

FINDING THE PUBLIC DOMAIN: PRACTICAL RIGHTS REVIEW FOR MID- CENTURY COLLECTIONS

Katie Zimmerman, Scholarly Communications and
Licensing Librarian, MIT Libraries
Miami Copyright Conference, Sept. 16, 2019



"Technology's Mascot," [MIT Class of 1898 25th Anniversary Book](#)

Today's topics



What is the public domain?



How to determine copyright status



Putting it into practice



WHAT IS THE PUBLIC
DOMAIN?



How do things get into the public domain?



Works that are not copyrightable to begin with



Works of the US federal government

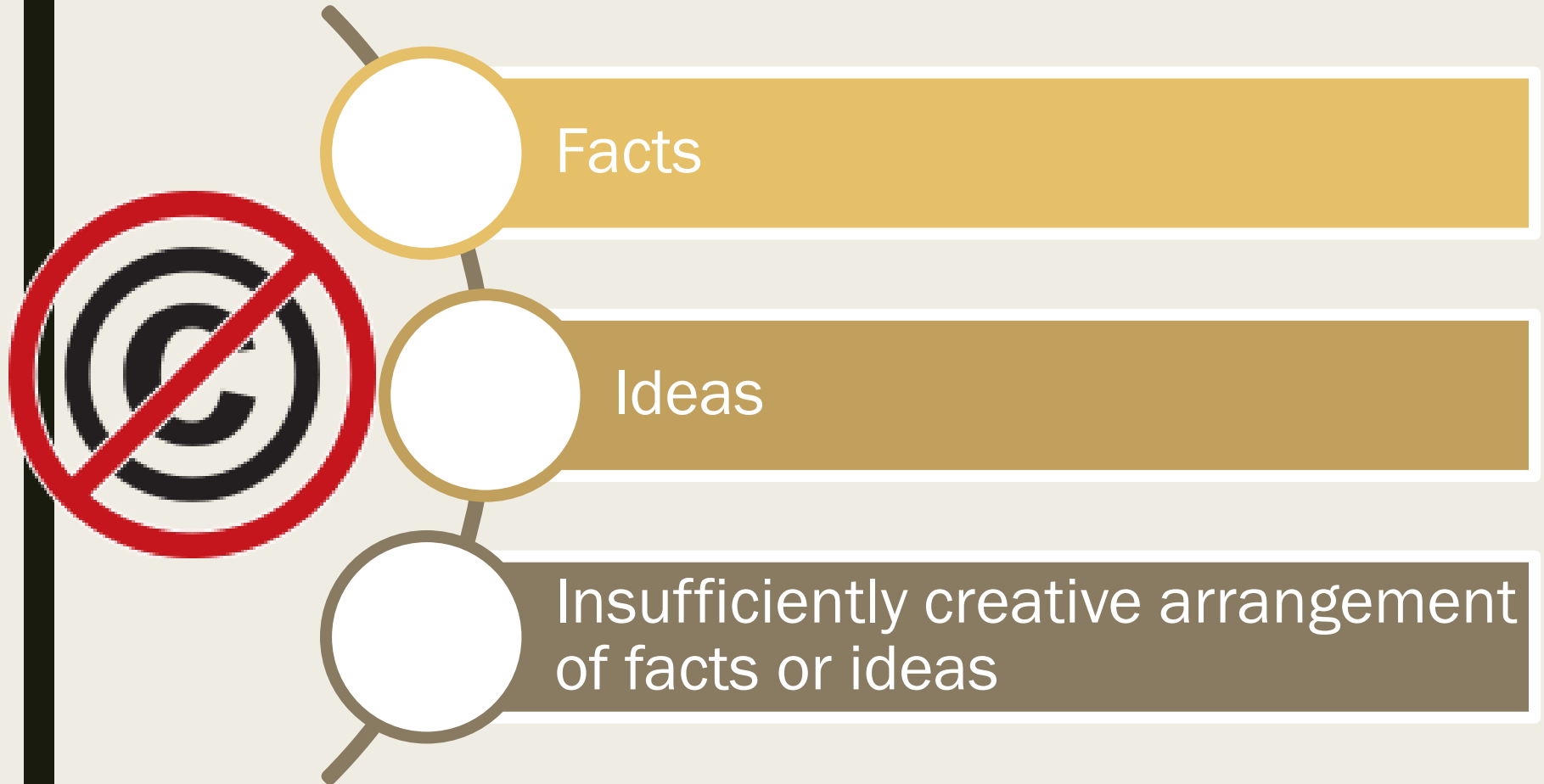


Works placed in the public domain by their creators



Works whose copyright has expired

Uncopyrightable works



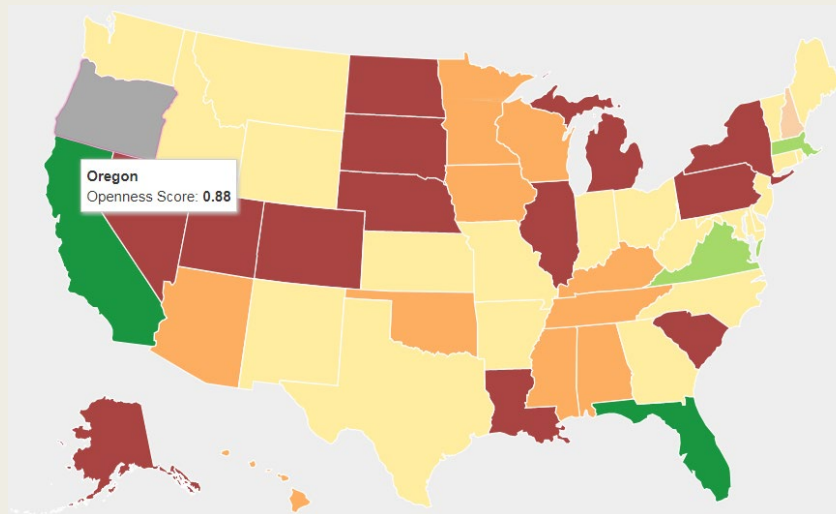
Government documents



Works of the US federal government

“Copyright protection ... is not available for any work of the United States Government.” 17 U.S.C. § 105

(not state/municipal government)



<http://copyright.lib.harvard.edu/states/>

Volunteering for the public domain



Works placed in the public domain by their creators

CC0

“No Rights Reserved”



CC0 enables scientists, educators, artists and other creators and owners of copyright- or database-protected content to waive those interests in their works and thereby place them as completely as possible in the public domain, so that others may freely build upon, enhance and reuse the works for any purposes without restriction under copyright or database law.

