

Barragan Foundation

Luis Barragán Work Usage Guidelines

The Barragan Foundation, established in 1996, is a not-for-profit institution based in Birsfelden, Switzerland, dedicated to the preservation, study and management of the Luis Barragán Archives and the collection of related photographs by Armando Salas Portugal.

The past years have seen an upsurge of interest in different aspects of Luis Barragán's work, materializing into research, education and multiple uses of the iconic imagery associated with the architect's legacy.

This document provides general information on the positions and policies of the Barragan Foundation. The first section includes facts about the copyright protection in the work of Luis Barragán and Armando Salas Portugal, while the second addresses frequently asked questions concerning access to, study and use of Luis Barragán's architectural legacy.

General Copyright Information

The Barragan Foundation owns the copyright in all works — houses, buildings, developments, urban interventions, gardens, landscapes, images, sketches, plans, photographs, texts, manuscripts, films and other media — created by Luis Barragán as well as to all the photographs of Armando Salas Portugal depicting the works of Luis Barragán.

Copyright provides the creator of an original work with the means to control how his/her work is used, by whom and on which terms; in other words, to decide whether such work might be reproduced in any manner or form, distributed, published, broadcasted, etc. and under which conditions. Possessing copyright is independent from ownership in physical embodiments of the works: owning or holding a painting, a drawing, a photograph, a sculpture or a house does not mean also owning the copyright for that work.

As early as 1886, an international treaty known as the Berne Convention set minimum standards for the protection of such author's rights. As of May 2016, 171 countries, including Mexico, joined the Berne Convention.

Barragan Foundation

According to Mexican law, Luis Barragán was the holder and owner of the copyright in his work, free to assign his rights upon his death to whomever he wished. He proceeded to assign such rights, together with the Archives, to his associate Raúl Ferrera Torres. Through Ferrera's widow, Rosario Uranga de Ferrera, these rights and the Archives were ultimately transferred to the Barragan Foundation.

According to Mexican law, Armando Salas Portugal was the holder and owner of the copyright in his work, and upon an agreement with his legal heirs the negatives and the rights related to the photographs of Luis Barragán's work were also transferred to the Barragan Foundation.

Copyright is territorial, and national copyright laws provide various exceptions that may allow the use of copyrighted material to preserve a balance between the owner's and the public's interests, such as right to citation, parody, freedom of panorama, or "fair use." Since these rules vary from country to country, it is solely up to you to assess whether you need permission to use a work in a particular jurisdiction.

The Barragan Foundation has established a partnership with the Swiss Copyright Society ProLitteris, which represents and assists the Foundation in the management of its copyrights, both directly and via its associated sister societies worldwide. The Barragan Foundation recommends anyone wishing to make use of any work* protected by the copyright related to Luis Barragán, as well as to the photographs of Barragán's works made by Armando Salas Portugal, to address ProLitteris or one of its associated sister societies. They will provide instruction and guidance in the process of copyright clearance.

While most requests for copyright clearance can be dealt with according to simple procedures and conditions, please note that the Barragan Foundation does not allow the direct or indirect association of the work of Luis Barragán with commercial activities, such as merchandising, advertising or promotional campaigns (see question #4 below). The Barragan Foundation reserves the right to judge whether a proposed use is commercial based on the nature of a project and its intended audience.

*Please note that the expression "work", extends beyond physical buildings, landscapes, gardens and developments; it also includes drawings, sketches, blueprints, texts, manuscripts, preparatory materials, etc. (this list is not comprehensive). Making "use" of a work includes photographing, filming, reproducing, broadcasting, publishing, etc. (this list is not comprehensive).

Barragan Foundation

Copyright Clearance Contacts

www.prolitteris.ch / E-mail: bildrecht@prolitteris.ch / Phone: +41 43 300 66 40

Yolanda Canonica, Head of Visual Arts Rights: yolanda.canonica@prolitteris.ch

List of associated sister societies worldwide: prolitteris.ch/kuenstlerverzeichnis/

Frequently Asked Questions

1. How can I visit buildings by Luis Barragán?

Most of Luis Barragán's built works are located in Mexico, namely in Mexico City, Guadalajara and Monterrey. The Barragan Foundation has published a guidebook to the architect's surviving works (*Barragán Guide*, Mexico City, 2002, second edition 2010; also available in Spanish: *Guía Barragán*). While visiting the listed sites please do consider that these might be private properties and the respective owners might not allow visits, photography, or any other kind of activities in their premises.

