

PUBLIC DOMAIN RICHES

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PUBLIC DOMAIN RICHES TELECLASS

Word-for-Word Transcript

YS: Hi, everyone and thanks for joining me and my special guests for this "Public Domain Riches" tele-class. And I am definitely excited today because this is the first time we've ever covered this topic in full like this. And you guys should be, too, because you're going to learn exactly how to find, use, repackage and sell public domain material without paying any fees or asking permission.

I'm going to swing open the secret doors to a bonanza of materials and reveal the 100 percent legal way for you to literally steal an endless source of content on practically any subject you can imagine. And we're talking millions and millions of pages of stuff you can use for anything you want. So that means you can instantly turn out ebooks, manuals, articles, reports, or any other type information products you are just going to snap. And the great thing is, virtually nobody knows about this.

And, you know, sure some people have heard of public domain, but once you get off this call, you're going to have all the insider secrets you need to know

to use and exploit public domain to your own profit. So we're going to hear some real life case studies that are going to definitely encourage and inspire you. And I promise nothing's going to be held back whatsoever. Okay, so housekeeping stuff first.

Alright, so now before we want to get started, I got to mention one thing. I'm not a lawyer, but we do have one on the call. And we're going to be covering some legal issues and I'm going to give you my best interpretations of the laws as I understand it. As with any business dealing, it's a good idea to get appropriate professional advice.

Okay, so with that all of the way, since we're mainly going to be dealing with a U.S. copyright law and public domain material, we're going to touch a little bit on foreign works, but there's so many variables to cover all that in one call. However, you know, great options for all our international callers is to access the vast repository of U.S. public domain works.

Public Domain and Copyright Myths

Alright, so let's start off with you guys, we're going to destroy some of the myths you might have heard about public domain and other copyrights. So myth number one is everything on the Internet or online is copyright free and available for me to use any way I want.

I know some people have heard that and that's definitely not the case. You see, there's some really stiff penalties for copyright infringement and even if you see things like free clipart, you know, most of the time these are not public domain images. So you can't even use those.

Myth number 2 is something that's published like an article, advertisement or anything else without a copyright notice, that means it's public domain right? No that's not the case either. Actually on March 1, 1989 the U.S. made it optional to put a copyright notice on any published work. So anything created today does not have to have a copyright notice, but it is still protected. And we'll talk about a little loophole later on of having a wrong notice or having

an improper notice that does bring a work into the public domain.

Myth number 3 is out of print does not mean out of copyright. So don't make the mistake of thinking if a work has gone out of print that means their copyright has expired. That's not the case. One has nothing to do with the other.

* * *

Public Domain Legal Issues and Traps

So with those out of the way, I want to actually, we're going to cover a couple more really important legal issues before we get on to case studies. And that's why I'm really excited that I have Bruce Safran on the line today. He's an attorney.

He's our first special guest. He's a nationally recognized legal expert on Internet copyright and advertising laws. Are you still there, Bruce?

BS: Yes, I am.

YS: Awesome, great.

BS: Thanks for the introduction.

YS: Yeah. Bruce is, he's definitely the man to talk to about this stuff and what do you charge an hour now?

BS: Between \$350 and \$450, depending upon the work.

YS: Okay, so we're getting a tremendous bargain here. Let me start off by asking you, in a nutshell, can you just explain exactly what is copyright and what it covers and what it protects?

BS: Sure, Yanik. Copyright protects what's called works of authorship. Now a work of authorship is any creative work created by a human being that can be communicated to other human beings either directly or with the aid of let's say a device, such as a film projector.

Some things that are included in works of authorship, but they're not limited to this list. I'll give you a list, of course, writings of all types. Musical works including song lyrics, plays, photographs, databases, maps, artwork, sculpture, graphic, movies and videos, of course. Computer software could be copyrighted; sound recordings, pantomimes even and choreographed works. And, in fact, even architectural drawings and in fact the design of actual buildings.

YS: That's pretty much everything.

BS: That's pretty much everything.

YS: Yeah.

BS: That is actually put into fixed form.

YS: Right.

BS: Now, the owner of a work is protected by copyright and he's given a bundle of what's called exclusive rights that are his. It's a mini monopoly and the exclusive rights that he has are, let's say, the right to reproduce his work, to distribute his work, the right to create adaptations. And we're going to be talking about that as it relates to public domain issues. And the right to perform and display rights.

One thing that people should understand and I think that this is something that is another myth. And that is that individual words are never protected by copyright.

YS: Great, I'm glad you brought that up.

BS: And, in fact, even if you invent a word. So I'll give you an example, In George Orwell's novel in 1984 he invented the word newspeak and there are other examples of that and that words is in the public domain. So don't think that if you invent a word that it's yours. Of course, if that word relates to, let's say, your trademark or trade name or that type of thing and you've trademarked it, of course then it's yours. But it's not copyrightable.

YS: Okay, great.

BS: Names aren't, titles of books or any work are not, ideas are not. And, in fact, facts are not protected either.

YS: Okay, that's interesting.

BS: Go ahead.

YS: I was going to say, you know, you're kind of skirting on public domain so let's just define it. What exactly is public domain and how can it be used?

BS: Sure, public domain is quite simply any material that comes into four categories. And that is, the first category would be generic information like facts, numbers, ideas, titles, blank forms. That's one category of public domain work.

Works that are granted or donated to the public domain and, believe it or not, some authors will donate their work to the public domain. An example of this would be, let's say, PT Barnum's autobiography.

YS: Right, yeah. He did that and a lot of software developers do this, too.

BS: Exactly. Now works by the federal government or its agents, all of that is in the public domain and many works by state governments and their agents are in the public domain. The difference between federal and state is that all works by the federal government are

in the public domain, but the state has the ability, if they want, to copyright ... some of their work. So if you see a copyright symbol on a state work, it is most likely copyrighted.

YS: Okay.

BS: And, of course, with formally copyrighted works that have fallen into the public domain or lost their copyright due to a number of different situations are in the public domain.

YS: Great. Okay, so we'll talk about that and how can we use it?

BS: Well, you can use public domain limited by your own imagination.

YS: Okay.

BS: You can use it in any medium. You can adapt it, you can perform it, you can republish it, copy it, change it, convert it, and, of course, sell it.

YS: Yeah, okay, and make derivative works and do all kinds of things from it.

BS: Correct.

YS: Yes, oh, okay so that sounds pretty wide open. So now how can you take a public domain work and actually copyright it now for yourself.

BS: Sure, that's I think what you're going to spend a lot of time on this call about. There are many, many ways that you can do this. Of course, what we talked about before is anyone is free to create what's called a new work based upon a public domain writing and those works are what's called derivative works. I'll give you an example of taking something and adding new material to it and creating a derivative work. And then being able to copyright it.

Everybody knows that actress Emma Thompson created a screenplay from the classic domain novel, *Sense and Sensibility* by Jane Austen. And in creating this screenplay, she added a good deal of new material, including some scenes and she added dialogue that wasn't in the novel. She also organized the work in cinematic scenes and she cut material that didn't fit into the two hour movie that she made. And she added camera directions and so forth and she created, in effect, a derivative work that was, in fact, copyrightable from the original work and it stands on its own as a copyrighted work. But, of course, all the material that Thompson copied from Austen's novel still remains in the public domain. But someone, of course, couldn't take Emma Thompson's original work in

total, in whole and use it because now she has her own copyright on that particular piece of work.

YS: So but anyone else could come back and take the original material that she used.

BS: They could take the original material either from the original source or they can pull the original material out of her source as long as it's the original material.

YS: Yeah, if they're careful to know what it is;.

BS: Which I would not recommend.

YS: Right. Okay.

BS: If you can go to the source, go to the source. Now a couple of other things you can do is you can add a new introduction let's say to a public domain work. You can take and add new pictures. You can, for the people that are in other countries here, this is something very interesting.

You can translate a work into a new medium. So if it's *Huckleberry Finn* public domain work you can take it and turn it into a French version if it's not already done or your own French version, and then you can copyright that version.

YS: That's a great point. Thank you. Yeah, that's terrific.

BC: Another thing that is quite interesting is, you know, there is a wealth of government information. And, for example, in 1912 after the Titanic disaster, there was a Senate Congress committee that conducted extensive hearings on why that happened. And 86 years later, even though this work was originally in the public domain, a publishing company called Pocket Books through an author who was a *New York Times* employee published his one volume version of this work and he added a new introduction to it. And he added some public domain pictures and he made a new work and that's called an editorial revision of what was otherwise a public domain work and he was able to copyright that and make a profit on that book.

YS: And, if I'm not mistaken, I think he edited some of the portions of the Senate hearings.

BS: Oh, quite a bit. Because he condensed the Senate hearings from just volumes of documents and pages to about a 500 page book that he published and sold.

YS: Okay, yeah. So what happened is he created a new work based on, he decided what to leave, what to take out and so on.

BS: Correct, and that goes to one of the requirements of being able to get a copyright and that is some minimal

creativity. And what he did is, he was creative in what he chose and decided to put into his 500 page book and what he left out. And that's enough to satisfy the minimal creativity requirement that is required to be able to copyright something.

YS: Great, okay. Well, let's talk about what to do if somebody challenges your public domain claim.

BS: Hopefully, that's not going to happen to any of the callers on this call.

YS: Right.

BS: Because we're going to be careful, but as careful as you may be and, in fact, even if you are using public domain work, you might get one day what's called a "cease and desist" letter. Where the letter will either come from a perceived owner or an attorney saying that you should immediately cease and desist publishing, republishing, printing, selling the work that you've created.

Now, the first thing you have to do is respond immediately. Don't stick that piece of paper in your drawer and pretend it's going to go away. You should at least respond to the letter and say you've received the letter and you're investigating the claims. Don't ignore it. From there, maybe you'll be able to handle

the claim yourself if the material isn't very valuable. Or if it's clear that the materials are in the public domain. You might want to convince the other side to drop their claim if you can show them, and we're going to get into how you can do that, show them that the material is in the public domain. Or, in the unfortunate case where you've made a mistake and the materials happen to be in the public domain or it's in a gray area and maybe you'll be able to resolve the matter yourself, by offering some kind of a compromise or paying the license fee, etc.

There are occasions, though, Yanik, where you do need to hire a lawyer. If you come across something like this and that would be if you feel you have a very strong case and that you can't settle it yourself for one reason or another. Or the materials are so valuable to you and you feel you have a strong case. Or if the other side insists that you stop and it would be too expensive or impossible for you to stop and you still think you have a strong case. So, along with that, talking about a strong case, it's very important to document your research into public domain, into the public domain status of every work that you plan to use. And you should create a

permanent file for each work. And you should put a few things into that file. I know, Yanik, you're going to be talking about checklists and you're going to be providing worksheets for the people on this call so that they'll have the tools that they need to not only research it but document their work. And some of the things that you need to include, let's say in that file would be, if it's possible to have the original work or a copy of the work in the file, do that. If there is a copyright notice on the work that shows that it's expired, make a copy of that.

If it's a U.S. government work, include a copy of the title page of the work showing it was created by the government. Also, if you're going to do some copyright searches, of course, keep the results of those searches. And, of course, finally keep all the correspondence that you've either sent or received in your research on the status of your particular work.

YS: Okay, great. That's perfect. Well, let's talk about the last legal thing that we want to cover, is how about some sticky legal pitfalls to avoid with public domain.

BS: There are some legal pitfalls and knowledge gives you power so you should know about these. First thing

I'll say about that is that just because a work has a copyright notice on it does not mean that it is copyrighted or owned. It may very well be in the public domain. So there are a lot of opportunities out there that are missed because somebody will take a look at a work and it'll have a copyright notice on it and, in fact, that copyright notice is not a valid copyright notice and that's done all the time even though it's a crime to put a copyright notice on a public domain work. So that's the first thing.

As far as sticky legal pitfalls, the biggest one is license restrictions. And what does that mean, license restrictions and how does that play into this discussion? One of the things everyone could relate to is if you go to a museum and you see public domain art on the walls.

YS: Right.

BS: That doesn't mean that everyone can let's say even take a picture of that.

YS: Right.

BS: Even though that *Mona Lisa* is in the public domain let's say, the owner of that picture or the museum can restrict its use. And can even, in fact, license its use. And so that's the difference between copyright

and contract law. I'll give you an example of some licenses. There's a company you mentioned before about clip art, Dover Publications.

YS: Okay.

BS: They have one of the largest publishers of clip art and if you buy their products, you'll be faced with a license agreement that you have to agree to in order to use it and here's what their license says: You may use the designs and illustrations for graphics and crafts applications free and without special permission provided you include no more than 10 in the same publication or project.

So it's very important to avoid, if at all possible, taking public domain work from licensed products that you purchase or you license. And I'll give you a good example of how a couple of people got in trouble with that.

YS: Well, before you, I think a lot of people will recognize these license agreements and they're called, what do you call them, click agreements?

BS: Well ...

YS: A lot of times?

BS: ... either click wrap ...

YS: Click wrap, right.

BS: Or shrink wrap.

YS: Right. So many times, if you're going to be buying something online and like clip art's a perfect example, you have to click that you accept their terms of agreement, right?

BS: Exactly.

YS: And that binds you to their license.

BS: Exactly and be assured that part of the restriction is that you can't copy it or use it except for personal use.

YS: Right. So try to avoid being subject to that license.

BS: Absolutely. If you can find the public domain information any other way, do it.

YS: Okay and then the shrink wrap is where you open up a package meaning that that subjects you to the license agreement?

BS: That's correct. And it's, you know, usually there's a little sticky note right on the shrink wrap and it says: Opening this or subject to the license agreement even if you don't read it.

YS: Right, okay. And most people are familiar at this when they get software. This is where it's most common.

BS: Absolutely. So, for example, there was a software CD-Rom product that contained 95 million business telephone listings on this CD-Rom and I'm sure people have seen these kinds of things. Now of course all of the listings are in the public domain, and you can find these listings a number of ways. But if you are the purchaser of that CD-Rom, it most likely, it contained a click wrap or a shrink wrap license agreement like what we were just talking about with certain restrictions.

And so the famous cases, there was this guy Matthew Zeidenberg and he bought the CD-Rom and he decided that since all of these business listings were in the public domain, that he could place them on his website for people to use. And, of course, the company decided that that wasn't what they wanted, PROCD. And they sued Mr. Zeidenberg and, in fact, won in court.

YS: Because of the license agreement.

BS: Because of the license. And now there is a disagreement among experts, me included, is to whether these license agreements are or really should be legally enforceable. And the issue has not been concluded. But again, the point here is that if

you're going to at all avoid these, do so like the plague.

YS: Right, okay. Anything else?

BS: Well, lastly a few other copyright traps, and we eluded to these before. And that is that there are a lot of derivative works that come from public domain works, and there are a lot of compilations that come from public domain works. And even though the content of the, the public domain content of the work is still public domain, the derivative work or the compilation could be the property of the person who created it or compiled it.

And I'll give you a good example, and I'll leave you with this. And that is that, for example, we all come across products like the 10 best short stories of the 1900s. And all of these short stories let's say that are in this compilation are public domain short stories. But the compilation itself has been copyrighted by the author and rightfully so because that author had to go through thousands of short stories in the 1900s and pick out the ones that he thought and ordered them, in a particular order one through 10, that he thought were the 10 best. And that is enough creativity, that kind of work and that

kind of compilation too to allow that particular work to be copyrightable in and of itself. So of course you could not copy the compilation as a whole, but everything that's inside is still public domain material. So you should understand the differences between copying something that contains public domain material, but you can't copy the whole thing because it in and of itself is a work of art and entitled to copyright protection. Whereas, what's inside of it still may be public domain material.