Aging into the public domain



Works whose copyright has expired

The Congress shall have power ...

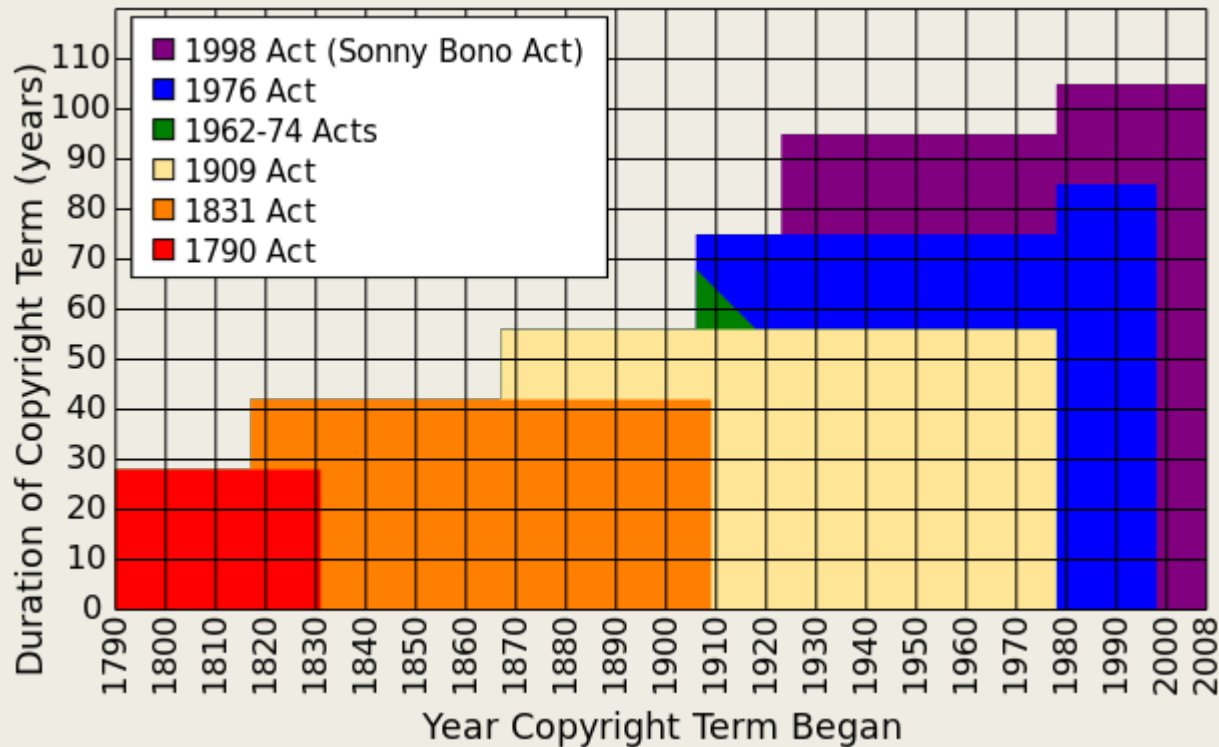
To promote the Progress of Science and useful Arts, by securing for **limited Times** to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

- US Constitution, Article 1, Section 8, Clause 8

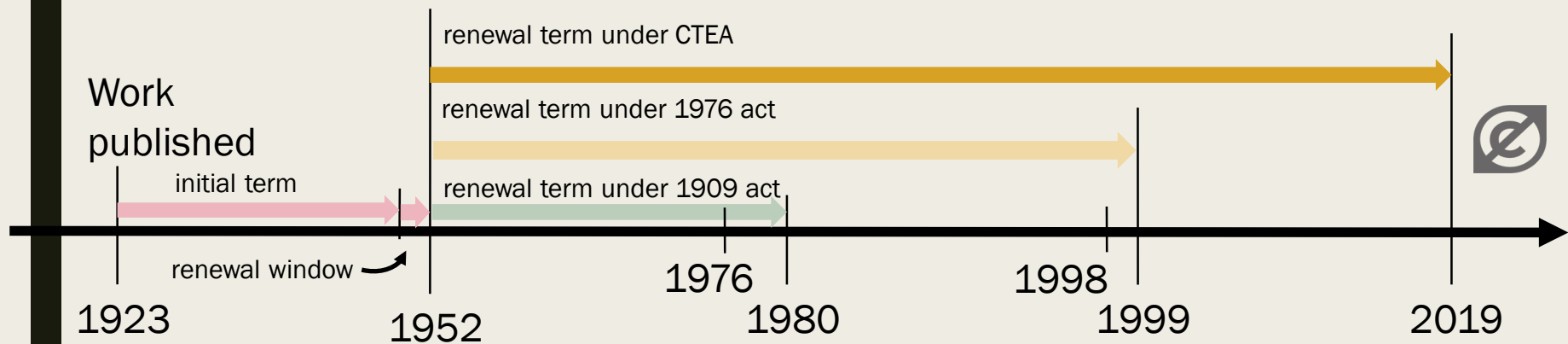


The U. S. Frigate "Constitution."

