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**Unpublished Works**

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Copyright Term</th>
<th>In the public domain as of 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works whose author is known</td>
<td>Life of the author + 70 years</td>
<td>Works whose author died before 1948</td>
</tr>
<tr>
<td>Works made for hire</td>
<td>120 years from date of creation</td>
<td>Works created before 1898</td>
</tr>
<tr>
<td>Works whose author is unknown (or pseudonymous)</td>
<td>120 years from date of creation</td>
<td>Works created before 1898</td>
</tr>
</tbody>
</table>
Published Works

<table>
<thead>
<tr>
<th>Date of Publication</th>
<th>Conditions</th>
<th>Copyright Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1923</td>
<td>None</td>
<td>In the public domain</td>
</tr>
<tr>
<td>1923 through 1977</td>
<td>Published without copyright notice or registration, or not renewed</td>
<td>In the public domain</td>
</tr>
<tr>
<td></td>
<td>Published with proper copyright notice and registration, and timely renewed</td>
<td>95 years after date of publication</td>
</tr>
<tr>
<td>1978 to present</td>
<td>Created after 1977</td>
<td>70 years after death of author, or if work made for hire, 95 years from publication</td>
</tr>
</tbody>
</table>

Note that for works published between 1923 and 1977, it is sometimes difficult to determine whether a given work is still in copyright or who the rights holder(s) may be. For works created after 1978, the laws regarding copyright registration have been relaxed considerably; such works are automatically protected by copyright at the time of creation.

FAIR USE TEST

Brief excerpts from works under copyright may be used without permission under the doctrine of fair use. Title 17, § 107, of the U.S. Code provides, in pertinent part:

[T]he fair use of a copyrighted work . . . for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Fair use must be established on a case-by-case basis. You must evaluate each use of material for which you intend to assert fair use according to the four-factor test outlined in the statute. For assistance in making this decision, you may wish to consult the U.S. Copyright Office Web site (http://www.copyright.gov), the copyright guidelines posted by the University of Chicago Press (http://www.press.uchicago.edu/Misc/Chicago/copy_and_perms.pdf), and the fair use checklist available from the Cornell University Copyright Information Center (http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf).
RULES OF THUMB

These are general guidelines, and they do not have the force of law. They are, however, an indication of usual practices in scholarly publishing.

For prose works, quotations may be considered within the bounds of fair use if they reproduce, in total, no more than 5,000 words, constitute no more than 5 percent of the work being quoted, and include no complete poems, articles, or other self-contained literary works. No single quotation should exceed 300 consecutive words, and the material reproduced should constitute no more than 5 percent of the new work. For poems and song lyrics, it is best to quote no more than a few lines (from shorter works) or stanzas (from longer works).

It is more difficult to formulate quantitative guidelines for the use of images (e.g., photos, drawings, film stills, maps) because, in most cases, the entire work is incorporated into the new context. The inclusion of an image for the purpose of discussion, criticism, or interpretation is more likely to constitute fair use than is the inclusion of an image simply for illustration or ornamentation.

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- Digital (electronic) reproduction, distribution, and display rights
- Rights for all editions, versions, or formats (i.e., not limited to “one use only” or “this edition only”)

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