

COPYRIGHT, PUBLIC DOMAIN, AND FAIR USE

In response to customer questions, The Story Center has provided the following overview of copyright, public domain, and fair use. This document contains a list of frequently asked questions (FAQs) and additional resources from The Story Center.

Copyright applies once a work is created and fixed in a tangible form. Copyright registration is not required to display the copyright symbol ©. Attribution (example: listing the author or website) is not a substitute for copyright permission. Ownership of a physical copy of a work (book, etc.) does not equate to copyright ownership of that work.

Copyright Overview:

- protects the rights of authors of “original works of authorship”
- covers published and unpublished works
- grants copyright holders exclusive rights
- protects works created on or after January 1, 1978 until 70 years after the author’s death

Public Domain works either no longer are or never were protected by copyright. Publicly available (example: via internet) does not equal public domain.

Works in the Public Domain:

- works produced by the U.S. Federal government when used in the U.S.
- works published:
 - before 1926
 - between 1926-1963, and failed to register or renew copyright prior to 1989 and failed to include copyright notice
- works gifted to the public domain

Fair Use does not mean something is fair to use. Fair use is a legal defense, rather than a right or exception to copyright compliance. It’s important to note the Copyright Act does not provide specific types of content reproduction that constitute fair use, rather it outlines guiding principles including the 4 Fair Use Factors (listed below).

4 Fair Use Factors:

- purpose and character of use
- nature of copyrighted work (creative vs. factual)
- amount and substantiality used (heart of work)
- effect on the potential market value

Possible Fair Use Examples:

- personal use
- quotations in reviews
- criticism or parodies
- clips in news reporting
- scholarship or research

FAQs:

I found this image online. Can I use it for my book cover?

No – the image is most likely protected by copyright, even if not specifically stated.

I just want to give copies to friends and family. Is that a copyright violation?

Yes – reproduction of copyrighted material requires permission from the copyright holder.

I found this item in the public domain. Can I use it?

Yes – assuming the work is truly in the public domain and not just publicly available via the internet, etc.

If I use less than 10% it's considered fair use, is that correct?

Not necessarily – fair use is evaluated on the 4 Fair Use Factors (listed above). The Copyright Act does not provide a specific percentage or word count that constitutes fair use.

Interested in learning more? Check out these additional resources from [The Story Center collection](#):

[*The Copyright Handbook: What Every Writer Needs to Know*](#)

[*The Copyright Book: A Practical Guide*](#)

[*Copyright Clearance for Creatives: A Guide for Independent Publishers and Their Support Providers*](#)

[*Register Your Book: The Essential Guide to ISBNs, Barcodes, Copyright, and LCCNs*](#)

Also, be sure to review The Story Center's [events page](#) for upcoming workshops.

The above information was provided by the Copyright Clearance Center, Copyright Act of 1976, and United States Code Title 17. This information provided is used for educational purposes only and does not constitute legal advice.

The Story Center
at Mid-Continent Public Library

The Story Center is a mission-enhancement project of Mid-Continent Public Library.

Learn more at mystorycenter.org