

## U.S. Congress Introduces Controversial Copyright Bill for Golf Courses



In the realm of congressional activities, the introduction of legislation addressing a non-existent problem can be a source of frustration. Recently, U.S. Representatives Brian Fitzpatrick (R-PA) and Jimmy Panetta (D-CA) co-sponsored House Resolution 7228, aiming to provide concrete copyright protection to golf courses. Dubbed the “Bolstering Intellectual Rights against Digital Infringement Enhancement Act” or the “BIRDIE Act,” this bill was brought forth on Feb. 5.

### Background and Purpose of H.R. 7228

At the heart of H.R. 7228 lies a discrepancy in the U.S. Code regarding copyright protection for architectural works. The existing Architectural Works Copyright Protection Act of 1990 safeguards the design of buildings but leaves ambiguity regarding golf course design.

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### The Debate Surrounding Golf Course Copyright

The sponsors of the bill argue for extending copyright protection to golf course designers, placing them on par with other creators. However, critics question the necessity of such protection and its implications on functional versus creative designs.

### Legal Implications and Criticisms

The Useful Article doctrine in U.S. copyright law complicates matters further, distinguishing between the functional and creative aspects of designs. This raises questions about the applicability of copyright law to golf course layouts.

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### Controversies and Considerations

Critics argue that golf course design, while important for gameplay, primarily serves functional purposes rather than purely artistic expression. Moreover, concerns arise about the selective nature of the proposed copyright protection and its potential implications for innovation and competition in the industry.

### Proposed Amendments and Coverage

H.R. 7228 seeks to explicitly include golf course designs within the scope of copyright protection, encompassing various elements such as irrigation systems, landscaping, and topographic features. However, the broad scope of protection raises questions about its practicality and enforceability.

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