YS: Great. Yeah, that's really important. Well, I know you got a couple of really important legal products for information publishers and any kind of website owner. Where would people find those?

BS: Well, we're actually, our site is <http://weblaw.yanikrecommends.com>

YS: And this covers from all kind of legal issues that might arise with pretty much anyone with the website really needs this product to cover their butts.

BS: Absolutely.

YS: And then also you have another product, which is called the?

BS: It's the intellectual property protection plan, and you'll be able to purchase that at that same link <http://weblaw.yanikrecommends.com>.

YS: Right.

BS: You can purchase both of the products together for a reduced price.

YS: And that's super important for any information publisher and any website owner whatsoever. Awesome. Well, Bruce, thank you very much for coming on and sharing these legal insights. Okay. Thank you very much.

BS: Oh, you're quite welcome. My pleasure, and I'm going to stick around and listen to what you have to say.

* * *

Public Domain Case Study #1: Matt Furey

YS: Okay, good. Matt, are you online?

MF: I'm on. Can you hear me?

YS: Great. Can you speak up a little? I'm having a hard time hearing you.

MF: Can you hear me now?

YS: Yeah, that's better. I got Matt Furey on the line. I've really lined up a bunch of special guests, and Matt does, he makes over one million dollars each year

online. And he sells to a small niche of people interested in wrestling and conditioning and training and so on. And he is extremely in-depth at using public domain material, and turning them into very high priced information product that he sells and keeps selling over and over again. And Matt, next you can check out Matt's site at www.mattfurey.com to see the arrange of all his incredible products. So maybe you could explain the type of business you're in a little bit better than I did.

MF: Oh you did a good job.

YS: [Laughs]

MF: Actually, I'm an information entrepreneur, but my belief is that you should never simply inform or teach. You should always simultaneously entertain. So I'm an entertainment information entrepreneur. [Laughs] And I have books and courses and videos as well as seminars in which I not only teach you what you want to know to effectively make money but how to do it with style.

YS: You definitely have your own style for sure.

MF: Yes. Kind of.

YS: It's a great style. Well, let's talk about the material that you picked up I guess first in the

public domain, and why don't you tell us a little bit about the Farmer Burns story.

MF: Well, Farmer Burns was ... he was a real passionate wrestler back in the late 1800s, 1900s. And he was a trainer of all these other great champion wrestler. And he even worked with some boxers. And in reading about the story about one of the people that he trained, my gosh, who became a world champion, I had heard that he had this mail order course that he had put out called: *Lessons in Wrestling and Physical Culture*. I tried for years to find such a course. Nobody had it. Nobody knew anything about it. Then in September of 1998, I was invited to give a wrestling clinic in conjunction with the grand opening of this international wrestling museum in Iowa.

So it ended up being a low turnout event because it wasn't marketed properly. I let somebody else do the marketing figuring they knew what they were doing.

YS: [Laughs] Bad idea.

MF: [Laughs] I since learned to not do that. But anyway, you know, we had maybe 12 or 15 people.

YS: Right.

MF: So afterward instead of drowning in my sorrow I said, well, maybe there's a way to turn this lemon into

lemonade. So I went over to the grand opening for this museum, and I started poking around looking for the books in the bookstore. And I noticed that he has all these modern books that are 25 bucks, 30 books, etc., etc. And then way on the very bottom shelf on a plastic wrapper, a clear plastic wrapper I see something. And it's *Lessons in Wrestling and Physical Culture* by Farmer Burns. So I got down to look, and he has a \$10 price tag on there that I've been looking for for years.

YS: And how much would you have paid for that?

MF Oh boy, hundreds of dollars, hundreds of dollars.

YS: But he thought it was just trash pretty much.

MF Yeah. Well, he knew better but he just, I don't know, he just didn't think anybody would buy it or ...

YS: Right.

MF And, in fact, it was inside the wrapper. It was just stapled in the upper left-hand corner. So I grabbed that and a shirt and some posters and what not to take up to the office and pay for them and leave. And the lady, she was in the front, says no man, just take these. We're so happy you came by. [laughter]

YS: So you got them for free.

MF Yeah, so I got them for free, which is the best price, of course. So I went home to my parents' home, they lived in Iowa at the time and my flight didn't leave till the next day so I sat there and I start paging through this and reading it. And I'm saying my God, this is unbelievable.

So I called the guy the next day when I got back to California and I said, Mike, I can sell this to my email list and get 50 bucks a pop. This is good stuff. He goes, "do you really think so"? I said, I know so, 50 bucks. So he said he had about 50 of them left. I said, okay, you ship them, I'll sell them, we'll split the profits. And so that's what we did at first. When they went out, some of the people complained because it was just stapled at the top. So I asked him if he would, you know, take them to Kinko's and bind them some way. Coiled bind them, well, he wasn't willing to do that. So I said, okay, well hell the thing's public domain so I took the original and I would just photocopy it, bind it, send it to people, and I was doing it that way for a couple of years.

YS: Selling it for 50 bucks.

MF Then I decided to add a foreword to it, reformat it, add some additional material at the end, etc. And then I did it and today it comes in a perfect bound book. So that's the story with that, but I've literally been selling this since September of 1998.

YS: That's pretty cool.

MF Yeah.

YS: And this is at farmerburns.com if you want to check it.

MF Yeah, FarmerBurns.com, you can't read the story about how I found it, but you can ...

YS: But you can read all about the material.

MF Yeah.

YS: Okay, now how did you end up turning that, so you were selling it for 50 bucks. Now how did you turn that into a \$599 book?

MF Well ...

YS: Because that's a little more exciting.

MF Yeah, much more.

YS: I mean, the other way is actually pretty exciting, too. Because you probably made a nice chunk of change doing it that way.

MF Oh, and still am.

YS: Yeah.

MF But now I just use it as a lead generation magnet, a self-liquidating lead generation. They pay for the thing and they get it sent to them. Along with that, they receive a 24-page hard-hitting sales letter in the mail with a special offer. But how I came up with the idea to do the videos was I had all these people who are emailing and saying, you know, this course is great, but most of the photos are a little dark or you don't know he got into the positions. He only showed the finish.

And at the very end of the course, the last lesson, the last page, he said, let me see if I can grab it here real quickly while I'm talking. He literally said that in the future he hoped to put out an additional course with moving pictures, he called it. Yeah, and that a new and enlarged course at a very small price although the price to new students would probably be \$50 to \$75 on account of the immense expense of preparing the material.

Well, number one, he never did it. And number two, we're talking 1914. This course, just the written course, sold for \$30 in 1914. That's like five, I checked it out on this inflation index page and it's like \$588 in the year 2000. So and he was

talking in the course about how inexpensive it was and how it was affordable for every kid. So I said, hell, what I'll do is I'll create the moving pictures for him and make video of everything. The exercise routine, the massage technique, as well as all the wrestling and fighting holds.

And so the first thing I did was test the reliability of the idea and I wrote a sales letter. At the time, it was an eight-page sales letter and I then created FarmerBurns.com and I sent an email out to my list. This was like 25 months ago we're talking.

YS: And you sent out the email and wrote the letter before the course was done, right?

MF Yeah, before it was done. Right.

YS: Okay.

MF Because if nobody wants it, I'm not making it.

YS: Right, yeah, it's a real important lesson.

MF Right.

YS: Okay.

MF So I didn't know. I thought it was a brilliant idea, but what do I know? The market's the one who decides. So anyway, I created the site and I directed my email

list to the site and the orders started coming in. I said, wow, this is great.

Another thing happened; people who hate my guts, there's a few of them running around, they cut and pasted my entire sales letter. They'd go to these idiot boards and they would put it up there and then they would jeer and mock it and make fun of it and all that. Well, that just drove sales through the roof. I mean, that was the best thing they could have ever done for me. I mean, they were literally, you know, they thought that they were hurting me. In fact, it helped me and that's, my income shot way up that month and so then it was \$497, I moved it up to \$597 since then. I also added some other material for a deluxe upsell that's, I think it's 897 where you get other materials with it. I've done boot camps to the people who bought the course, then I sold into a boot camp. I've made tapes of the boot camps, which you can't even get unless you went to the boot camp. Or have bought the original video course. I don't let anybody get a hold of those unless they've jumped through a few hoops first.

YS: Well, that's pretty amazing. So do you remember how many you sold in the first month approximately, like how...

MF I think \$70,000 worth.

YS: Okay. Yeah, so that's pretty amazing, yeah.

MF So yeah, and the funny thing is, is that, you know, speaking about legality and all that kind of stuff, Farmer Burns' living relatives; his grandson, his only living grandson and his children contacted me last summer before I had my boot camp and they attended it as special guests. They're in total support of everything I've done. They want no money. They've never asked for anything. They're just thrilled that I'm keeping the guy's name alive.

YS: That's really important.

MF Yeah.

YS: I'm glad you said that.

MF Right.

YS: Now there are a couple of people, like you said, don't particularly like you for, you know, because you are, like you said in the beginning, you have a strong personality and you piss some people off and other people tremendously adore you and love you. Now I

know some people actually posted the whole manual online, not just your sales letter. Right?

MF: Yeah, they didn't take my edition of it.

YS: Right, because they couldn't do that.

MF: Right, they can't do that because that's my, you know, I've tweaked it.

YS: Right.

MF: To make it mine. But yeah, they found an original and scanned it in and put it up on their website for free, you know. We're going to get Furey now, you know.

YS: Right.

MF: This kind of thing and it has not hurt me in the least.

YS: Right, because they have no clue how to sell it and they were just really trying to ...

MF: And they have no idea that like when somebody reads it and printed it out off a website, if they really like it, they're going to say, "I want to get it so it's in a bound format."

YS: Yeah.

MF: And they want to get my version because I have extra stuff in it. And that's the thing you can always do. If somebody does take a public domain that you find and decides to give it away, you just can add more

material to it. You do something to enhance it to make it more yours and that's the way around that.

YS: Right, great. Now you've done this with a couple of other products, too. Is it the same process pretty much every time?

MF: The process it's 80, 90 percent each time. I have another book I found. It's a 1928 book, put out by a strong man, George Jowet in *Unrevealed Secrets of Man*. And I put that out originally as an ebook, but I just hate ebooks anymore. And so, I've taken it off as an ebook and put it into a spiral bound format so people order that directly.

I've thought about recording it on audio because it's so inspirational. And so then I've got not only a \$25 book, but I've got probably a \$100 audio program with it as well. With another course that I have, I haven't released yet, my brother, I find out what's public domain that I'm interested in. I've got a brother who lives in Annandale, Virginia about 20 minutes from Washington, D.C. So I pay him to go to the Library of Congress and photocopy what I need and then he sends it to me.

YS: [laughs] That's great.

MF: So [laughs] ...

YS: Yeah, so ...

MF: But the process is after that, those initial steps, is always the same. You know, create the sales letter, find out if people are interested. If they are, make it available.

YS: Right, and then keeping making additional versions of that product. Like you went on to videos and then boot camps.

MF: Right.

YS: And so on and tapes of the boot camps.

MF: Yeah, exactly.

YS: So you can take it as far as you want.

MF: Sure because the product they come into the funnel with is not the one you want them to go out with. They just enter buying this for \$50. By the time I'm done with them, well, you know, I don't know what it's going to be. But that can only happen if they're happy with the initial product. So the idea is never to just make money from a single product. That's not my philosophy anyway.

YS: Right, if at all possible. Now how did you know that certain material was valuable or not to your marketplace? Or you just let them decide.

MF: I, just gut. My gut feeling told me people will want this. That the real psychos in this niche, the people who just gobble up old time stuff. I just had a gut feeling it was going to go and I was right. But I didn't know and that's why I always test.

YS: Right.

MF: And even when I think I know for sure, I still test because I know what it's like to have a garage full of books that nobody will buy.

YS: Right.

MF: And that's no fun.

YS: And you don't even have to do that with this and you can, I mean, how much are you out? Nothing really. I mean, even if you pay to copy a public domain book, you're out 20 bucks or something.

MF: Right, yeah. Not much.

YS: Yeah.

MF: Yeah, so ...

YS: That's great. Well, I mean, we could spend two hours talking about product creation and information marketing with you alone and, you know, you just had a boot camp pretty recently just on this topic. And I was there speaking and a couple of other ...

MF: Yeah.

YS: ... terrific guest speakers and you did a tremendous job. Do you have videos of that product available?

MF: Not yet. What we're doing, we're having another boot camp in September in a couple of weeks. And what we're going to do is take the best of both of them and combine it into one product. That's what I think we're going to do right now.

YS: Okay. And if some people want to know more about information marketing with you where can they go?

MF: Right, yeah. Go to KnockOutMarketing.com

YS: Okay, KnockOutMarketing.com, just like boxing.

MF: Yeah, just like boxing and you'll know when you're there because you'll see some guy getting his mouthpiece slugged out of his mouth. [laughs] But yeah, there's information there on my boot camp in September as well as some other products that I have and you can get on my email newsletter list and I'll send you free updates for info regularly that you can read. And get more ideas that'll really help you.

YS: Right, as you can tell this is just a small portion of what Matt knows.

MF: This isn't even scratching the surface.

YS: Right.

MF: When people come and learn from me in person, they leave with ideas that are guaranteed to fill their mailbox with gold.

YS: I like that.

MF: Yeah.

YS: Great. Well, Matt, thanks again for coming on and sharing your story. One last thing, how much approximately without revealing too much would you say the Farmer Burns and public domain material has probably been worth to you? Multiple six figures?

MF: Oh, God.

YS: Easily?

MF: I mean, I went beyond six figures years ago with it.

YS: Great.

MF: So and then the video course itself is, I mean, it's, I mean, let's put it this way: by the time I'm done with it, which is going to be a long time, it's going to be worth millions [laughs].

YS: That's awesome.

MF: Yeah.

YS: Yeah, so that just shows everyone on the call the potential that you got here with public domain. Thank you very much again, Matt.

MF: Hey, thank you, Yanik, I appreciate it.

YS: Yeah, stick around if you want.

MF: Okay, thanks.

YS: Okay, thanks.

MF: You bet.

* * *

Public Domain Case Study #2: Rebecca Fine

YS: Rebecca?

R: Hey there, Yanik.

YS: Hi, good, excellent. Glad you're here.

RF: Me, too.

YS: I have Rebecca Fine on the line with me from Seattle, Washington. On the other side of the country and Rebecca has a little bit different of a story. She's going to be talking about, well, I'll let you share your story. But you'll be talking about really how you took a free book, turned into a free ebook, and how you made a whole business around it, which I think is pretty amazing. So we've got lots to talk about with you. Do you want to just give us a, maybe a quick little background on yourself and your business there. And then we'll talk about the public domain work that you picked up.

RF: You bet, Yanik. You know, I think probably the most interesting thing, at least to me and it seems to be to a lot of people as well is that I never set out to create a business [laughs].

YS: Yeah, you kind of accidentally fell into it right?

RF: Yeah, in fact, I think I mentioned to you, I'm putting together a book called *Accidental Business.com* which is just about this whole thing of seeing how it is you can do what you love and ways you can be of service and the amazing things that can happen when you just follow your own dream, follow your own vision, your own purpose.

What happened with this book was, a number of years ago a fellow named Steve Schull, he's a personal development coach. I'd just been getting his ezines for only a little short while. He sent me an email one day and said, I've got some copies of this book, would you like to have one? The title of the book was so intriguing that I immediately fired back an email and said yes, of course, I want to see this. When the book arrived a few days later, it was a paperback copy. I sat down and read it in a couple of hours; it was less than, fewer than a hundred pages. And when I was done, I went into the office where my business

partner was working and I said, you know, I know what we've been doing wrong in our business and I know what we're going to do to change it, read this. And I mean right now. Read it right now.