The ever-expanding duration of copyright

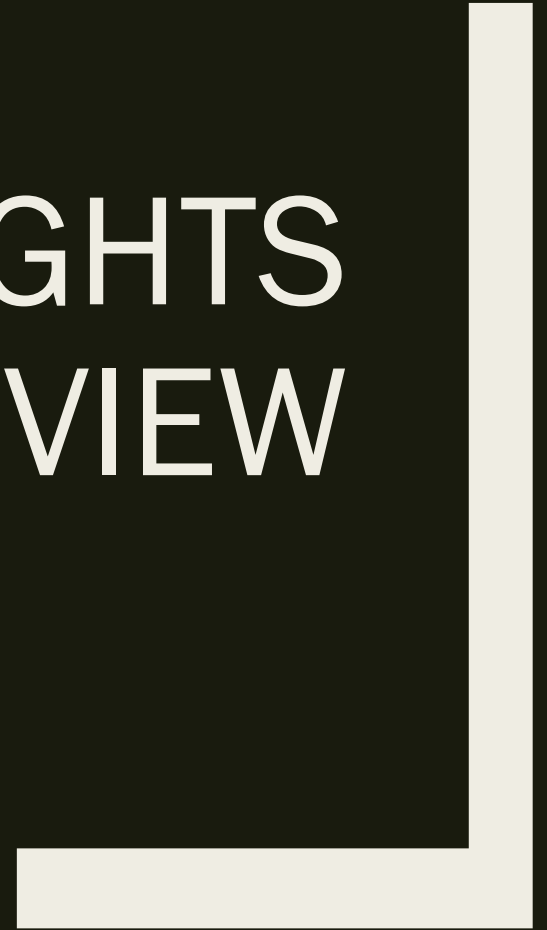


January 1st, 2019

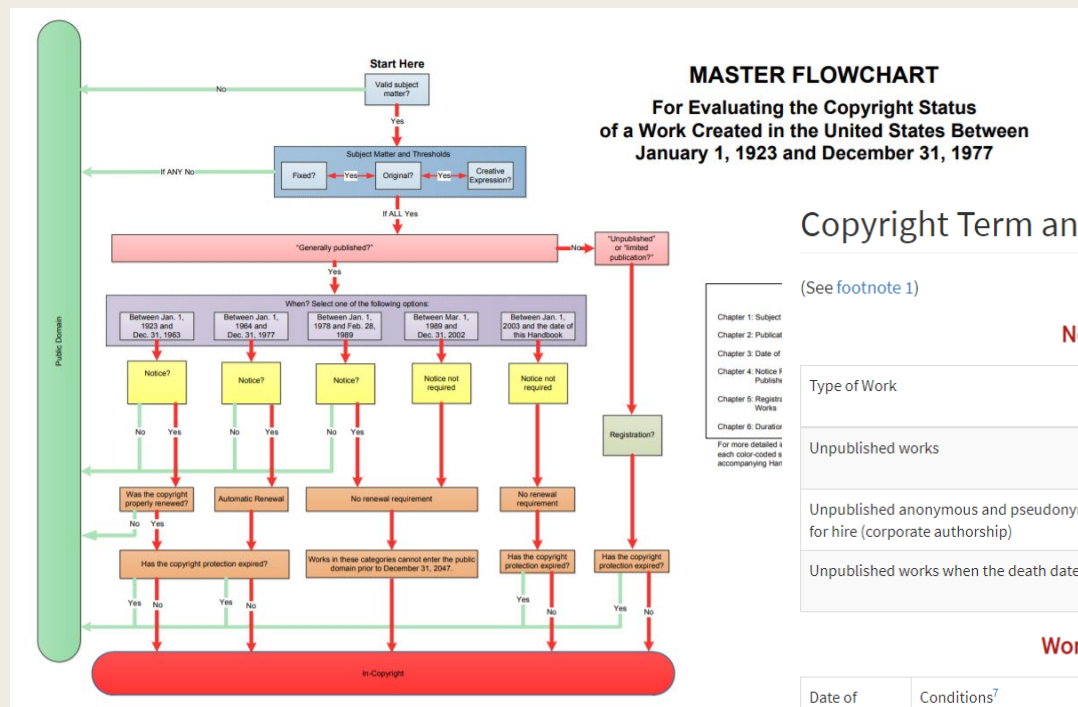


(& check out <https://archive.org/details/mitlibrariespublicdomain> !)

PRACTICAL RIGHTS REVIEW



Resources



Copyright Term and the Public Domain in the United States

(See footnote 1)

Never Published, Never Registered Works²

Type of Work	Copyright Term	In the public domain in the U.S. as of 1 January 2019 ³
Unpublished works	Life of the author + 70 years	Works from authors who died before 1949
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1899
Unpublished works when the death date of the author is not known ⁴	120 years from date of creation ⁵	Works created before 1899 ⁵

Works Registered or First Published in the U.S.

Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1924	None	None. In the public domain due to copyright expiration
1924 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1	Published without notice, but with subsequent	70 years after the death of author. If a work of corporate

Is it in the Public Domain? Handbook

Cornell/Hirtle public domain chart

General assumptions & guidelines



- Mostly talking about printed media



- US copyright law



Works published prior to 1924 are probably PD



Works published after 1989 are probably *not* PD



Works published outside the US can get tricky

Guiding Questions



What?



Where?



When?



Notice?



Renewal?



What?

- What type of thing is the work you're looking at?
- Is it published or unpublished?

