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K A M R A T A L - P E R I T I

*To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community*

Our Ref: Dir 01/2015

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## **DIRECTIVE TO ALL WARRANT HOLDERS**

### **Re: Drawings, Design Documents and Intellectual Property of a *Perit***

Dear Colleagues,

It has come to the *Kamra's* attention that *Periti* are frequently facing demands by their *Client/s* to provide a copy of drawings or other design documents in digital editable format.

Drawings, illustrations and/or other design documents are the intellectual property of the *Perit* that prepared them and there exists no obligation to provide these to a third party save for the purposes of statutory requirements and provision of a printed copy to the *Client*.

Although the *Clients* reimburse *Periti* for their professional services, with respect to designs, drawings and other design-related documents created by the *Periti*, the *Client* is entitled solely to their use and acquires no other rights over them.

Although not obliged to do so, *Periti* may choose to provide a copy of the relevant documents to the *Client* in locked digital format (*such as Pdf*) but there exists no obligation to provide same in an editable digital format (*such as dwg files*) unless this is specifically established in the *Agreement* between the *Perit* and the *Client*, which *Agreement* must be in accordance with Article 20 of Tariff K.

In the event that a *Perit* does decide (*voluntarily and without obligation*) to provide a *Client* or any other relevant third party with copy of such documents in editable format, then he is within his rights in demanding whatever remuneration he considers appropriate, over and above any other remuneration received in respect of professional services rendered, save where this is precluded by *Agreement* as outlined in the previous paragraph.

In the case of surveys of existing property however, where the measurements are taken and the relevant drawings of the building or property in its existing state are prepared by the *Perit*, in this case alone, the *Client* has the right to request provision of such drawings in editable format from the *Perit*, given that such survey includes no additional input of creative design work or similar by the *Perit* and is merely a record of the existing state of affairs.

Perit Christopher Mintoff  
President *Kamra tal-Periti*