

WHEN WORKS PASS INTO THE PUBLIC DOMAIN

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| DATE OF WORK | PROTECTED FROM | TERM |
|---|--|---|
| Created 1-1-78 or after | When work is fixed in tangible medium of expression | Life + 70 years ¹ (or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²) |
| Published before 1923 | In public domain | None |
| Published from 1923-63 | When published with notice ³ | 28 years + could be renewed for 47 years, now extended by 20 years for a total renewal of 67 years. If not so renewed, now in public domain |
| Published from 1964-77 | When published with notice | 28 years fro first term; now automatic extension of 67 years for second term |
| Created before 1-1-78 but not published | 1-1-78, the effective date of the 1976 Act which eliminated common law copyright | Life + 70 years or 12-31-2002, whichever is greater |
| Created before 1-1-78 but published between then and 12-31-2002 | 1-1-78, the effective date of the 1976 Act which eliminated common law copyright | Life + 70 years or 12-31-2047 whichever is greater |

1 Term of joint works is measured by life of the longest-lived author.

2 Works for hire, anonymous and pseudonymous works also have this term. 17 U.S.C. §302(c).

3 Under the 1909 Act, works published without notice went into the public domain upon publication. Works published without notice between 1-1-78 and 3-1-89, effective date of the Berne convention Implementation Act, retained copyright only if, e.g., registration was made within five year. 17 U.S.C. §405.

Notes courtesy of Professor Tom Field, Franklin Pierce Law Center

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