

Industrial Architecture Between Heritage Protection and Intellectual Property Law: Reflection on “Steaua Română” Oil Refinery Complex

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The purpose of this article is to highlight the importance of considering the legal implications of copyright applied to industrial heritage, reflecting on the positions and decisions articulated during the professional round table held in Câmpina on July 15, 2024.¹ The event brought together representatives from the Câmpina Municipality, the Ministry of Culture, and the Romanian Order of Architects (Prahova branch), united by the current efforts to protect the historical “Steaua Română” petroleum refinery complex. The debates revealed significant tensions between heritage protection, development, and regulatory frameworks.

Built on the issues raised during the round table, this article examines whether intellectual property law can offer a viable legal framework for the protection of industrial heritage. In the context of industrial architecture—often shaped by layered authorship and functional constraints—the applicability of copyright raises questions concerning the recognition of authorship, originality, and the legal status of works created by identifiable, anonymous, or successive authors. Would copyright protection offer a viable framework for supporting the industrial heritage conservation efforts?

As a field of practice and regulation, the protection of industrial heritage involves an intersection of diverse interests, including public authorities concerned with sustainable development, civil society actors focused on cultural and historical values, and both industrial and real estate investors. Balancing these often-competing interests remains a primary challenge for effective heritage management.

This category of heritage encompasses a wide range of material remains—such as buildings, machinery, production sites, infrastructure, and spaces associated with social life—which should be identified, classified, and protected according to their historical, technological, social, architectural, archaeological, artistic, or scientific value. Beyond their material dimension, such sites hold significant social meaning, as they document everyday work and life and contribute to collective identity. Within this context, the “Steaua Română” complex stands out for its scientific and technical significance, as well as for the architectural quality and coherence of its design. As documented by Ștefana Pascu, the “Steaua Română” refinery represents an exceptional and well-preserved synthesis of Romania’s oil-industry history and its urban impact on Câmpina.² The round table discussions therefore moved beyond reiterating this established heritage value and focused instead on how such recognition can be translated into effective legal and regulatory instruments for protection, adaptive reuse, and future urban integration.

The Nizhny Tagil Charter for Industrial Heritage (TICCIH, 2003) defines industrial heritage as a vital component of collective memory and a strategic resource for sustainable development.

1 “Memorandum: Professional Round Table on Industrial Heritage and the ‘Steaua Română’ Refinery” (Câmpina, July 15, 2024).

2 See Ștefana Pascu, “Steaua Română” Refinery: *The Landmark Without a Community*, published within this volume.

Recognizing its value implies efforts to integrate it into conservation and urban planning policies, including through official rankings on heritage, such as those by UNESCO. Within this international framework, the Romanian context reveals both significant challenges and legal opportunities. In Romania, where substantial portions of industrial heritage remain neglected, the principles articulated in the Charter, together with the provisions of Romanian Law no. 422/2001 on the preservation of historical monuments, extend the “classical” definition of historical monuments. This legislative approach allows industrial areas to be included within the scope of built heritage, reflecting a functional and evolutionary understanding of cultural value and affirming the right to urban memory as expressed through industrial architecture.

From a legal perspective, this expanded understanding of heritage value raises further questions concerning authorship and creative contribution. Although the legal definition of a historical monument identifies cultural value primarily in terms of “artistic and architectural value” (art. 3, Law no. 422/2001), it makes no explicit reference to authorship. However, authorship is inherently linked to artistic and architectural value. Moreover, Romanian Law no. 8/1996 on copyright and related rights explicitly recognizes architecture as a work protected by intellectual property legislation (art. 7, (1), h)). In this context, identifying the author—as in the case of the Royal Saltworks at Arc-et-Senans, described as “the masterpiece of Claude-Nicolas Ledoux”—is not merely symbolic; it can function as a legal instrument supporting the evaluation, protection, and cultural integrity of industrial heritage ensembles.

As documented in the Preliminary Cultural Resource Assessment coordinated by Șerban Sturdza (Pro Patrimonio Foundation) and initiated by Ștefana Pascu and Mădălin Foça, the former “Steaua Română” refinery constitutes a stratified industrial ensemble reflecting over a century of technological and architectural evolution. Despite its closure, the site retains material and spatial authenticity, qualifying it as a coherent architectural work under the Law on the preservation of historical monuments (Law no. 422/2001). At the same time, this layered authorship and functional coherence invite examination through the lens of copyright law (Law no. 8/1996), particularly with regard to originality and the legal recognition of successive architectural contributions.

From a copyright law perspective, which constitutes the focus of this review, the “Steaua Română” case raises a series of interrelated legal questions. In particular, it prompts consideration of whether an architectural work may be subject to copyright protection even when its author is unknown or when not all successive authors can be identified. Although the ensemble does not reflect a contemporary or unitary vision, but rather a process of stratified contributions over time, its overall authenticity supports the recognition of originality—a prerequisite for copyright protection, even in situations involving anonymous authorship. In this respect, the case bears similarities to the legal treatment of folklore and anonymous popular creation. Furthermore, given the temporal distance between successive interventions, the legal classification of the existing work must be examined: does it constitute a joint work, a collective work, or a derivative work?

These questions must be assessed in light of the Romanian copyright law, which establishes originality as the essential condition for the protection of architectural works, irrespective of whether the author is identified. Under this framework, a work is protected once it has been made public under the author’s name, anonymously, under a pseudonym, or even in the absence of explicit authorship, provided that the work itself is original.

