Cornell University Library

Copyright Term and the Public Domain in the United States[1]

Never Published, Never Registered Works[2]

Type of Work	Copyright Term	In the public domain in the U.S. as of 1 January 2026 [3]
Unpublished works	Life of the author + 70 years	Works from authors who died before 1956
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1906
Unpublished works when the death date of the author is not known[4]	120 years from date of creation[5]	Works created before 1906[5]

Works Registered or First Published in the U.S.

Date of Publication[6]	Conditions[7]	Copyright Term[3]
Before 1931	None	None. In the public domain due to copyright expiration
1931 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
1931 through 1963	Published with notice but copyright was not renewed[8]	None. In the public domain due to copyright expiration
1931 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

Date of Publication[6]	Conditions[7]	Copyright Term[3]
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
From 1 March 1989 through 2002	Created before 1978 and first published in this period	The greater of the term specified in the previous entry or 31 December 2047
After 2002	None	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
Anytime	Works prepared by an officer or employee of the United States Government as part of that person's official duties. [19]	None. In the public domain in the United States, unless the employee was a civilian member of the faculty of one of 14 service academies and the work in question is a literary work intended for scholarly publication. (17 U.S.C. § 105)

Works First Published Outside the U.S. by Foreign Nationals or U.S. Citizens Living Abroad[9]

Date of Publication	Conditions	Copyright Term in the United States
Before 1931	None	In the public domain (But see first special case below)
	Works Published Abroad Before 1978[10]	
1931 through 1977	Published without compliance with US formalities, and in the public domain in its source country as of 1 January 1996 (but see special cases) [20]	In the public domain
1931 through 1977	Published in compliance with all US formalities (i.e., notice, renewal)[11]	95 years after publication date
1931 through 1977	Solely published abroad, without compliance with US formalities or republication in the US,	95 years after publication date

Date of Publication	Conditions	Copyright Term in the United States
	and not in the public domain in its home country as of 1 January 1996 (but see special cases)	
1931 through 1977	Published in the US less than 30 days after publication abroad	Use the US publication chart to determine duration
1931 through 1977	Published in the US more than 30 days after publication abroad, without compliance with US formalities, and not in the public domain in its home country as of 1 January 1996 (but see special cases)	95 years after publication date
	Works Published Abroad After 1 January 1978	
1978 to 2002	Created before 1978 and first published in a country that is a signatory to the Berne Convention or other 17 USC § 104A(h)(3) treaties [20]	The greater of 70 years after the death of author (or if work of corporate authorship, 95 years from publication) or 31 December 2047
2003-	Created before 1978 and first published after 2002 in a country that is a signatory to the Berne Convention or other 17 USC § 104A(h)(3) treaties [20]	70 years after the death of the author, or if work of corporate authorship, 95 years from publication
1 January 1978 - 1 March 1989	Published without copyright notice, and in the public domain in its source country as of 1 January 1996 (but see special cases)[18]	In the public domain
1 January 1978 - 1 March 1989	Published without copyright notice in a country that is a signatory to the Berne Convention or other 17 USC § 104A(h)(3) treaties and is not in the public domain in its source country as of 1 January 1996 (but see special cases) [18]	70 years after the death of author, or if work of corporate authorship, 95 years from publication
1 January 1978 - 1 March 1989	Published with copyright notice in a country that has copyright relations with the US (but see special cases) [13]	70 years after the death of author, or if work of corporate authorship, 95 years from publication
After 1 March 1989	Published in a country that has copyright relations with the US[13]	70 years after the death of author, or if work of corporate authorship, 95 years from publication

Date of Publication	Conditions	Copyright Term in the United States
After 1 March 1989	Published in a country with which the United States does not have copyright relations under a treaty	In the public domain
	Special Cases	
1 July 1909 through 1978	In Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands ONLY. Published in a language other than English, and without subsequent republication with a copyright notice[12]	Treat as an unpublished work until such date as first US-compliant publication occurred
Anytime	Created by a resident of Eritrea, Ethiopia, Iran, Iraq, or the Marshall Islands, and published in one of these countries. Works from Palau, Somalia or South Sudan may also be included.[13]	Not protected by US copyright law until they become party to bilateral or international copyright agreements
Anytime	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[14]	Not protected by US copyright law
Anytime	If fixed or solely published in one of the following countries, the 1 January 1996 date given above is replaced by the date of the country's membership in the Berne Convention or the World Trade Organization, whichever is earlier: Afghanistan, Algeria, Andorra, Angola, Armenia, Azerbaijan, Belarus, Bhutan, Cambodia, Cape Verde, Cook Islands, Comoros, Equatorial Guinea, Grenada, Haiti, Jersey, Jordan, Kiribati, Democratic People's Republic of Korea, Kuwait, Kyrgyzstan, Laos, Malaysia, Micronesia, Mongolia, Montenegro, Nauru, Nepal, Niue, Oman, Panama, Papua New Guinea, Qatar, Samoa, San Marino, São Tomé and Príncipe, Saudi Arabia, Solomon Islands, Sudan, Syria, Taiwan, Tajikistan, Timor-Leste, Tonga, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen	

