

# BUILDING SCENE

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THURSDAY, JANUARY 21, 1993

## BUILDING SCENE'S NAMES & PLACES

### BEI board member

Louis P. Contini of Canton has been named senior vice president and has been elected to the board of directors at BEI Associates, a Detroit architectural and engineering firm.

Contini, senior vice president of public works, also is a member of the National Society of Professional Engineers.

### Landscape judge

Landscape architect Michael J. Dul of Bloomfield Hills was named one of three judges for the 23rd annual design program sponsored by the National Landscape Association in Washington, D.C.

### Building block contest

The Detroit Chapter of the National Association of Women in Construction is seeking those interested in participating as sponsors, patrons or judges in its building block contest for Detroit school children Feb. 27 at Northland Mall, Southfield.

NAWIC sees the contest as a way to communicate the positive aspects of a career in the construction industry. The contest is held nationally; children are given 100 blocks to create structures of their own choosing. Children will also hear speakers who will discuss the importance of staying in school and concentrating on math, sciences and computers.

For more information, contact contest chairwoman Christy Winter at 693-1418.

### Condo raffle

Concerned Citizens for West Bloomfield is sponsoring a state-licensed raffle to help raise funds for West Bloomfield Parks and Recreation's recreation activities center. Its aim is to sell 5,000 tickets at \$150 each. First prize is a \$175,000, three-bedroom condominium in the Lagoons of West Bloomfield, south of Pontiac Trail off Halstead.

There are 31 other prizes including a Chevrolet Beretta GT, five \$1,000 prizes and 25 \$200 prizes. Tickets can be bought by mail. Checks should be payable to CCWB House Raffle and mailed to West Bloomfield Parks and Recreation Department, 3325 Middlebelt, West Bloomfield 48323. They are on sale during business hours at the recreation department on Middlebelt between Long Lake and Square Lake roads, West Bloomfield Town Hall, 4550 Walnut Lake Road between Farmington and Orchard Lake roads, and West Bloomfield Schools Community Education, 6000 Orchard Lake Road, north of Maple.

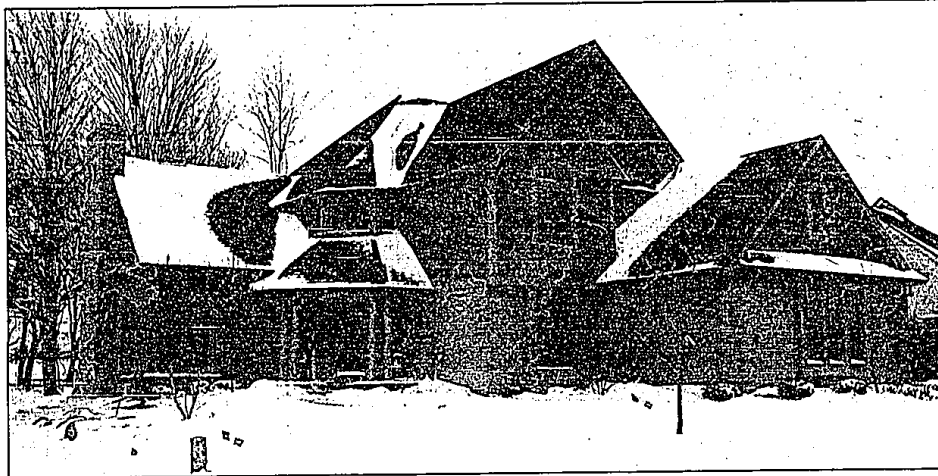
More information is available by dialing the raffle hotline at 33-DREAM.

### Design lectures

"Interior Architecture and Edsel & Eleanor Ford House" is the theme for the second lecture series scheduled for Jan. 26, Feb. 16 and March 9 at the Edsel and Eleanor Ford House, 1100 Lake Shore in Grosse Pointe Shores.

Topics and lecturers are: "An American Mansion as Architectural Melting Pot" at 7:30 p.m. Jan. 26 with William Worden, staff director of the Historic Designation Advisory Board of the city of Detroit; "Saving America's Beautiful Theaters" at 7:30 p.m. Feb. 16 with Ray Shephardson, theater restoration consultant; "English Country Interior" at 7:30 p.m. March 9 with Dr. Geoffrey Beard, architectural historian. Beard's lecture is co-sponsored by the Royal Oak Foundation, a non-profit organization devoted to the preservation of art, architecture, gardens and natural landscapes in Britain.

Admission to each lecture is \$7. (Royal Oak Foundation members will be admitted to the March 9 lecture for \$5.) Light refreshments and tours of the Ford house will follow each lecture. For information and reservations, call 884-4222.



JIM JACOBSON/STAFF PHOTOGRAPHER

Copyrighted: This house in Chase Farms in Novi, designed by Ron Mayotte & Associates in Troy, was copyrighted twice; once to protect the design concept of a diagonally placed entrance and a second time to protect its distinctive floor plan.