Unpublished works

Never Published, Never Registered Works²

Type of Work	Copyright Term	In the public domain in the U.S. as of 1 January 2019 ³
Unpublished works	Life of the author + 70 years	Works from authors who died before 1949
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1899
Unpublished works when the death date of the author is not known ⁴	120 years from date of creation ⁵	Works created before 1899 ⁵

<https://copyright.cornell.edu/publicdomain>

Kinda published works

“General publication”

- Sold in stores, available in libraries
- Made available to the public regardless of who they are or their intended use
- = published, use rules for published works

“Limited publication”

- Only available through public performance or exhibition
- Made available to a limited group for a limited purpose (“Do not Distribute”)
- = unpublished, use rules for unpublished works



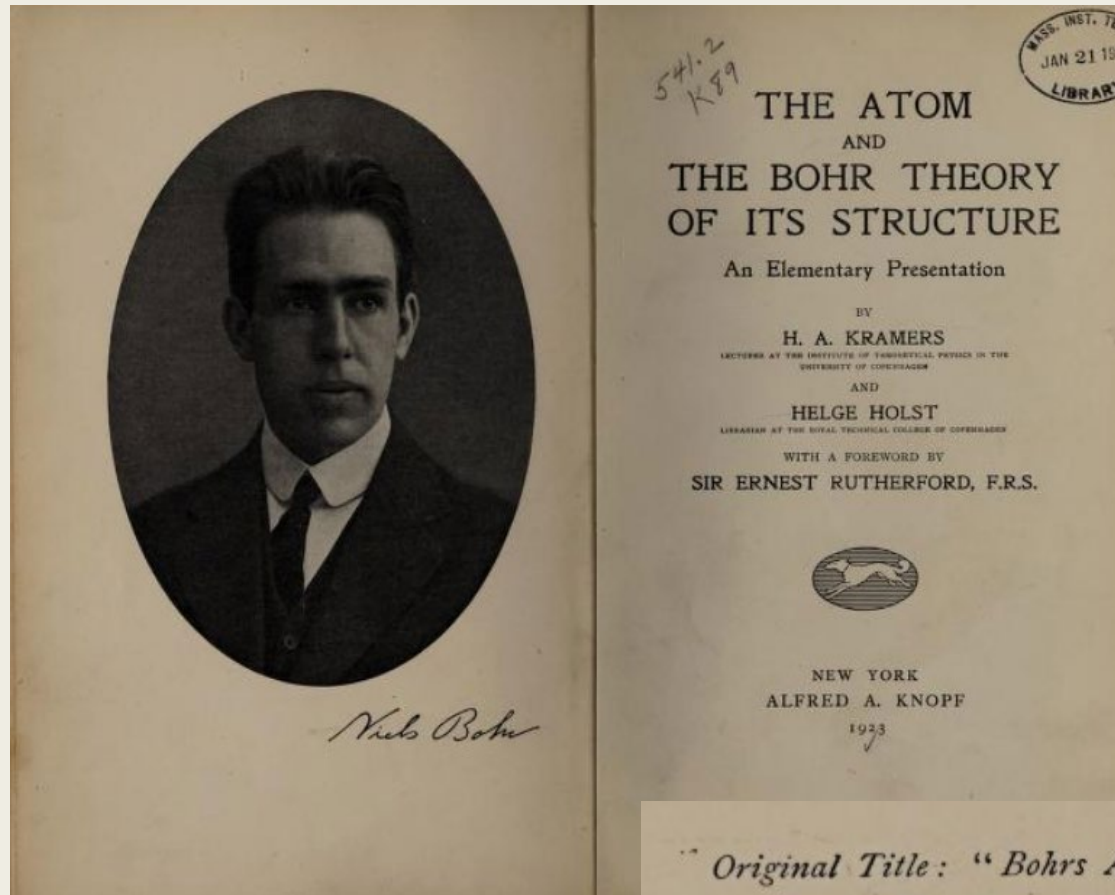
Where? (foreign publication check)

For most of
20th century,
US protection
required
compliance
with US
formalities

1991 – US
passes a
copyright
amendment
to fix this

Resulting in
us “copyright
restoration”
for many
works that
were
previously in
the US public
domain

Foreign publication example



Original Title: "Bohrs Atomteori, almenfatteligt fremstillet"

*Translated from the Danish by R. B. LINDSAY,
Fellow of the American-Scandinavian Foundation,
1923, and RACHEL T. LINDSAY*

