New York Design Awards
Universal Truths are Forever
Architectural Copy Rights
My SARA Friends,

This has been and continues to be, a wondrous adventure for this architect, as your National President.

I was honored and very pleased to be invited, this past June, to New York and the 2015 Celebration of Architecture and Design, under the imagination and sponsorship of the New York Council of SARA.

Despite the torrential downpour, as I left the underground and with no compassionate help from the Council folks to bring me an umbrella, there was no dampening of the event or of my enjoyment.

As stated by the Council President, Tamar Kisilevitz, the event was “Mind Blowing”! And I have to agree.

This was their Twentieth Annual SARA NY Design Awards, celebrating the talents of architects worldwide. Truly, As well as the enormous talent demonstrated by over thirty awards of Honor, Merit, and Student Achievement, the Celebration honored two world renown Architects, Dr. Santiago Calatrava for his World Trade Center Transportation Hub, and equally talented, Renzo Piano, for his new Whitney Museum.

I personally am so pleased that my dear friend and the person I look to as a symbol of professionalism, was so honored. I have to say that the NY Council has demonstrated the highest position in my eye and as well, a sense of good feeling.

As you look through some of the photos of this event in this issue of SARA Scope, I sincerely hope you can feel the warmth and camaraderie that filled the room.

Sincerely,

Ronald A. Knabb Jr., FARA
National President
Please join us in welcoming our newest Members:

**PROFESSIONAL MEMBERS**

Rafael Ballesteros  
Stantec Inc.  
Miami, Florida

Allan Pickett  
Pella Commercial  
Pella, Iowa

Kevin Whalley  
Architecture Plus  
North Charleston, SC

**PROFESSIONAL AFFILIATE MEMBER**

Vincent Tague  
Tague Lumber Company  
Media PA

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**SARA’S WEBSITE**

The Society’s website www.sara-national.org is continually being updated. Anyone looking for an architect can search our Members by Name, Company Name, City, State, or Project Type. Only your contact information including your company’s website will appear. Take just a few minutes and check it out at your earliest opportunity, let us know if your information needs updating, especially Project Type and the States you’re registered or licensed in. Call or email Cathie Moscato with updates, corrections or additions. The only way we can keep our information current is by communication from our Members.

Watch for upcoming newsletters with profiles of our member firms, affiliate members, sponsors and SARAScope advertisers. Please let us know of any information or related links you’d like to see posted. We have extra SARAScope Newsletters at Headquarters - let us know if you’d like some copies to share with fellow architects or colleagues. Think marketing and SARA membership promotion! Thank you…Cathie Moscato – cmoscato@sara-national.org or 888-385-7272.
Building Information Modeling (BIM)

Autodesk recently published an article in their BIM Business Briefs 04|Staying Competitive titled “Staying Competitive—Can you survive without BIM?” The article makes an argument for the use of BIM as the Architectural drawing production standard of the 21st Century.

What is BIM?

According to Autodesk BIM is a way to design, construct, and operate buildings that involves creating and using intelligent 3D models. Compared to traditional 2D drawings, these models give all stakeholders a better understanding of the project—leading to better, more predictable building outcomes.

BIM is more than simply 3D CAD; more than just a 3D model of a building. BIM solutions use relational database technology to embed information and relationships into models, creating “intelligent” models.

Statistics, trends, and owner mandates, suggest that firms cannot survive without BIM.

But this is good news...even for firms that have not yet adopted BIM. Because moving to BIM can give firms substantial and long-lasting benefits, enabling more innovative design and construction strategies and providing a significant competitive advantage.

Surveys of building professionals who have already moved to BIM consistently list several top business values of BIM, such as:

- Reduced document errors and omissions
- Increased profits
- Reduced rework
- Ability to win new business and garner repeat business
- Reduced project duration

As model-based building design and construction grows—and intersects new technologies, new delivery methods, and new business models—the nature of the industry is changing. The degree of collaboration, the kind of information flows, the risk-management scenarios, and the alternate project delivery approaches are all manifestations of this change. To survive, firms must strategically position their use of technology—starting with BIM.

SARA Members Survey

SARA Members, how important is BIM to your firm?

What size firm do you have?

