

# “Public Domain Day”

from Duke’s *Center for the Study of the Public Domain*

# PUBLIC DOMAIN DAY



- Each January 1, we celebrate works that are entering the public domain in the US
- The celebration receives national attention and collectively the websites have been viewed over 2 million times
- Why do so many people celebrate the public domain?

[web.law.duke.edu/cspd/publicdomainday](http://web.law.duke.edu/cspd/publicdomainday)

# THE IP SYSTEM REQUIRES BALANCE



Copyright gives authors important rights that encourage creativity and distribution. These rights are the yin to the yang of the public domain, and its contributions to access and creativity. The key is to strike the right balance between control and freedom.

“It is important to recognize that when a work enters the public domain...it does not represent the death of copyright; rather it is part of copyright’s lifecycle, the next stage of life for that creative work.” –Karyn Temple, former Register of Copyrights, US Copyright Office

# WHAT IS THE PUBLIC DOMAIN?

- Essential to creativity and innovation
- Furthers US Constitutional objective: “Promote the progress”
- What is in the public domain?
  - Our collective cultural and scientific heritage, and the raw materials for future expression, research, democratic dialogue and education
  - Creative works and inventions whose copyright or patent terms have expired, or that predated intellectual property laws
  - Public domain aspects of those works such as raw data, facts, ideas, genres, themes, scientific principles, theories, formulae, and laws of nature



# GOVERNMENT WORKS

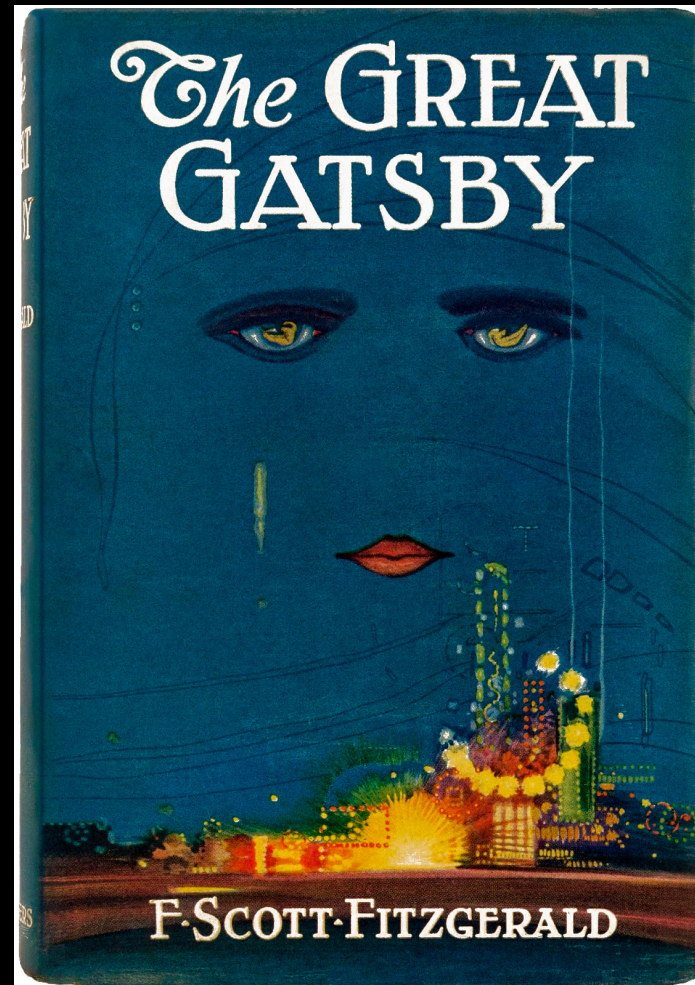
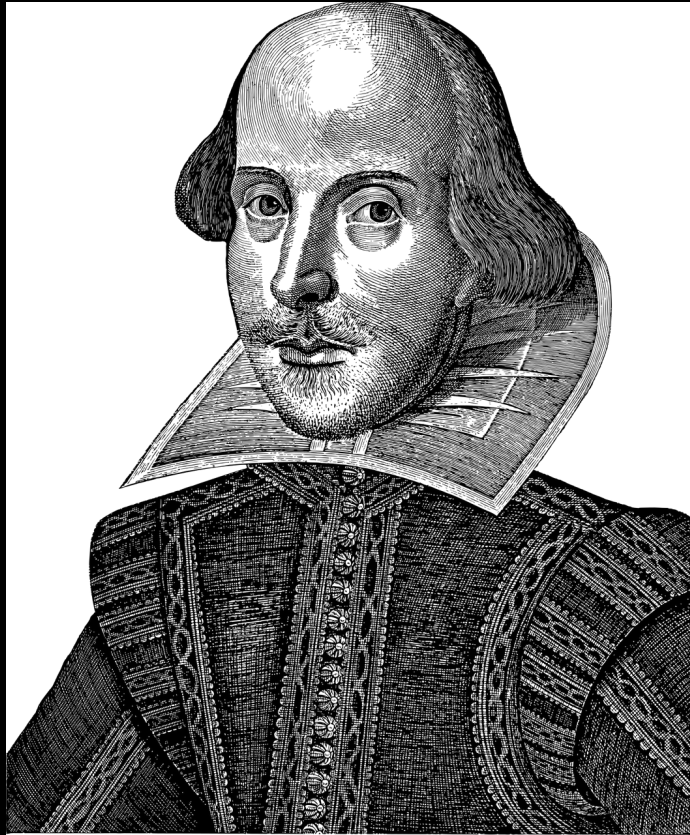
All works of the US government are also part of the public domain. This includes legislation, regulations, legal opinions, and hearings. It also includes the creative output from government projects, such as images from the James Webb space telescope.





