

Processing Requests for Copies of Copyrighted Drawings

- Issue:** Customer wants copies of copyrighted building plans, etc.
- Response:** City makes “good faith” effort to contact Architect or Engineer who holds copyright for permission
- Approach:** Requestor fills out Affidavit of request, which City mails or faxes to Architect or Engineer

The City occasionally receives customer requests to make copies of building plans and other materials (such as structural calculations), which may be copyrighted. In order to avoid violating Federal and State laws, the City follows a fairly standard procedure to contact the person or persons who drew the plans (“preparer”). This is the case because, when plans are produced by a licensed professional, those plans are the intellectual property of the preparer, just like a book. Even the owner of the property, technically speaking, needs the preparer’s permission to reproduce the plans. Even after the preparer is deceased, he or she may designate heirs as copyright holders. The process applies to “hard copies” of plans (those on paper or other print medium), as well as those on microfiche.

Step 1: Determine if the plans desired are copyrighted. Usually this means having a look at the plans yourself. Look for signs which indicate that the drawing were drawn by a licensed professional, such as an Architect or Engineer’s stamp, or a Title Block including the preparer’s license number. Plans drawn during the last 15 years usually include this stamp on every page. Older plans often have it only on the first page. *Plans drawn by a contractor, draftsman, or homeowner are rarely copyrighted. (Plans which are not copyrighted can be copied at will.)* Any plans which display the preparer’s license number are certainly copyrighted. Plans which do not display the preparer’s license number are usually not copyrighted.

Step 2: Find the contact information for the plan preparer. Since we will need to contact the plan preparer, we will need the name of the architect or engineer responsible for the plans, the name of their firm or company (if any), their address, and fax number (if any). The requestor copies this information into the Cover Letter.

Step 3: Complete the Cover Letter and Affidavit. The requestor fills out and signs the Affidavit. The requestor fills out the Cover Letter, which the *City Staff* signs (after a quick check for completeness and accuracy). [See the attached Examples]

Step 4: Find out what size of prints the requestor wants. If the requestor wants prints larger than the 8 ½” x 11” that the City’s microfiche reader can make, or larger than the 11” x 17” that the City’s photocopy machines can make of hard copy plans, the microfiche or plans will have to be sent out to a blueprint company for copying.

Step 4A: Have requestor mark the drawings he or she wants—only if full-sized prints desired. If the requestor wants prints larger than the City can make, he or she must mark each drawing or page of drawings desired. This is especially important if the plans requested are on microfiche, to let the blueprint contractor know which slides to print. Marking is best done with ¼” dot “color coding labels.” Encourage the requestor to place the dots next to or above the drawing desired rather than on it (the gum from the dot can remain on the fiche and degrade its quality).

Step 5: Copy the completed Cover Letter and Affidavit for City’s file. To help us track the progress of these requests, the Community Development Department keeps a file of pending and completed requests. (The copy of the Affidavit is particularly important because it includes the name and phone number of the requestor.) The file is kept in the Building Administration drawer, in the “intern” cubicle. The file is titled, “Affidavits for Copyrighted Plans.” Make a copy of the both the Cover Letter and Affidavit, staple them together, and leave the copies in the file. *Don’t forget to write on this copy the date you mailed the originals.*

Step 6: Mail or fax the Cover Letter and Affidavit to the Architect or Engineer. City Staff mails or Faxes the originals to the Architect or Engineer. (I always write, “Please Forward” on the envelope, next to the addressee.)

Step 7: Await reply. Staff and requestor await reply from Architect or Engineer. The law gives the plan preparer *up to 30 calendar days* to respond to the request in writing. One of four things happens:

- (1) The plan preparer receives the request and replies, giving written permission within 30 days; plans are released for copying when reply is received; *or*
- (2) The plan preparer receives the request and fails to respond within 30 days; plans are released for copying after the passage of 30 days; *or*
- (3) The request is mailed and is “lost,” that is, it is neither delivered to the plan preparer, nor returned to the City; plans are release for copying after the passage of 30 days; *or*
- (4) The request is returned to the City stamped “Return to Sender;” the request is undeliverable; plans are released for copying as soon as request is returned by Postal Service to the City

Step 8: Contact requestor to inform him or her that plans have been released. City Staff contacts the requestor to inform him or her that the drawings can now be copied. Generally, this is done with a telephone call. Don’t forget to inform the requestor of copying options: If microfiche, he or she has the option of either printing 8 ½” by 11” copies on our microfiche reader (\$1.00 per print) or to have the plans sent out to be printed; if hard copy, the plans could be copied (maximum size 11” x 17”) in house (\$.10 per page) or sent out to be printed. Also, you should make it clear to the customer that he or she is responsible for the cost of prints, if sent out.

Sending Microfiche or Hard Copy Plans Out for Printing

- Issue:** Customer wants copies of plans or drawings larger than the City can make
- Response:** City Staff sends out microfiche or plans to blueprint contractor for printing
- Approach:** City sends plans or microfiche out to blueprint contractor; blueprint contractor and customer work with each other directly

Step 1: Staff fills out a Blueprint Express Order Form. Fill out an Order Form as the Example is filled out: City information is included in the first section, and information regarding the number and type of prints in the second section; in the third Section, “Special Instructions,” write, “Please bill [name and phone number of customer],” and “Customer will pick up prints.” Also, we should ask the customer wants a price quote before the prints are made. If so, we should write, “Call customer with price quote before making prints” in the “Special Instructions” section. [See attached Example]

Step 2: Staff calls Blueprint Express to arrange a pickup. City Staff calls Blueprint Express at (510) 559-8299 and requests a pickup.

Step 3: Staff attaches completed Order Form to microfiche or plans and leaves for pickup. City Staff attaches a completed Blueprint Express Order Form to the microfiche or plans to be copied, and leaves it on the counter or in “Pick Up” drawer for Blueprint Express to pick up. (If using the carbon copy Order Forms, attach only the white original, so that we keep the yellow copy as a record; if using the yellow plain paper forms, make a copy of the form, and keep the copy as a reminder until the microfiche or original plans are returned.)

Step 4: Staff uses card to mark spot of microfiche sent out for copying. To avoid confusion, Staff uses a “Microfiche Out” card to mark the spot among the fiche sheets from which the microfiche was removed. Don’t forget to write the address, number of sheets sent out, and date sent out on the card.

Step 5: Blueprint Express works directly with customer. Blueprint Express calls the customer with a price quote (if requested to do so) and generates the prints requested. The customer (himself/herself) goes to Blueprint Express [see Map attached] to pay for the prints and pick them up.

Step 6: Blueprint Express returns microfiche or plans to City.

Step 7: Staff re-files microfiche or plans.