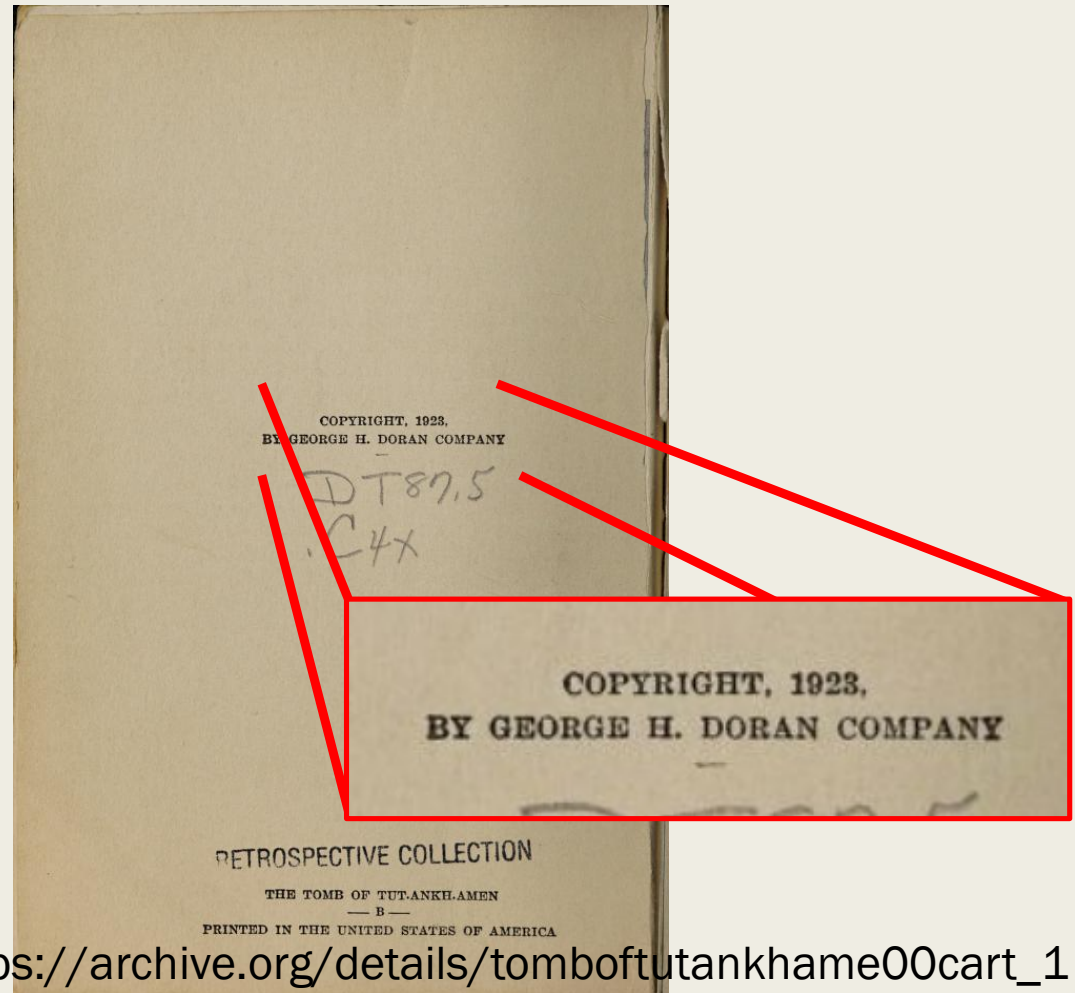
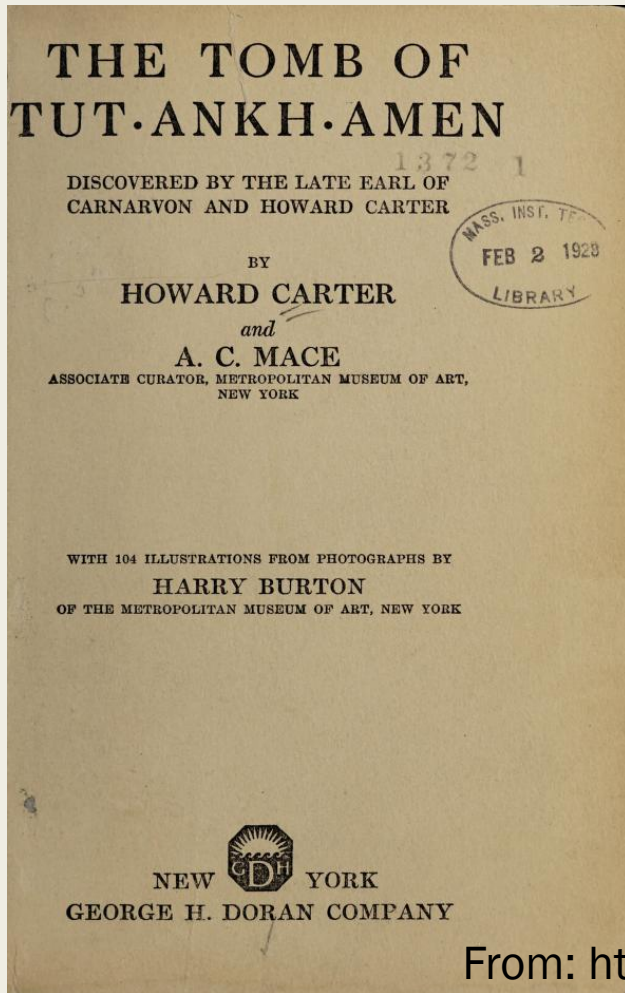


When? (publication date)

Works Registered or First Published in the U.S.

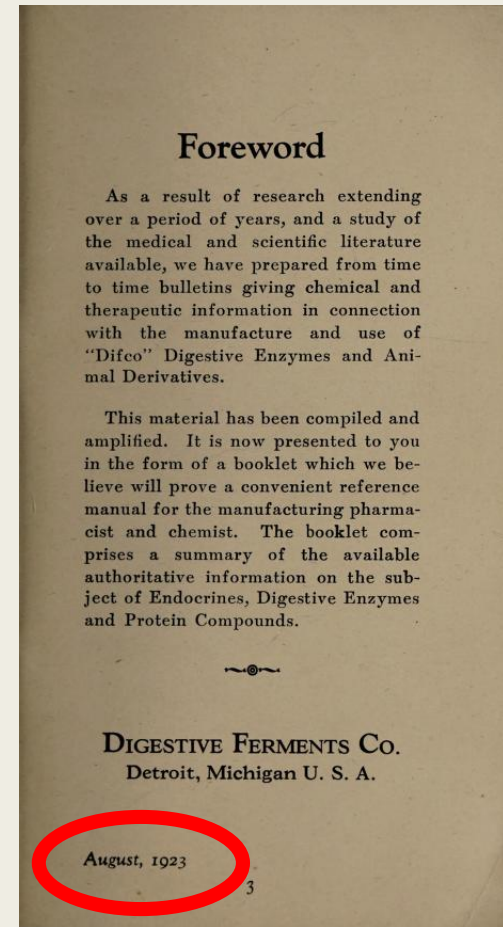
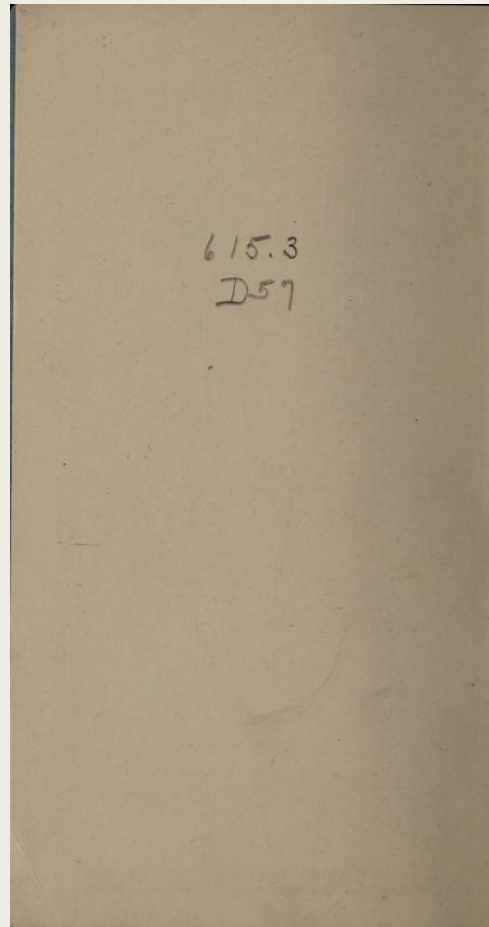
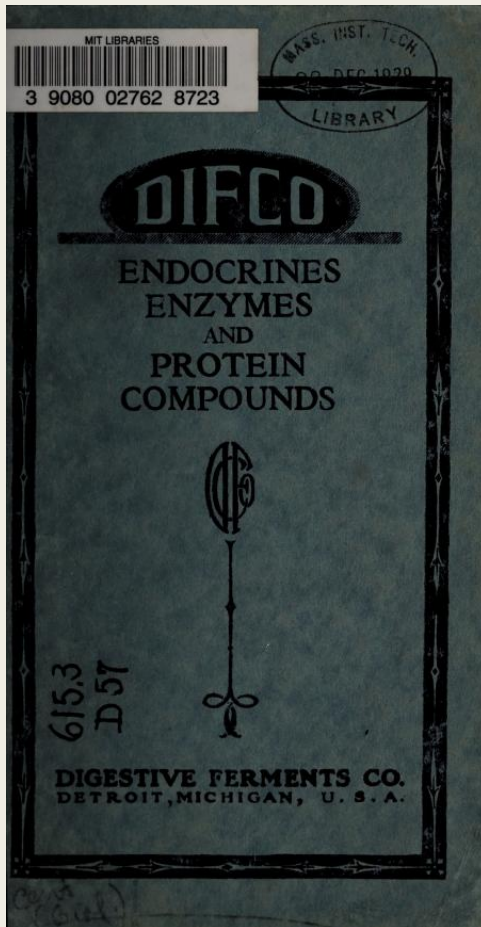
Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1924	None	None. In the public domain due to copyright expiration
1924 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1924 through 1963	Published with notice but copyright was not renewed ⁸	None. In the public domain due to copyright expiration
1924 through 1963	Published with notice and the copyright was renewed ⁸	95 years after publication date
1964 through 1977	Published with notice	95 years after publication date
1978 to 1 March 1989	Created after 1977 and published with notice	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1978 to 1 March 1989	Created before 1978 and first published with notice in the specified period	The greater of the term specified in the previous entry or 31 December 2047
From 1 March 1989 through 2002	Created after 1977	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first

