

## Copyright Law

Jacqueline Pons-Bunney was among three panelists presenting a webinar sponsored by ACEC National providing an overview of copyright law and its application to design professional's documents, a sampling of relevant contract provisions and pitfalls, and insurability ramifications of your decisions regarding document ownership. The presentation provided the audience with learning points, to include:

- What rights you are afforded under the law regarding your instruments of service;
- What rights to your designs your client may have by virtue of payment for

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## Legal Updates

**Updates to Arizona's Purchaser Dwelling Act** (by Brian P. Roteliuk, Esq.) Effective July 3, 2015, the Arizona Legislature made changes to its Purchaser Dwelling Act (similar to California's Right to Repair Act, Cal. Civil Code Section 895, et seq). The Act governs certain construction defect lawsuits brought by a purchaser against the seller of a dwelling related to the design, construction, condition or sale of the dwelling. The most significant change is the repeal of the portion of the Act that provides mandatory attorney's fees and expert fees to the prevailing party. (A.R.S. § 12-1364)

Another notable change is that the Arizona Legislature, for the first time, has defined a "construction defect" as:

"Construction defect" means a material deficiency in the design, construction, manufacture, repair, alteration, remodeling or landscaping of a dwelling that is the result of one of the following:

- (a) A violation of construction codes applicable to the construction of the dwelling.
- (b) The use of defective materials, products, components or equipment in the design, construction, manufacture, repair, alteration, remodeling or landscaping of the dwelling.
- (c) The failure to adhere to generally accepted workmanship standards in the community.

(A.R.S. § 12-1361 (4))