# CREATIVITY

The public domain is a wellspring for creativity.



Published by  
WNYC Digital

## WNYC's Public Song Project

[▶ Listen 35 min](#) [+ Queue](#) [...](#)

[f](#) [t](#) [e](#)

# Public Song Project

A red-tinted photograph of a man in a suit playing a grand piano in a room with various objects and furniture. The text 'Public Song Project' is overlaid in large white letters.

# ACCESS

The public domain removes barriers to access. This promotes equality and makes education more affordable and interactive. Empirical studies show that public domain books are less expensive, more likely in print, and available in more editions and formats, including audiobook and Braille versions.

## HOW COPYRIGHT KEEPS WORKS DISAPPEARED

Paul J. Heald\*

## DO BAD THINGS HAPPEN WHEN WORKS ENTER THE PUBLIC DOMAIN?:

### EMPIRICAL TESTS OF COPYRIGHT TERM EXTENSION

*Christopher Buccafusco\* & Paul J. Heald\**

## **Property Rights and the Efficient Exploitation of Copyrighted Works: An Empirical Analysis of Public Domain and Copyrighted Fiction Bestsellers**

Paul J. Heald†



# PRESERVATION

The public domain enables preservation of our cultural heritage.



By the time their copyrights expire, many works are lost entirely. An estimated 80% of films from the 1920s have already decayed beyond repair. Some older films have disintegrated while preservationists waited for them to enter the public domain, so that they could legally digitize them.

When these historical works enter the public domain, anyone can preserve and make them available, where we can rediscover them.



# ECONOMIC VALUE

The public domain feeds the economy.



Intellectual  
Property  
Office

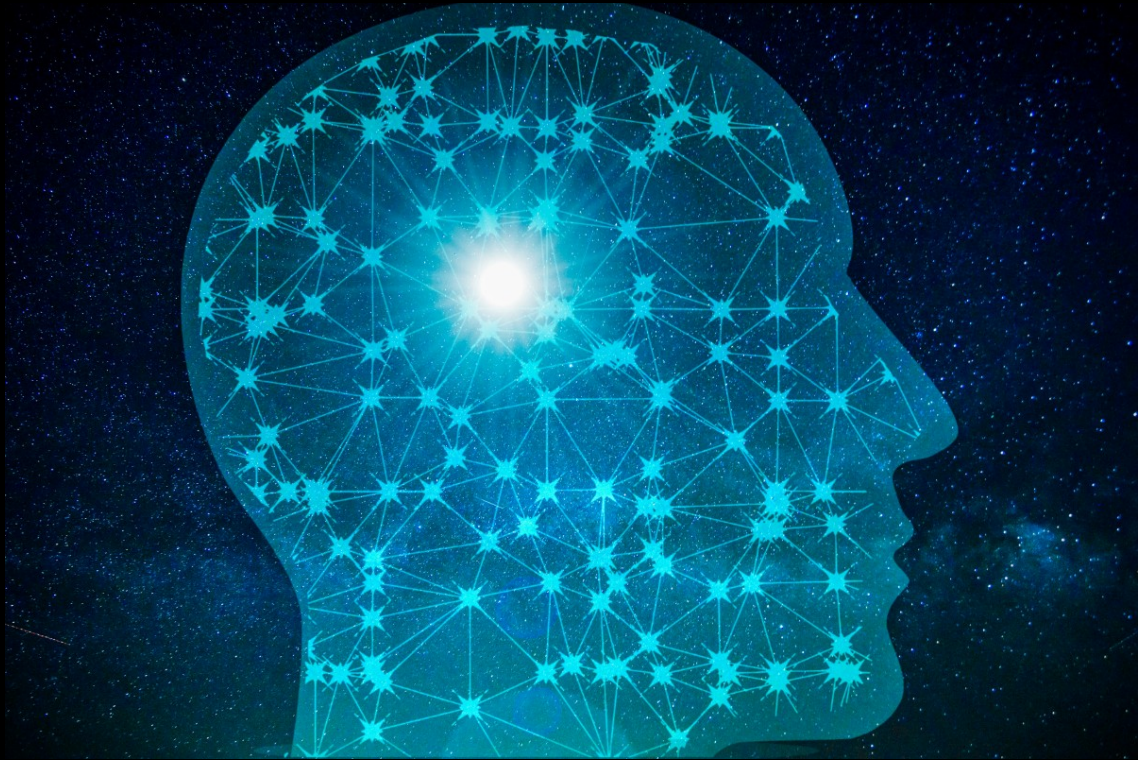
## Copyright and the Value of the Public Domain