Gathering information from the work



From: https://archive.org/details/tomboftutankhame00cart_1

Gathering information from the work





Notice?

Notice of
copyright.

SEC. 18. That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case

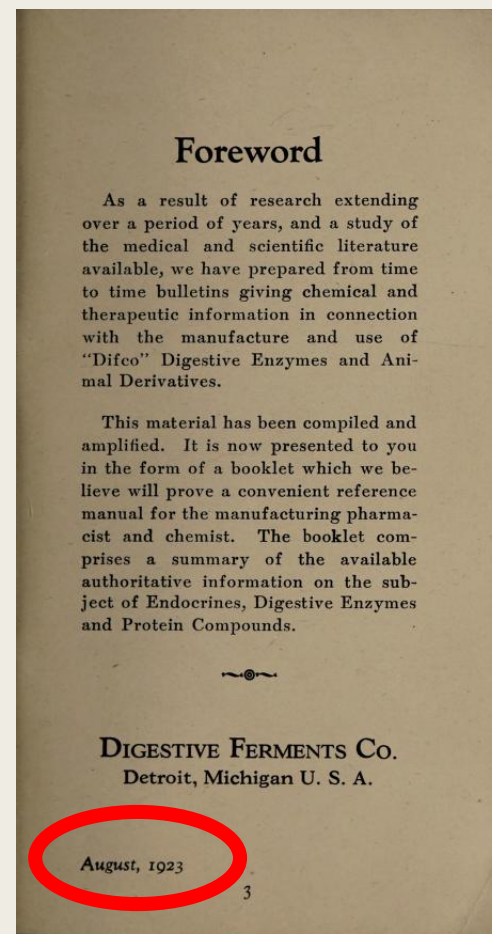
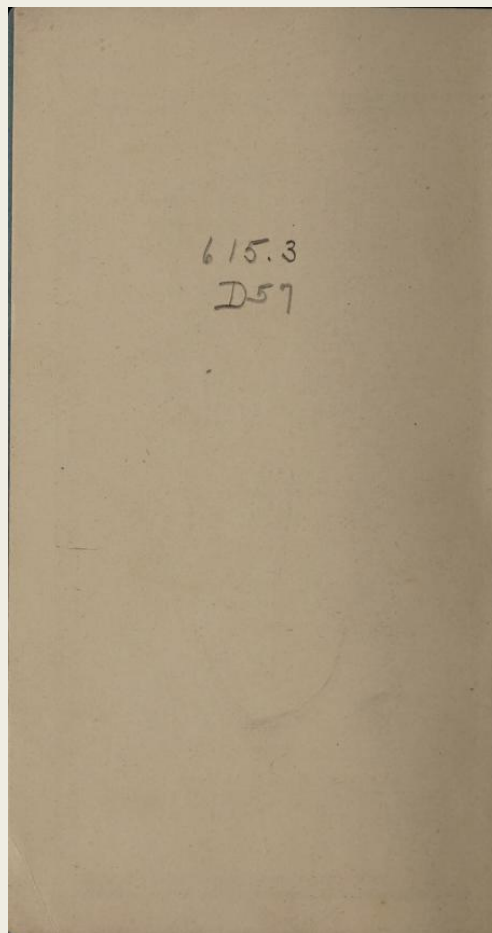
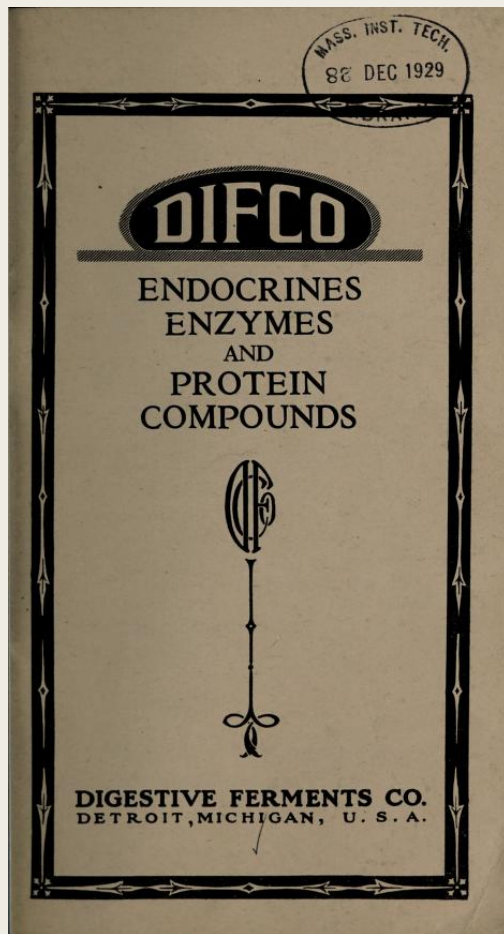
Notice on
maps, copies of
works of art,
photographs,
and prints.