And two hours later, she came back and said you're absolutely right at the time[laughs]. We'd both been in several different businesses that had been successful to varying degrees, but certainly more successful than the business we were in then, which was a network marketing business.

So we took the principles that we learned in this tiny little book from 1910, that's when it was first published. And started trying to apply them to what we were doing, the way we were thinking, the way we were living, the way we were running our business as best we could understand him. I really didn't get a lot of it right off the bat. And within six months the whole thing had just skyrocketed. [laughs] It was amazing. Within a year, we were top earners in the company and had won some awards and, you know, we had opened up a new company. We had the largest organization. It was just amazing what was going on.

YS: Right.

RF: But everything else changed, too. So it was just a wonderful experience.

YS: And this book is called *The Science of Getting Rich*, right?

RF: Yeah, that was the title that really grabbed me and that's the title that continues to grab a lot of people. *The Science of Getting Rich*. You know, I used to be a direct response copywriter and I always says that this man who wrote this book, his name is Wallace Waddle, would have made a great headline writer.

YS: [Laughs] Yeah ...

RF: I think we'd have people by their self-interest enlightened or otherwise.

YS: It's a terrific title.

RF: Isn't it.

YS: And then you have a whole business and website around it and that's at ScienceofGettingRich.net, right?

RF: Dot.net. Yeah, it's the science of getting rich network, if people ... remember.

YS: Okay.

RF: If you go to dot.com, you're going to have to buy the book.

YS: Okay, yeah, so go to dot.net and get it for free. So ScienceofGettingRich.net. Now did you know this was public domain?

RF: Well, you know, it didn't even enter my mind at the time when I was just using it. Like I said, I used it for a while and after almost a year and a half, I thought, you know, this really works. I need to share this with other people. Naturally, in networking, I wanted to share it with the people I was working with. I couldn't find anybody who was publishing it in paperbacks who would give me a deal for those people to buy it, which was pretty short-sighted because there were originally about 700 people participating in a discussion. So that would have made a nice little profit for some book publisher.

So I did start looking for the manuscript. I realized it was old enough that it probably was in the public domain, although I didn't know a lot about that subject at the time. And I tracked it down, found a guy who gave me a photocopy of the book and sure enough, it was free and available, and I turned it into an ebook and started giving away.

YS: Yeah, well tell us about that. How did your business model evolve and what did you do when you started giving away this ebook?

RF: It really was just funny because I didn't have a business model [laughs]. I just started emailing that book to everybody who was asking for it. It just got out of hand. So I thought well, I had another website for my other business so I put it up there as a download and then that sort of took over my other website. So I thought I'd better create a separate website for it. And that's all that was on there, was just download this free book.

And, oh I publish this little ezine now and then, you can that, too, if you want. And remember early on getting an email from Marlon Sanders, a well-known marketer.

YS: Yeah.

RF: Asking me a lot of questions about this. About my business model and I had one of those blind things ... for the obvious. Duh, business? Oh. But what happened was people started emailing me and saying, you know, I love this book. I'm really trying to understand it, apply these principles, and I don't have time to keep reading it. I wish I could listen

to it in my car. I don't know how long it took me before I [laughs] let that message sink in. I thought, oh, make an audio book. So, Seattle's full of recording studios. So I made an audio book.

YS: Right.

RF: And it started selling immediately. No one could have been more surprised. It had never occurred to me this was going to be a business.

YS: Now how, did you just simply re-read the material?

RF: I did.

YS: And that's it?

RF: I'd never done anything remotely like that. If anybody told me I was going to, I would have thought they were nuts a few years ago. But I always thought I sounded like Minnie Mouse on the recording [laughs]. But it worked, it worked great and those things just fly out of my little home office. I've tapes and CDs.

I had edited the book really lightly. Just because it was kind of quaint and old-fashioned. I just kind of updated it a little bit and some people don't like it that I changed. A lot of places where it says man to person, but being a woman, I know it's nice to read ourselves back in and not to have to do all the work ourselves. Mr. Waddles made it clear

that his message applied to both men and women, but, of course, at that time, universal masculine ...

YS: Yeah.

RF: ... was there. So, you know, minor changes like that. And yeah, I just went in and read it with all the enthusiasm I feel for the work and for the principles that explains.

YS: Right, well we can definitely tell that. Now with the free ebook version was there, right now, are there things inside that lead people back to buy products and buy other things?

RF: Yeah, there's a newer version. I'm not even sure if you have the newer ones, it's been up there for quite a while.

YS: Yeah, I think I found your original maybe about two years ago or three years ago when I was first getting online. So I probably have an old version.

RF: Yeah, you do. And there was a little bit in there. You could subscribe and you could order the audiotapes, but now it's available on CD and now there's testimonials in the back of the book from people just sharing what's happened in their own lives. You know, from reading the free book or from people saying that they liked the audios and ...

YS: Right.

RF: ... and now I also have another product that, once again, just grew out of the process of doing this was I began to notice, finally, I seem to be a little slow in the uptake sometimes, but people were asking the same kind of questions. And having the same kind of difficulties understanding and applying what they were learning, but finally I thought well, one of the principles in the book is, is that you need to be taking efficient action [laughs]. So I decided what would be efficient would be to answer all these questions at once. So I started doing teleclasses.

YS: Very good.

RF: And those just sold out amazingly. I think when I first offered this, I heard you all talking figures before so I'll just tell you. The first time I offered the teleclass, I think it was \$97 and if you signed up by a certain date, you could bring a friend free and I made about \$40,000, you know.

YS: Wow. Wow, that's great.

RF: ... teleclass and I thought, well, that was easy.

YS: And how did you structure, just based on the lessons in the book?

RF: Yeah, and my own experience and the experience of other people that I knew who had done, been using these principles. And also, since I had such early success using it and as I said, it changed my life, it's not just about money. Although it's definitely about money and we need not to ...

YS: Right.

RF: ... whitewash that, but it's really the universal spiritual principles of abundance and prosperity put into a practical, usable form. So I've been studying that ever since.

YS: Right.

RF: And experiencing remarkable results.

YS: Well, that, yeah I'd say those are pretty remarkable, that's great. Now, and the great thing about the free ebook is it gets people on your email list, right, that you can sell these auxiliary products to, because people pass around this free ebook.

RF: Yeah, that's been really amazing. I've never promoted the book. I've never advertised, you know, it's just word of mouth basically.

YS: Yeah.

RF: And there are about, they're just coming up on 37,000 people on the email list and I'm getting ready to

promote it. So that ought to make it grow and there are people, subscribers to my ezine in 119 countries that I know of.

YS: That's pretty cool.

RF: It absolutely blows my mind. So this message is getting out there and a lot of volunteers have now translated the book into about 15 different languages. So it's really just, it's remarkable.

YS: That is pretty tremendous. And I'm at your site now ScienceofGettingRich.net and you have a little graphic of the ebook.

RF: Yep.

YS: So that helps people visualize that it's a real thing.

RF: Yeah, the print book actually, well finally, I'm doing another one of those Oh, Duh things and the print book will be available in about six weeks.

YS: Oh, good, good. So what kind of derivative products do you have? We talked about the teleclass now. We talked about the tape set, audio/CD also, and now you're going to have a print book. Anything else?

RF: Yeah, well I'm not actually doing the teleclasses anymore. I started to look at that one time and I realized, well, this is kind of limiting because people all around the world are wanting to participate

and it's impossible to set a time as I'm sure you know.

YS: Yeah.

RF: Where that can happen. I had people getting up at 3 in the morning on the other side of the world.

YS: Yeah.

RF: And then also with this particular work, pricing it was tricky because what might be pocket change to me or you know a bad dinner on the weekend, might be somebody's rent in another country. And with the exchange rate and everything, I wasn't sure how to price it. So I'll tell you what I did. I [laughs], this is part of what I have learned since beginning to apply these principles was I do a morning meditation every morning for meditation and I just put this question out there. You could say to God, to the universe, to my higher self, my intuition. What's the right amount of money to charge for this?

I knew I wasn't going to give this away free because there needs to be an exchange of value here. People need to make an investment if they're really going to get anything out of it.

YS: Absolutely.

RF: On a long-term like this, taking a course. But I wanted to make it accessible to as many people as possible who really wanted to do it. And then, so I just kind of released that question. I thought, okay, the answer will come to me and I'll know what to do. Then I picked up my morning reading, which was a book by a man named Charles Fillmore. A book called, *Prosperity*. Also in the public domain list [laughs].

Primarily because he never copyrighted his works. He wanted them to be shared. And there it was on the page. He was a more religious source, he founded a church. And these principles, by the way, are spiritual but not religious. They apply to everybody. It said, that he thought that work of a spiritual nature, if there were fixed costs, like printing a book or something should have a fixed price. But if there were no fixed costs or they were not substantial, he thought they should be offered on what he called a "love offering basis." That sounded a little Sunday Schoolish to me, but I knew it was the answer right there. And so I have the only or at least the first, there are maybe people starting to do it because people have told me they're going to, online course where you set your own intuition. And,

in fact, given the nature of this course, that's the first lesson. Determining what the value of it is to you in advance. What you're willing to commit, in terms of time and money.

YS: That's great.

RF: It's amazing.

YS: So this is an online course that costs you zero to deliver, right?

RF: Close to.

YS: Is it delivered via email?

RF: It's actually delivered in PDF format. It's all in a special membership website.

YS: Okay.

RF: There are 30 different modules; you get a transcript of each module. What I call a Life Lab, a little kind of a homework to do and it's audio as well.

YS: Okay, and then you let people set their own price.

RF: Yeah.

YS: That's pretty amazing.

RF: I'll tell you the range right now has been anywhere from, I got from an Eastern European country, I got an envelope with two crumpled one dollar bills, U.S. bills, and that was cool. And a thousand dollars is the most anybody has paid.

YS: [laughs] That's great.

RF: And everywhere in between, I promise you.

YS: That's really terrific.

RF: Yeah, it's been a whole lot of fun and a real eye-opener and, you know, I used to be a marketing consultant, believe it or not. You wouldn't think so given how I didn't see the opportunity in this because ...

YS: Oh, I don't know, you've done pretty well.

RF: [laughs] Yeah, but the thing was, you know, I had a little bit of fear and trepidation there at the beginning like oh, is this just stupid to put this out there on that? But I thought, no, no, this is the answer I asked for. This is, you know, go with it and it's just been wonderful.

YS: All right, well, I'm going over to Amazon real fast. I'm typing in *Science of Getting Rich*.

RF: Yeah, you'll find a few.

YS: Yeah, I see a couple of different results. Now, there's like, there's a couple of other people who have re-published their own versions in public domain.

RF: There have been a few more now.

YS: Yeah, there's probably more and there's probably a bunch of ebook versions maybe and so on. Has this affected your business at all?

RF: Well, you know, the real answer to that is, I don't know. [laughs] I don't know what it would have been like if people hadn't, but I think it probably helps. There's a gentleman named Bob Proctor, a lot of people on this call have probably heard of him.

YS: Right.

RF: He's extremely successful, a wonderful man. He's been teaching this same book, a lot of other material as well, for 25 years. Forty years, I think, actually total. And I finally got to meet him in December and I said, you know, I think I send a lot of business your way [laughs] and he agreed. But now I'm getting people coming to my site to take my course and there's a little question, how did you hear about us? And a lot of them are saying that Bob sent them.

YS: Now there you go.

RF: So, you know, one of the principles in this book that there's no such thing as competition if you're coming from creative mind instead of competitive. And I find that to be sure and I'm sure you've discovered it as well. There's no point setting out to beat everybody

else. Just give your gift, do what you do best, and find ways to cooperate with the other people who are, you know, giving out the same message.

YS: Yeah.

RF: It just amplifies it.

YS: I definitely agree in that abundance thinking.

RF: Oh, yeah [laughs].

YS: And now, but you said that your business has been probably the best it's ever been, right?

RF: Oh, it's grown so much in the last, well actually in the last year. It's just taken off a lot. For a while there, it was just, you know, it was just a little hobby thing I was doing on the side. I've now retired from that other business. I don't even do it. I do some other things, but I just pretty much do what I want to do.

YS: Right, that's ...

RF: ... write to me and ...

YS: ... yeah, that's a good feeling.

RF: Yeah, and also I feel like I'm living my life on purpose. This is my purpose to pour out live into help people understand these concepts of abundance.

YS: That's great. And people want to learn more about the message in there and learn from you, they would go to ScienceofGettingRich.net. Right?

RF: They sure would.

YS: Okay.

RF: Download that book and read it and use it.

YS: Yeah, so get a free gift from Rebecca right there at ScienceofGettingRich.net. Grab it and then also, at the same time, as you're reading and getting that terrific message just watch what she does. How she accidentally turned it into a nice business for herself.

RF: Yeah. Watch your follow up sequence [laughs] See what happens.

YS: Very good.

RF: And, Yanik, I wanted to thank you because I have also seen a lot of people come to my site to say they were sent by Yanik Silver.

YS: Well, excellent.

RF: Thanks for spreading the word.

YS: Absolutely and we'll keep continuing to do it when we turn these into tapes and audios or something along that line.

RF: Well, I appreciate that.

YS: Very good. Thank you very much for coming on, Rebecca. I really appreciate it.

RF: It's a pleasure.

* * *

Public Domain Cheat Sheet

YS: Okay. Well, we're going to get back into a lecture mode here and I'm going to go over some stuff and then I have a mystery guest. So let's talk about, this is what I call my "Public Domain Cheat Sheet". So you guys have seen a few of the real world possibilities and really how lucrative using and selling this public domain stuff can be. And what we need to talk about as a big part of this is finding the stuff.

So let's talk about, I'm going to give you my public domain cheat sheet and these are some real important dates and things that you need to know. this is, you know, just scribble these down. Don't worry, you're going to get all of this down in writing when you get the written material. But the first thing that you want to think about is anything published in the U.S. before 1923, this goes for anything. Published here in the U.S. or something

published abroad and then re-published in the U.S. before 1923 is public domain.

So, you know, you check out a book. You look on the title page and it says 1911, I was just looking through my Library earlier today. I found some, you know, incredible stuff just going out through there and, you know, 1911, 1918, 1921, all public domain. You can use it any way you want.

Number 2 on our cheat sheet is works published in the U.S. from 1923 to 1963 are in the public domain *if* they were not renewed in their 28th year. And estimates are that 85 percent of works were not renewed. So that's a big, huge portion of material and we're going to talk exactly about how to find out if they were renewed or not.

Number 3 is foreign works published anywhere before 1909 are in the public domain. So it doesn't matter if it was first published in England, Germany, Japan, whatever. If they're published anywhere before 1909 that means they're in the public domain.

Also the fourth one on our cheat sheet is foreign works published in 1909 to 1923 with copyright notices are now in the public domain. So that's a real quick down and dirty recap for you guys to know.

* * *

Finding, Researching and Uncovering Public Domain Material

So now let's talk about finding, researching, and uncovering these public domain works. And it's really not as hard as you think as long as you know where to look. And I'm going to tell you exactly where to look and we're also going to hand you a Rolodex with all the information that you need to look for it.

The first place, my favorite spot, is a website called, Alibris. www.alibris.com. And actually, if some of you are online right now, we can actually go and check it out real fast. And I'll tell you exactly how to do a search there.