What type of projects do you work on?

What type of clients do you work with?

Do you currently use BIM as a project delivery method? If so, which software do you use?

Do you consider BIM experience when interviewing production staff?

Has your use of or non-use of BIM affected your selection for a project?

What advice would you give firms considering making the change to BIM?

Please email your responses to cmoscato@sara-national.org

Below is the web address for the full article from Autodesk on BIM.

https://dl.dropboxusercontent.com/content_link/bTL8RhNWPjmj5UHpt8UrhoVvyXiVQyOsaWYhWx68q6VXSjepH8WC9dWCBIT2ohFB?dl=1
UNIVERSAL TRUTHS ARE FOREVER
--- LAWS CHANGE - - -

Kelly P. Reynolds
SARA Code Consultant

There are truths in fire and life safety that are sometimes changed by man-made laws. Here are ten of those basic truths.

**TRUTH #1** - Fire kills people. About 3,000+ deaths and 15,000+ injuries a year in the U.S.

**TRUTH #2** - Water controls and extinguishes most fires. Fire sprinklers work.

**TRUTH #3** - Remove the Heat, Fuel or Oxygen and a fire will be extinguished.

**TRUTH #4** - Fire and smoke will seek the path of least resistance to spread.

**TRUTH #5** - People will panic during a fire and emergency.

**TRUTH #6** - People will most likely EXIT a building from the same door they entered.

**TRUTH #7** - Apathy, Ignorance or Neglect will result in fire deaths and property destruction.

**TRUTH #8** - The building and fire codes are just minimums and must be complied with.

**TRUTH #9** - The codes and laws adopted by a community must be considered as the level of protection it wants for its citizens.

**TRUTH #10** - The three major causes of fires are men, women and children.

LAWS CHANGE

Politicians make changes for their constituents to feel comfortable about their elected position. Most of the time it is to weaken the code because complying is too inconvenient or expensive. When they ignore minimum code requirements they put the entire community at risk. Weakening codes can effect the ISO Grading Schedule for insurance purposes and eventually lead to blight in a community.

If you are a SARA member, you can call me with your code question at 1-800-950-2633.
SARA|NY held their 20th Annual Design Awards Gala on June 23rd at Battery Gardens in lower Manhattan. Despite the stormy conditions, the event was at capacity, with almost 160 attendees. The momentum gained by the Design Awards Program over the past few years drew more entries than ever before, as evidenced by the caliber of the winning projects. The jury, which included John Di Benedetto of the SARA|PA Council, selected 9 Awards of Excellence, 18 Awards of Honor, and 15 Awards of Merit, as well as 6 awards in the Student Category. Winning entries included many of New York’s most established firms, architect-developers and small businesses alike from all over the New York area as well as out of state (Florida, California, Massachusetts, Maine, Arizona, and Washington DC) and internationally (China, India, Japan, and Switzerland). Award-winning firms included 1100 Architect, Alloy Design, Bentel and Bentel, Buro Koray Duman, Davis Brody Bond, DDG, Desai Chia, Edelman Sultan Knox Wood, Festina Lente LLP, Andrew Franz, FXFOWLE, Alexander Gorlin, Gluck+, Howard L. Zimmerman, Levenbetts, Lynch Eisinger Design, Martinez + Johnson, Page Ayres Cowley, Pei, Cobb, Freed and Partners, Perkins + Will, RAMSA, and Rafael Vinoly.

The SARANY Special Awards were extended to three recipients this year: Dr. Santiago Calatrava was recognized for the World Trade Center Transportation Hub, a spectacular composition can almost make you forget its function as a bustling commuter station, and Renzo Piano Workshop in partnership with Cooper Robertson and Partners were recognized for the new Whitney Museum, a gift to the city and to all who visit it, and a pivotal cultural epicenter in New York’s fastest growing district.

The New York Council marked fifty years since its most senior member, Richard N. Bonsignore, FARA, became a SARA member in 1965. Before presenting Dick with an engraved crystal award commemorating this occasion, fellow SARA past president Barry Milowitz, FARA, gave a moving introduction, which included quotes from Peter Winbrow’s poem “The Man in the Glass”. Accompanied by his wife Mary and son, Richard C. Bonsignore, Dick gave an engaging speech about the history of SARA through the years, including the challenges and obstacles that SARA faced during the 1980’s, and how the organization bounced back. He stressed how proud he was of what SARA has become, and then, kicked off the design awards ceremony by reciting the SARA Invocation, which was one of the evening’s highlights.

