

Attribution and Representation

The purpose of this Practice Bulletin is to advise members of their rights, duties and roles within a self-governing profession under the Architects Act (Act), 2010, Part 1, Section 2. Architecture is a profession in which design capability is prized and intellectual property is valued. Contemporary practice is by its nature collaborative. There are many types of collaboration in modern architectural practice. In the current economic environment where there is high mobility such as in the North where firms and practitioners are so few, attribution and representation can be all the more complex and confusing. The more prolonged the design and construction process, the more individuals can lay valid claim to credit for some part of the work.

CODE OF ETHICS AND RECOMMENDED PRINCIPLES

A frequent violation of the Code of Ethics is failure to give appropriate credit and recognition. A fundamental professional conduct and courtesy, and a matter of public interest, it is important to ensure that attribution for architectural services is fair, so that architects, firms, associates, and licensees (“registrants”) accurately describe their qualifications, experience and responsibility when claiming credit for work.

Doing otherwise can lead to confusion and multiple claims for credit for the same work, as well as unnecessary professional conduct complaints and even lawsuits. According to the NWTAA *Code of Ethics* under the section of **RESPONSIBILITY TO OTHER PROFESSIONALS**

- (1) An Architect will conduct himself or herself with equity, fairness, courtesy and good faith towards colleagues and peers.
- (2) An Architect will give credit where credit is due and accept, as well as give, honest and fair professional criticism.

The *Code of Ethics* clarifications and this **Bulletin** are intended to help registrants better understand and implement accurate identification of their contribution to any project while always giving proper credit to the original firm. All firms and individuals are encouraged to move promptly to review and amend, if necessary, marketing material, fee proposals, web sites and other information to ensure compliance.

- An architect or firm claiming credit for a project, or any part of architectural services on a project, must always without exception, ensure that credit is given to the project’s original firm(s) and that any credit taken is accurate and limited to the extent of services provided.
- These representations apply to all proposals and marketing tools and extend to projects and personnel resumes.
- The fundamental principle -the Bedrock principle must apply in situations where the ‘original’ or ‘author’ firm or firms must always be given clear and accurate project credit.

Firm mergers and acquisition make attribution complex in terms of transfer of ownership of work, copyright claims, and the division of work among design professionals. In most cases the original firm

obtains the commission and completes the preliminary design and the drawings used for construction of the building. Where design responsibility is sequential-such as one firm completing the preliminary design and securing a development permit with a second takeover firm preparing construction drawings and providing all other services-each firm is entitled to take credit for the work it performs but must in every case give credit to the other firm involved.

The more peripheral the services provided by a firm, individual architect, or associate on a project, the more careful such registrant must be in claiming credit. Graphic representations of projects e.g. photographs, drawings or other media-must relate accurately to the services claimed.

Appropriate credit should be given about projects undertaken with or by other firms. In some cases, more than one firm may be given credit, as a result of collaboration on a project, transition between firms during a project's lifespan or other scenario, but not to the exclusion of the original firm(s).

The bedrock principle endures notwithstanding firm name changes, mergers and acquisitions of firms (including copyright transfer), firm 'disintegration' events and the resignation, retirement or passing of individual architects and principals.

While more than one individual or firm may take some project credit for the same project, every individual or firm that does so must credit the original firm. A potential client may receive several fee proposals from different firms that include images of the same project. That client (and the public generally) is entitled to know who did what. **All references by various firms to the same project should include the same basic information attributing credit to the original firm.**

Subsidiary credit may be taken by individuals and other firms as long as the original firm has been clearly credited and the subsidiary credit is accurate. Individuals, whether partners, employees, contractors, Intern Architects or others, may display and describe the work they performed while in the practice they left, as long as they clearly credit the authorship to the original architectural firm and limit the images, descriptions and claims for credit to the extent of their specific contribution.

INDIVIDUALS

An architect owns a duty to accurately present to the public a prospective or existing client or employer, the architects' qualifications, and the scope of the architect's responsibility in connection with work for which credit is being claimed.

It is also important for members and associates moving to another firm to ensure that project credit is taken on an individual basis, and not attributed to the new firm. For example, an architect who leaves firm A should not represent projects worked on at firm A on firm B's web site as projects of firm B – such as on a web page titled 'Firm B: Our Projects'. Credit taken for project work while at firm A should be clearly reserved for marketing material specifically identifying the individual, such as on a 'biography' section, 'Our Team', etc.