So let's go to alibris.com and you'll notice in the upper left hand corner there's a search box. And what you want to click on is advanced search and then click on books. And then when you click on books, you get an opportunity to, you know, pop in any field that you want and just for fun, you can also put in, you know, subject, different subjects. And you can put in publication year. So just to be on the safe side, I always start my search by doing a, if it's published

before 1923, and you can just set that in one of the fields there that you can do a search on. Or you can stick it to, you know, before 1963. If you want to do some more research a little bit later on.

Let's just play around and do one real fast. I did a search on books and I put in the title, let's just put in Golf, okay. And then I put in before 1923 and on the first page, you know, you've got to look through the listings. On the first page, I came out with something called *The Psychology of Golf*. I thought that looks pretty interesting and I bet, you know, golfers are super, super rabid market. They'll buy anything.

So, you know, if I spent a couple of more minutes researching what Alibris had, I would probably pick out five to ten different books and I would have to buy them. You know, the problem is you can't view them online or anything like that. You've got to actually buy them and there's no description of what it is. But, you know, they're usually, you know, 10, 15, 20, 30 bucks apiece. It's not too big a deal. So, you know, just purchase them and then you've got to look them over and then you decide if it looks valuable or not. But I bet *Psychology of Golf* could

really pretty quickly be turned into a nice product real easily.

Alright, another place, great resource that's online and searchable is a site called www.addall.com/used/ And this is a search that it's going to search all the major used book sites for you at the same time. So it searches, I don't know, I think like 10 different sites for you all at once and this site is powerful if you know the title of the book that you're looking for. But you can also search by keyword here and you can find some, you know, some really cool stuff here as well. So this works in the exact same way.

Another place you can look for material is eBay. You know, just click on the categories on the left hand side. eBay's, you know, the largest auction place. Just click on the left hand side there and select books as a category or try doing a search for your subject. Okay? So those are some easy places to go.

Let's stay with the online stuff. We have an online, you know, different repositories of just public domain content that's available for you for free. Remember all of this is going to be in the

Rolodex, so don't worry if you're not writing this all down. But the first place is called www.Gutenberg.org And, you know, just you go to Gutenberg and I was just playing around and I click on titles and one of the first things that I looked at was I found something and it says, *10,000 Dreams Interpreted*. You know, that's pretty darn good. I bet you could pretty easily turn that into an information product no problem. You could even make it a little online type searchable database for people. They plug in their dream and out comes an interpretation.

One good thing you want to look for when you're looking for titles, is if it includes something like how-to. So that's another good thing to include if you're searching on Alibris or that Addall.com/used site. Is to, you know, include a title like how-to. Or then you can, I mean, anything that's a how-to book is usually pretty good.

There's a couple of other places where they have all kinds of, a huge number of public domain works. And it's the online books page at University of Pennsylvania. I'm not going to even bother to tell you this link because it's a long link, it's going to be in your Rolodex

<http://www.digital.library.upenn.edu/books/>

And there's also the Internet Public Library, which is at <http://ipl.org/reading/books/> And these all have, I mean, people, like for instance, Gutenberg and these other repositories of public domain content, these people have volunteered to type in or scan in material that is now in the public domain so everyone can benefit from it. And everyone is us. So we can turn that stuff around and turn it into a product, like we're going to be talking about.

Another place you can find public domain material is at a Library. Easy enough. You know, there's specialized Libraries. You got your college libraries and, of course, your local Library. So if something that you want is in a specialized type field like medicine, you'll go to a specialized Library to find that.

Now most Libraries, if it's a real rare document, they're not going to let you check it out and take it home. But, you know, you can have a portable scanner. In most cases, and you might be able to scan there. Or you can simply hire a college kid to go to the Library, track this thing down, and type it for you or make copies for you; whatever they allow.

Next, the biggest place obviously is the Library of Congress. That's here in D.C., I'm in Maryland, a little bit outside of D.C. But it's worth the trip if you know exactly what you want or, like Matt was talking about, his brother lives in Virginia, which is very close to D.C. so he sends him down to the Library of Congress to look up what he wants and make copies.

Now, personally, I went down there. I'd been looking for a book called *Breakthrough Advertising* by a guy named Eugene Schwartz, forever. This is an incredible book on copywriting. It's not public domain, but it's absolutely invaluable to direct marketers. And so, I went down there and there's a whole security process and so on. You give them a little slip and they bring you up the book. And then I just sat there and made a copy of the book for my own use. And, I could just as easily, if it was a public domain work, made a copy of it and starting using it as a work myself; either selling it or turning it into derivative work.

Now the bad part about the Library of Congress is they don't usually just let you simply rummage through their stacks of books. You know, I would love to do

that and just go through all their stuff. So you've got to know what you want.

Next place then that you want to check out are used bookstores. There are tons of used bookstores all over the place and they have all kinds of things that they have no idea how valuable they are. I was at the beach this weekend and, you know, any time there's a bookstore around, I'll usually duck my head in there and take a peek at what they have. Since I was thinking about those public domains, I was looking around and, you know, within five minutes I spotted a book called, you know, *How To Paint and Draw* and it was published in 1955. And this thing was great, it had, you know, all kinds of explicit directions plus pictures for people on how they could use their painting techniques and so on. I'd have to go back and look it up and we're going to talk about how to look it up to see if it is public domain, but I could easily have, I would bet that, you know, we talked about, 85 percent of works are in the public domain from 1923 to 1963.

So I would bet that that thing would be public domain and it could be a nice, easy product that you could use to create either a videotape or you could

use it to create an ebook or real book or use it, you know, just like the way we've been talking about with all the case studies. Okay, let's talk about, one more place that you can look is flea markets and yard sales. You can usually run across some interesting stuff there.

Now another subject we need to cover a lot if government works. So let's talk about that for a second. All works, like I first told you, all works by U.S. Federal government are in the public domain. And that's published or unpublished. And a work, a U.S. government work, if it's prepared by an officer or an employee of the federal government, that's part of their official duty. And officers are all elected and appointed officials. So that, you know, that includes our President, Supreme Court Justices, etc. All those people, as long as it was part of their official duty. And that means that there's a huge amount of material available for federal government stuff. I mean, speeches, letters, documents, nearly everything published by the U.S. Printing Office, material put out by the IRS, the CIA, FBI, Copyright Office, Patent Office, and all kinds of federal agencies. I mean, there are tons and tons of them.

However, some state and local government works are copyrighted and are not in the public domain. You want to be careful there and you'll want to confirm with the local agency to be sure since a copyright notice isn't even required though it typically is put there. So let's talk about some sites to locate public domain government publications. Now remember, this is all going to be in your Rolodex, so don't worry if you don't jot it all down right now.

But the first one is www.FirstGov.gov So FirstGov.gov, we can check that out and you can see they got all kinds of things that you can look up and search on. So you can do a search in the upper right-hand side and you can do a search in federal only. So that means you know that if it's, remember we talked about federal is always public domain. So you can select federal only or you can select federal or all states or you pick federal and all states. So, you know, to be on the safe side, just say federal only and then just do a quick search on the information that you want.

Another great place to look up and find these public domain government works is <http://Pueblo.Gsa.gov> And once again, that's going

to be in your Rolodex. And they've got all kinds of stuff there as well, from all different agencies. Another place you'll want to go is access.gpo.gov. This is a place where you can, I think there's the U.S., this is their printing office. So anything used by them you can use portions of or use the whole thing any way that you want. So that's access, so www.access.gpo, government printing office. And, of course, you know, each agency itself has their own website, you know. Just a little candid observation, you know, part of the written material that you're going to get is you're going to get material from the copyright office that they deliver as PDFs. And since it's public domain, I'm going to include it in your package. And I'm going to include it in your package because it's terrific material that you need to know about, how to investigate copyright status and also all about copyrights.

But, you know, it's free for me to use and it's good information for you. So that's exactly what you're looking for. One more interesting thing to point out about this government section is that even though the U.S. government works are all in the public domain, that does not mean they're all accessible to

the public. And so many classified documents are not going to be released until they're declassified. Though there is a way that you can get information, not heavily classified information but you can get information that you wouldn't normally have access to and that's by using the Freedom of Information Act. And a whole report on using the Freedom of Information Act is also available in your Rolodex. So you're going to get information on exactly how to request documents using that Freedom of Information Act.

<http://www.rcfp.org/foiact/index.html>

* * *

Researching 1923-1963 Works

Okay, let's talk about researching works from 1923 to 1963 because this is a real important part. In those works, from '23 to '63, they really contain a bonanza of material that could be in the public domain. And with a little digging, you could discover some incredible gems. And I'm literally talking millions of works simply because their copyrights were not renewed. Remember, we talked about that they had to be renewed in their 28th year? And, like we said,

estimates are about 85 percent of material from this era was not renewed. Actually, an interesting survey was conducted by the copyright office in 1960 to see how many works originally published in 1931 to '32 were renewed in 1959. And they found the following results: Books, 7% of books renewed; periodicals, that means like magazines, newspapers, 11% were renewed. Lectures, oral presentations, speeches, sermons, .4% were renewed, less than one percent. Music 35%; maps 48%, art work 4%, and movies 74%.

So, we're going to focus on a lot of written material. So books, only 7 percent was renewed. And so, like we said, in the 28th year had to have its copyright renewed and that way would extend it. If it was not renewed in the 29th years that material was public domain. So if it was renewed, the copyright extension lasts 95 years. So it's not going to be up for a long time from now. But, you know, the good part is most people didn't renew. And I've really found some amazing stuff in this era.

I'm not going to tell you all the titles because a couple of them, we have an apprenticeship group where people pay \$15,000 a year to work with me for a year. And a couple of apprentice projects that

they're working on deal a lot with public domain works. So I can't reveal what they are, but they are some really incredible stuff and stuff that were all bestsellers in their own time. So there are things that are worth a tremendous amount of money now.

So let's talk about, how to check if a work was renewed. There's really three ways; there's do it yourself, you've got the copyright office, or you can hire a firm to do it for you. But before you start on any of these options here's what's important for you to have and you want to have the title, author, year the work was published, and the country it was published in, so you have that all available.

Let's talk about doing it yourself. If a work was published in 1950 to 1963, the Library of Congress and the Copyright Office has now made it pretty easy on all of us because you can go to www.loc.gov/copyright/search So you can go to this site and all that you do, let me get over there real fast, okay. So all you have to do is select what the work is, whether it's book, music, etc. you select that button and they have another one for serials and they have another one for documents.

So a lot of times, most of the time I'm working with books so I'll click over here on the left-hand side and they let you search by author, title, the claimant, the person, either it's a corporation or it's the individual. There's also a registration number you can do a search by, so if you have the original registration number of the copyright document and some other things, then you can do a combined search.

So, you know, what you do is, like I said, you have to have the title, author, the year the book was published and the country it was published in before you start these different things. So you can just type in the author's name or you can type in a title and so on. And let me just pull up a listing so you know what it means. I'm going to look up Fitzgerald so there might be a couple of these. And so, we have a bunch of people. Let's look up F. Scott Fitzgerald and it came out with a bunch of items. So I want to select, there's two options. There's a brief summary display and there's a full record display. So I'll hit full record display and now it's going to let me know about the original work and also when it was renewed. So, now this is a little bit different one,

but you can see as you're playing around with it, it'll tell you when the work was originally created, when it was registered, and when it was renewed.

So if you find something that's renewed, that means it is still in copyright and it means you cannot use it for public domain. You can use, obviously, facts, ideas, titles; things that Bruce was mentioning in the beginning, but you can't simply go out and do all the great things we want to do with it.

Now, let's talk about books from 1923 to 1949. This is a little bit harder to find, but it's still actually online and you can look it up at www.digital.library.upenn.edu/books/cce. And what we're doing there, these people have inputted all the different copyright renewal records, but they've input them in as graphics. So, and it's real important because a work, so we want to know exactly what 28 years from the work's date is. So let me just go over here, let me do a quick search. It's pretty easy to use. You'll see on this page, actually, you don't have to even do the math, it'll tell you. You know, click here for renewals from 1922 to '25, 1925 to the 50s. So you can select different years.

Now, you know, I'm just going to go select 1958 and it's listed by the copyright holder in alphabetical order. So you would simply select where this person would fall and you would open it up and it's going to open up as an image. And it's going to tell you, I'm going to do a quick zoom here. So on the record it's going to tell you, you know, for instance, I'm in 1958, so say, I'm looking at a record for *Southern Report Digest* and it says 1930 cumulative annual pocket, part volume 29, copyright February 21, 1931 by West Publishing Company and then it tells me it was renewed April 4, 1958. So obviously I cannot use that periodical because it's been renewed and it still has its copyright protection.

Now the thing with these records to look up these CCEs is that you want to check, make sure you check in years 27, year 28 and 29. So, for example, a work published in 1941, you would look up at entries for 1968, 1969, and 1970 to be thorough. Since the work could be renewed during the 28th year after publication and this is taken from the actual date of publication. So you want to make sure that you look up all three of those years just to be doubly sure and very thorough.

Okay, let's say you don't want to do this yourself or you want to, you know, this work is really, really valuable and you want to make sure you do this right and make sure that, you know, when you're documenting your public domain research that there are no loopholes or anything like that. So the second way is to have the copyright office do it themselves. You know, the copyright office, the bad part about them is they're pretty slow. And there's really not that much benefit to having them do it. They charge you \$75 an hour and they tell you it's going to take 8 to 12 weeks to do a copyright search. So that's why I think your best option is to actually hire a search firm. And this is, by far, the easiest and it's going to cost you a couple of bucks. It costs about, I don't know, \$60, \$80, it depends on how difficult the work it to research. And, I've had my apprentices, have used a company called Thompson and Thompson, they're going to be listed in your Rolodex. They're a D.C. law firm, very quick turnaround, and real easy to deal with.

<http://www.thomson-thomson.com> .

And so, you just give them the title, you give them the author of the work, the date it was published

and so on, just all the information you have on it. And they'll come back and tell you and they'll give you a full disclosure report and you just put that in your file for documentation purposes and you're all set.

* * *

Improper Copyright Notices

Okay, well, we talked about the most common ways for works to fall into public domain and that is by their copyright expiring. Another, though not common way, is lack of copyright notice or incorrect notice. So let's cover that for a moment.

First off, only published works need a copyright notice. And they have to be works published before March 1, 1989. Because that was when the copyright notices became optional and a copyright notice on a written work must contain three elements; the symbol, the copyright symbol which is typically, it's the "C" with the circle around it (©), the word copyright or abbreviation like COPR. The publication year date and the name of the copyright owner. The correct copyright symbol like a c with parenthesis (c) has also been found to be okay, but just the letter C is

not. Incorrect copyright date is also means for having their work turned into public domain. So it cannot be more than one year from the actual publication date. Omission of the individual or company's name is grounds for copyright removal and also the copyright notice for a book has to be on the page immediately following the title page or on the title page itself. Or it could be found to be invalid.

Most advertisements, postcards, letters, etc. published before 1989 would fall into public domain really because of, they're due to improper or lack of copyright notices. So that's a tremendous bonanza if anyone wants to do like old postcards from 70s or 80s or so on.

And, of course, there are lots of exceptions to this and it would take too much time to go into detail on them. But I've included some reference material in the Rolodex that really gets into the subject thoroughly. You know, just know that not many works fall into the public domain because of improper copyright notices. Probably the most famous one of all was *The Velveteen Rabbit*, which is a children's story and that fell into public domain because of the

improper copyright notice. But, you know, like I said, that's a pretty small portion. Most of them are going to be because of lack of copyright or because the copyright is expired.