Notice on
accessible por-
tion.



Notice?

<u>Type of Material</u>	Books or Printed Publications	Periodicals	Musical Compositions	Pictorial, Graphical, or Sculptural Works	Sound Recordings created after February 15, 1972
<u>Notice Form and Elements</u>	General form: (1) The symbol ©, "Copr." or "Copyright" (2) Year of first publication (3) Author's name Example: "© 1974 Jane Doe"	General form: (1) The symbol ©, "Copr." or "Copyright" (2) Year of first publication (3) Author's name Example: "© 1974 Jane Doe"	General form: (1) The symbol ©, "Copr." or "Copyright" (2) Year of first publication (3) Author's name Example: "© 1974 Jane Doe"	General Form: (1) The symbol ©, "Copr." or "Copyright" (2) Year of first publication (3) Author's name Example: "© 1974 Jane Doe" or Short form: (1) The symbol ©, "Copr." or "Copyright" (2) Author's initial, monogram, trademark, or symbol Example: "© JD"	Special form (required): (1) The symbol ® (2) Year of first publication (3) Author's name, abbreviation of name, or generally known designation Example: "® 1978 XYZ Records, Inc."
<u>Acceptable Locations for Notice</u>	On the title page or the page immediately following the title page.	On the title page, on the first page of text of each separate volume number, or under the title heading.	On the title page or on the first page of sheet music.	The author's name should appear in an accessible place, such as the margin, back, permanent base, or pedestal of the work.	On the surface of reproductions, or on the label or container the phonorecord is in, so long as it gives "reasonable notice."

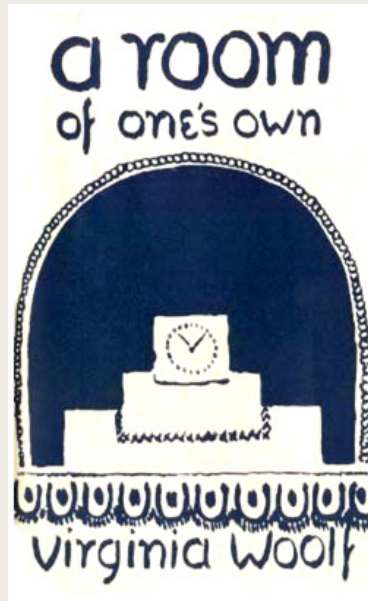




Packing butter for shipment, Amsterdam, Holland

Copyright, Keystone View Co.

Copyright registration



1929 Copyright registration:

Woolf, Mrs. Virginia (Stephen)

A room of one's own [by] Virginia Woolf. New York, The Fountain press; London, The Hogarth press, 1929.

4 p. l., 3-159 p., 1 l. 24 $\frac{1}{2}$ cm.

"Of this book four hundred ninety-two copies, of which four hundred fifty are for sale, have been printed by Robert S. Josephy, in October, 1929 ... Each copy signed by the author ... This is number Out of series."

© Oct. 21, 1929; 2c. and aff. Nov. 9; A 15679; Harcourt, Brace & co., inc. (29-27524) **12510**

Via [1929 Catalogue of Copyright Entries](https://www.copyright.gov/publications/1929/Catalogue%20of%20Copyright%20Entries.pdf)

Copyright renewal

About
renewals

- Renewal was required to continue copyright protection after the first 28 years
- Renewals became automatic in 1964
- Renewals must be filed during the 28th year of the initial copyright term

Therefore

- If published prior to 1964 and NOT in the renewal records, public domain



A Room of One's Own,
published 1929 + 28 years = renewal required in 1957

How to find renewal records

The Online Books Page

COPYRIGHT REGISTRATION AND RENEWAL RECORDS

Look up records by year

Database	1978-present
Catalog of copyright entries	1970 1971 1972 1973 1974 1975 1976 1977 1978 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1910 1911 1912 1913 1914 1915 1916 1917 1918 1919
Catalogue of title entries	1900 1901 1902 1903 1904 1905 1906 1907 1908 1909 1891 1892 1893 1894 1895 1896 1897 1898 1899
Dramatic compositions only	1870-1890
Pre-1870	1789-1870 (not at Library of Congress)

<https://onlinebooks.library.upenn.edu/cce/>

How to find renewal records

<https://onlinebooks.library.upenn.edu/cce/>

Copyright registrations for 1957

Copyright registrations from 1957 are available from this page. Registrations were classified by category, with renewals included in the same volume as original registration in most cases.

