

## Researching the Copyright Status of a Book: Protected or Public Domain?

A project of the  
Copyright Advisory Office  
Columbia University Libraries  
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[www.copyright.columbia.edu](http://www.copyright.columbia.edu)

In the course of many projects you might need to determine whether a particular book is in the public domain or is still protected by copyright. If protected, your ability to reproduce, digitize, or use the book in some other way will be defined by law or permission from the rightsholder. If the work is in the public domain, it is free of copyright limits and restrictions. Almost all original writings are eligible for copyright protection, and copyrights last a long time. They do eventually expire—which places the work in the public domain. This paper is intended to guide you through the exercise of tracking the duration of copyright on a specific book of your choosing, and in process will tell when it may have entered or will enter the public domain. The process may not be as easy as it should, but online resources now make it much simpler. The effort can also produce important and useful results.

This paper is principally about books, but the rules of copyright and the process for searches of copyright status are similar for most types of works. For purposes of this overview, assume all the following:

- *The work qualifies for copyright protection.* A work is eligible for protection if it is an “original work of authorship” that is “fixed” in a tangible medium, such as written on paper or stored on a hard drive. Most new works easily qualify. Some works are excluded from copyright, most notably works that are prepared by officers or employees of the U.S. government as part of their official duties. For more information, see: <http://copyright.columbia.edu/copyright/special-topics/duration-and-the-public-domain/>.
- *The work was published in the United States.* If the work is unpublished, or was published in another country but never in the U.S., then considerably different rules may apply, which are beyond the scope of this paper.
- *Use of the work will occur in the United States.* Even if a work originated in the U.S., the law of copyright duration and public domain is generally the law of the country where you are using the work. When in France, apply French law. If you are posting the work to a server in the U.S., but allowing access in other countries (as is usually the case), the law is not entirely resolved, but you should rely principally on your country’s law.

The rules of copyright also changed through the years. Prior to 1989 copyright owners were required to comply with various “formalities” in order for their published works to receive copyright protection. The formalities included a notice of copyright printed on the work and

renewal of the copyright after a set term of years. Formalities are no longer required for a work created today to receive protection, but understanding formalities is necessary to determine if pre-1989 works are still under copyright protection.

The investigation of copyright status begins in most cases with knowing the year of publication. The year of publication is usually printed in the book, but you may have to search catalogs and other sources to find or confirm it. Regardless, start by finding the year of publication. Many of your next steps will depend on that year:

*If the work was published before 1923, it is in the public domain and not under the protection of copyright.*

If you can determine that the work was published before 1923, then the work is available for use without copyright restrictions or limits.

*If the work was published between January 1, 1923 and December 31, 1963, with a proper copyright notice, the copyright owner had to renew the copyright 28 years after the original date of publication to maintain protection.*

If this is your work, you have some investigating to do. You will need to inspect copies of the work to see if it has a proper copyright notice (e.g., “Copyright 1930, Angela Author”), and you will need to research the records of the U.S. Copyright Office to determine whether the copyright was renewed. Here is what you might expect: Publication with a copyright notice provided 28 years of protection; renewal granted an additional 67 years of protection, for a total of 95 years. For example, the copyright in a book published in 1930 may have expired in 1930 if it lacked notice; or it expired in 1958 if not renewed; or if it was renewed it will expire at the end of the full term in 2025.

*If the work was published between January 1, 1964 and March 1, 1989, it still needed to have a formal copyright notice. However, for works published in or after 1964, renewal of the copyright was no longer required in order to maintain protection. These works have protection for the full term.*

If your work was published during these years, you only need to focus on whether it included a proper copyright notice. You do not need to check the renewal status of these works. (It gets trickier. For works published between the beginning of 1978 and March 1, 1989, a copyright notice was allowed to be remedied if omitted from the published copies. Hence, the lack of a copyright notice on books from those years is not conclusive. Seek further advice if your need is affected by this wrinkle.)

*If the work was published after March 1, 1989, it needs neither a notice nor renewal to receive copyright protection for the full term.*

If this is your work, you can safely assume it is under copyright protection. Most copyrights today last for the life of the author plus 70 more years.

As you can see, the determination of whether a work is or is not protected by copyright will require research and investigation. It will also require patience, time, and maybe some expense. With sources of information now available online, the quest has become easier. Still, you need

to be ready for surprises and uncertainties. Ask yourself these questions before starting: How badly do I want to use this specific work? What are my alternatives if I find that this particular work is still under copyright?

### **Learning About Your Book**

Locate one or more published copies of the book you want to investigate. Gather information such as the original publication date, the author, the publisher, and any subsequent editions of the work. Identifying the particular edition of a work can be important; different editions of a work are published in different years, and may have different terms of copyright. Be sure to find a copy of the exact version you wish to use—it will be your most direct source of information regarding the work.