* * *

What to Do With Public Domain Works

Alright, so let's talk about what you can do with public domain works and, you know, this is really exciting. You heard from Matt, you heard from Rebecca about their real life stories. The first thing that you want to do is to make them in a sellable format and that means, you know, scanning, either scanning them in or typing them in. And for scanning, you know, you can do it yourself and you need a scanner with OCR capabilities, which stands for optical character recognition. And that means it can take words, you know, for instance, off a book page, and turn them into just text that you can manipulate and edit and do all kinds of stuff in your word processing program. So it turns it into just pure, you know, plain vanilla type text.

Now you can also hire a firm to scan it for you. There's going to be a firm in your Rolodex that I've used before. The problem with them is they scan it, they turn it into a PDF, it's great. But they turn it, they make it only in image so you can't manipulate the text and they also, they have to cut off the binding of the book. So that's going to be unfortunate. When I did it with a book I sent over to them, I was lucky enough to find two copies of it. So I gave them the worst copy that I found. So they can, you know, just maul it, whatever they need to do. And then I kept the nice copy and it's still in my Library.

Then you've got the other option is to have it typed. And, you know, you can hire someone like a work at home Mom to do this and you want to pay either by the page or the whole project. Don't pay by the hour, if at all possible, because, you know, there's no real benefit for the person that you hire to get done. You know, you can also hire a college student or high school student that has some typing skills, whatever. It's not too hard.

There's also another way of doing this and that Matt mentioned and I didn't put it down in my outline,

but I'll mention it again, is that you can just make copies of the work. Like Matt was doing, just photocopying the work and then binding it up or even stapling it originally. So that's one way of doing it and then the last way is to repackage it up as a derivative work. We'll talk a lot about that.

So let's talk about some selling options here. You can sell it as is, so you just take the work and we get it scanned or typed in or whatever we do with it, even copy it, photocopy it. And we turn it into just a little book or a report or a manual and, you know, we coil bound it and you can do that at Kinko's. Or you turn it into an ebook, an electronic book where people can download it and, you know, buy it right away and they get it online. They download it themselves so there's no delivery cost, there's no product cost. It's a nice a little system. And if people are interested and if you're interested in learning about how to sell your material, any kind of information products online or over the Internet, you should check out www.instantinternetprofits.com and that covers, you know, all the marketing and selling that we can't possibly talk about here.

Other selling option is we talked about turning it into derivative work. So we heard from Matt, who took the Farmer Burns material and he took it and turned it into a video set. So he used the original material and they simply, you know, he took all the exercises and different things there. And he used that as his outline for the videos. You can do things like add your own enhancements, you know, Rebecca talked about that. So she turned *The Science of Getting Rich* into a teleclass and then later an online class. And so she added her own commentary, her own story behind it, her own results, the things that she's learned. So you can add, you know, your notes. You can add additional material; you can add, you know, pictures, you can add your own introduction. We talked about all this and Bruce mentioned something which is real important. It is sometimes publishers will try to intimidate people to thinking a work is copyrighted. So they'll put notices on public domain material that says something like, you know, copyright, all rights reserved. And the truth is, only new portions of the material are copyrighted. So be on the lookout for that.

But now on the flipside, what I suggest to you as an information publisher, is you actually make sure that you put a copyright notice on your documents. And I would make it difficult for somebody to separate what's public domain and what's, you know, not. What is public domain and then what is your original material. And so, one nice way of doing this is to add some kind of foreword and maybe a handful of comments and then creating a locked PDF. So that means, you know, a PDF is a portable document format, Adobe Acrobat format. And that can be read on almost any computer, I'm talking about digital documents right now. And you create a locked PDF so now, if someone wants to get at the public domain material that you spent a lot of time and effort locating, they're not going to be able to get to it because they can't separate your portion, which is copyrighted from the portion that is public domain. So that's real nice.

Other derivative works that you can create, we talked about this, Matt talked about it, is video, DVD. So you can create, you know, videos, DVD, based on material, create audio where you read the material. Rebecca pointed that out where she simply went to a

studio, you don't even to go through a studio if you don't. You can have a simple recorder and just read right into that tape recorder. And then, boom, you've created an audio product.

Which, by the way, as we're talking about all these different products, realized that there are tremendous advantages to creating your product in multiple formats. First off, some people like to get their information in an audio form. Some people like to get it in a video form, some people like to get it in a written form. Also, in these different forms, you can charge and you can get more money. Matt was talking about his video set as \$599. You know, you can charge \$600 for a set of videos. It would be tough to charge \$600 for a little ebook. For audiotapes, for audiotapes or audio CDs, you can get, you know, 50 bucks, 100 bucks, 200 bucks, 300 bucks for a big set of them.

So when you start creating these public domain material into different versions, also realize that you can increase the price. Another thing you can do is create an eclass based around the material. And an eclass is great, I've done this, not with public domain material, but with other material of my own.

Is where we simply deliver lessons via email to people. Mine was a six-week eclass s they would get six lessons. They'd get their first lesson and then they'd have a homework assignment. Also, that they would respond back to me via email. So we delivered the lesson, then they sent back in the homework and I critiqued it and emailed them back the critique. So that's a real nice way to set up a real nice high price product. We charged \$1500 for our eclass.

CD-ROM, you can also create CD-ROMs from the material. You can create software - there's lots of different things that you can do with it. I think what's really important is to take a look at the copy selling these public domain materials and I'll tell you about, you know, stuff that I've created.

I have two products that I'm using right now that are public domain. One is, it's at a website called www.webcopysecrets.com Go over there when you get a chance and scroll down near the end. You'll see it says fast response bribe, number 1. And the headline, the little subhead beneath that says, "long lost marketing manuscript written over 80 years ago could accidentally contain the specific instructions you need to dominate the Internet today in the 21st

century". Okay, so I think, we should spend just a couple minutes going over copy because it's real important.

Like Matt talked about some people put up the Farmer Burns material, you know, for free. And I'm sure some other people have tried to sell it, but what it comes down to is what kind of story you can bring around it, how you can, how well of a marketer you are, to bring a sales message of why this material is incredibly valuable. Here it says long lost marketing manuscript. So that brings an image to mind, written over 80 years ago and then it says, no, it was not written by Claude Hopkins for people in the advertising world, direct marketing world. A lot of them have heard of Claude Hopkins and most of them know that Claude Hopkins' work, scientific advertising, is in the public domain. So it shot that down. And then I go into a story of how it took me 38 long grueling weeks of digging and researching high and low to finally uncover this rare, timeless manuscript.

I've been trying to track down this book ever since I heard its title. I can't remember where I actually caught wind of it and so on and it goes into

the story of how incredible this manuscript is called *Printed Salesmanship* written in 1922 by a guy named Robert Ruxton. And, you know, I'd say it's entirely rare and go, I even tell them right there in the copy. I say, hey, you know, go type in printed salesmanship and see if you can find it any of the used book locaters and I tell them they'll come up empty-handed. And then I said, when I finally got my copy, I found that it was a book at all, but was an entire series of lessons to help advertisers create more powerful ads. And then I give some examples in there of what's inside these incredible 24 lessons.

The one thing I want you guys to pay attention to on this page here, when we talk about this public domain material, is notice the bullet points. I have tons of bullets here and the best way to get your bullets is you've got to actually go page by page from the material and start writing headlines. You know, this class isn't about headlines or advertising, but, you know, your headline is something that commands attention, gets people interested, evokes curiosity, provides news, if possible. But with bullets, it's really like mini headlines and the best way to write bullets is you want to try and create curiosity as

much as possible. So I read off a couple of these bullets and I think you'll get the idea.

So let's see, it says:

- o How to show your prospects a clear and distinct advantage for choosing you as a superior choice above and beyond any of their competitors. Lesson #7.
- o Five immensely powerful ways to prove your selling point. Lesson #7.
- o Four types of copies exposed, but be careful since as you read this section, you'll discover that only two of them are powerful enough to get the job done.

So notice, you'll want to notice you'll want to know, hey, what are the five powerful ways to prove your selling point. And what are the four types of copy and what are the two points that actually work? So if you can add these little curiosity bullet points to your copy, it's really going to help a lot. And so just study that copy there.

Just a quick idea of how much this one particular public domain resource was worth to me. We made it the front runner, we've changed the copy since, but it used to be the copy when I first sold it, this course.

The copy was all about hey, you'll get this, I'm going to give you this long lost marketing manuscript for free when you sign up to get the new secrets on web copywriting. And we did \$25,000 in the first couple of weeks selling it just like that.

Another thing that I found that I use and I keep using every single day, it's kind of, I don't know if I want to really reveal it and let the cat out of the bag, but I promised I was going to reveal everything. So if you go to www.instantsalesletters.com and you, that's one of my main sites, we sell fill-in-the-blank sales letter templates and you go to www.instantsalesletters.com and just click on the Order Now button up at the top and you'll come to a page which is a, it's like an intermediary upsell page and at this page it tells you, you know, hey, you can get a special offer today. You can get a Gold membership and gold bonus number 1 is the public domain material. It's called, *How to Write Letters That Win*, that's absolutely priceless and nearly impossible to find is what I write there. And then it just tells, you know, just a little bit about it. And you've got to romanticize the work because you have to build value in it. And so, I tell them what the

subtitle of the book is and it's *How to Build Business Letters That Command Attention, Stir Desire, Bring Orders*. How to put the personal touch into a letter, handling inquiries, complaints and collections, actual letters that have brought results - 247 vital pointers gathered from 1200 actual letters.

So, you know, I stress the fact that it's 1200 letters analyzed and dissected for them. And then there's a little bit of, a couple of bullet points right there. So this and the second bonus, which is a product that I licensed, it's responsible for 66 percent of people that purchase our instant sales letters product, and we do over \$200,000 a year with this product, over 66 percent of them go for the upsell, which is worth an extra 15 bucks to me. So it's been worth a tremendous amount of money to me. And every month there are about 300 or 400 people that buy the product and then 66 percent of them go for that upsell.

I want to show you also Matt's site just real briefly. If you go to [Farmer Burns.com](http://FarmerBurns.com) and you go about halfway down, you'll find a subhead that says, what's old is new, what's new is old. And notice, just I'm not going to spend too much time, but I want

you to, you know, in your own time, go back and take a look at it and see how he talks about the copy here and why, you know, why he makes it a point that it is important that you should know about this material and, you know, from I think he said it was 1911. So what makes it so important still and how it applies to anyone today.

Alright, let's talk about some free ways to get mileage out of public domain material. And we talked about a free ebook that's passed around with your links in it. You know, Rebecca was kind enough to share her accidental business strategy there. And, you know, there's a couple of people that have done this. I've seen a guy named Allen Says who's famous for the Internet Warriors. He has a free ebook that's been passed out all over the place. It's called *The Magic Story* and in there he leads people to his other products.

I've also seen a work called *Acres of Diamonds* by Russell Conwell that's been used as a free ebook and for, I think it's an advertising agency. I can't remember, I think it was some kind of consulting agency that passed it around. So you could pass out your ebook as public domain and use it as a free ebook

as a way of generating subscribers as a way to get them in for additional backend products and so on. And the second big way for free is articles. And I got my mystery guest on the line. Hopefully, he's still there. Jim are you there?

* * *

Mystery Guest: Jim Edwards on Using Public Domain Works As Articles

JE: Yep, I'm here.

YS: Alright, good. And we're going to talk about the other free way to get some mileage out of public domain material and that's turning them into to articles. And I have Jim Edwards on the line who is an author and co-author of numerous amount of ebooks and books and products from *Turn Words Into Traffic* to *33 Days to Online Profits* that he co-authored with me to *7 Day Ebook* to all kinds of things.

You've just done a tremendous amount and one of the things you really specialize in is teaching people how to use articles to generate free traffic for themselves, right?

JE: Correct.

YS: And you want to talk about how you use some public domain stuff to create articles and what you can do with them.

JE: Sure. Well, let me run down a couple of the benefits of actually publishing articles and what you can do with them because it's still, in my opinion, really the web's best kept traffic secret.

YS: Great.

JE: And some of the things you can do with articles, number 1, you can drive traffic from other people's sites. They post your articles on their websites because they're of interest to their subscribers and visitors. And then they click your resource box at the bottom and bam, you get a qualified visitor.

They also help you establish yourself as an expert in your field. And as a side benefit of getting posted on other people's websites, you can also get really good placement in the search engines. Because search engines are looking for what, relevance, focus, content that's keyword rich and any good article is focused and keyword rich. And the other thing that you can do with articles is really build a solid relationship with subscribers by using them to create a newsletter.

Even if it's a newsletter completed done by auto-responder where you preload articles into an auto-responder and then people receive them in a sequential order. And, the basic strategy that I use with public domain material is I find books that are in the public domain and I literally chop them up into actual articles.

YS: How big is an article?

JE: An article is anywhere from 450 to 700 words, which is not very big. However, it is about four to eight paragraphs and if you open up a book, especially a book that's focused on a topic in the area of say how to make money, save money, save time, build better relationships, make more sales, improving discipline of your children, just whatever. If it's a focused book ...

YS: It's a how-to book usually.

JE: Right, a how-to book. In most cases it's a how-to book. You can pull out a hunk of that book and either use it as is or simply just rewrite it and it's always easier to rewrite something than it is to write something in the first place.

YS: Yep.

JE: Let me give you a quick example. I'm looking at a book that was published in 1916 and there's a story in here, it's a brief story, telling about a shop owner who, when he was on vacation way back in 1916, sent cables, telegrams back to his story every single day telling where he was and what he was doing and it was just a few lines. And then his manager would post that on the window of the store and the regular customers would come by everyday and find out, you know, Joe was in Hawaii, which was this big exotic thing and all this stuff. And he sold more while he was gone than he sold when he was there. Because people came by and then, of course, they'd come in and they'd buy something.

Well, let me ask you a question. Somebody posting small brief notices every day, while they're doing something of interest to customers, what does that sound like?

YS: It sounds like a blog to me.

JE: It sounds like blog, exactly. So you could write an article about blogging and suggest to people that when they go on vacation, find a way to go to an Internet café and give them suggestions that they could include on their blog and all of a sudden, if you've got a

list of people or better yet, if you can get a whole bunch of website owners or ezine owners that cater to people who are interested in learning how to blag better, blag is now a verb [laughs]. Look into learning how to blog better, all of a sudden, you've got a kick butt article.

YS: And as Bruce told us, that word is in public domain.

JE: That's right. That's right. And so my main strategy is finding material that I can chop in articles. Let me make one quick comment that I know is running through some people's mind. Well, if it was published before 1923, it's not going to be real relevant. That's not true because people for, as long as there's been humanity, have been looking for how to make more money, save money, save time, avoid effort, all the stuff that we deal with today, people were dealing with way back when. Also, in my opinion, people could write better back in the 1800s and the early 1900s because they didn't have the boob tube to distract them. So your ability to write and your ability to communicate and how you carried yourself was much more important than the emphasis we place on it today.

But the other thing where you can find really good article material is on government websites and

that's copy and paste stuff. And let me show you something that I just saw right here from looking at one of the sites that you mentioned that I didn't know about. On one of the pages it's a site and the headline is on one of the government websites and I'll challenge everybody to go find it. The title of the page is "The Government May Owe You Money". That's literally the title of the website.

YS: That's a good headline.

JE: Yeah.

YS: I mean, you can turn that into, you can make it a little stronger, of course. But that's ...

JE: Dude, check this out. I went to Overture and did a search for free money.

YS: Right.

JE: 71,553 searches on Overture for free money and free government money, free money grants, free money for college. Let me read you what else is on this page and this is links to all these other government websites that have articles linked, even entire websites.

YS: Wow.

JE: It gives you 16 different ways the government may owe you money. Does that sound like a good headline? Sixteen ways the government may owe you money.

YS: Or at least a great bullet point.