The following types of records are available here:

- [Books and Contributions to Periodicals](#) (at least 60,847 original registrations; more than 3,983 renewals)
- [Periodicals](#) (59,783 original registrations; 3,734 renewals)
- [Drama and Works prepared for oral delivery](#) (3,792 original registrations; 736 renewals)
- [Music](#) (63,278 original registrations; 10,085 renewals)
- [Maps and atlases](#) (1,796 original reg
- [Artwork and photographs](#) (11,461 o
- [Commercial prints and labels](#) (9,024
- [Motion pictures and filmstrips](#) (3,51

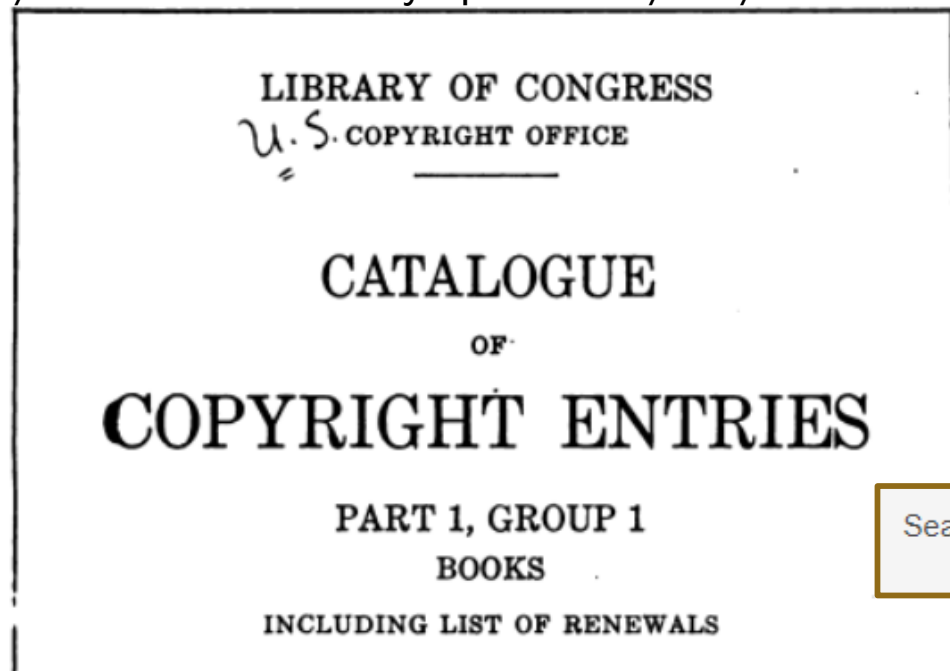
Books and Contributions to periodicals

The volumes for Part 1 (Books, Pamphlets, Serials, and Contrib

- [Overview of Part 1: Books, Pamphlets, Serials, and Cont](#)
 - [January-June 1957](#)
 - [Renewals](#) (pp. 687-758; see also a [Project G](#)
 - [Title index](#) (pp. 759-914)
 - [July-December 1957](#)
 - [Renewals](#) (pp. 1559-1619; see also a [Project](#)
 - [Title index](#) (pp. 1621-1776)

How to find renewal records

<https://onlinebooks.library.upenn.edu/cce/>



Search in this text

Woolf

Find

1957

RENEWAL REGISTRATIONS

757

Jeeves and the kid Clementina. (In Hearst's international-cosmopolitan, Jan. 1930) © 10Dec29; B50885. P. G. Wodehouse (A); 9Jan57; R183832.
Jeeves and the love that purifies. (In Hearst's international-cosmopolitan, Nov. 1929) © 10Oct29; B45029. P. G. Wodehouse (A); 9Jan57; R183833.

WOOLBERT, CHARLES HENRY, joint author. Better speech. SEE Weaver, Andrew Thomas.
WOOLF, LEONARD. A room of one's own. SEE Woolf, Virginia.

WOOLF, VIRGINIA. A room of one's own. © 21Oct29; A15679. Leonard Woolf (Wr); 26Feb57; R187099.

Some other beauty. © 13Feb30; AI-13686; 2May30; A23638. I. A. R. Wylie (A); 3May57; R191754.
We all know it. (In Saturday evening post, Apr 12, 1930) © 10Apr30; B68140. I. A. R. Wylie (A); 15Apr57; R191121.

WYNNE, ANTHONY, pseud. SEE Wilson, R. McNair.

How to find renewal records

<https://exhibits.stanford.edu/copyrightrenewals>



Limit your search

Date



Author



Stanford
1963. N
Copyrig

The per
renewe
work's
online
search

A room of one's own

Author:	WOOLF, VIRGINIA
Renewal ID:	R187099
Original Registration Nu...	A15679
Date of Renewal:	26Feb57
Date of Publication:	21Oct29
Claimant:	Leonard Woolf (Wr)
Class Code:	Wr

- Only books
- Only books published 1923-1963

Summary

Published
prior to
1924

- In public domain*

Published
prior to
1964

- Requires renewal

Published
prior to
1989

- Requires copyright notice

Practice!

- Use the handout worksheet - http://bit.ly/mcc_pd
- After your investigation – would you be confident making the book available?

Share what you know

- <https://rightsstatements.org>

RIGHTS  **STATEMENTS**

[Statements](#)

[About](#)

[Documentation](#)

[Get Involved](#)

[Blog](#)

Three Categories of Rights Statements

IN COPYRIGHT



*Statements for works that are in
copyright*

NO COPYRIGHT



*Statements for works that are not in
copyright*

OTHER



*Statements for works where the
copyright status is unclear*

Resources

- Copyright Term and the Public Domain in the United States:
<https://copyright.cornell.edu/publicdomain>
- Is it in the Public Domain Handbook:
[https://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL\(1\).pdf](https://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL(1).pdf)
- Copyright and Cultural Institutions:
<https://ecommons.cornell.edu/handle/1813/14142>
- [Index to the Catalog of Copyright Entries online versions](#) via UPenn Online Books Page
- [Stanford Copyright Renewal Database](#)