Consider the following examples. Edward Samuel Corwin was a professor at Princeton University through the first half of the twentieth century, and he was the author of numerous books on constitutional law and history. Three examples of his books illustrate the various circumstances for investigating whether a book was renewed and may still under be copyright, or whether it has entered the public domain.

- Example 1: *National Supremacy: Treaty Power vs. State Power*, published by Henry Holt and Company in 1913.
- Example 2: *The Commerce Power Versus States Rights: “Back to the Constitution”*, published by Princeton University Press in 1936.
- Example 3: *The President’s Removal Power Under the Constitution*, published by the National Municipal League in 1927.

Each of these examples provides a different perspective on how copyrights were registered, renewed, or not renewed, and will demonstrate how to use the *Catalog of Copyright Entries* to research copyrights.

### **Conducting Your Search: Introduction to Print and Online Resources**

The registration and renewal records in the U.S. Copyright Office are available from two principal sources: the Copyright Office website and the printed *Catalog of Copyright Entries*. The choices of which source to use will depend on the year when the filing was recorded at the Copyright Office.

#### *Registrations and Renewals Made Since 1978*

Filings made with the Copyright Office in or after 1978 are available through the Copyright Office’s website (<http://www.copyright.gov/records/>). For a work that needed to be *renewed* after 1978—such as works published between 1951 and 1963—the website will be the primary information source.

## *Registrations and Renewals Before 1978*

The U.S. Copyright Office annually published the *Catalog of Copyright Entries* until 1978. The *Catalog* is actually a series of volumes for specified types of work—e.g., books, motion pictures, or periodicals. Within each volume, works are generally organized in alphabetical order by the author's last name. Extensive portions of the *Catalog* have been digitized and are available through Google Books (<http://books.google.com>). In particular, the digitized *Catalog* from Google Books encompasses parts of the *Catalog* that relate to books, and only after 1923. If you are searching for records filed before 1923 (for instance, to determine exactly if or when the copyright was registered), or if your work could possibly have been categorized as a periodical, or maps, or prints, you will need to examine the physical copies of the *Catalog*, which are available at some libraries. If you are doing your research at Columbia University, the volumes are available from offsite storage.

### *Using Google to Search the Catalog*

The issues of the *Catalog* from Google Books are available here:  
<http://books.google.com/googlebooks/copyrightsearch.html>.

Each volume is searchable online in full text. You do not need to scroll through each individual page that might contain your entry. However, your search terms may have been misspelled in the *Catalog*, so you should scan the relevant pages if your search returns no results. Google's digital collection of the *Catalog* also enables searching multiple volumes simultaneously. Searching multiple volumes can be essential. For example, a copyright renewal was effective only if filed in the year leading to the end of the original term of 28 years. If the original term ended on, say, October 31, 1940, the renewal may have been filed in late 1939, or it may have been filed in October, but not processed and recorded until early 1941. The Google website offers additional insights and guidance.

By the way, considerable attention in this paper will be on any renewal of the copyright. Actually registering the initial claim of copyright has not been a requirement since the early 1800s. Nevertheless, registration of the copyright has some legal and practical benefits. The registration records found in the *Catalog of Copyright Entries* can include useful information about the book, such as the exact date of publication and the name of the original copyright claimant.

### **Conducting Your Search: Was the Work Renewed?**

When you conduct a search for copyright status of a publication, follow each of these basic steps to find your item in a specific volume, or across all volumes:

- *Conduct a Title Search:* Search for the title of the publication.
- *Conduct an Author Search:* Search for the author's name, last name first.
- *Check for Misspellings:* Account for any likely misspellings of either author or title.

- *Review the Index:* Look in the indices to any relevant volumes, for either title or author listings.

### Example 1: Books that Have Entered the Public Domain

Corwin's book, *National Supremacy*, was published in 1913. Assuming a proper copyright notice on the published copies, the book would have had an original copyright term of 28 years, expiring in 1931. Sometime during that 28th year the copyright claimant could have filed a renewal registration, granting an additional term of protection. If the book was properly renewed in 1931, the copyright term would have been extended by an additional 28 years to 1959, under the law applicable at that time.

Although this book is today in the public domain, whether it was renewed or not, searching the *Catalog* can be informative. You might also be seeking to determine whether the book was under copyright when someone else made use of it in, say, the year 1950. A diligent search of the *Catalog* would follow these steps:

*Conduct a Title Search:* Visit the Google site for the *Catalog* and search for the title. In this case, a search for the title words "national supremacy" turned up no results. Not finding an initial registration is not critical. However, any renewal had to be filed by the anniversary of publication in 1931. As a result, renewal could have been filed in late 1930, or it could have been filed in 1931 but not processed until 1932. You should search multiple volumes. The lack of any renewal record could indicate of two things: either the copyright for *National Supremacy* was not properly renewed, or the title was misspelled in the records. That happens. Keep looking.