JE: Exactly. And then there's one here, it's called HUD FHA Mortgage Insurance refund, which I know about from being in the mortgage business. And basically what that is, is when you finance a house with an FHA mortgage, if you sell the house within the first few years, the lump sum mortgage insurance premium that's charged up front is partially refunded to you.

Now there was a guy who's name was Don Lapre, he sold a package through the newspaper about how to be somebody to help search and help people find government grants. I mean, not government grants, government refunds. And basically he showed people how to access a database and then go approach people who were in the database to get them to, you know, give you a portion of the refund. It was kind of shaky as far as the stuff goes, but all the information to create that package was available through government sources. So all he did was take existing government material. The government is really great about creating material and they're

really bad about marketing it. They're really bad about letting people know it's out there, because apparently we have to buy, you know, things of tanks instead of telling people where and how they can find good information. But, I mean, a lot of really smart, good writers work for the United States government and Monday through Friday they create wonderful material that nobody sees. And if they do see it, most people who want to see it can't find it, don't know where to look for it. And you are able, through the laws of this country to go grab it and turn it into everything from articles to ebooks to audio.

I will tell you there's another site, I'm not going into detail about which one it is again. Get on there and start looking around and let your creative juices flow. But there is a portion on a government website that pertains to my past life in real estate. Where they go over dozens of questions that people should ask when they're buying and selling a home. And it's perfect fodder for creating an audiocassette program aimed at first time buyers. And they can listen to it in their car going to and from work.

And so, just find this stuff, look at it with an open mind. But for me, personally, the biggest thing

for me is finding stuff that I can use as articles. And, you know, as far as the articles go, they have entire information offices that send out press releases. They publish press releases on websites about virtually anything. And a press release is set there for the specific purpose of someone who publishes, mostly newspapers and magazines, but there's no reason why you can't, to take the press release and turn it into an article. And most articles that you see that deal with government related stuff, the majority of it is verbatim, the press release that's put out by the government.

And you can use, one of the things I did with one of my programs, *The 10 Dirty Little Secrets of Mortgage Financing*, which I've been selling for years now, and makes me a nice income every single month, was I got a bunch of press releases about how mortgage companies had been fined for taking advantage of borrowers. And part of my sales copy is, how, you know, recently mortgage companies were fined over 8 million dollars, which was true, because I got all these press releases and added them all up, these were the only ones I could find. And were recently fined

over 8 million dollars for overcharging borrowers and sticking it to them on fees.

And then I give the press releases as part of the package. Basically saying, if you don't believe me, check this out. So, but as far as chopping the stuff up into articles, I recently, I stuck a mini course on my mortgageloantipos.com website. I put a mini course up there that is virtually all of it taken directly from U.S. government website information. I just chopped it up. In fact, it's part of one of my packages that I have where I show people how to do it and I literally went on the website, got the information, format it right there on the screen, on screen capture video and show you exactly how to format it, how to stick it in the auto-responder and right there on camera use public domain information to create a three-part mini series or mini course. Create the messages straight from public domain information. It's been extremely successful.

YS: Now, can you just give us just a brief briefing on the mechanics of getting articles published.

JE: Sure. Basically, it is the mechanics of getting the article or published in an ezine. You have an

extremely targeted niche audience interested in a particular topic.

Now, nobody can cover all aspects of that topic of breaking news on that topic or any of the stuff. So what you do is you create an article that's, you know, like I said, between 450 and 700 words that deals with a smart part of the overall topic. Something that's interesting to people, usually something that solves a problem or gives them information they can use right now for some reason. You take that article, you format it, publish it, put what's called a resource fact at the end, which basically tells, you know, a little snippet, it's like a little classified ad. It tells a snippet about you and if you want more information, you know, come to this website.

And if somebody is interested in the topic and they read the article, what's the natural thing they're going to want to do when they get to the end. They're going to want to know more about you and what you have to offer, if it's a good article. Well if the government spends billion of dollars a year, so they must write something good. And so then, basically, you take that article and you put it on

announcement sites. You offer it to ezine publishers who are always looking for content. And you offer it to website owners that publish articles for them to put it up on their website. And then people read the article, they click on the resource box, they come to your site, and they sign up for your mini course or they buy your product or they sign up for your newsletter or whatever your purpose is in that resource box.

YS: Okay. I got a question that came in that is related for you. Now let's say, this gentleman wants to know, Paul Schlagel wants to know, if I pick a section of a public domain work and use it for an article and just copy it, does he has to reference that he copied it from a public domain work or can he just put his own byline on it without referencing it back to the public domain work?

JE: Well, since it's in the public domain, it's my understanding, and I'm not an attorney, but I don't reference it back to the public domain work.

YS: Yep.

JE: Now unless you change it substantially and, again, you know, I don't want to get into the legality, but ...

YS: Right.

JE: ... you may not be able to stick your copyright on it.
But you can sure stick your byline on it.

YS: And absolutely put your resource box.

JE: And put your resource box on it. And that's groovy.

YS: Now, you don't have to tell people where you got it from.

JE: Yeah, and the thing is what's going to happen is, you're going to get this stuff and you might use a paragraph and then you say, well, I can say that better. I mean, a lot of this stuff you're talking about derivative words. You also can take it and interpret it. Like I said at the beginning, it's easier to rewrite than it is to write. And so, if you can use it exactly as is, you can certainly adapt it or to use parts of it.

YS: Right, like your example of saying hey, this person was leaving messages about his voyage to Hawaii and all these different things and okay, here's how this applies right now to the online word. It's called blogging.

JE: Right. Or you could tell people when you do go on vacation, find a cyber café and send one issue of your newsletter from the cyber café. I sent an email newsletter, I sent a little message with, it wasn't

really a newsletter, but it was kind of an article. When I was on a cruise last month, I sent it from the middle of the Gulf of Mexico. And I said right at the beginning, Hello, from the middle of the Gulf of Mexico and people were going nuts. They thought it was really cool.

YS: That's great. Any other tidbits that you want to share with us about public domain that you haven't shared yet?

JE: I would say just go into Alibris and, like you say, put in just two words, how-to and put in a year before 1923. Sit down with a cold soda and just go through and see what comes up. And let your mind go, but also don't ever make the mistake of thinking that oh, I sell real estate or I'm a mechanic or, you know, I'm an accountant and there's nothing that's relevant that was, you know, more than five years old. That's not the case because you can always take what somebody wrote before and update it. And in the process of doing that, you create something new that you can slap your copyright on.

YS: Yeah, and as we've heard from other case studies, you can just keep making money from it day in and day out.

JE: That's right, absolutely.

YS: Great. Well, I know you've got a bunch of products and people can check them out at ebookfire.com, but you have a brand new product that's really exciting that's probably pertinent to a lot of people here on this call. And that's called *The Ultimate Traffic Machine*, right?

JE: Yeah, yeah. That product actually came about by accident, but the upshot with that product is that I wanted to show people exactly what I do to create articles and use them to drive traffic to my website. Because I really drive traffic to my website only two ways. One is through articles and the other is through affiliates, most of whom or many of whom are running my articles.

And so, we decided to create the ultimate guide that included everything for driving traffic and building your business through the simple, easy to write articles that you get other people to publish for free. And I included every single tip, trick, technique, and method even down to where we put the pop-up code on your website. And it's six VHS tapes and it's five audio CDs and three screen capture CDs. It's got an entire archive of my articles with my personal notes on them that you can, any time you need

an idea for an article, you can just look through and I'll tell you how to write a how-article. You can flip through and look at 15 proven ones with my notes. And, in this case, you could jump on a government website or open up one of your public domain books and leap through and say, hey, I want to take this part of the book that talks about, you know, a way to get competitors to advertise for you for free, which is a chapter, title of a public domain I'm looking at right now.

And then you can take that and format it and get it out that and announce it and do all the stuff that we do. This really is the most comprehensive thing I've ever done.

YS: Okay, and you're going to be selling this for what, \$995?

JE: \$997.

YS: Okay, yeah so \$997, it's a tremendous value. I twisted your arm this morning. You told me you're switching over to DVDs, right?

JE: We're switching from VHS tapes to DVDs. I should have the DVDs next week, late next week. So we'll be, then we're going to come back online with it and start

selling it with DVDs between \$897 and \$997. I'm going to try to test the price.

YS: Right.

JE: I've got two of them left with the VHS tapes because I did a special offer for my subscribers. I've got two left with the VHS tapes and so I would be willing to let the two with the VHS tapes go for \$797.

YS: Okay, so it's \$200 off.

JE: Yeah. And we set up a special little page that people can go to for that. It's

www.TheUltimateTrafficMachine.com/pd/.

YS: Okay, well I really appreciate you coming on as the mystery guest and showing us all kinds of other stuff we can do at public domain.

JE: Thanks for having me.

* * *

YS: Thank you. Okay, well we're coming into the home stretch here. We've got the last 20 minutes of our call. Let's talk about some other things - there's no way we can cover music, software, images, and so on, but in your Rolodex you're going to get a bunch of nice resources for those where you can pick up public domain images and music and software and so on for free.

But let's talk about an interesting project I created called www.GetFitWhileYouSit.com and it's a fitness book. I created it with my personal trainer and it's all these exercises you can do while sitting down watching TV, sometimes even in your car or on an airplane seat and so on, in your hotel room. And we created a book, you know, the book itself is not public domain because we created it ourselves. Jeff, the trainer, did the exercises and I wrote the sales letter for it. But I wanted, you know, to add some bonuses to the product. So what I did is, you guys can check out GetFitWhileYouSit.com and you can see the different bonuses that are offered there.

One, we hired out to a person from eLance.com. It's another way to create products. Can't spend time talking about that now, but we did a work for hire, which means that we basically hired someone to create a work for us. That's pretty simple, cut and dry straightforward. But then the other thing I did is we took two pieces of software, one ebook, one piece of software that is essentially public domain or freeware. Because, you know, people let us use it for free and what I did is I went to download.com. And then in the upper right-hand side you'll see it's

very, it's kind of hidden now. It's on that yellow header at the top and it says advanced search. So if you click on that, what I was always looking for, you want to select licenses on the right-hand side. That pull-down menu and I select license free, which means that you can give it away, sell it, do whatever you want with it. And then you can choose by categories or you can choose by description and so on.

So what I did is I typed in the title fitness and then I just did a quick check for it. It might have been something else. I probably typed in "health", because I don't see it now. So I'll go back in and type in health. So I type this in, oh, I don't see it here again, but they might have changed their listings. But, on health the first one that I see here is health, recipes and you, it's an ebook. Learn to eat healthier, license-free which means I can give it away for free. And or sell it or do whatever I want with it.

So you want to double check. Most software comes with some kind of Read Me file that's a text file they want to read and they give you restrictions and so on and so on. But for the most part, if something is a freeware, you can do almost what you want with it.

But just read their restriction. And so that's how easy it is to find, you know, software for free and you can always type into the search engines public domain software or you can even go to freeware.com, which is all free stuff.

So, you know, just do a little bit of research like that. You know, freeware.com actually takes you back to download.com. You can do the same advanced search. It looks like they bought them up. So, you know, there's lots of things that you can do. Plus, you know, with music that's a whole other thing that you can get in public domain and roughly the laws work the same way for that. I think before '23 is all public domain and the same with images. And like I said, there's going to be lots of resources in your Rolodex for those.

* * *

More Ideas for Using Public Domain Works

So let's talk about some more examples of works created with public domains to give you more ideas of what else you can do. You know, there was a mail order company that sold classic books and with

expensive binding and fake type gold lettering on it and so on. And they used to run these full page ads, I haven't seen them for a while lately. But they used to run full page ads offering *Moby Dick* for free. And it was this beautiful, leather-type bound book with a gold leafing on it and it looked really impressive. And it looks real impressive in your Library and the premise was read the classic books of the last century or something along that line.

So they took public domain works, just rebound them, put the thick expensive binding looking thing and then sold them as a set. And then it was something like every month you would get two new books. And one of them was called *The Harvard Classics* that sold about in the 1930s is when *The Harvard Classics* sold. Copywriter by the name of Robert Collier sold a ton of those.

And so, you go back and you can actually find advertisements that Collier wrote for *Harvard Classic*, you could do the exact same business model today real simply. He called it his 50-foot shelf of books and a 30-foot shelf of books and so on, selected by the President of Harvard at the time. It was the most influential books that everyone must read in their

lifetime. I mean, you can make a whole product around that.

A lot of times also if you look in the airline magazine catalogs, they have these greatest books of all time on tape. So they they simply hire somebody to read these public domain works and put them all on tape and they package them up together as these greatest works. So you could do the exact same thing. And ads for *The Harvard Classic*, you can find those in the Robert Collier *Letter Book*, which actually just got republished, which is a tremendous work on copywriting and you can pick that up at Amazon.

Another example is actually my wife bought this for her father a couple of years back. A company took some public domain recordings, radio broadcasts, and added, you know, pictures and so on and turned them into these nice CDs along with a little picture book that you could flip through which had some major events of the 20th century and things like that. So you heard the radio broadcasts of events like the Hindenburg going down or whatever it was. These famous broadcasts in history. And this company did tremendously well selling this. I don't remember the figures, I saw them in a recent book marketing

publication and that was their first product and it turned into a line of products and it became a multimillion dollar publishing company.

Here's another interesting example - a guy name Ralph Carmichael, who's a retired NASA employee, he took 23 different software programs developed by NASA. Remember NASA, all the stuff is public domain and is government stuff, and turned them into a desktop application called Public Domain Aeronautical software and he's selling it on CD-ROM now on his site for \$295. You can check that out at pdas.com, that's PDAS.com, Public Domain Aeronautical Software.

Here's something else, you go to Amazon. There are 2 DVDs on sale right now. One's called Earth Light, NASA's spectacular views of earth from space and there's another one called Star Gaze, Hubbell's view of the universe. Remember, everything from NASA, from the U.S. Federal government is public domain so they just took NASA images, put them on to a DVD, added some music. I haven't seen the DVDs, but I bet it's public domain music that they took or they, you know, did a work for hire where they hired some musicians to do the music for it and turned it into a

nice DVD on sale. And it has pretty good sales rank on Amazon so I'm sure it's been selling well.

Another cool example is from a famous copywriter named Gary Halbert. A couple years back, he took a booklet from the government and he started advertising in it and sold it and he ran ads with the headline "How To Collect From Social Security At Any Age". And this is just, you know, just standard stuff that you can pick up from the government, all public domain, and he was selling it in little newspaper ads. And he made a ton of dough selling this thing.

Some recent example, if you want to check out this website called Hidden-Knowledge.com, they sell hard to find public domain books as ebooks. You know, all kinds of stuff with Chinese, Japanese, different really rare public domain books and they sell them as ebooks. So I think that should give you guys a good amount of ideas to jump start your brain.

* * *

Public Domain Question and Answers

Now I'm going to go through some questions that we picked up from people that have been on this call. And the first question, it deals with the international application to all this public domain stuff. I know we have a lot of people from different countries on the line. You know, we can't cover all the foreign public domain information because that would be at least another call this length. But you can go over some aspects and in some cases material that may be public domain in the U.S. may not be in a foreign country or vice versa. If it's public domain in the U.S. and this is probably a gray area and, once again, I'm not an attorney. But I would create the download site in the U.S. and have payment processing by a U.S. company.

You know, there's probably the possibility of being sued for copyright infringement if you have customers buying in a country where the material is not public domain. But I think if you take some of these precautions, you should be okay. Something else

you should know about is something called The Rule of the Shorter Term. And many countries, with notable exceptions for Canada, China, Switzerland, and the U.S. follow this rule. And most other major countries who follow this rule are countries like Australia and France and now the UK, they say that a work's copyright in a foreign country lasts the shorter of either the term in their own country or the term the work would receive under the laws of the foreign country involved.