Sound recordings

(Note: The following information applies only to the sound recording itself, and not to any copyrights in underlying compositions or texts.)

Date of Fixation/Publication	Conditions	Copyright Term in the United States
	Unpublished Sound Recordings, Domestic and Foreign	
Prior to 15 Feb. 1972	Indeterminate	Subject to state common law protection. Enters the public domain on 15 Feb. 2067
After 15 Feb. 1972	Life of the author + 70 years. For unpublished anonymous and pseudonymous works and works made for hire (corporate authorship), 120 years from the date of fixation	Nothing. The soonest anything enters the public domain is 15 Feb. 2067
	Sound Recordings Published in the United States	
Before 1926	None	In the public domain
1926 to 1946	None	100 years from publication
1947 to 1956	None	110 years from publication
1957 - 14 Feb 1972	None	15 Feb 2067
15 Feb 1972 to 1978	Published without notice[15]	In the public domain
15 Feb. 19 to 1978	Published with notice	95 years from publication. 2068 at the earliest
1978 to 1 March 1989	Published without notice, and without subsequent registration	In the public domain
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. 2049 at the earliest
After 1 March 1989	None	70 years after death of author, or if work of corporate authorship,

Date of Fixation/Publication	Conditions	Copyright Term in the United States
		the shorter of 95 years from publication, or 120 years from creation. 2049 at the earliest
	Sound Recordings Published Outside the United States	
Before 1925	None	In the public domain
1925 to 1946	None	100 years from publication
1947 to 1956	None	110 years from publication
1957 to 14 Feb 1972	None	15 Feb. 2067
15 Feb 1972 to 1 March 1989	In the public domain in its home country as of 1 Jan. 1996 or there was US publication within 30 days of the foreign publication (but see special cases)	Subject to state common law protection. Enters the public domain on 15 Feb. 2067
15 Feb. 1972 to 1978	Not in the public domain in its home country as of 1 Jan. 1996. At least one author of the work was not a US citizen or was living abroad, and there was no US publication within 30 days of the foreign publication (but see special cases)	95 years from date of publication. 2068 at the earliest
1978 to 1 March 1989	Not in the public domain in its home country as of 1 Jan. 1996. At least one author of the work was not a US citizen or was living abroad, and there was no US publication within 30 days of the foreign publication (but see special cases)	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation
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
	Special Cases	
Fixed at any time	Created by a resident of Eritrea, Ethiopia, Iran, Iraq, or Marshall Islands and published in one of these countries. Works from Palau, Somalia, or South Sudan may also be included.[13]	Not protected by US federal copyright law because they are not party to international copyright agreements

Date of Fixation/Publication	Conditions	Copyright Term in the United States
Fixed prior to 1996	Works whose copyright was once owned or administered by the Alien Property Custodian, and whose copyright, if restored, would as of 1 January 1996 be owned by a government[14]	Not protected by US federal copyright law
Fixed at any time	If fixed or solely published in one of the following countries, the 1 January 1996 date given above is replaced by the date of the country's membership in the Berne Convention or the World Trade Organization, whichever is earlier: Afghanistan, Algeria, Andorra, Angola, Armenia, Azerbaijan, Belarus, Bhutan, Cambodia, Cape Verde, Cook Islands, Comoros, Equatorial Guinea, Grenada, Haiti, Jersey, Jordan, Kiribati, Democratic People's Republic of Korea, Kuwait, Kyrgyzstan, Laos, Malaysia, Micronesia, Mongolia, Montenegro, Nauru, Nepal, Niue, Oman, Panama, Papua New Guinea, Qatar, Samoa, San Marino, São Tomé and Príncipe, Saudi Arabia, Solomon Islands, Sudan, Syria, Taiwan, Tajikistan, Timor-Leste, Tonga, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen	

Architectural Works[16]

(Note: Architectural plans and drawings may also be protected as textual/graphics works)

