reproduction, alteration, and moral rights of architects, ensuring that their creative efforts are respected and not misused. It also highlights that drawings, models, and complete structures should all receive copyright protection. The report encourages governments to adopt fair legal frameworks that safeguard architects' economic and moral rights while promoting innovation. Overall, it provides strong international guidance for recognizing architecture as an artistic creation that deserves the same intellectual property protection as literature, music, or painting.
7	Blockchain and IoT-based architecture design for intellectual property protection	Jun Lin, Wen Long, Anting Zhang, and Yueting Chai	2020	<i>International Journal of Crowd Science</i>	The paper focuses on establishing the existing work in two major areas before presenting the authors' new solution. The research first confirms that prior work has already been explored using blockchain technology specifically for Intellectual Property (IP) protection, including legal discussions on digital copyright, securing assets like microfilms, and preventing IP theft in the 3D printing supply chain through secure licensing. This body of work verified that blockchain is ideal for integrity verification and establishing the provenance of IP. Secondly, the review highlights successful research that combines blockchain and the Internet of Things (IoT), particularly in non-IP areas like the shared economy and food traceability/safety. These combined applications demonstrated that using IoT devices to automatically record data and secure it on a blockchain reduces manual intervention and creates an indisputable, trusted record. This existing combined architecture is used as the foundation for the current paper's proposed general IP protection system.
8	Intellectual Property & Architecture – Copyright Protection in Focus	Catherine Lovrics	2020	<i>Marks &amp; Clerk website</i>	Catherine Lovrics' article "Intellectual Property & Architecture – Copyright Protection in Focus" (2020) explains how copyright laws protect architectural works and why intellectual property is important for architects. The paper describes those architectural drawings, models, and building designs are considered artistic works under copyright law, giving architects exclusive rights over their creations. Lovrics discusses how originality and authorship determine

					ownership and how copying even part of a design can amount to infringement. The article also highlights exceptions, such as photographing buildings in public, and emphasizes that architects must use contracts and clear licensing terms to protect their work. It encourages professionals to treat their designs as valuable intellectual assets and to understand their legal rights. Overall, the paper provides practical guidance on balancing creativity, ownership, and protection in modern architectural practice.
9	Protection of intellectual property of an architect	Nicolay Zhilskiy, Emma Shariapova, and Marina Matveeva	2019	<i>E3S Web of Conferences 91</i>	The paper examines the growing problem of protecting architects' copyright-and-creative rights in Russia. It notes a rising number of court cases where architects seek legal remedy for infringement, signaling widespread violations of intellectual property. A central challenge is the lack of clear legal definitions for key architectural concepts like "architectural solution," "architect's concept," and "architectural design." Because these terms are not firmly defined in law, courts frequently rely on expert opinions to interpret them – producing legal outcomes that hinge on specialist testimony rather than settled legal doctrine. The authors argue that to strengthen protection for architects' creative works, the legislation should formalize precise definitions of these concepts and clarify the essential features of architectural works.
10	Copyright Protection for Architectural Design: A Conceptual and Practical Criticism	Gregory Hancks	B. 1996	<i>Washington Law Review</i>	This paper critically examines the U.S. Architectural Works Copyright Protection Act (AWCPA), which granted copyright to architectural designs. Hancks argues that while the law was meant to protect creativity, it does not suit the practical nature of architecture. Unlike paintings or books, buildings are functional, collaborative, and exist in public spaces, making it difficult to separate artistic expression from utility. He highlights that the law creates confusion about what is protected and increases the risk of legal disputes among architects. Hancks believes that copyright protection may restrict design freedom instead of encouraging innovation. He suggests narrowing legal protection to works that show genuine artistic originality and stresses that clear contracts and professional ethics are better tools for protecting architects' creative rights.

11	Legal Protection of Architectural Works as Copyright: An Epistemological and Islamic Law Perspective	Maya Ruhtiani, Tri Lisiani Prihatinah, Sulistyandari, Hyun Kyung Park, Yayuk Whindari	2024	<i>El-Mashlahah</i>	The research confirms architecture's status as an artistic work, making it eligible for copyright, though there is an ongoing debate about whether the protection covers the building itself or just the underlying design plans. This paper goes further, finding that legal protection is justified by two major concepts. The first, from the philosophy of knowledge (epistemology), confirms that the architect's work is the result of a rigorous and objective creative process that combines science and culture, thereby establishing its authenticity and originality. The second, from Islamic law, establishes that protection is ethically mandatory due to the principle of <i>Mashlahah</i> (public interest). Since the work benefits the community, the creator's moral rights must be preserved to encourage this vital public contribution, making financial (economic) rights a secondary guarantee of the creator's effort.
12	The Architectural Works Copyright Protection Act of 1990: At Odds with the Traditional Limitations of American Copyright Law	Todd Hixon	1995	<i>Arizona Law Review</i>	The paper's literature review is framed by the traditional, limited protection architecture received under US law, which denied copyright to buildings based on two strict tenets: the "Useful Article" Rule and the "Idea vs. Expression" Rule. This tradition recognized that a building's overall form is inherently functional, and that imitation is integral to architectural training, meaning basic concepts must remain free for designers to borrow and evolve. The author argues the 1990 Act was a drastic and harmful departure from this literature because it granted a copyright monopoly over the building's overall design. The solution the paper gives is to reject the broad protection granted by the 1990 Act, arguing that the societal benefit of keeping architectural ideas free for all to use and adapt "far outweighs" the minimal increase in rights for the individual architect. This means architects should rely only on the limited, pre-1990 forms of protection.
13	Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs	The European Parliament and the Council of the European Union	1998	<i>Official Journal of the European Communities</i>	The document provides legal protection for the visual design and appearance of products, including architectural works within the European Union. For architects, this means that the external look of a building – such as its shape, lines, texture, color, or materials – can be protected as a design under Article 1. According to Articles 3 and 4, the architectural design must be new and