So, for example, a work published in the U.S. in 1959 not renewed, would fall under the shorter term rule and be in public domain in countries that adhere to the shorter term rule. Now here are two exceptions that I've got to talk about -- Germany and the UK. UK did follow the shorter term rule before 1956. In 1956 to 1996, they did not follow it and now they're back on the shorter term rule. So they've been flip-flopping. So what that means is U.S. Publications 1923 to 1928, not renewed on time, aren't in the public domain in the UK; 1929 to 1963 not renewed on time, follow UK's copyright laws of author's death plus 50 years.

Now German laws are very ambiguous due to multiple treaties and agreements and the courts haven't made a clear ruling on that. So that's something to pay attention to.

We have some other questions here - it says:

Q: Is it permissible to take federal works that fall into the public domain and use the work as a content for a site?

A: Yes. And use parts of the work as content for a site. Yep, you can do that, too. So we're talking federal works and either dividing them up or using the whole thing as content.

Q: And do I have to reference them I got them from the federal site?

A: No, you don't.

Okay, another copyright question. It says,

Q: If a book was written in '24 and was renewed in '51, how many years does the copyright renewal remain in tact?

A: The copyright renewal will remain for 95 years from the original date. So you're looking at, so from 1924 plus 95, it's not going to be public domain for a

while, unfortunately. In 2019, unless the rules change.

Got another question here, I'm going to try and get through as many as I can.

Q: What steps did you follow to determine that the copyright was not renewed for the 1955 book, *How To Paint and Draw*?

A: This was the book that I was talking about that I just found at a used bookstore at the beach this weekend. Actually, I did not verify that that was in the public domain. I just thought it probably would be. To verify before I'd start selling it or doing anything with it, I would use the information that you have in your Rolodex to start researching whether or not that was renewed in its 28th year. Either hiring a firm like Thompson and Thompson. Or, going online and looking in the database. Okay.

Here's a great question from Sandra Pense and she says,

Q: What do you do to find out if enough people are interested in a product for it to be marketable and how do you test market?

A: You know, it's not the focus of our call, but it is an important thing because we want to know, you know, how are we going to make some money with this public domain material.

One thing, and Matt told us something that's real important and I practice this, is before we create a product or before we put a product out for sale, we will write the sales letter for it. And I have lots of material on how to write good sales letters. You can pick that up at www.instantsalesletters.com or www.webcopysecrets.com You want to create your sales letter and you want to generate enough excitement for the product that you could sell it. Then you can start test marketing it, you know, let's say you don't have a mailing list to go out to try and sell it on a prepublication version. You can run some ads, the quickest way is running ads using Google's ad words.

Those Google ads that appear in the right-hand side every time you do a search on Google. And you can drive traffic there within like 15 minutes and you can just go to ads.google.com and you can find out all about how to drive traffic there. So then, you know, you just check out and see how, if anyone is buying or not. And then you don't have to accept payment. You

can simply have people fill out an order form, but not take their credit card information and then on the thank you page say, you know, at this point, we're not accepting offers, thank you. But you'll be notified as soon as it's available. And then if you have good enough response, you can go on with it.

Or, you know, like we talked about, it's not much money to try and put it out there and see what happens. So if it's only, you know, a couple of bucks of copy to work, a couple of bucks to pay someone to type it up or so on, you write the sales letter. You can put it up there and test it real lickety split.

Okay, a couple of more questions. It says,

Q: You mention that works that would otherwise be in the public domain may be copyrighted if one adds material to the public domain material. For example, derivative words. Does this mean that the material that was in the public domain is not anymore? Or can others use the public domain material in their own derivative works also?

A: Yeah, that is definitely the case. Anything that isn't in public domain cannot be brought back into copyright.

Now you can copyright, like Bruce talked about your own derivative work. But the original material that was in the public domain will remain in the public domain and anyone else can come along and use that same material.

Okay, here's another question,

Q: If you find a public domain work on a free website, is it legal and ethical to download it and make it available on your site?

A: Well, it depends. We don't know if that work is in the public domain or not. You know, if the website's not charging for content, but you can download material from there, a lot of times that material may be copyrighted. So you've got to be careful and really pay attention to using it. You know, like Jim said, he uses free articles. So let's say somebody has one of Jim's free articles up on their free site and you download it. Unless you have permission or, you know, in most cases, article writers like Jim and I and other people online, will give you permission to stick an article on your site as long as certain references are left in tact. Like usually our copyright notice and a resource box. But otherwise,

it's not safe to assume that just because it's on a free website that you can make it available on your site. Though you can link to it.

So we're ending right on 5:30 and I really appreciate everyone joining us. I do have a really special bonus, a little surprise for you guys. I'm going to give you a public domain copy of a book called *Acres of Diamonds* by Russell Conwell and a book called *Message to Garcia*, which is a tremendous free book. Both of these are tremendous books that are great for anyone. They're inspirational, they're motivational plus they are public domain. That means you can use them any way that you want, you know, give them away, sell them, do whatever you want with them and I'm going to give them to you in a plain text so that you can edit them and put them into any kind of formatting you want.

I very much appreciate everyone joining me. Thanks very much and we'll talk to you soon.

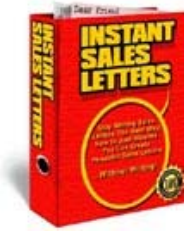
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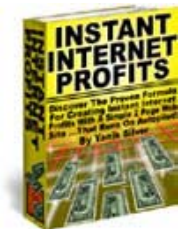
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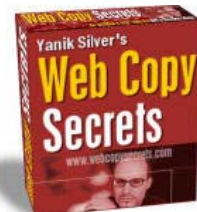
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“Let Us Hand You These 21 Top-Secret Methods To Instantly (and Ethically) Persuade Prospects to Buy NOW and Start Influencing Customers to Keep Buying FOREVER ... No Matter What Business You're In!”

Magnetic Marketing

“Every small business owners needs this! Amazingly Powerful Advertising, Marketing, Direct Marketing, Customer / Client Attraction & Persuasion Strategies REVEALED! A complete business building package from millionaire-maker, Dan Kennedy...”

Advanced Copywriting Seminar-in-a-box

“Only 115 people were permitted to attend Dan Kennedy's recent, closed door, 2-day Seminar where he revealed ALL of his most prized, most powerful and most profitable copywriting techniques. Everything else was just "elementary school" before this.”

Ad Magic

“Discover The Step-By-Step System For Writing Powerful Ads And Sales Letters That Sell! Advertising Magic Is A Complete System for Making Advertising That Works. And It's So Simple, Anyone Can Do It!”

Instant Marketing Toolbox

If you're too busy running your business to even think about marketing - this is what you've been waiting for! With practically zero work on your part here's how to get all the customers you want, create cash on demand and add a bare-bones minimum of \$50,000.00 to your bottom line...100% guaranteed! [Get your FREE 10-Day trial now!](#)

Million Dollar Ads, Letters and Web Pieces

“Now You can team up with 23 of the most sought-after copywriters and marketing experts in the world. Each expert gives you a blow-by-blow account of precisely how they conceive and create winning ads, sales letters, and web marketing pieces.”



1



United States Copyright Office

Copyright Basics

WHAT IS COPYRIGHT?

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- **To reproduce** the work in copies or phonorecords;
- To prepare **derivative works** based upon the work;
- **To distribute copies or phonorecords** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- **To perform the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- **To display the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- **In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.**

In addition, certain authors of works of visual art have the rights of attribution and integrity as described in section 106A of the 1976 Copyright Act. For further information, request Circular 40, “Copyright Registration for Works of the Visual Arts.”

Copyright Circular 40

It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. These rights, however, are not unlimited in scope. Sections 107 through 121 of the 1976 Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of “fair use,” which is given a statutory basis in section 107 of the 1976 Copyright Act. In other instances, the limitation takes the form of a “compulsory license” under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the copyright law or write to the Copyright Office.

WHO CAN CLAIM COPYRIGHT?

Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship **immediately** becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is considered to be the author. Section 101 of the copyright law defines a “work made for hire” as:

(1) a work prepared by an employee within the scope of his or her employment; or

(2) a work specially ordered or commissioned for use as:

- a contribution to a collective work
- a part of a motion picture or other audiovisual work
- a translation
- a supplementary work
- a compilation
- an instructional text
- a test
- answer material for a test
- a sound recording
- an atlas

if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire....

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Two General Principles

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work

does not of itself convey any rights in the copyright.

- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, consult an attorney.

COPYRIGHT AND NATIONAL ORIGIN OF THE WORK

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if **any** one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national, domiciliary, or sovereign authority of a treaty party,* or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a treaty party. For purposes of this condition, a work that is published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party shall be considered to be first published in the United States or such treaty party, as the case may be; or
- The work is a sound recording that was first fixed in a treaty party; or
- The work is a pictorial, graphic, or sculptural work that is incorporated in a building or other structure, or an architectural work that is embodied in a building and the building or structure is located in the United States or a treaty party; or
- The work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or
- The work is a foreign work that was in the public domain in the United States prior to 1996 and its copyright was restored under the Uruguay Round Agreements Act (URAA). Request Circular 38b, “Highlights of Copyright Amendments Contained in the Uruguay Round Agreements Act (URAA-GATT),” for further information.
- The work comes within the scope of a Presidential proclamation.

* A treaty party is a country or intergovernmental organization other than the United States that is a party to an international agreement.

WHAT WORKS ARE PROTECTED?

Copyright protects “original works of authorship” that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- (1) literary works
- (2) musical works, including any accompanying words
- (3) dramatic works, including any accompanying music
- (4) pantomimes and choreographic works
- (5) pictorial, graphic, and sculptural works
- (6) motion pictures and other audiovisual works
- (7) sound recordings
- (8) architectural works

These categories should be viewed broadly. For example, computer programs and most “compilations” may be registered as “literary works”; maps and architectural plans may be registered as “pictorial, graphic, and sculptural works.”

WHAT IS NOT PROTECTED BY COPYRIGHT?

Several categories of material are generally not eligible for federal copyright protection. These include among others:

- Works that have **not** been fixed in a tangible form of expression (for example, choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded)
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- Works consisting **entirely** of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)

HOW TO SECURE A COPYRIGHT

Copyright Secured Automatically upon Creation

The way in which copyright protection is secured is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure copyright. (See following NOTE.) There are, however, cer-

tain definite advantages to registration. See “Copyright Registration” on page 7.

Copyright is secured **automatically** when the work is created, and a work is “created” when it is fixed in a copy or phonorecord for the first time. “Copies” are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. “Phonorecords” are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as cassette tapes, CDs, or LPs. Thus, for example, a song (the “work”) can be fixed in sheet music (“copies”) or in phonograph disks (“phonorecords”), or both.

If a work is prepared over a period of time, the part of the work that is fixed on a particular date constitutes the created work as of that date.

PUBLICATION

Publication is no longer the key to obtaining federal copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The 1976 Copyright Act defines publication as follows:

“Publication” is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication.

NOTE: Before 1978, federal copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions. U.S. works in the public domain on January 1, 1978, (for example, works published without satisfying all conditions for securing federal copyright under the Copyright Act of 1909) remain in the public domain under the 1976 Copyright Act.

Certain foreign works originally published without notice had their copyrights restored under the Uruguay Round Agreements Act (URAA). Request Circular 38b and see the “Notice of Copyright” section on page 4 of this publication for further information.

Federal copyright could also be secured before 1978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The 1976 Copyright Act automatically extends to full term (section 304 sets the term) copyright for all works, including those subject to ad interim copyright if ad interim registration has been made on or before June 30, 1978.

A further discussion of the definition of “publication” can be found in the legislative history of the 1976 Copyright Act. The legislative reports define “to the public” as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is **not** a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law for several reasons:

- Works that are published in the United States are subject to mandatory deposit with the Library of Congress. See discussion on “Mandatory Deposit for Works Published in the United States” on page 9.
- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107 through 121 of the law.
- The year of publication may determine the duration of copyright protection for anonymous and pseudonymous works (when the author’s identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. See discussion on “Registration Procedures” on page 7.
- When a work is published, it may bear a notice of copyright to identify the year of publication and the name of the copyright owner and to inform the public that the work is protected by copyright. Copies of works published before March 1, 1989, **must** bear the notice or risk loss of copyright protection. See discussion on “Notice of Copyright” below.

NOTICE OF COPYRIGHT

The use of a copyright notice is no longer required under U.S. law, although it is often beneficial. Because prior law did contain such a requirement, however, the use of notice is still relevant to the copyright status of older works.

Notice was required under the 1976 Copyright Act. This requirement was eliminated when the United States ad-

hered to the Berne Convention, effective March 1, 1989. Although works published without notice before that date could have entered the public domain in the United States, the Uruguay Round Agreements Act (URAA) restores copyright in certain foreign works originally published without notice. For further information about copyright amendments in the URAA, request Circular 38b.

The Copyright Office does not take a position on whether copies of works first published with notice before March 1, 1989, which are distributed on or after March 1, 1989, must bear the copyright notice.

Use of the notice may be important because it informs the public that the work is protected by copyright, identifies the copyright owner, and shows the year of first publication. Furthermore, in the event that a work is infringed, if a proper notice of copyright appears on the published copy or copies to which a defendant in a copyright infringement suit had access, then no weight shall be given to such a defendant’s interposition of a defense based on innocent infringement in mitigation of actual or statutory damages, except as provided in section 504(c)(2) of the copyright law. Innocent infringement occurs when the infringer did not realize that the work was protected.

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all the following three elements:

1. **The symbol** © (the letter C in a circle), or the word “Copyright,” or the abbreviation “Copr.”; and
2. **The year of first publication** of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful article; and
3. **The name of the owner of copyright** in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 2002 John Doe

The “C in a circle” notice is used only on “visually perceptible copies.” Certain kinds of works—for example, musical, dramatic, and literary works—may be fixed not in “copies” but by means of sound in an audio recording.

Since audio recordings such as audio tapes and phonograph disks are “phonorecords” and not “copies,” the “C in a circle” notice is not used to indicate protection of the underlying musical, dramatic, or literary work that is recorded.

Form of Notice for Phonorecords of Sound Recordings*

The notice for phonorecords embodying a sound recording should contain all the following three elements:

1. **The symbol** π (the letter P in a circle); and
2. **The year of first publication** of the sound recording; and
3. **The name of the owner of copyright** in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord label or container and if no other name appears in conjunction with the notice, the producer’s name shall be considered a part of the notice.

Example: π 2002 A.B.C. Records Inc.

NOTE: Since questions may arise from the use of variant forms of the notice, you may wish to seek legal advice before using any form of the notice other than those given here.

Position of Notice

The copyright notice should be affixed to copies or phonorecords in such a way as to “give reasonable notice of the claim of copyright.” The three elements of the notice should ordinarily appear together on the copies or phonorecords or on the phonorecord label or container. The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 CFR Section 201.20). For more information, request Circular 3, “Copyright Notice.”

Publications Incorporating U.S. Government Works

Works by the U.S. Government are not eligible for U.S. copyright protection. For works published on and after March 1, 1989, the previous notice requirement for works consisting primarily of one or more U.S. Government works

has been eliminated. However, use of a notice on such a work will defeat a claim of innocent infringement as previously described **provided** the notice also includes a statement that identifies either those portions of the work in which copyright is claimed or those portions that constitute U.S. Government material.

