

## Copyright Investigation Workflow to Help Determine DPLA Rights Statements

Created at the J. Willard Marriott Library by Allyson Mower, July 2017

### Step 1. Eligibility

Examine the work for copyright protection eligibility. Is it an original, somewhat creative work that's fixed in a tangible medium? If so, it's eligible. If the work is not eligible, then it's OK to add to the digital library. The following are examples of works that are not eligible.

- Recipe (instructional text portion of the recipe could be eligible for copyright protection as a literary work)
- Phone book
- Standard calendar, geometric figure, symbol, ornamentation
- Height and weight chart
- Tape measure or ruler
- Schedule of sporting event
- List or table from a public document
- Government publications
- Medical images

### Step 2. Authorship

If eligible for copyright protection, determine who created the work and research his/her life and death dates. Note this information in workflow software (or scan and upload the relevant document, if easier). If the author is unknown, mark it as orphan for further decision-making.

- Start with deed of gift, waivers, or other donation/purchase information
- Look at other items in the box or folder to see if a name consistently appears
- Do a general web search for biographical or obituary information

### Step 3. Publication Status and Date

Determine the publication status and date of the work. When were copies of the work made available to the general public (for sale or for free)? Note this information in workflow software.

- Check the work itself for dates
- Use the author information to do a general web search for any reference to a list of published works
- Search the library's catalog, WorldCat, Library of Congress catalog for the work itself or a biography/critical study of the author
- Look for the date the finding aid was created

### Step 4. Copyright Notice

If published, examine the work for a © notice. Note 'yes' or 'no' in workflow software.

## Step 5. Copyright Registration and Renewal

If published before 1989, determine if the rights holder registered and renewed the work. Note this in workflow software.

- Check the Stanford Copyright Determinator for pre-1978 books (doesn't include registrations for photographs, maps, or art.)
- Check the U.S. Copyright Office catalog for post-1978 works
- With the data gathered, use the Public Domain Slider

Route research to Allyson Mower via 'Copyright Questions' eticket or via email using [Public Domain Copyright Research Workflow.xlsx](#) for determination of which DPLA rights statement to apply

### GENERAL PUBLIC DOMAIN GUIDELINES

- Copyright term for unpublished and published works created in 1978 or later is life of author plus 70 years
- If published before 1923, most likely in the public domain
- If unpublished and author died in 1945 or before, in the public domain
- Use Stephen Fishman's "The Public Domain" to get details based on type of work, publication status rules, and public domain cut off dates.