					have individual character to qualify for protection. Once registered, rights are granted for five years, renewable up to twenty-five years as stated in Article 10. The directive ensures that architects receive fair recognition for their creative expressions and prevents unauthorized copying of building designs across EU countries. Overall, it encourages originality and strengthens intellectual property protection in modern architectural practice.
14	Putting the House Back Together Again: The Scope of Copyright Protection for Architectural Works	Lauren Jean Bradberry	2015	<i>Louisiana Law Review</i>	This paper examines how copyright law protects architectural designs under the Architectural Works Copyright Protection Act (AWCPA). It explains that while the law gives architects ownership over their creative work, it is often difficult to separate what is artistic from what is purely functional. The author discusses that buildings must meet practical needs, such as safety rules, client demands, and site conditions, which limits how much of a design can truly be original. The study reviews court cases showing how protection sometimes becomes too broad or too narrow, creating confusion about what parts of a building are covered. It argues that copyright should protect the overall creative design but not common or necessary features like doors or staircases. The paper suggests balancing artistic freedom with public interest so architects can innovate without unfair legal restrictions.
1	Eastern Book Company v. D. B. Modak (2008) 36 PTC 1 (SC)	Journal of Novel Research and Innovative Development	2024	<i>Journal of Novel Research and Innovative Development</i>	Eastern Book Company (EBC) is a well-known law publisher that produces law books and compilations of Supreme Court judgments. EBC created a unique and organized collection of these judgments, including special editing and formatting. Later, D.B. Modak made a similar compilation and sold it at a cheaper price, which caused confusion among the public and affected EBC's reputation. EBC filed a complaint for copyright infringement. The Supreme Court held that D.B. Modak's work was not original and had substantially copied EBC's compilation. The Court ruled that the skill, effort, and arrangement used by EBC made its work original, and therefore, protected under the Copyright Act. This case highlights the importance of originality and creative input in any work. Even though it was not about architecture, the same principle

					applies – originality is essential for copyright protection.
16	Anil Agarwal v. Delhi Vidyut Board, [2000] 3 SCC 1 (India)	Supreme Court of India	2000	<i>Supreme Court Cases (SCC)</i>	This case discusses the copyright protection of architectural drawings under the Copyright Act, 1957. Mr. Anil Agarwal, an architect, submitted his original building design to the Delhi Vidyut Board (DVB) during a tender process. Although his design was not selected, the Board later used his drawings to construct the building without his permission. The Court held that the Delhi Vidyut Board was liable for copyright infringement, recognizing that architectural drawings are protected as artistic works under Section 2(c) of the Act. Since the design was original and created through Mr. Agarwal's skill and creativity, he was entitled to legal protection. The judgment emphasized that even government bodies cannot use an architect's work without consent. This case highlights the importance of originality, authorship, and ethical practice in protecting architectural creations.
17	Associate Builders vs Delhi Development Authority on 25 November 2014	R.F. Nariman	2014	<i>Supreme Court Cases (SCC)</i>	This case explores copyright ownership and usage rights in architectural designs under the Copyright Act, 1957. The Delhi Development Authority (DDA) initially appointed Associate Builders to design and construct housing complexes in Delhi. Later, the DDA built additional complexes using the same architectural design but with different builders, without the architect's permission. Associate Builders filed a case claiming copyright infringement, arguing that their original design was reused without consent and violated their moral rights. The Court agreed that the architectural design was an artistic work protected by copyright but also recognized an implied license between the architect and the DDA, allowing limited reuse of the design for expansion. The judgment highlights the need for clear contractual terms defining ownership and usage rights of architectural works to prevent misuse and protect creative authorship.
18	Intellectual Property in Architecture: between Legislations and Ethical Manifestations with Special Reference to the Egyptian Case	Nehad Mohamed Eweda	2011	<i>Archnet-IJAR, International Journal of Architectural Research.</i>	The paper focuses on the legal and ethical conflict surrounding architectural design. It confirms that laws in Egypt, like Law 82/2002, formally grant architects copyright protection for their unique designs. However, the review highlights that despite these legal rules, design copying and intellectual property (IP)

