

U.S. Copyright Law & Genealogy

By Howard Maynard Faulkner

U.S. Copyright Law is about as complicated as the Internal Revenue Code or perhaps the Immigration Laws of this country. I am frequently asked about how genealogists must deal with Copyright. May we freely use the 'facts' we obtain from public documents for example? I am surely not a lawyer but I have found this chart helpful. You may read more at the www.Progenealogists.com website if you are in doubt...preferably before you publish or even post anything on a website. You may be using another persons work or your own original work may not be protected at all!

General Rules that Apply to U.S. Copyright Law (For guidance only)

Written	Publishing Information	Copyright Details	Entity Author	Individual Author
before 1964	Published with a copyright notice	Copyright NOT renewed 28 years later	Free Use NOW (Public Domain)	Free Use NOW (Public Domain)
before 1964	Published with a copyright notice	Copyright Renewed 28 years later	Free Use 96 years after original publication date	Free Use 96 years after original publication date
1964 - 1978	Published with a copyright notice	Copyright Renewal NOT required	Free Use 96 years after original publication date	Free Use 96 years after original publication date
1978 to Present	Formal Publishing and copyright NOT required	Copyright NOT required at all	Free Use 96 years after date of creation	Free Use 71 years after the DEATH of the author
before 1978	NOT Published or registered for Copyright	NOT registered for Copyright	Free Use 121 years after date of creation	Free Use 71 years after the DEATH of the author
before 1989	Published, BUT WITHOUT a copyright notice	NO Copyright notice at creation	Free Use NOW	Free Use NOW
Reprinted Works	2nd Publication, Original Copyright expired	Original Copyright Expired	Free Use NOW - Reprint is not protected from copying	Free Use NOW - Reprint is not protected from copying
Reprinted Works	2nd Publication Original was NOT Copyrighted	Original was NOT Copyrighted	Free Use 121 years after date of creation	Free Use 71 years after the DEATH of the author
Federal Court Records			Free Use NOW	Free Use NOW
State Court Records			Free Use NOW	Free Use NOW
Records Abstraction		Abstraction Style is Protected	Facts are Free Use NOW	Facts are Free Use NOW
Web Pages		Design is Protected	Facts are Free Use NOW	Facts are Free Use NOW
Compilations of Information such as Telephone books		Design is Protected	Facts are Free Use NOW	Facts are Free Use NOW

Please use this table as a guide only. It is not to be construed as legal advice. The author, Natalie Cottrill, <http://www.progenealogists.com> is not a lawyer and assumes no legal responsibility for the use or misuse of the information above. Compiled June 1999 with the assistance of: Dennis S. Karjala, Professor of Law Arizona State University Tempe, Arizona 85287-7906 Tel: 602-965-4010 FAX: 602-965-2427

NOTE: Permission granted to copy given by Email 09 Aug 2005 from Natalie Cottrill to Howard M. Faulkner