Date of Design	Date of Construction	Copyright Status
Prior to 1 Dec. 1990	Not constructed by 31 Dec. 2002	Protected only as plans or drawings
Prior to 1 Dec. 1990	Constructed by 1 Dec. 1990	Protected only as plans or drawings
Prior to 1 Dec. 1990	Constructed between 30 Nov. 1990 and 31 Dec. 2002	Building is protected for 70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation[17]

Date of Design	Date of Construction	Copyright Status
From 1 Dec. 1990	Immaterial	Building is protected for 70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation[17]

Editorial Note:

1 January 2019 marked two important changes to the copyright duration chart. First, for the first time in 20 years, published works entered the public domain. 1923 had finally arrived, and the cut-off date for the public domain started to shift. Second, the enactment of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act in 2018 radically changed the calculus for pre-1972 published sound recordings. Both of these changes are reflected in the chart.

Notes

1. This chart was first published in Peter B. Hirtle, "Recent Changes To The Copyright Law: Copyright Term Extension," Archival Outlook, January/February 1999. This version is current as of 1 January 2026. The most recent version is found at Cornell University Library's Copyright Services' "Copyright Term and the Public Domain in the United States" page. For some explanation on how to use the chart and complications hidden in it, see Peter B. Hirtle, "When is 1923 Going to Arrive and Other Complications of the U.S. Public Domain," Searcher (Sept 2012). The chart is based in part on Laura N. Gasaway's chart, "When Works Pass Into the Public Domain." A similar chart is found in Marie C. Malaro, A Legal Primer On Managing Museum Collections, 3rd ed. (Washington, D.C.: Smithsonian Institution Press, 2012): 170. Mary Minow has a useful copyright duration chart, organized by year. A "flow chart" for copyright duration and a "tree-view" chart on copyright are also available. Several U.S. copyright duration calculators are available online, including the Public Domain Sherpa. Europeana has public domain calculators for 30 different countries outside the U.S. See also Library of Congress Copyright Office. Circular 15a, Duration of Copyright: Provisions of the Law Dealing with the Length of Copyright Protection. Further information on copyright duration is found in Chapter 3, "Duration and Ownership of Copyright," in Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums, by Peter B. Hirtle, Emily Hudson, and Andrew T. Kenyon (Ithaca, NY: Cornell University Library, 2009) available as a free download from Cornell eCommons. Additional guidance on the public domain may be found in Melissa Levine, Richard C. Adler, and Justin Bonfiglio. Finding the Public Domain: Copyright Review Management System Toolkit (Ann Arbor, Michigan: Michigan Publishing, 13 June 2016) and Menesha A. Mannapperuma, Brianna L. Schofield, and Andrea K. Yankovsky, *et. al.* Is it in the Public Domain? (Berkeley, CA:

Samuelson Law, Technology & Public Policy Clinic at the University of California, Berkeley, School of Law, 27 May 2014).

2. Treat unpublished works registered for copyright prior to 1978 as if they had been published in the US (though note that the only formality that applied was the requirement to renew copyright after 28 years).
3. All terms of copyright run through the end of the calendar year in which they would otherwise expire, so a work enters the public domain on the first of the year following the expiration of its copyright term. For example, a book published on 15 March 1925 entered the public domain on 1 January 2021, not 16 March 2020 (1925+95=2020).
4. Unpublished works when the death date of the author is not known may still be copyrighted after 120 years, but certification from the Copyright Office that it has no record to indicate whether the person is living or died less than 70 years before is a complete defense to any action for infringement. See 17 U.S.C. § 302(e).
5. Presumption as to the author's death requires a certified report from the Copyright Office that its records disclose nothing to indicate that the author of the work is living or died less than seventy years before.
6. "Publication" was not explicitly defined in the Copyright Law before 1976, but the 1909 Act indirectly indicated that publication was when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority.
7. Not all published works are copyrighted. Works prepared by an officer or employee of the United States Government as part of that person's official duties receive no copyright protection in the US. For much of the twentieth century, certain formalities had to be followed to secure copyright protection. For example, some books had to be printed in the United States to receive copyright protection, and failure to deposit copies of works with the Register of Copyright could result in the loss of copyright. The requirements that copies include a formal notice of copyright and that the copyright be renewed after twenty eight years were the most common conditions, and are specified in the chart.
8. A 1961 Copyright Office study found that fewer than 15% of all registered copyrights were renewed. For books, the figure was even lower: 7%. See Barbara Ringer, "Study No. 31: Renewal of Copyright" (1960), reprinted in Library of Congress Copyright Office. Copyright law revision: Studies prepared for the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, United States Senate, Eighty-sixth Congress, first [-second] session. (Washington: U. S. Govt. Print. Off, 1961), p. 220. A good guide to investigating the copyright and renewal status of published work is Samuel Demas and Jennie L. Brogdon, "Determining Copyright Status for Preservation and Access: Defining Reasonable Effort," Library Resources and Technical Services 41:4 (October, 1997): 323-334. See also Library of Congress Copyright Office, How to investigate the copyright status of a work. Circular 22. The Online Books Page FAQ, especially "How Can I Tell Whether a Book Can Go Online?" and "How Can I Tell Whether a Copyright Was Renewed?", is also very helpful.
9. The following section on foreign publications draws extensively on Stephen Fishman, The Public Domain: How to Find Copyright-free Writings, Music, Art & More.. (Berkeley: Nolo.com, 2019). It applies to works first published abroad and not subsequently published in the US within 30 days of the original foreign publication.