*Conduct an Author Search:* A registration or renewal may be found by the author's name. Searching the 1930 volume for "Corwin" turns up one book edited by Edward Samuel Corwin, but not the book of interest. The 1931 volume contains thirteen entries for "Corwin" and two specifically referring to Edward Samuel Corwin, but again, no record of a renewal for *National Supremacy*. Finally, the 1932 volume also contains no reference to this particular Corwin book.

*Check for Misspellings:* Searches for names such as "Corwan" or "Curwin" also yield no results.

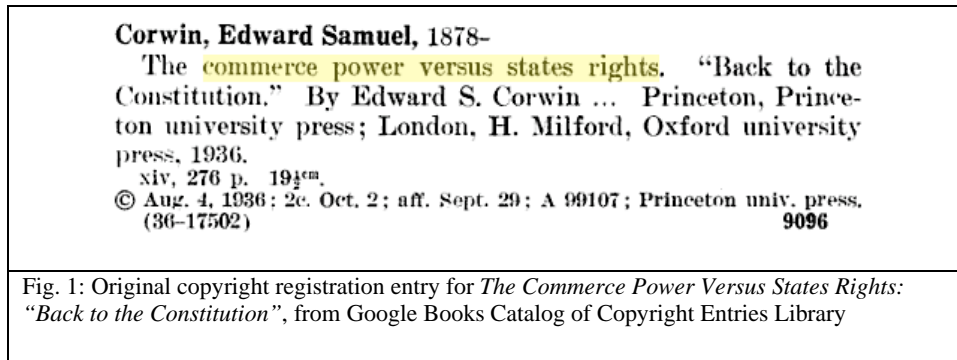
*Review the Index:* If you are still not finding any listing for the particular book, manually scan the index of each relevant volume for possible spelling variations of the author's last name.

This search reveals that the book was evidently not renewed and thus did not receive the additional term of copyright protection. As a result, the copyright apparently expired in 1931. Had the copyright been renewed, the book would have entered the public domain in 1959. In either event, therefore, this book today has no copyright protection.

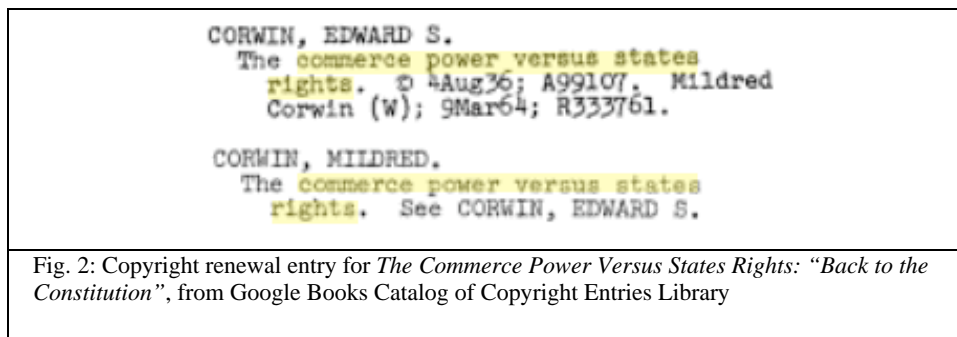
### Example 2: Books Renewed to Receive Continued Protection

*The Commerce Power Versus States Rights: "Back to the Constitution"* was published by Princeton University Press in 1936. The original copyright term would have expired in 1964 and could have been renewed that year.

*Conduct a Title Search:* Searching for the title phrase “commerce power versus states rights” reveals two entries. One item is the original copyright registration from 1936. This record offers several pieces of information: the original copyright date, and confirmation that that copies of the book and accompanying affidavit were received soon after.



The second item returned by this search is from the January-June 1964 volume of the Catalog (at page 976), documenting the renewal for *The Commerce Power versus States Rights*:



The copyright owner was then Mildred Corwin, and “W” indicates that she is the “Widow of the Author.” As a copyright claimant, she also receives her own entry in the *Catalog* with a reference back to main entry under the author’s name.