MISREPRESENTATION

Failure to give and take proper credit amounts to misrepresentation to the public. Unlike some other professions, an architect's services may endure for generations. The public's interest extends beyond

fundamental contemporary concerns such as ‘truth in advertising’ to the indefinite legacy of the built environment.

LANGUAGE AND IMAGES FOR PROJECT CREDIT

It is recommended that firms use simple, accurate language for project attribution. Use “Architect: [Firm Name]” to indicate the firm responsible for the project. In most cases, this firm will have seen to all architectural services throughout the project’s life and no other firm will have been involved. In such cases, the simple attribution phrase “Architect: X & Y Architectural Partnership” is recommended. Avoid the term ‘architect of record’, which is not universally understood and applied. Among other concerns, confusion may arise when a building has been the subject of tenant improvements, renovations, or additions, and more than one ‘architect of record’ may exist for each architectural project on that building.

A clear general statement on marketing materials, web pages and proposals/presentations indicating that all projects in the document were completed by one firm, using the proper attribution language, is acceptable. Not every photograph, drawing or other representation needs to be specifically identified, as long as a lay reader could easily determine project credit for any of the projects or images identified. In every case, remember that credit for the original firm must be clear, obvious, and prominent enough to avoid confusion.

As a rule of thumb, taking credit for projects and the extent to which graphic images (such as external views of buildings) may be used varies with the level of responsibility undertaken. For example, it may not be appropriate to simply show a building’s external view when the services provided were solely interior design. When in doubt, ensure that the textual description clearly and accurately identifies the level of credit/responsibility. The more modest the level of project involvement, the more careful members and associates should be in taking credit, particularly where photographs and graphics are used.

FIRM CAPABILITIES

Firms displaying their projects need not identify the contributions of individuals within the firm, although they may certainly do so. Firms retain authorship credit for their projects regardless of whether the individuals who contributed to that project remain with the practice. However, representations as to a firm or individual member’s ability to provide architectural services must be accurate and contemporary. A firm that no longer provides classic design service or no longer has the capability to complete certain types of projects may still advertise such projects but should not be making claims as to current capabilities that go beyond the possible and prudent, whether in marketing material, fee proposals or otherwise. Firms in a joint venture or other association may make reasonable claims as to the combined strengths and talents of such an entity for the purpose of the individual project(s) being pursued.

ATTRIBUTION AND BUSINESS PLANNING

Firms should consider attribution issues when preparing such business documents as partnership agreements, shareholders agreements, joint ventures, employment contracts, etc. Clear statements consistent with the basic professional expectations for giving and taking credit will go a long way to

avoiding misunderstandings and disputes in the event of terminations, departures and the evolution of business practice and firm structure.

It is recommended that in the case of dissolution or changes to the partnerships structure of firms, that written agreement be prepared to outline the process for defining project credit and ownership that is satisfactory to all affected parties.

AVOIDING DISPUTES AND COPYRIGHT ISSUES

It is sensible and collegial practice to consult with former firms and colleagues, including competitors, prior to publishing material where project credit may be contentious or unclear.

Even where authorship is uncontroversial, issues of copyright as to photographs, images, and project drawings need to be addressed. Firms must obtain the written consent of an image's copyright holder prior to publishing it and seek legal advice when a copyright issue may be complicated or unclear.

A firm may have every right to take project credit from a professional ethics point of view, but may be using project drawings or photographs for which copyright has been sold, assigned or is otherwise restricted. Similarly, the holding of copyright over a design does not automatically entitle a party to claim project credit. Copyright is an intellectual property asset that can be treated like an asset. Giving and taking project credit for architectural services is a professional conduct expectation, in the public interest and is not a marketable commodity.

When attribution disputes arise, registrants should discuss concerns cordially. Many project credit issues are triggered by misunderstandings and unintentional errors (often arising from not monitoring and maintaining web sites) that can be quickly resolved in good faith.

RESOURCES

- **AAA Practice Bulletin-29-Attribution: Credit for Architectural Services**
[PB-29-Attribution-Credit-for-Architectural-Service.pdf](#)

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