The Barragan Foundation has no association with the owners or managers of any of Luis Barragán's buildings. For information about visits to some of the architect's iconic masterpieces and applying conditions/fees, please contact directly the following:

Casa Luis Barragán: www.casaluisbarragan.org / casaluisbarragan@gmail.com

Tel/Fax: (+52) 55 5515-4908 and (+52) 55 5272-4945

Prieto López House: visitas@casapedregal.com

Capuchin Convent in Tlalpan: (+52) 55 5573 2395

Cuadra San Cristóbal: cuadrasancristobal@gmail.com

Gilardi House: casagilardi@gmail.com

2. Can I take photos or produce videos of Barragán's works (houses, buildings, gardens, landscapes, developments, etc.)?

Yes, if the photos and videos are solely intended for personal and private use. This includes personal social media channels, and excludes any kind of professional, corporate, promotional, commercial, advertising-oriented and/or for-profit social media.

3. Can I publish photos or videos of Barragán's built works shot from the interior or from private premises?

Firstly, please note that you must obtain permission of the owner or administrator of the built work before accessing it. The Barragan Foundation is not associated with the ownership or management of any of Luis Barragán's works in Mexico, nor bears any responsibility in connection with the conservation of and access to the works. Any fee

Barragan Foundation

you might be asked to pay is not requested nor shared by the Barragan Foundation and does not permit you to publicly use the produced photographs or videos.

Secondly, should you want to publicly use any of the photographic/video material, you must obtain the necessary permission from ProLitteris or one of its associated sister societies worldwide. Note that permission of use will not be granted for merchandising, advertising and promotional campaigns (see question #4 below).

4. **I would like to use images or footage of Luis Barragán or his architecture in a fashion, promotional or commercial campaign. How should I proceed?**

Even if you do acquire permission to shoot in any of Barragán's works, please be aware that, as a general policy, the Barragan Foundation does not allow the direct or indirect association of the works of Luis Barragán with commercial activities of any kind and thus will not allow their usage as the backdrop of a fashion, promotional or commercial campaign. However, specific requests formulated within the frame of a broader project of sponsorship or cultural collaboration can be taken into consideration and discussed: please do contact the Barragan Foundation for exploring this possibility.

5. **We are a publishing house/broadcasting/video/film company and we would like to produce a Luis Barragán monograph/documentary/movie. How shall we proceed?**

Please inform the Barragan Foundation at the earliest possible stage, as such projects require specific consideration and pre-emptive approval. The related conditions and fees will be established via ProLitteris and their associated sister societies.

6. **I am an artist and I would like to include/quote from Barragán's works and/or pictures, drawings, manuscripts, etc. for my project(s). How should I proceed?**

The Barragan Foundation welcomes creativity and encourages such approaches. However, please be aware of possible copyright implications related to the reproduction and manipulation of the work of a fellow author such as Luis Barragán. Please do inform the Barragan Foundation of your intended work, and possible by-products of the work (such as multiples, publications, printed matters, replicas, videos, broadcasts, online use, websites, digital use, microform and other media), and in case of doubt ask for specific legal advice. Please be aware that, in case your project involves acting, performing and/or photo and video shooting in one of Barragán's buildings, you must obtain permission from the respective owner. In the case of live performances please arrange for the Barragan Foundation to receive copies of any print, audio, or video

Barragan Foundation

documentation generated around the performance. Please note that public dissemination of such material requires copyright clearance.

7. I would like to use images of Barragán's work in my thesis/school publication/academic work. How can I do so?

In the case of a personal academic thesis and research, you are free to use images of Barragán's work. In good scholarly practice, the Barragan Foundation encourages the use of an appropriate citation of the source. Please mention the credits concerning the Barragan Foundation copyright as well as any additional appropriate credits (i.e. the photographer and/or other parties involved) related to the images you use. If your thesis is to be published, or you are working in view of an academic/school publication, a proper rights clearance with ProLitteris or one of its associated sister societies is required.

8. I would like to reproduce images offered for use in the Barragan Foundation website. How should I proceed?

A proper rights clearance with ProLitteris or one of its associated sister societies is required. Please contact ProLitteris. Once cleared, the available images can be downloaded from our site in low resolution for layout purposes, and the Barragan Foundation can provide high resolution files against the payment of a handling fee depending on the quantity and quality of the requested images.

9. Why should I pay a handling fee and a copyright fee?

Your payment of a handling fee will cover the costs that went towards the production of the images you request, as well as the administrative work required to fulfil your request. The handling fee directly supports the Barragan Foundation, and helps contribute to the conservation and management of the Archives.

