

Copyright Term and the Public Domain in the United States

1 January 2005

UNPUBLISHED WORKS

<i>Type of Work</i>	<i>Copyright Term</i>	<i>What was in the public domain in the U.S. as of 1 January 2005²</i>
Unpublished works	Life of the author + 70 years	Works from authors who died before 1935.
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1885.
Unpublished works created before 1978 that were published after 1977 but before 2003	Life of the author + 70 years or 31 December 2047, whichever is greater	Nothing. The soonest the works can enter the public domain is 1 January 2048
Unpublished works created before 1978 that were published after 31 December 2002	Life of the author + 70 years	Works of authors who died before 1935.
Unpublished works when the death date of the author is not known ³	120 years from date of creation ⁴	Works created before 1885. ⁴

WORKS PUBLISHED IN THE US

<i>Date of Publication⁵</i>	<i>Conditions⁶</i>	<i>Copyright Term²</i>
Before 1923	None	In the public domain
1923 through 1977	Published without a copyright notice	In the public domain
1978 to 1 March 1989	Published without notice, and without subsequent registration	In the public domain
1978 to 1 March 1989	Published without notice, but with subsequent registration	70 years after the death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²
1923 through 1963	Published with notice but copyright was not renewed ⁷	In the public domain
1923 through 1963	Published with notice and the copyright was renewed ⁷	95 years after publication date ²
1964 through 1977	Published with notice	95 years after publication date ²
1978 to 1 March 1989	Published with notice	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²
After 1 March 1989	None	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²

WORKS PUBLISHED OUTSIDE THE US⁹

<i>Date of Publication</i>	<i>Conditions</i>	<i>Copyright Term in the United States</i>
Before 1 July 1909	None	In the public domain
<i>Works Published Abroad Before 1978 in Compliance with US Formalities⁸</i>		
1 July 1909 through 1922	Published in compliance with US formalities	In the public domain
1923 through 1977	Published with notice, and still in copyright in its home country as of 1 January 1996	95 years after publication date ⁹
<i>Works Published Abroad Before 1978 Without Compliance with US Formalities¹⁰</i>		
1 July 1909 through 1922	Published in a language other than English and without subsequent republication with a copyright notice	In the 9 th Judicial Circuit, the same as for an unpublished work; in the rest of the US, likely to be in the public domain ¹¹
1923 through 1977	In the public domain in its home country as of 1 January 1996	In the public domain
1923 through 1977	Published in a language other than English, without subsequent republication with a copyright notice, and not in the public domain in its home country as of 1 January 1996	In the 9 th Judicial Circuit, the same as for an unpublished work; in the rest of the US, likely to be 95 years after publication date ¹¹
1923 through 1977	Published in English, without subsequent republication with a copyright notice, and not in the public domain in its home country as of 1 January 1996	95 years after publication date ⁹
<i>Works Published Abroad After 1 January 1978</i>		
After 1 January 1978	Copyright in the work in its home country has not expired by 1 January 1996	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation
<i>Special Cases</i>		
After 1 July 1909	Created by a resident of Afghanistan, Bhutan, Ethiopia, Iran, Iraq, Nepal, San Marino, and possibly Yemen, and published in one of these countries ¹²	Not protected by US copyright law because they are not party to international copyright agreements
After 1 July 1909	Works whose copyright was once owned or administered by the Alien Property Custodian, and whose copyright, if restored, would as of January 1, 1996, be owned by a government ¹³	Not protected by US copyright law