An empirical assessment

- 2015 article by Kristofer Erickson, Paul Heald, Fabian Homberg, Martin Kretschmer and Dinusha Mendis
- Maps the size of the public domain and frequency of its use
- Estimates that Wikipedia images generate cost savings of USD \$200+ million annually

# TECHNOLOGICAL PROGRESS

The public domain is essential to technological development.

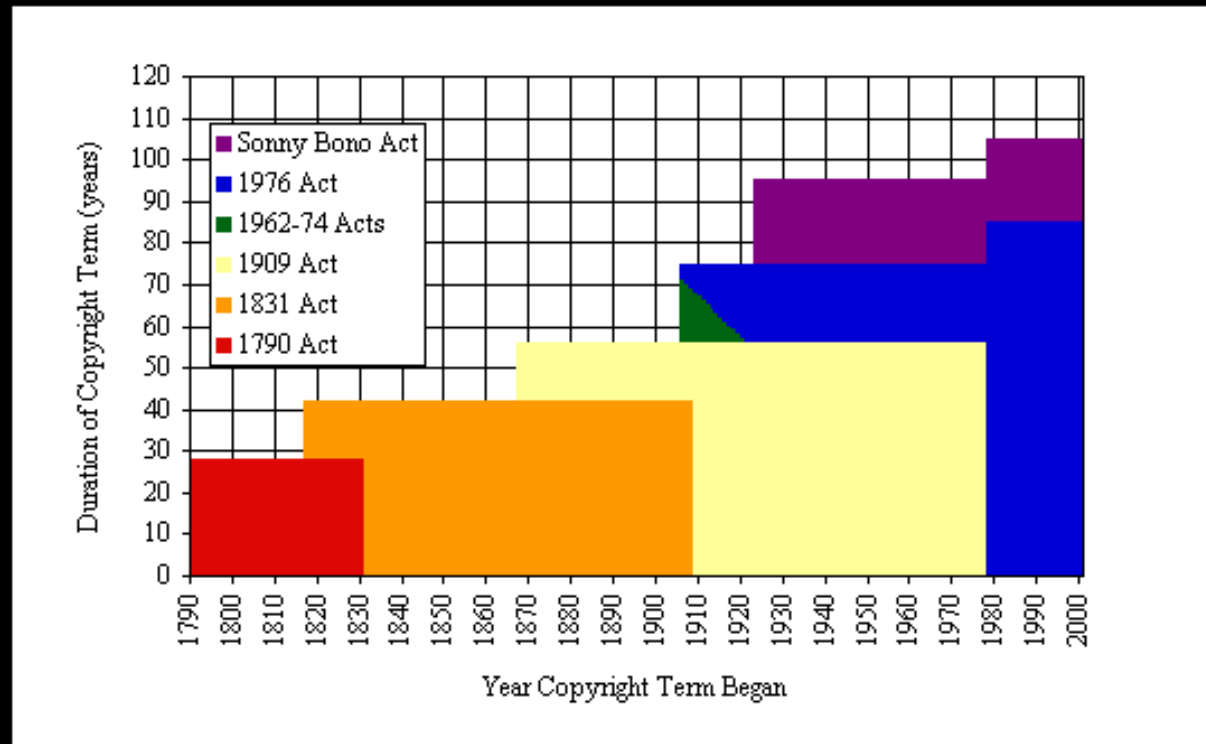


- Science and research
- Text and data mining
- Mass digitization
- Training generative AI
- And more



# COPYRIGHT TERM EXPANSIONS

The public domain has been diminished by term extensions. Public Domain Day focuses on copyright expiration and the freedom to use creative works.