Works that were simultaneously published abroad and in the US are treated as if they are American publications.

10. Foreign works published after 1930 are likely to be still under copyright in the United States because of the Uruguay Round Agreements Act (URAA) modifying the General Agreement on Tariffs and Trade (GATT). The URAA restored copyright in foreign works that as of 1 January 1996 had fallen into the public domain in the United States because of a failure to comply with U.S. formalities. One of the authors of the work had to be a non-US citizen or resident, the work could not have been published in the United States within 30 days after its publication abroad, and the work needed to still be in copyright in the country of publication. Such works have a copyright term equivalent to that of an American work that had followed all of the formalities. For more information, see Library of Congress Copyright Office, Highlights of Copyright Amendments Contained in the Uruguay Round Agreements Act (URAA). Circular 38b.
11. U.S. formalities include the requirement that a formal notice of copyright be included in the work; registration, renewal, and deposit of copies in the Copyright Office; and the manufacture of the work in the United States.
12. The differing dates is a product of the question of controversial Twin Books v. Walt Disney Co. decision by the 9th Circuit Court of Appeals in 1996. The question at issue is the copyright status of a work only published in a foreign language outside of the United States and without a copyright notice. It had long been assumed that failure to comply with U.S. formalities placed these works in the public domain in the United States and, as such, were subject to copyright restoration under URAA (see note 10). The court in Twin Books, however, concluded "publication without a copyright notice in a foreign country did not put the work in the public domain in the United States." According to the court, these foreign publications were in effect "unpublished" in the United States, and hence have the same copyright term as unpublished works. The decision has been harshly criticized in Nimmer on Copyright, the leading treatise on copyright, as being incompatible with previous decisions and the intent of Congress when it restored foreign copyrights. The Copyright Office as well ignores the Twin Books decision in its circular on restored copyrights. Nevertheless, the decision is currently applicable in all of the 9th Judicial Circuit (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, and Guam and the Northern Mariana Islands), and it may apply in the rest of the country.
13. See Library of Congress Copyright Office, International Copyright Relations of the United States. Circular 38a.
14. See 63 Fed. Reg.19,287 (1998), Library of Congress Copyright Office, Copyright Restoration of Works in Accordance With the Uruguay Round Agreements Act; List Identifying Copyrights Restored Under the Uruguay Round Agreements Act for Which Notices of Intent To Enforce Restored Copyrights Were Filed in the Copyright Office.
15. Copyright notice requirements for sound recordings are discussed in the Copyright Notice. Circular 3.
16. Architectural works are defined as "the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and

elements in the design, but does not include individual standard features." Architectural works were expressly included in copyright by Title VII of Pub. L. 101-650.

17. What constitutes "publication" of a building is a very interesting question. Copyright Office regulations stipulate that "Publication of an architectural work occurs when underlying plans or drawings of the building or other copies of the building design are distributed or made available to the general public by sale or other transfer of ownership, or by rental, lease, or lending. Construction of a building does not itself constitute publication for purposes of registration, unless multiple copies are constructed." 37 C.F.R. § 202.11(c)(2)
18. If the source country's first adhered to either the Berne Treaty or the WTO after 1 January 1996, then the relevant date is the earliest date of membership. Date of membership is tracked on Wikipedia: List of Parties to International Copyright Agreements.
19. Contractors and grantees are not considered government employees. Generally they create works with copyright (though the government may own that copyright). See CENDI Frequently asked Questions about Copyright: Issues Affecting the U.S. Government. The public domain status of U.S. government works applies only in the United States.
20. Thanks to Dr. Paul Goldsman and Tony Greenman for noting that the chart lacked information for foreign works created before 1978 and first published between 1978 and 2003.

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