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All authors and owners are advised to have their designs and technical drawings registered with the Copyright Office in Washington, D.C. While registration with the Copyright Office is not essential for the creation of a copyright, the copyright holder is certainly not without incentives to register. First and foremost, a completed registration is an indispensable prerequisite to filing an action for infringement. Once the material has been registered, it is immaterial whether the infringement that leads to the lawsuit occurred before or after the effective date of registration. Additionally, the copyright holder can use a certificate that shows that the work was copyrighted before or within five years after its first publication to provide *prima facie* evidence of the validity both of the copyright and the facts stated in the certificate. A court may not award statutory damages or attorneys' fees for any infringement of an unpublished work occurring before registration or for any infringement of a published work not registered within three months of publication. Other notable benefits of registration include preservation of the copyright, at least in certain circumstances, even when the work as published bears no notice of copyright whatsoever, and protection of the actual owner's interest when the notice erroneously names another as the proprietor of the copyright.

Because of existing copyright laws, even if developer-owners own the drawings, they do not have a free hand to clone a design or one of its elements unless they receive an assignment of the design copyright or unless design is created by an employee. If the developers do not own drawings and do not have a legitimate interest in the work by way of an assignment, they may be required to defend against an infringement action brought by the original creator. Especially if developers intend to use a design at a different location, they might consider acquiring the copyright, which is assignable, along with the drawings, and an agreement allowing them unfettered use of the design plans.

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## HEALTH AND SAFETY ISSUES

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Health studies over the past 25 years have found that increasing numbers of people contract severe respiratory and skin diseases as well as fatigue and headaches resulting from unacceptable levels of gases, bacteria, fungi, molds, and other harmful chemicals in the air circulating throughout enclosed buildings. These symptoms, referred to in the aggregate as “sick-building-related” symptoms, are on the rise. Across the country, physicians report that sick-building-related illnesses increased by as much as 40 percent in the 1990s alone. With the increase in awareness of indoor pollution comes the rise in litigation against owners and design professionals for building-related illness and sick-building syndrome. Both new construction as well as renovation projects are prone to these claims. Substantial lawsuits have been filed by sick tenants, occupants, and visitors against owners and designers. Even when the plaintiffs do not name the design team as defendants in such lawsuits, they are often brought into the litigation by owners who seek to be indemnified by design professionals for the sick-building-related claims.

Illnesses caused by harmful chemicals that are found in buildings fall into one of two categories. The first illness is known as building-related illness, which occurs when readily identifiable fungi or other airborne matter causes actual disease. The second is sick-building syndrome, which occurs when people report symptoms that cannot be traced to one particular cause.

Building-related illness and sick-building syndrome can be caused by a number of different factors, including poor air distribution; inadequate air intakes; sealed windows; contaminated HVAC systems; faulty air filters that fail to filter out noxious impurities; recycled air containing second-hand smoke; construction dust and paint fumes; accumulation of standing water in HVAC condensate trays; and dangerous construction materials such as textile trimmings, dyes and sealants in furniture, and other materials containing heavy metals.

Additionally, the presence of asbestos in commercial and residential buildings has taken on ominous proportions for the real estate industry. The presence of asbestos in buildings has resulted in federal, state, and local legislation to limit the exposure to and handling of asbestos. On the federal level, the