## Design theft haunts building industry

■ The uniqueness of a house's design is important to more than just the architect and builder; the owner stands to lose in the resale market if its uniqueness diminishes because of unauthorized copying of the design.

By GERALD FRAWLEY  
STAFF WRITER

To most people, a house is some place to live; to architects and builders, it's a livelihood.

So when people copy a house design, architects and builders are naturally upset — and it happens more than people think.

Robert R. Jones, president of the residential custom building firm Robert R. Jones Associates in West Bloomfield, said the stealing of home designs puts the integrity of the building industry at stake. "What we're really talking about is professionalism," Jones said. "Most builders think they can't do anything about it (plan stealing)."

One thing builders and architects should do, Jones suggested, is vigorously prosecute any instances of design stealing.

Jones was involved in a precedent setting legal battle during the 1980s that went all the way to the 6th District U.S. Circuit Court of Appeals and redefined case law.

"The plans stolen from our model were market proven (as good sellers)," Jones said.

"In our case, we showed and proved that we should be able to make up for lost profits (when someone other than he builds and sells a home based on his plans)."

In that instance, Jones was able to recover almost 40 percent of the sale of a home built from one of his designs.

"It should be serious," he said, adding that penalizing the guilty party to the point where they gain no profit — and penalize them to the point where they lose money — may discourage further instances of plan stealing.

Ron Mayotte, president of Ronald E. Mayotte & Associates in Troy, said he has had several of his house designs — those he thinks are particularly unusual — copyrighted to protect them from being stolen.

Since he became an architect in 1958, Mayotte said he has had many of his ideas stolen.

Mayotte said he doesn't copyright every design — some aren't distinctive enough.

Designs can be copyrighted for a variety of reasons; some obvious, some not so obvious, Mayotte said.

Some of the more common features found in today's homes — things like great rooms, elaborate kitchens and

opulent bathrooms — started in Mayotte's designs.

In fact, it wasn't until the copyright laws were recently changed in 1990 that architects began enjoying real protections.

According to Steve Scharf, an associate and patent attorney with the Detroit law firm of Dykema Gossett, copyrights protect only the way ideas are expressed, not the ideas themselves.

There are two tests the courts use in copyright cases involving architectural works, Scharf said. "Strikingly similar refers to an exact duplicate, like if someone were to photocopy a plan," he said.

"The second is substantially similar, which means a knockoff from a plan with some changes," he said.

A copyright also protects outgrowths of a design from being stolen, Scharf said. Minor changes to an original design do not invalidate an architect's or designer's claim to copyright infringement if it can be proven the alleged copyright violator has access to the original design.

Copyright law protects a design where there are recognizable elements of expression unique to the original work that can be reasonably recognized in the derivative work, and the copyrighted expression is sufficiently unique to be copyrightable and appropriate steps were taken to do so.

Jones said stealing home designs

harms everyone. The builder, architect or designer lose because they lose out on profit they are entitled to. "We get very frustrated because we commit a lot of time and energy to a new plan and then a prospective buyer or other builder just takes it."

Allowing home designs to be stolen removes the incentive to create new home designs, he said.

The buyer loses as well, he said. Whether people think of it or not, part of a home's value is in its resale.

If there are many similar homes, those homes lose individuality and are worth less to prospective buyers.

Jones said this applies not only to custom homes but production homes as well.

Mayotte said designs are stolen in a variety of ways by a variety of people. Sometimes, it may be other architects; sometimes, it may be designers; sometimes, it may be builders and sometimes, it may be the buyer.

Sometimes, someone walking through a model will do a rendering from notes, pictures or memory.

Sometimes, plans will be stolen from job sites, copied and then presented as originals, he said.

"Sometimes, finding out about it is just luck," he said.

One time, a colleague called him to tell him a builder had been in his office asking him to copy a drawing of his, Mayotte said.

## Carl Levin offers economic hope to builders

By MARY RODRIGUE  
STAFF WRITER

Guarded optimism best describes the tone Michigan veteran U.S. Senator Carl Levin offered local builders last week as Bill Clinton readied to move into the White House.

"The inauguration should be a new beginning for our country," Levin told 130 members attending the Engineer-

ing Society of Detroit's Construction Activities Committee luncheon.

"There's an optimism in the nation's capital that hasn't been felt since the early years of the Reagan administration. Reagan represented a can-do spirit. It's very similar to what we feel now."

Unlike Reagan's philosophy of unlimited resources, Levin says the

Clinton administration will emphasize less consumption and more investment.

"We must invest in our future. Our debt went up dramatically. A trillion dollar debt which took a couple of hundred years to reach has quadrupled in the past 12 years."

"Our biggest challenge is the deficit," said Levin, a Democrat first

elected to the Senate in 1978. "We have to do something serious, solve this as a people. We must cut entitlements, cut discretionary spending and raise revenues. We must do all three."

Raising revenues would have to include everyone, except those in safety

See LEVIN, 4F

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