The awards program and design awards gala would not have been possible without the generous sponsorship of vendors, contractors, and SARA members, nor would it have come to
light without the leadership of president Tamar Kisilevitz, Vice President Frank Szatkowski, treasurer and past president Bob Firneis, Design Awards Committee co-chairs Tim Maldonado and Ken Conzelmann, the extremely hard work of executive director Jessica Fleischer, board director Ehsanul Haque, legal counsel James Rowland, Alva Milowitz, Kathy Firneis, and past presidents Barry Milowitz, Michael Macaluso, John Scheschareg and Keith Lucas.
(1) New Hampshire Retreat
Boston, MA
NADAAA

(2) 35XV
New York, NY
FXFOWLE

(3) East 37th Street Residential Tower
New York, NY
Perkins+Will

(4) Princeton House
New York, NY
LEVENBETTS

(5) INNOVATION, SCIENCE, TECH BLDG
New York, NY
FESTINA LENTE LLP

(6) National September 11 Memorial Museum
New York, NY
DAVIS BRODY BOND

(7) Herbert F. Johnson Museum of Art Addition and Alteration, Cornell University
New York, NY
PEI COBB FREED & PARTNERS Architects LLP

(8) Kings Theatre
Washington, DC
Martinez + Johnson Architecture, P.C.

(9) Kohler Environmental Center
New York, NY
RAMSA
(1) 185 Plymouth Street  
New York, NY  
Alloy Design, LLP

(2) 4380 Bronx Boulevard  
New York, NY  
Edelman Sultan Knox Wood Architects

(3) 41 Bond  
New York, NY  
DDG

(4) University of Toronto DFALD  
Boston, MA  
NADAAA

(5) Law School and Residence Hall,  
Fordham University, Lincoln Center Campus  
New York, NY  
PEI COBB FREED & PARTNERS Architects LLP
(6) Queens Central Library, Children’s Library Discovery Center
New York, NY
1100 Architect

(7) Novartis Pharmaceuticals Building 337
New York, NY
Rafael Viñoly Architects

(8) Ground Cafe at Yale University
Locust Valley, NY
BENTEL AND BENTEL ARCHITECTS

(9) Photographer’s Loft
New York, NY
DESAI CHIA ARCHITECTURE

(10) Cornell Sibley Hall
New York, NY
LEVENBETTS

(11) David Yurman Headquarters
New York, NY
Lynch Eisinger Design Architects

(12) House for Installation
Osaka, Japan
JAM
(13) **Corbin Building, Fulton Center**
New York, NY
Page Ayres Cowley Architects

(14) **55 White Street**
New York, NY
Howard L. Zimmerman Architects, PC

(15) **Former NY Mercantile Building**
- **6 Harrison Street**
New York, NY
Howard L. Zimmerman Architects, PC

(16) **Heliocity**
New York, NY
LEVENBETTS

(17) **Eco-Techno-Hub**
Phoenix, AZ
gaSSz architects

(18) **345meatpacking**
New York, NY
DDG
(1) The Courtyards House  
Mumbai, India  
Sanjay Puri Architects

(2) Nova Scotia House  
New York, NY  
Alexander Gorlin Architects

(3) Dumbo Townhouses  
New York, NY  
Alloy Design, LLP

(4) Casa Trasanquelos  
Brooklyn, NY  
OOAA, Inc.