					infringement are still common problems. The paper argues this isn't just a legal failure, but a moral one, referencing ethical standards and even Islamic law, which forbid unauthorized use of someone's work. The key finding from the review is that the primary reason for these violations is a widespread lack of awareness and respect for IP rights among architectural students and practicing professionals, concluding that IP education is essential to solve the problem.
19	Manual of Architectural Practice (MAP) – Volume I: Guidelines for Architectural Practice	Council of Architecture (CoA), India	of 2011	<i>Official Publication of the Council of Architecture, New Delhi</i>	The <i>Manual of Architectural Practice (MAP) – Volume I</i> , published by the Council of Architecture (CoA), India, serves as a complete guide for professional, legal, and ethical architectural practice. It includes the Architects Act, 1972, which regulates the profession and defines the powers of the CoA, ensuring only qualified architects practice in India. The manual explains the Code of Professional Conduct and Ethics (1989), which emphasizes honesty, competence, and fair practice in client and public dealings. It highlights the distinction between authorship and ownership of design, clarifying that while a client may own the building, the architect retains copyright as the original creator under the Copyright Act, 1957. MAP also provides a structured fee guideline to maintain fair professional competition and transparency. By combining legal frameworks with ethical standards, the manual encourages architects to uphold creativity, integrity, and accountability in all aspects of practice, balancing professional duty with public interest.

### Overall Summary of Literature Review

The studies highlight that architecture faces complex challenges in protecting creativity through law and ethics. Most existing research uses different methods to explore this issue. For example, Monica R. applied comparative legal analysis to study how copyright laws in India, the U.S., and the EU protect architectural designs [1]. Wojtkun and Simatupang et al. used case-based and juridical methods to define what counts as plagiarism in architecture [2, 16]. Indian judgments, such as Anil Agarwal v. Delhi Vidut Board and Raj Rewal v. Union of India, provided doctrinal and policy-based analysis of copyright ownership and authorship [9–10]. Other studies, like Eweda and Ruhtiani, focused on ethical and cultural interpretation [3, 7], while Lin et al. introduced technological models using blockchain and IoT to protect creative works [4].

Across the existing literature, several specific gaps are evident, including the lack of an integrated legal–ethical–technological framework [1, 2, 4], limited empirical evidence on architects' IPR awareness [1, 3, 7, 16] weak analysis of enforcement mechanisms [10, 12, 17], inadequate

documentation of Indian malpractice cases, and minimal comparative research between India and international protection systems [1, 4, 7].

The reviewed studies also suggest important parameters for evaluation of originality [2, 9, 16], authorship [3, 7, 9, 10], design proportion, spatial form [2, 16], legal clarity [1, 9–10, 12], professional integrity [3, 7, 11], and technological transparency [4]. This research, therefore, uses these parameters to assess how effectively Indian laws and professional ethics protect architectural creativity in today's evolving design environment.

### Appendix B: Comparison of Copyright Laws

This appendix provides a brief comparison of architectural copyright provisions across countries. It highlights differences in protection duration, scope, and digital rights, helping identify gaps in India's current legal framework.

Feature	India	USA (AWCPA)	EU directive 98/71/EC	China
Type of Protection	Artistic Work	Architectural Work	Design Protection	Design Registration
Duration	Life + 60 yrs	Life + 70 yrs	25 years	10 years (renewable)
Covers Built Structure?	Yes, but unclear	Yes	Yes	Yes
Digital Models Protected?	No clear law	Yes	Yes	Yes

### Appendix C: Major Ethical Violations in Architecture

This appendix summarizes the common ethical issues reported by respondents, including plagiarism, uncredited use, and client-driven copying. It supports the findings on unethical practices within the profession.

Type of violation	Frequency	Examples
Plagiarism	68.4%	Copying designs online
Uncredited Use	63.2%	Reusing façade design
Client-driven copying	High	Forced imitation
Unauthorized modification	Medium	Builder changes without consent

### Appendix D: Awareness of IPR Among Participants

This appendix presents survey results showing high, medium, and low awareness of IPR among participants. It supports the conclusion that poor awareness contributes to design misuse.

Awareness level	Percentage
High	15%
Medium	27%
Low	58%

### Appendix E: Gaps Identified in Literature

This appendix outlines key gaps from existing studies such as unclear protection for digital works and lack of originality standards. It supports the justification for undertaking this research.

Author	Gap identified	Method used
Monica R. [1]	No clarity on digital/3D works in India	Comparative Legal Study.
Wojtkun [2]	No global plagiarism detection method	Case Analysis.
Simatupang [16]	Need measurable originality parameters	Juridical Normative.
MAP CoA [11]	Ethics without legal remedy	Policy analysis.

### Appendix F: Proposed Ethical + Legal Framework

This appendix lists the recommended components legal updates, ethical enforcement, technology tools, and education showing how they address identified issues.

<b>Component</b>	<b>Purpose</b>	<b>Tools needed</b>
Legal Protection	Protect drawings & designs	Copyright Act updates
Ethical Enforcement	Prevent malpractice	CoA disciplinary action
Technology Use	Protect digital files	BIM logs, Blockchain
Education	Improve awareness	Mandatory IPR training