Your payment of a copyright fee grants you the right to use the requested images. The fee is paid to ProLitteris or one of its sister societies; after deducing the percentage owed to the copyright society, the remaining amount is transferred to the Barragan Foundation on a yearly basis, contributing to ongoing reproduction and conservation efforts. Please consider that only a minor fraction of the running expenses implied by the conservation and management of the Archives is covered by both handling and copyright fees.

10. **I would like to reproduce images and documents related to Barragán or produced by Armando Salas Portugal in relation with the works of Luis Barragán, held by other parties (archives, libraries, repositories, collectors, owners, photographers, former Luis Barragán's partners and collaborators, etc.). What is the situation with materials related to Barragán that are held by others than the Barragan Foundation?**

Regardless of who owns the work or the document, the copyright remains with the Barragan Foundation. A proper rights clearance with ProLitteris or one of its associated sister societies is required.

11. **Can published material related to Luis Barragán be reproduced?**

Apart from exceptions indicated by law in certain countries, any use of published material that is not purely personal and private requires prior permission. If you should want to publish this material sometime in the future, a proper rights clearance with ProLitteris or one of its associated sister societies is required.

12. **I would like to study some of the works by Luis Barragán, or a particular aspect of his work. What should I do?**

The information you are looking for might be found in some of the publications available on the market, or in public libraries, including:

“The Architecture of Luis Barragán”, Emilio Ambasz, MoMA, 1976

“Luis Barragán: Clásico del silencio”, Enrique X. de Anda Alanís, Escala, 1989

“Luis Barragán”, Yutaka Saito ed., TOTO Shuppan, 1992

“Luis Barragán, The Quiet Revolution”, Federica Zanco ed., Skira, 2002

“Barragán. Space and Shadow, Walls and Colour”, Danièle Pauly, Birkhäuser, 2002

“Barragán – The Complete Works”, Princeton Architectural Press, 2003

“Luis Barragán: Búsqueda y creatividad”, Louise Noelle, UNAM, 2004

“Luis Barragán – The Eye Embodied”, Wim van den Bergh and Kim Zwarts, Pale Pink Publishers, 2006

You can also explore our website www.barragan-foundation.org, where you can access documentation on some of Barragán’s most iconic projects as well as the architect’s life and work.

If you need specific guidance concerning specialized bibliography, references or sources, please send an e-mail to the Barragan Foundation outlining the field, aim and scope of your research: we will try to answer within a reasonable amount of time.

Barragan Foundation

Please note that the Barragán Foundation is handled with limited resources: the on-going archival and research work, as well as the preparation of publications and exhibitions, loans, reproduction campaigns and following up of on-going requests, absorb most of our daily routine, and therefore we are not able to act under time pressure nor to provide assistance on short notice.

13. I would like to visit / conduct research at the Barragán Archives. What should I do?

Due to on-going archival work the access to the Barragan Archives and the Salas Portugal collection is currently restricted. Professionals and scholars with advanced knowledge on the subject are invited to submit their specific requests and queries to the Barragan Foundation, along with an outline of the intended research. The requests will be evaluated on a case-by-case basis. Please do take into consideration that we will not be able to provide assistance on short notice nor to enter a time-consuming range of collaborative activities.

Please inform the Barragan Foundation well in advance should you want to publish the results of your research, and do consider that a proper rights clearance with ProLitteris or one of its associated sister societies is required.

14. Who sponsors the Barragan Foundation? How is it connected to Vitra?

The Barragan Foundation is a not-for-profit institution established under Swiss law and supported by the design furniture company Vitra, located at the Vitra Headquarters in Birsfelden near Basel, Switzerland. As a cultural institution, the Barragan Foundation has no commercial involvement with Vitra. While supported by the funding provided by this company, the Barragan Foundation actively seeks complementary means for sustaining and implementing its activities, aiming for donations and any form of productive projects and collaborations, agreements and licenses—within the scope of its mission and policies. If you are considering a donation or would like to propose some form of sponsorship and/or collaboration, please contact the Barragan Foundation.

15. Why are the Barragán Archives and the Barragan Foundation located in Switzerland?

Upon his death in 1988, Luis Barragán—who had no direct heirs—bequeathed his Archives and copyrights to his associate Raúl Ferrera Torres, who passed away four years later. In 1995, after several attempts to find a buyer in Mexico, Mrs Ferrera offered the archives for sale in USA, through the New York-based Max Protetch Gallery. With the aim of preserving the unity of this important architectural legacy these were

Barragan Foundation

acquired and incorporated within the cultural activities supported by the Swiss company Vitra. In 1996, the Barragan Foundation was established in Switzerland, in order to manage the archival and curatorial work required by such an acquisition.