(5) The Stack  
New York, NY  
GLUCK+

(6) Melbourne School of Design  
Boston, MA  
NADAAA

(7) Tiantai No.2 Primary School  
Hangzhou/Zhejiang, China  
LYCS Architecture

(8) Hartford Hospital - Bone and Joint Institute  
New York, NY  
Perkins+Will
(9) Tour Carpe Diem  
New York, NY  
RAMSA

(10) TRIBECA LOFT  
New York, NY  
ANDREW FRANZ Architect, PLLC

(11) Design Within Reach - 57th Street  
New York, NY  
Buro Koray Duman

(12) 40 Lispenard Street  
New York, NY  
Howard L. Zimmerman Architects, PC

(13) South Slope Townhouse  
Brooklyn, NY  
Etelamaki Architecture

(14) Chapel of Murcia  
Mumbai, India  
Sanjay Puri Architects

(15) Fawcett Gate  
Fresno, CA  
Arthur Dyson Architects
Student Awards

Fish & Ships
Jan Zachmann
Basel, Switzerland
Excellence

Air Rights Architecture
Kevin Bukowski + Liz Szatko
University of Nebraska, Lincoln
Honor

Museum of Witchcraft
Klementina Savickaite
Falmouth, ME
University of Brighton, England
Honor

Roma Riconnessa
Juan Carlos Arto Lozaga
Cornell University
Honor

Brooklyn Cinematic Hotel
Yasemine Zeghar
Miami, FL
University of Miami
Merit

Harlem School of Arts
Christian Camacho + Alvaro Almada
Elizabeth, NJ
The City College of New York
Merit
The 10 Things You Must Know About Architectural Copyrights
Nexsen Pruet

Some people say that imitation is the sincerest form of flattery. However, under architectural copyright law, imitation could be a very costly endeavor. Here are ten tips to help contractors, owners and architects protect themselves from architectural copyright disputes.

1. CONSTRUCTING A SUBSTANTIALLY SIMILAR BUILDING WITHOUT PERMISSION MAY INFRINGE THE COPYRIGHT OWNER’S RIGHTS.

In 1990, Congress passed the Architectural Works Copyright Protection Act which explicitly provides copyright protection to original designs of architecture in virtually any form, including architectural plans, drawings and buildings themselves. This means that a builder may be liable for copyright infringement if the building itself infringes another’s plans or building regardless of whether the plans themselves were copied. Therefore, builders, architects and owners should not attempt to mimic other architectural works in any form.

2. MAKING MINOR CHANGES TO PLANS DOES NOT NECESSARILY AVOID COPYRIGHT INFRINGEMENT.

Courts usually apply one of two tests to determine whether an architectural work infringes a copyright owner’s original work. Under each of these tests, the court will attempt to determine whether the alleged infringing work is “substantially similar” to the copyrighted work. Under the first test, often called the “total look and feel” test or “total concept and feel” test, the works are compared in their entireties by “ordinary observers” to determine whether they are substantially similar. Therefore, minor changes that do not change the total look and feel of the work may infringe a copyright owner’s rights. Under the second test, often called the “filtration” test, the court filters out the unoriginal portions of the work before examining the original/protectable portions of the work to determine whether they are substantially similar. Under these tests, simply changing standard functional features, such as windows, doors or other staple building components is no defense to a copyright infringement claim.

3. INNOCENT INFRINGEMENT IS NOT A DEFENSE TO COPYRIGHT INFRINGEMENT.

To prevail in a copyright infringement lawsuit, a copyright owner does not have to show an intent to copy or even actual copying. Instead, the copyright owner merely needs to establish that the alleged infringer had access to the copyrighted work and the alleged infringing work is substantially similar to the copyrighted work. Consequently, a builder or owner may be liable for copyright infringement even if they did not intentionally copy a protected architectural work.

4. THE LACK OF A COPYRIGHT NOTICE MAY NOT PREVENT A SUCCESSFUL SUIT FOR COPYRIGHT INFRINGEMENT.

Although many individuals believe the “©” copyright notice is necessary for copyright protection, this is generally untrue. For works published after March 1, 1989, a copyright notice is not required to assert a copyright infringement lawsuit. Therefore, builders, architects and owners should assume that all architectural works are protected under copyright law regardless of whether the author includes a copyright notice.
5. COPYRIGHT INFRINGEMENT CARRIES THE RISK OF ENHANCED DAMAGES, ATTORNEYS’ FEES, AND COURT COSTS.

