Is it in the Public Domain?

FLOWCHARTS FOR EVALUATING THE COPYRIGHT STATUS
OF A WORK CREATED IN THE UNITED STATES
BETWEEN JANUARY 1, 1923 AND DECEMBER 31, 1977

USE WITH HANDBOOK: These flowcharts must be used in conjunction with the accompanying handbook, “Is it in the Public Domain?”
MASTER FLOWCHART
For Evaluating the Copyright Status of a Work Created in the United States Between January 1, 1923 and December 31, 1977
Question One: Is the work valid “subject matter?”
- Books
- Periodicals
- Lectures and sermons*
- Dramatic compositions*
- Musical compositions*
- Maps
- Works of art*
- Reproductions of works of art
- Drawings or plastic works of a scientific or technical character*
- Photographs*
- Prints and pictorial illustrations
- Motion pictures and photoplays*
- Prints or labels used for articles of merchandise (after July 1, 1939)
- Sound recordings (after February 15, 1972)

Yes

Question Two: Has the work been “fixed” in a tangible medium?

Yes

Question Three: Is the work sufficiently “original?”

Yes

Question Four: Does the work contain protectable “creative expression?”

Yes

Publication Status

If ANY No

Sound recordings created before February 15, 1972 are not protected by federal copyright law.

Originality is a very low bar, and most works will likely be considered original.

If ALL Yes

Types of subject matter marked with an asterisk (*) are eligible for copyright protection under the 1909 Act as registered unpublished works. See Chapter 5: Registration Status of Unpublished Works.

Public Domain

Sound recordings created before February 15, 1972 are not protected by federal copyright law.
Question One: Was the work “generally published?”
Made available to members of the public regardless of who they are or what they will do with the work.

Question Two: Is the work “unpublished?”

Question Two(a): Was the work never expressed to the public in any way?

Question Two(b): Was the work expressed to the public only through exhibition or performance?

Question Two(c): Was the work expressed only through “limited publication”?
Communicated to a selected group AND Communicated for a limited purpose.

Whether a work is “generally published” or not is a legal distinction that is hard to predict. See Chapter 2 of the Handbook for further details.

If ANY Yes
The work is “unpublished”

If ALL No

Date of General Publication

Registration Status
FLOWCHART 3: DATE OF GENERAL PUBLICATION
(See Handbook Chapter 3)

“Generally published”

**Question:** Which date range does the work fall into? Select one of the following options:

- Between January 1, 1923 and December 31, 1963
- Between January 1, 1964 and December 31, 1977
- Between January 1, 1978 and February 28, 1989
- Between March 1, 1989 and December 31, 2002
- Between January 1, 2003 and the date of this Handbook

**Notice:**

- Notice
- Notice not required

**Duration and Renewal**
FLOWCHART 4: NOTICE REQUIREMENT FOR GENERALLY PUBLISHED WORKS
(See Handbook Chapter 4)

Date of General Publication
Between January 1, 1923 and December 31, 1963

Proper notice?

Question One: What type of material are you reviewing?

Question Two: Does the notice include all of the proper elements?

Question Three: Is the notice in a proper location?

If ALL Yes
If ANY No

Proper notice?

Question One: What type of material are you reviewing?

Question Two: Does the notice include all of the proper elements?

Question Three: Is the notice in a proper location?

Question Four: Did any lack of notice fall under one of the three exceptions?

Public Domain

Duration and Renewal
Between January 1, 1964 and December 31, 1977

Between January 1, 1978 and February 28, 1989

If ANY No

Yes
FLOWCHART 5: REGISTRATION STATUS OF UNPUBLISHED WORKS
(See Handbook Chapter 5)

Question One: Was the unpublished work eligible to be registered?

Yes

Question Two: If the unpublished work was eligible for registration, was it registered and deposited?

Yes

Registered unpublished work

Date of Registration

No

Unregistered unpublished work

Duration and Renewal

Only certain types of works could be registered as unpublished works:
- Lectures and sermons
- Dramatic compositions
- Musical compositions
- Works of art
- Drawings or plastic works of a scientific or technical character
- Photographs
- Motion pictures and photoplays