

Intellectual Property & Disability

IP law implicitly relies on abstract conceptions of “ordinary” people. What does this mean for people with disabilities?

An architectural achievement that can't be touched . . .

The Architectural Works Copyright Protection Act of 1990 exempts from infringement “pictures, paintings, photographs, or other pictorial representations” of copyrighted buildings. This safe harbor protects the interests of the public in being able to perceive great works of architecture. But the exemptions do not embrace three-dimensional models, which can be perceived by the visually impaired.

Thus, under the current state of copyright law, blind persons do not have the same rights as others to appreciate the curves of Frank Gehry's Walt Disney Concert Hall. Rights that you are exercising right now.



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