



Publishing Nonfiction Books on Spirituality
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MODULE 2
COMPLETING YOUR MANUSCRIPT

FLOWCHART FOR DETERMINING PUBLIC DOMAIN WORKS

As you write your book and think about images to include, you may find yourself wondering about public domain works. The flowchart on the subsequent page can help you determine whether a work in question is in the public domain. A work in the public domain is one where the copyright and therefore intellectual property rights for that work is expired, forfeited, or for various reasons, no longer applicable.

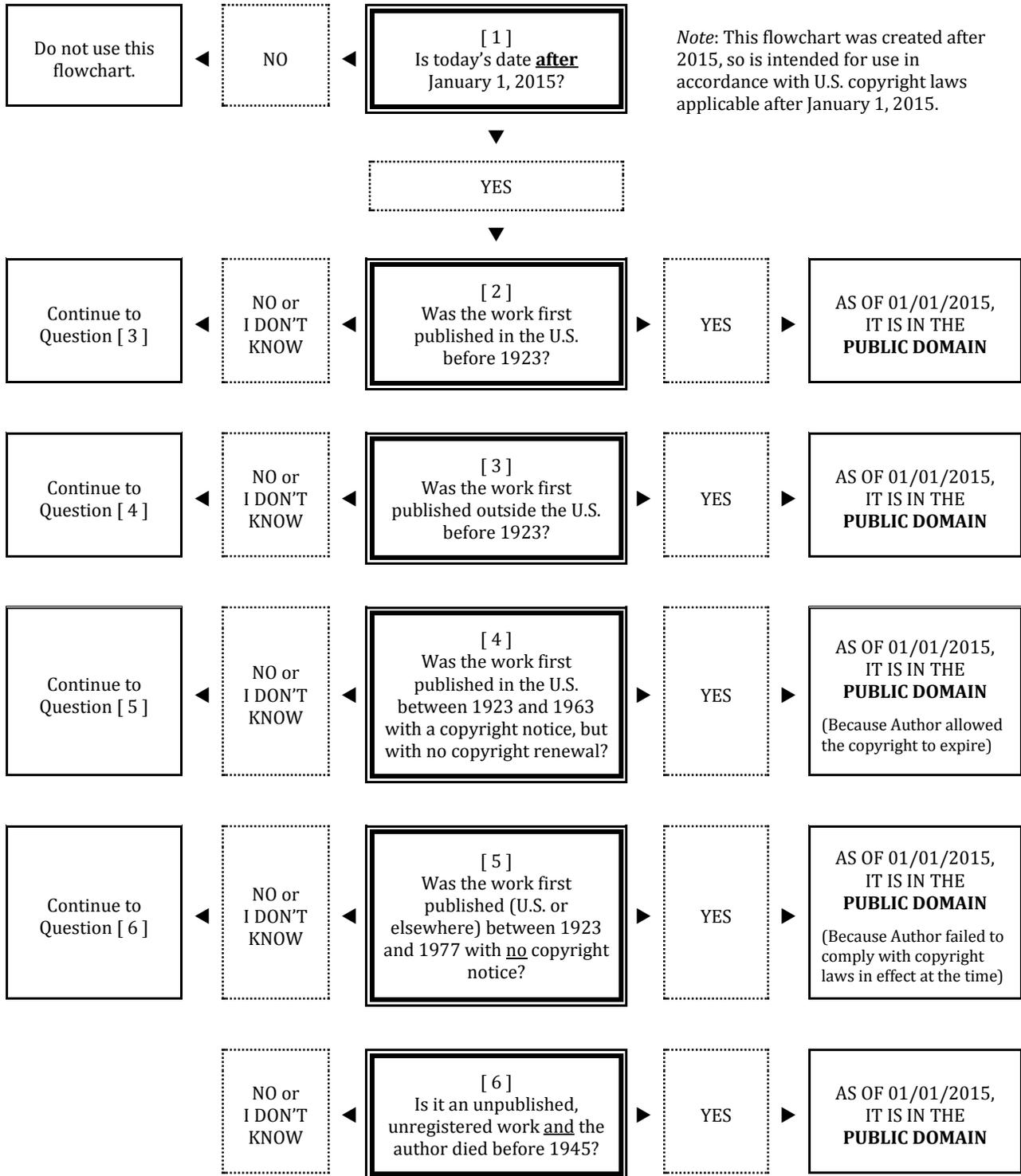
When a work is in the public domain, you do not need to obtain permission or a license to use that work. You have unrestricted creative access to any work in the public domain. Thus, if a work is in the public domain, then you do not need to obtain anyone's permission to use that work and you do not need to obtain a license.

However, it is still good practice to cite all sources from where you've obtained materials in your book that are not your own. In fact, not doing so is considered bad form.

Note that the subsequent flowchart covers some of the main U.S. laws of public domain, but not all. There are dozens of exceptions to the rule, like unpublished, unregistered works where the author died before 1945 would be work treated as being in the public domain or, for another example, any work published by a Turkmenistan or Uzbekistan national before May 27, 1973, and technically, any work at all published in Afghanistan, Eritrea, Ethiopia, Iran, or Iraq, irrespective of date, is currently considered public domain, according to U.S. copyright law, because these countries are not part of any bilateral or international copyright agreements with the U.S. But now we're getting into the obscure exceptions, so please note that my flowchart does not cover every minutia. There are works that automatically enter the public domain because they are not copyrightable. Ideas and facts, for example, cannot be copyrighted. Government documents also cannot be copyrighted. There is also the obvious condition of an author voluntarily relinquishing a work to the public domain, though that variable is also not listed in the flowchart. So bear in mind that just because my flowchart doesn't render you a clear "it-is-in-the-public-domain" determination, it doesn't mean it's not. There could be a number of exceptional rules that still pull your work in question into the public domain.



Flowchart for Determining Public Domain Works



Note: This flowchart was created after 2015, so is intended for use in accordance with U.S. copyright laws applicable after January 1, 2015.

There are about a dozen more specific instances where a work would be considered in the public domain, so you'll want to consult an attorney about your case-specific copyright question. Otherwise, broadly speaking, the work in question is probably still under copyright, so to use that work, you'll need to obtain permission or a license.