

# When Work Passes into Public Domain

Includes material from new Term Extension Act, PL 105-298

This table illustrates when work passes into public domain. This is published with permission from Laura N. Gasaway and was developed with the help of Professor Tom Field from the Franklin Pierce Law Center. The information on this page is current as of November 4, 2003. Updates to the law will be reflected on their web site, so check the following page to see if any changes have been made:  
<http://www.unc.edu/~uncldg/public-d.htm>

Date of Work	Protected From	Term
Created 1-1-78 or after	When work is fixed in tangible medium of expression	Life + 70 years <sup>1</sup> (or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation <sup>2</sup> )
Published before 1923	In public domain	None
Published from 1923 - 63	When published with notice <sup>3</sup>	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 for 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 years. 17 U.S.C. § 405.