Clarifying this condition brings to the fore the definition of originality in architecture. As emphasized in the literature,³ originality lies in the author’s ability to make free and creative

3 Mihai Duțu, *Dreptul de autor și drepturile conexe* [Copyright and Related Rights], 3rd ed (Bucharest: C.H. Beck, 2015); Ruxandra Sava, “Dreptul de autor în domeniul arhitecturii” [Copyright in the Field of Architecture], *Revista Română de Drept al Proprietății Intellectuale* 2 (2018): 108-20; Sebastian Boțic, “Judging originality. The limits of intellectual Property in architectural works,” in *New Europe College. Ștefan Odobleja Program Yearbook 2018-2019*, ed. Irina Vainovski-Mihai, 25-50 (Bucharest: New Europe College, 2020).

choices that reflect a personal vision, which presupposes a distinction between purely technical or functional elements and those expressing aesthetic and artistic intent. This interpretation is supported by legal scholarship⁴ and reinforced by the jurisprudence of the Court of Justice of the European Union, particularly in *Cofemel (C-683/17)*, which establishes that a work is protected not for its utility as such, but for the manner in which utilitarian components are integrated into a creative spatial composition. This principle is especially relevant to industrial architecture, which—despite its functional constraints—may qualify for copyright protection when it demonstrates conceptual and formal innovation beyond engineering requirements.

International precedents further support this interpretation. Sites such as the Royal Saltworks at Arc-et-Senans, designed by Claude-Nicolas Ledoux, the Zeche Zollverein Coal Mine Industrial Complex in Germany, and the Gasometers in Vienna are acknowledged not only for their technological significance, but also for the architectural creativity embodied in their design and adaptive reuse.

When applied to the “Steaua Română” ensemble, originality may be identified in multiple ways. Rather than residing solely in individual structures, it can be recognized in the expressive composition of the site as a whole—in its spatial organization, the technological flows reflected in the arrangement of buildings, and the evolution of the built fabric over time. From this perspective, the ensemble merits recognition as an original architectural work under the law, even in the absence of complete authorship attribution, particularly from cultural and moral standpoints. Moreover, although copyright protection is limited in time with respect to economic rights, this limitation does not diminish the relevance of identifying authorship for purposes related to moral rights and cultural valuation.

Within this legal framework, Law no. 8/1996 further distinguishes among different forms of architectural authorship. Depending on the nature of collaboration, architectural works may be classified as joint works (art. 5), collective works (art. 6), or derivative works (art. 23), the latter encompassing transformations of pre-existing works that constitute new creations of intellectual property.

The “Steaua Română” complex is defined precisely by such historical layering, involving a plurality of creative contributions over more than a century. As noted by Giurescu and Dinu, industrial architecture should be understood as a form of cultural expression rather than merely a technical support.⁵ In this context, Olaru highlights the importance of accurately determining the legal typology of a work based on the nature of co-authors’ contributions, both for the recognition of moral and economic rights and for safeguarding the integrity of the ensemble during heritage classification procedures.⁶ Given the site’s chronological stratification, the overall composition is likely to result from successive interventions upon a pre-existing structure,⁷ making its qualification as a derivative work plausible. At the same time, specific sub-ensembles developed during coherent historical periods may alternatively qualify as joint works, without excluding the possibility of identifying individual authors for particular buildings or functional components associated with social life within the complex.

4 Radu Rizoiu, “Originalitatea în dreptul de autor – între creație și utilitate” [Originality Within Copyright: Between Creation and Utility], *Pandectele Române* 1 (2011): 67-74.

5 Dinu C. Giurescu, “Patrimoniul industrial românesc – martor al istoriei moderne” [Romanian Industrial Heritage: A Witness to Modern History], *Revista Monumentelor Istorice* 83, no. 1-2 (2014): 31-42; Delia Dinu, “Arhitectura industrială: între patrimoniu și dezvoltare urbană” [Industrial Architecture: Between Heritage and Urban Development], *Urbanism. Arhitectură. Construcții* 10, no. 2 (2019): 67-76.

6 Claudia Olaru, “Aspecte privind protecția juridică a operelor de arhitectură în contextul urbanistic actual” [Some Aspects Regarding the Legal Protection of Architectural Works in the Current Urban Context], *Curierul Judiciar* 4 (2020): 219-25.

7 Alexandru Țiclea, “Drepturile de autor ale arhitecților și protecția acestora în contextul construcțiilor” [Architects’ Copyright and Its Legal Protection for Buildings], *Dreptul* 3 (2012): 56-63; Claudia Popa, *Protecția juridică a operelor de arhitectură* [The Legal Protection of Architectural Works] (PhD diss., University of Bucharest, 2014).

These legal ambiguities were explicitly highlighted during the round table held in Cămpina in July 2024, which underscored the complex tensions affecting industrial heritage governance, shaped by prolonged legal procedures and competing interests involving investors, civil society, and local authorities. The discussions also demonstrated the value of a multidisciplinary approach and reinforced the relevance of recognizing the creators of industrial forms as contributors to cultural inheritance.

In this light, the recognition of authorship in the case of the “Steaua Română” complex—representing both a legal and cultural gain—should complement existing heritage protection mechanisms and may serve as a model for the evaluation and safeguarding of comparable industrial sites across Romania.

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