Under certain circumstances, the copyright owner may be entitled to receive statutory damages, attorneys’ fees and court costs from an infringer. Statutory damages mean that the copyright owner does not have to prove the amount of actual damages it suffered as a result of the infringement. Instead, the court may award up to $150,000.00 per infringement. In other words, a builder might be liable to a copyright owner up to $150,000.00 for each structure that infringes the copyright owner’s rights. In addition to statutory damages, the court may require the infringer to pay court costs and the copyright owner’s attorneys’ fees.

6. ARCHITECTS AND DESIGNERS SHOULD TIMELY REGISTER THEIR COPYRIGHTS TO OBTAIN ENHANCED REMEDIES AGAINST POTENTIAL INFRINGERS.

As stated in the previous section, statutory damages and attorneys’ fees may be available to copyright owners who register their copyrights in a timely fashion. To receive these enhanced remedies, the owner’s copyrights must be registered before the infringement is commenced by the infringer or, in the case of published works, within three (3) months of the first publication of the architectural work. Registering a copyright with the United States Copyright Office is simple, relatively inexpensive and even can be submitted electronically. For more information regarding copyright registration procedures, please visit http://www.copyright.gov/.

7. IF YOU ARE GIVEN PLANS BY OTHERS, ENSURE THAT YOU HAVE THE RIGHT TO CONSTRUCT, COPY AND/OR MODIFY THOSE PLANS BEFORE USING THEM.

Owners often solicit designs from multiple architects or designers during the design and bid phases of the project, especially design-build projects. Some owners believe they have the right to share designs obtained through the design/bidding process with other competitive bidders. This can be problematic depending on the contractual relationship between the owner and the original designer. If the original designer retained all copyrights in the original design, an unsuspecting subsequent designer or contractor may infringe the copyrights of the original designer by refining or constructing a project that is substantially similar to the original design. Therefore, whenever an owner, construction manager or other party provides you with architectural plans, you should ensure that you have the right to construct copy and/or modify those plans before using them.

8. IF YOU ACCEPT PLANS FROM OTHERS, INSIST ON INDEMNIFICATION FOR ANY COPYRIGHT INFRINGEMENT ARISING FROM THOSE PLANS.

As described in the previous section, multiple unforeseen consequences can occur when parties share construction plans amongst each other. Therefore, if you receive construction plans from another party and are asked to construct, modify or otherwise use those plans, you should require the party providing those plans to indemnify you for any copyright infringement claims that arise therefrom. The written indemnification provision also should include indemnification for any other forms of intellectual property or unfair competition claims that may arise from your use of those plans and should include a duty to defend any related litigation in addition to the duty to indemnify.

9. THE ORIGINAL ARCHITECT OR DESIGNER REMAINS THE OWNER OF ANY COPYRIGHTS IN THE ARCHITECTURAL DESIGN, EVEN IF THE CONTRACTOR OR OWNER PAID FOR THE DESIGN.

In many construction projects, the owner, construction manager or contractor will contract with an architect or designer to design the project. Regardless of payment, if the contract does not state otherwise, the original architect or designer retains ownership of the copyrights and the purchaser merely obtains a non-exclusive license to use the plans for that particular construction project. This means that the owner and/or contractor do not necessarily have the right to use the purchased plans for any other projects and do not have the right to prevent the original designer from selling those same plans to other owners and/or contractors. Accordingly, owners and/or contractors should insist that their design contracts contain a written assignment of all copyrights and other intellectual property that the architect or designer owns in the plans to ensure that the architect or designer does not retain any intellectual property rights in the design which could create issues down the road. Alternatively, an owner or contractor should obtain written permission from the original architect or designer before reusing previously-purchased plans on other projects. If the design’s uniqueness is important to the owner, it should also insist that its license be exclusive. Otherwise, an architect could resell the design to others.
10. ENSURE THAT YOUR INSURANCE COVERS COPYRIGHT INFRINGEMENT.

Many construction professionals mistakenly believe that they have insurance coverage for virtually any type of claim that may arise in a construction project. However, most commercial general liability insurance policies do not cover architectural copyright infringement. As briefly discussed in this article, copyright infringement litigation can be very expensive and potentially devastating to construction companies. Therefore, you should consult with your insurance agent to ensure that your policy covers architectural copyright infringement. In some instances, it may be covered by professional liability insurance. In other instances, you may be required to purchase additional coverage. In any event, it is better to be safe than sorry.
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