Tom W. Bell, "Trend of Maximum U.S. General Copyright Term"



# FROM 2010-2018, A COUNTERFACTUAL

For years, works were not entering the US public domain, so we celebrated what *could* have been.



What *Could* Have Entered the Public Domain on January 1, 2016?  
Under the law that existed until 1978 . . . Works from 1959

# IN 2019, A GRAND REOPENING

Then for the first time in 20+ years, on January 1 2019, published works entered our public domain.

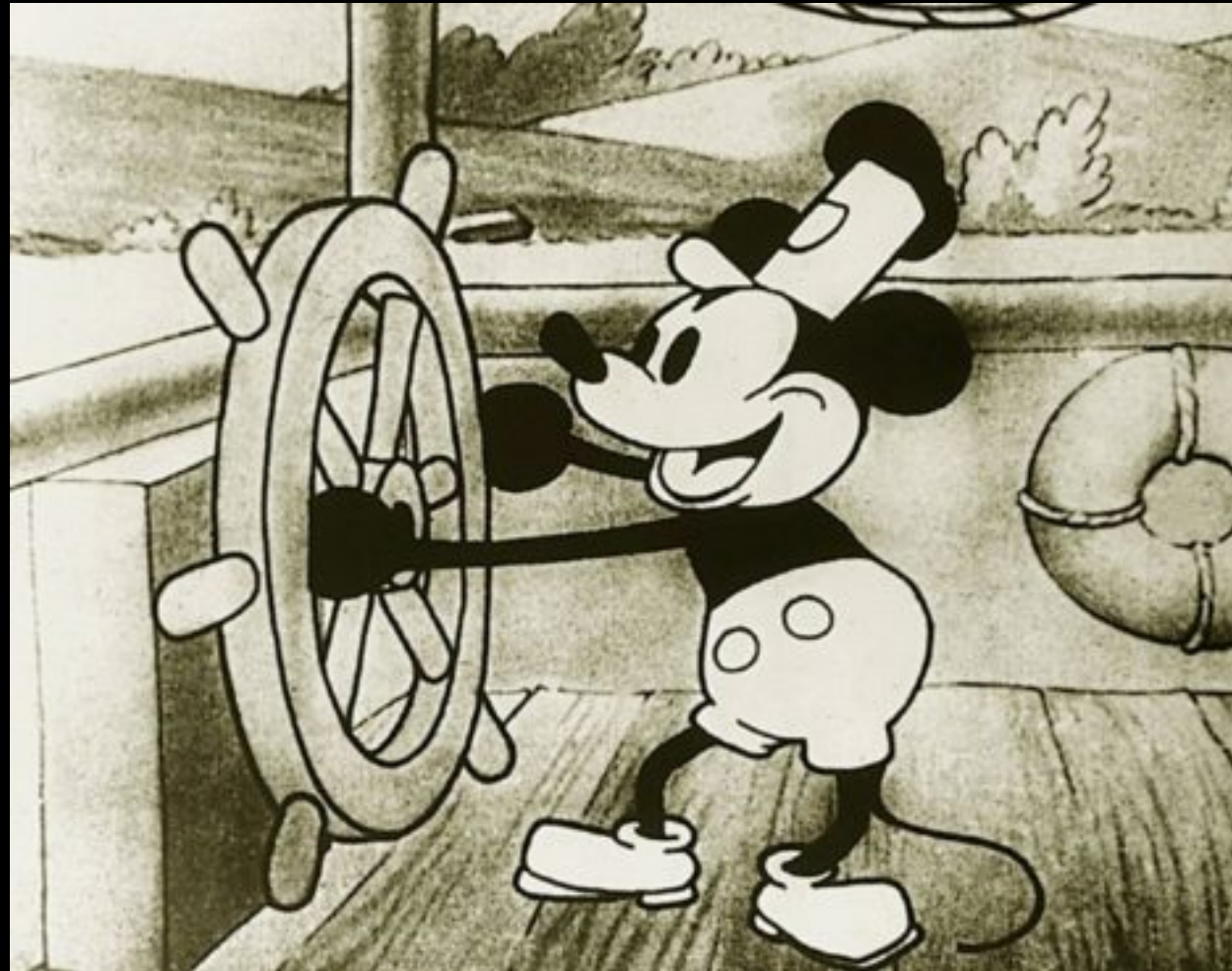


Works from 1923 became open to all!



# PUBLIC DOMAIN IN 2024...

Next year, an animated mouse will become public domain and generate a lot of excitement.





THANK YOU