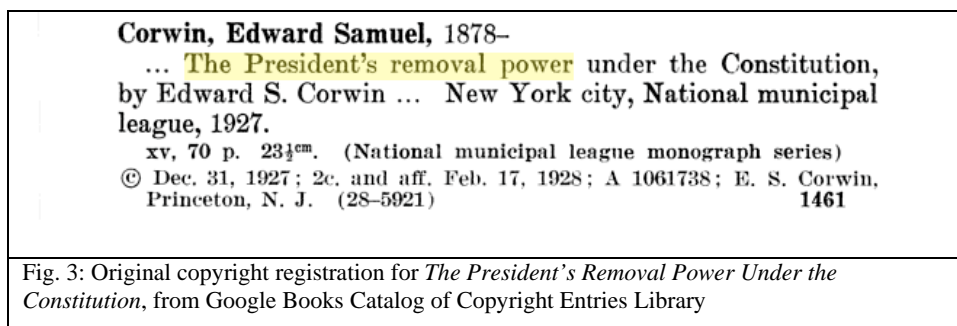
The renewal in 1964 had the effect of continuing the copyright into the renewal term. The renewal needed to be filed before the end of the 28th year of the original copyright. That deadline occurred on August 4, 1964. Mildred Corwin properly made her filing within the year before, on March 9, 1964. With various law changes and extensions of the copyright term, the copyright today remains valid and will not expire until the end of the day on December 31, 2031. In previous years, copyrights expired on the anniversary of their publication. Today, all copyrights expire at the end of the calendar year.

We also now know that Mildred Corwin was the copyright claimant in 1964, but she died 1969. Who owns the copyright today? Answering that question will not be easy, and it may well involve investigation of probate records and inquiries with family members and family lawyers. The current publisher might also know. After all, it may be sending royalty checks to someone.

### Example 3: Books Not Renewed in Time to Receive Protection

*The President's Removal Power Under the Constitution* was published in 1927 by the National Municipal League. It could be protected through the end of the year 2022, but a search of the Catalog reveals that it surely entered the public domain at the end of 1955.

*Conduct a Title Search:* Search for “president’s removal power” in the *Catalog* shows that it was copyrighted as of December 31, 1927:



Examining the details, one can see that the publication date was December 31, 1927. The two deposit copies and accompanying affidavit did not arrive until February; consequently, the registration was recorded in the 1928 volume of the *Catalog*. Thus, searching the 1927 volume alone would have been inadequate. A full search of the combined *Catalog* in Google Books can help prevent overlooking such discrepancies.

This is the only entry for this title in a complete search of the *Catalog* on Google. In order to maintain copyright protection, the work should have been renewed by the anniversary date (which happened to be December 31) in 1955.

*Conduct an Author Search and Review the Index:* Because the title search did not disclose a renewal, continued search by author’s name is an important safeguard. The volumes for 1954, 1955, and 1956, include no listing for “Corwin” with a name search or as a listing in the index associated with this particular book. An added search of misspellings, such as “Curwin” or “Corbin”, was also fruitless. Because this search yielded no renewal, this book apparently entered the public domain in 1955.

While the quest clearly points toward a particular conclusion, one is often left with some uncertainty. Proving a “negative” (that the work *was not* renewed) is usually less settling than proving a “positive” (that the work *was* renewed). The *Catalog* is not necessarily consistent or comprehensive, and a particular item could be listed under a number of names and titles, or in various volumes of the *Catalog*. For these reasons, conducting a thorough search and keeping detailed records of your research efforts will be important

### Developments in Searching Copyright Registrations and Renewals

Access to copyright information seems to be improving steadily. The University of Pennsylvania has posted scans of many volumes of the *Catalog of Copyright Entries*, including sections covering more than just books. Stanford University provides a very useful website and

searchable database. The University of Michigan received a National Leadership Grant from the Institute of Museum and Library Services (IMLS) to fund a project that will further develop the ability to search the copyright status of works published from 1923 through 1963. The undertaking is largely focused on determining which works are in the public domain. The HathiTrust currently makes multitudes of such books available to the public (see <http://catalog.hathitrust.org/>).

### **Additional Resources**

The following websites provide additional resources as you conduct your copyright status search:

#### U.S. Copyright Office

- Database of registrations and renewals: <http://www.copyright.gov/records/>
- Circular 22: How to Investigate the Copyright Status of a Work: <http://www.copyright.gov/circs/circ22.pdf>

#### Google Books

- Online collection of the *Catalog of Copyright Entries*: <http://books.google.com/googlebooks/copyrightsearch.html>

#### Stanford University

- Copyright Renewal Database: <http://collections.stanford.edu/copyrightrenewals/bin/page?forward=home>

#### University of Pennsylvania

- Online collection of the *Catalog of Copyright Entries*: <http://onlinebooks.library.upenn.edu/cce/>

#### Cornell University

- Copyright Duration Chart: <http://www.copyright.cornell.edu/resources/publicdomain.cfm>

***Special thanks to Krissa Corbett Cavouras (Pratt M.L.I.S. 2011) and Meghan Schubmehl (Columbia Law 2010) for their essential contributions to this project.***

#### ***Note to our Readers:***

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