



The Guardian has an article on famous buildings and monuments, both old and new, copied in China: [Seeing double: what China's copycat culture means for architecture](#).

The copyright or reputations are associated with famous names in architecture such as [Zaha Hadid](#) and [Le Corbusier](#).

My experience with architecture and copyright in China runs opposite to The Guardian story. It provides some balance for stories about Chinese copies.

A friend and distinguished architect years ago created an inspired yacht club design and associated apartment development in Australia. It caught the eye of people in south China who sought to establish a similar coastal facility.

Returning from a hosted site visit in China, with the flight paid for by the Chinese, my client was commissioned to do preliminary concept development drawings.

For my client to be the consulting architect, I prepared a draft **architecture copyright licence agreement** of about nine pages length. The Chinese returned it promptly with comments and something more. Interlaced into my original English paragraphs was a translation in Mandarin. All this in Microsoft Word.

My original contained provisions covering the usual wide breadth of legal considerations. These included copyright, confidentiality,

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warranties, acknowledgements, limitation of liability, termination, dispute resolution and boilerplate clauses. English was made the control language for dispute resolution purposes: "English will be the control language of this Agreement. In the event of issues in interpretation the English language used in this Agreement will have precedence and must be applied, including in any alternative dispute resolution process or by any court in China."

My draft even contained an indemnity given by the licensee to my client "...against any loss, claim, action, settlement, award, judgement, expense or damage of whatsoever kind or nature and howsoever arising that the Licensor might suffer as a result of any use of the Work including any unauthorised use of the Work by the Licensee."

Our office accountant is fluent in Mandarin. We read line by line and established that the Mandarin translation was correct.

With the terms and conditions acceptable and the translation a correct one, with a few minor nips and tucks the draft agreement was made ready for signature. This process too was completed with professionalism. In time the drawings were finalised and submitted. Unfortunately my friend and client did not get the gig.

I was left admiring how the matter was handled so well by all involved.

It is too easy to paint a black and white image, as The Guardian's headline writer did, that China is just a "copycat culture". From my above experience, news monitoring and knowledge of history, it is too simplistic to describe China as a "copycat culture".

China is different. People from China and the way they think is different too, absolutely. I say that reflecting considerable recent experience involving Chinese-Australian building materials technology and patent protection of it. The fact that China and the Chinese are different should not lead to the simplistic view that "they are the opposite of us".

Yes, you have to be cautious, and often more so than in the West.

The West too is not free from copying in the past or even now. Don't get me started, but here's a bite size. Piracy of books was widespread in the United States in the 19th century, eg the U.S. did not recognise any copyright in books published in England. As for England, the beginnings of industrialisation in the 18th century was not for it free from copying. Indeed one of the first factories in history ([John](#)

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[Lombe's water-powered silk mill](#) at Derby) contained an unauthorised copy of silk spinning technology taken from Florence. Florence law made it unlawful to copy the technology, Lombe copied it at night under candlelight.

My position as to where China may be heading as regards creativity was captured in this 2007 post, [Designer Chinese and IP in China are not contradictions](#). I'll happily think different about China and intellectual property if more hard evidence is made available to me. Comments welcome.

Credit: Photo by Lusine Shiraz of a tram and streets in Hong Kong. Aha! Is that a copy in the background is of New York's The Flatiron Building! And all that when [Hong Kong's copyright law](#) follows the England model. Gosh!

For more posts on copyright in architecture see:

- ["Wow factor" snares copyright breach of architectural plans](#) - on how Porter Davis Homes won in court big time when its model home plans were copied.
- [Architect gave an implied copyright licence](#) - on the importance of copyright assignment agreements which transfer an architect's copyright in drawings to a developer or other party.
- [Licensing intellectual property in museums](#) - on the \$US1.3 billion deal between the Louvre and Abu Dhabi licensing the Louvre name (\$525 million) and other assets and services for Abu Dhabi to run local exhibits over 30 years.