

Teaching Copyright

Public Domain Frequently Asked Questions

What is the public domain?

Public domain works are not restricted by copyright and do not require a license or fee to use. Public domain status allows the user unrestricted access and unlimited creativity!

There are three main categories of public domain works:

1. Works that automatically enter the public domain upon creation, because they are not copyrightable:
 - Titles, names, short phrases and slogans, familiar symbols, numbers
 - Ideas and facts (e.g., the date of the Gettysburg Address)
 - Processes and systems
 - Government works and documents¹
2. Works that have been assigned to the public domain by their creators
3. Works that have entered the public domain because the copyright on them has expired

(*Note:* Use of some works, such as ideas and symbols, may be restricted by other laws, such as patent, trademark, or trade secret.)

What works have expired into the public domain?²

- All works published in the U.S. before 1923
- All works published with a copyright notice from 1923 through 1963 without copyright renewal
- All works published without a copyright notice from 1923 through 1977
- All works published without a copyright notice from 1978 through March 1, 1989, and without subsequent registration within 5 years

Congress has passed a series of laws extending the term of copyright. Currently, the default term is life of the author plus 70 years. That means that most of the copyrighted

¹ More specifically, "a work prepared by an officer or employee of the United States Government as part of that person's official duties" is in the public domain, but there are situations in which copyright *does* apply to a government document. For example, works produced by contractors working on behalf of the government can be protected by copyright, depending on the terms of the contract. There may be disclaimers on ".gov" sites that cover exceptions or discrepancies.

² Cornell University, "Copyright Term and the Public Domain in the United States 1 January 2009" http://www.copyright.cornell.edu/public_domain

works created from the late 1970s to the present may not become public domain during your lifetime.

In general, works published after 1977 will not fall into the public domain until 70 years after the death of author, or, for corporate works, anonymous works, or works for hire, 95 years from the date of publication or 120 years from the date of creation, whichever expires first.

Where can I find public domain works?

The sites below will guide you to a cultural wealth of public domain books, images, illustrations, audio, and films where the copyright term has expired or the creator has not renewed the license. Remember, public domain works are free and available for unrestricted use. Enjoy and be creative!

- Smithsonian Institution Public Domain Images
<http://flickr.com/photos/smithsonian>
- New York Times Public Domain Archives
http://commons.wikimedia.org/wiki/Category:Public_Domain_Images_from_the_New_York_Times
- Project Gutenberg
A collection of public domain electronic books
http://gutenberg.org/wiki/Main_Page
- Librivox
Public domain audio books
<http://librivox.org>
- Prelinger Archives
The Prelinger Archives are a vast collection of advertising, educational, industrial, and amateur films.
<http://archive.org/details/prelinger>

How does a creator dedicate a work to the public domain?

One way to dedicate a work to the public domain in the U.S. is to use the Creative Commons Public Domain Dedication, available at:

<http://creativecommons.org/license/publicdomain-2>. Note that interpretation of a dedication may vary in countries outside of the United States.

Creative Commons also offers “CC0,” a method of waiving all copyrights and a number of other related rights. You can find out more about CC0 here:

<http://wiki.creativecommons.org/CC0>

