

Abstract

**A Study on the Assessment of Originality in
Architectural Works: Focusing on the Nature of
Architectural Creation and the Formation of
Architectural Expression**

Cho, Sungkwang*

The originality of architectural works has traditionally been assessed primarily on the basis of the aesthetic and formative qualities manifested in the exterior appearance of buildings. However, in modern architecture, which places greater emphasis on functionality and spatial rationality, such criteria alone are insufficient to fully capture the originality embodied in interior spaces, circulation, spatial organization, and the relationships among architectural elements. In particular, modern architecture is realized through a design process that coordinates and resolves various conditions, including not only the architect's aesthetic intentions but also use and function, structure and materials, and legal and environmental constraints. Accordingly, the criteria for assessing originality need to be examined from a more multidimensional perspective. This study reviews the artistic and utilitarian traditions underlying the understanding of architectural works, as well as Korean legal scholarship and judicial precedents, and analyzes changes in architectural thought, actual design processes, and the criteria for assessing originality in related works. Based on this analysis, architectural creation is understood as a process in which functional, aesthetic, and compositional creativity interact and overlap. This

* Patent Attorney at G-Bon Patent Law Firm, Ph.D. in Architectural Engineering, S.J.D. in Intellectual Property

study proposes that the conventional assessment of originality, centered on the aesthetic appreciation of a building's exterior, should be supplemented by spatial appreciation and expert analysis and interpretation. Specifically, elements dictated by use and function, technical standards, legal and environmental constraints, and conventional methods of expression should first be identified and excluded from the assessment. The remaining range of expressive choices available to the architect within such constraints should then be examined. Furthermore, originality should be assessed holistically by determining whether and how the selection, arrangement, combination, and interrelationships of individual architectural elements are concretized as creative individuality in the order of the building's exterior form, interior spaces, and circulation. This approach leaves functional ideas and indispensable expressions in the public domain for free use while providing appropriate criteria for protecting the distinctive spatial creativity manifested in modern functionalist architecture.

Keywords

architectural works, originality, architectural expression, range of expressive choices, functional works, functionalist architecture, spatial appreciation, compositional creativity, selection*arrangement*combination, design intent