Example: © 2002 Jane Brown. Copyright claimed in Chapters 7–10, exclusive of U.S. Government maps

Copies of works published before March 1, 1989, that consist primarily of one or more works of the U.S. Government **should** have a notice and the identifying statement.

Unpublished Works

The author or copyright owner may wish to place a copyright notice on any unpublished copies or phonorecords that leave his or her control.

Example: Unpublished work © 2002 Jane Doe

Omission of Notice and Errors in Notice

The 1976 Copyright Act attempted to ameliorate the strict consequences of failure to include notice under prior law. It contained provisions that set out specific corrective steps to cure omissions or certain errors in notice. Under these provisions, an applicant had 5 years after publication to cure omission of notice or certain errors. Although these provisions are technically still in the law, their impact has been limited by the amendment making notice optional for all works published on and after March 1, 1989. For further information, request Circular 3.

HOW LONG COPYRIGHT PROTECTION ENDURES

Works Originally Created on or after January 1, 1978

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author’s life plus an additional 70 years after the author’s death. In the case of “a joint work prepared by two or more authors who did not work for hire,” the term lasts for 70 years after the last surviving author’s death. For works made for hire, and for anonymous and pseudonymous works (unless the author’s identity is revealed in Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

* Sound recordings are defined in the law as “works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work.” Common examples include recordings of music, drama, or lectures. A sound recording is not the same as a phonorecord. A phonorecord is the physical object in which works of authorship are embodied. The word “phonorecord” includes cassette tapes, CDs, LPs, 45 r.p.m. disks, as well as other formats.

Works Originally Created Before January 1, 1978, But Not Published or Registered by That Date

These works have been automatically brought under the statute and are now given federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-70 or 95/120-year terms will apply to them as well. The law provides that in no case will the term of copyright for works in this category expire before December 31, 2002, and for works published on or before December 31, 2002, the term of copyright will not expire before December 31, 2047.

Works Originally Created and Published or Registered before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published with a copyright notice or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The Copyright Act of 1976 extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, or for pre-1978 copyrights restored under the Uruguay Round Agreements Act (URAA), making these works eligible for a total term of protection of 75 years. Public Law 105-298, enacted on October 27, 1998, further extended the renewal term of copyrights still subsisting on that date by an additional 20 years, providing for a renewal term of 67 years and a total term of protection of 95 years.

Public Law 102-307, enacted on June 26, 1992, amended the 1976 Copyright Act to provide for automatic renewal of the term of copyrights secured between January 1, 1964, and December 31, 1977. Although the renewal term is automatically provided, the Copyright Office does not issue a renewal certificate for these works unless a renewal application and fee are received and registered in the Copyright Office.

Public Law 102-307 makes renewal registration optional. Thus, filing for renewal registration is no longer required in order to extend the original 28-year copyright term to the full 95 years. However, some benefits accrue from making a renewal registration during the 28th year of the original term.

For more detailed information on renewal of copyright and the copyright term, request Circular 15, "Renewal of Copyright"; Circular 15a, "Duration of Copyright"; and Circular 15t, "Extension of Copyright Terms."

TRANSFER OF COPYRIGHT

Any or all of the copyright owner's exclusive rights or any subdivision of those rights may be transferred, but the trans-

fer of **exclusive** rights is not valid unless that transfer is in writing and signed by the owner of the rights conveyed or such owner's duly authorized agent. Transfer of a right on a nonexclusive basis does not require a written agreement.

A copyright may also be conveyed by operation of law and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business. For information about relevant state laws, consult an attorney.

Transfers of copyright are normally made by contract. The Copyright Office does not have any forms for such transfers. The law does provide for the recordation in the Copyright Office of transfers of copyright ownership. Although recordation is not required to make a valid transfer between the parties, it does provide certain legal advantages and may be required to validate the transfer as against third parties. For information on recordation of transfers and other documents related to copyright, request Circular 12, "Recordation of Transfers and Other Documents."

Termination of Transfers

Under the previous law, the copyright in a work reverted to the author, if living, or if the author was not living, to other specified beneficiaries, provided a renewal claim was registered in the 28th year of the original term.* The present law drops the renewal feature except for works already in the first term of statutory protection when the present law took effect. Instead, the present law permits termination of a grant of rights after 35 years under certain conditions by serving written notice on the transferee within specified time limits.

For works already under statutory copyright protection before 1978, the present law provides a similar right of termination covering the newly added years that extended the former maximum term of the copyright from 56 to 95 years. For further information, request Circulars 15a and 15t.

INTERNATIONAL COPYRIGHT PROTECTION

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer protection to foreign works under certain conditions, and these con-

*The copyright in works eligible for renewal on or after June 26, 1992, will vest in the name of the renewal claimant on the effective date of any renewal registration made during the 28th year of the original term. Otherwise, the renewal copyright will vest in the party entitled to claim renewal as of December 31st of the 28th year.

ditions have been greatly simplified by international copyright treaties and conventions. For further information and a list of countries that maintain copyright relations with the United States, request Circular 38a, "International Copyright Relations of the United States."

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, registration is not a condition of copyright protection. Even though registration is not a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim.
- Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin.
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate.
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.
- Registration allows the owner of the copyright to record the registration with the U.S. Customs Service for protection against the importation of infringing copies. For additional information, request Publication No. 563, "How to Protect Your Intellectual Property Right," from: U.S. Customs Service, P.O. Box 7404, Washington, D.C. 20044. See the U.S. Customs Service Website at www.customs.gov for online publications.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published, although the copyright owner may register the published edition, if desired.

REGISTRATION PROCEDURES

Original Registration

To register a work, send the following three elements *in the same envelope or package* to:

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

1. A properly completed application form.
2. A nonrefundable filing fee of \$30 (effective through June 30, 2002) for each application.

NOTE: For current information on fees, please write the Copyright Office, check the Copyright Office website at www.copyright.gov, or call (202) 707-3000.

3. A nonreturnable deposit of the work being registered. The deposit requirements vary in particular situations. The **general** requirements follow. Also note the information under "Special Deposit Requirements" on page 8.
- If the work is unpublished, one complete copy or phonorecord.
 - If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
 - If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
 - If the work was first published outside the United States, one complete copy or phonorecord of the work as first published.
 - If sending multiple works, all applications, deposits, and fees should be sent in the same package. If possible, applications should be attached to the appropriate deposit. Whenever possible, number each package (e.g., 1 of 3, 2 of 4) to facilitate processing.

What Happens if the Three Elements Are Not Received Together

Applications and fees received without appropriate copies, phonorecords, or identifying material will **not** be processed and ordinarily will be returned. Unpublished deposits without applications or fees ordinarily will be returned, also. In most cases, published deposits received without applications and fees can be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law, which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee...."

After the deposit is received and transferred to another service unit of the Library for its collections or other disposition, it is no longer available to the Copyright Office. If you wish to register the work, you must deposit additional copies or phonorecords with your application and fee.

Renewal Registration

To register a renewal, send:

1. A properly completed application Form RE and, if necessary, Form RE Addendum, and
2. A nonrefundable filing fee of \$60 without Addendum; \$90 with Addendum for each application. Filing fees are effective through June 30, 2002. Each Addendum form must be accompanied by a deposit representing the work being renewed. See Circular 15, "Renewal of Copyright."

NOTE: Complete the application form using black ink pen or type. You may photocopy blank application forms. **However**, photocopied forms submitted to the Copyright Office must be clear, legible, on a good grade of 8½-inch by 11-inch white paper suitable for automatic feeding through a photocopier. The forms should be printed, preferably in black ink, head-to-head so that when you turn the sheet over, the top of page 2 is directly behind the top of page 1. **Forms not meeting these requirements may be returned resulting in delayed registration.**

Special Deposit Requirements

Special deposit requirements exist for many types of works. The following are prominent examples of exceptions to the general deposit requirements:

- If the work is a motion picture, the deposit requirement is one complete copy of the unpublished or published motion picture **and** a separate written description of its contents, such as a continuity, press book, or synopsis.
- If the work is a literary, dramatic, or musical work **published only in a phonorecord**, the deposit requirement is one complete phonorecord.
- If the work is an unpublished or published computer program, the deposit requirement is one visually perceptible copy in source code of the **first 25 and last 25 pages** of the program. For a program of fewer than 50 pages, the deposit is a copy of the entire program. For more information on computer program registration, including deposits for revised programs and provisions for trade secrets, request Circular 61, "Copyright Registration for Computer Programs."
- If the work is in a CD-ROM format, the deposit requirement is one complete copy of the material, that is, the CD-ROM, the operating software, and any manual(s) accompanying it. If registration is sought for the computer program on the CD-ROM, the deposit should also include a printout of the first 25 and last 25 pages of source code for the program.

In the case of works reproduced in three-dimensional copies, identifying material such as photographs or drawings is ordinarily required. Other examples of special deposit requirements (but by no means an exhaustive list) include many works of the visual arts such as greeting cards, toys, fabrics, and oversized materials (request Circular 40a, "Deposit Requirements for Registration of Claims to Copyright in Visual Arts Material"); video games and other machine-readable audiovisual works (request Circular 61); automated databases (request Circular 65, "Copyright Registration for Automated Databases"); and contributions to collective works. For information about deposit requirements for group registration of serials, request Circular 62, "Copyright Registration for Serials."

If you are unsure of the deposit requirement for your work, write or call the Copyright Office and describe the work you wish to register.

Unpublished Collections

Under the following conditions, a work may be registered in unpublished form as a "collection," with one application form and one fee:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- All the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

NOTE: A Library of Congress Control Number is different from a copyright registration number. The Cataloging in Publication (CIP) Division of the Library of Congress is responsible for assigning LC Control Numbers and is operationally separate from the Copyright Office. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For information about obtaining an LC Control Number, see the following homepage: <http://pcn.loc.gov/pcn>. For information on International Standard Book Numbering (ISBN), write to: ISBN, R.R. Bowker, 630 Central Ave., New Providence, NJ 07974. Call (877) 310-7333. For further information and to apply online, see www.isbn.org/standards/home. For information on International Standard Serial Numbering (ISSN), write to: Library of Congress, National Serials Data Program, Serial Record Division, Washington, D.C. 20540-4160. Call (202) 707-6452. Or obtain information from www.loc.gov/issn.

An unpublished collection is not indexed under the individual titles of the contents but under the title of the collection.

EFFECTIVE DATE OF REGISTRATION

A copyright registration is effective on the date the Copyright Office receives all the required elements in acceptable form, regardless of how long it then takes to process the application and mail the certificate of registration. The time the Copyright Office requires to process an application varies, depending on the amount of material the Office is receiving.

If you apply for copyright registration, you will not receive an acknowledgment that your application has been received (the Office receives more than 600,000 applications annually), but you can expect:

- A letter or a telephone call from a Copyright Office staff member if further information is needed or
- A certificate of registration indicating that the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

Requests to have certificates available for pickup in the Public Information Office or to have certificates sent by Federal Express or another mail service cannot be honored.

If you want to know the date that the Copyright Office receives your material, send it by registered or certified mail and request a return receipt.

CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To correct an error in a copyright registration or to amplify the information given in a registration, file a supplementary registration form—Form CA—with the Copyright Office. The filing fee is \$100. (See Note on page 7.) The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration, for a renewal registration, or for recording a transfer of ownership. For further information about supplementary registration, request Circular 8, “Supplementary Copyright Registration.”

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for

works published in the United States. See the definition of “publication” on page 3. In general, the owner of copyright or the owner of the exclusive right of publication in the work has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, two copies (or in the case of sound recordings, two phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties but does not affect copyright protection.

Certain categories of works are **exempt entirely** from the mandatory deposit requirements, and the obligation is reduced for certain other categories. For further information about mandatory deposit, request Circular 7d, “Mandatory Deposit of Copies or Phonorecords for the Library of Congress.”

USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

For works published in the United States, the copyright law contains a provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. In order to have this dual effect, the copies or phonorecords must be accompanied by the prescribed application form and filing fee.

WHO MAY FILE AN APPLICATION FORM?

The following persons are legally entitled to submit an application form:

- **The author.** This is either the person who actually created the work or, if the work was made for hire, the employer or other person for whom the work was prepared.
- **The copyright claimant.** The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.
- **The owner of exclusive right(s).** Under the law, any of the exclusive rights that make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term “copyright owner” with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.

- **The duly authorized agent** of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive rights may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

APPLICATION FORMS

For Original Registration

Form PA: for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form SE: for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form SR: for published and unpublished sound recordings

Form TX: for published and unpublished nondramatic literary works

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works, including architectural works)

Form G/DN: a specialized form to register a complete month's issues of a daily newspaper and newsletter when certain conditions are met

Short Form/SE and Form SE/GROUP: specialized SE forms for use when certain requirements are met

Short Forms TX, PA, and VA: short versions of applications for original registration. For further information about using the short forms, request publication SL-7.

Form GATT and Form GATT/GRP: specialized forms to register a claim in a work or group of related works in which U.S. copyright was restored under the 1994 Uruguay Round Agreements Act (URAA). For further information, request Circular 38b.

For Renewal Registration

Form RE: for claims to renew copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act) and registered during the initial 28-year copyright term

Form RE Addendum: accompanies Form RE for claims to renew copyright in works copyrighted under the 1909 Copyright Act but never registered during their initial 28-year copyright term

For Corrections and Amplifications

Form CA: for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration

For a Group of Contributions to Periodicals

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form TX, PA, or VA

How to Obtain Application Forms

See "For Further Information" on page 11.

You must have Adobe Acrobat Reader® installed on your computer to view and print the forms accessed on the Internet. Adobe Acrobat Reader may be downloaded free from Adobe Systems Incorporated through links from the same Internet site from which the forms are available.

Print forms head to head (top of page 2 is directly behind the top of page 1) on a single piece of good quality, 8½-inch by 11-inch white paper. To achieve the best quality copies of the application forms, use a laser printer.

FILL-IN FORMS AVAILABLE

All Copyright Office forms are available on the Copyright Office Website in fill-in version. Go to www.copyright.gov and follow the instructions. The fill-in forms allow you to enter information while the form is displayed on the screen by an Adobe Acrobat Reader product. You may then print the completed form and mail it to the Copyright Office. Fill-in forms provide a clean, sharp printout for your records and for filing with the Copyright Office.

FEES

All remittances should be in the form of drafts, that is, checks, money orders, or bank drafts, payable to: **Register of Copyrights**. Do not send cash. Drafts must be redeemable without service or exchange fee through a U. S. institution, must be payable in U.S. dollars, and must be imprinted

with American Banking Association routing numbers. International Money Orders and Postal Money Orders that are negotiable only at a post office are not acceptable.

If a check received in payment of the filing fee is returned to the Copyright Office as uncollectible, the Copyright Office will cancel the registration and will notify the remitter.

The filing fee for processing an original, supplementary, or renewal claim is nonrefundable, whether or not copyright registration is ultimately made.

Do not send cash. The Copyright Office cannot assume any responsibility for the loss of currency sent in payment of copyright fees. For further information, request Circular 4, "Copyright Fees."

Certain Fees and Services May Be Charged to a Credit Card

Some fees may be charged by telephone and in person in the office. Others may only be charged in person in the office. Credit card payments are generally authorized only for services that do not require filing of applications or other materials. An exception is made for fees related to items that are hand-carried into the Public Information Office.

Certifications and Documents Section: These fees may be charged in person in the office or by phone: additional certificates; copies of documents and deposits; searching, locating and retrieving deposits; certifications; and expedited processing.

Public Information Office: These fees may only be charged in person in the office, not by phone: standard registration request forms; special handling requests for all standard registration requests; requests for services provided by the Certifications and Documents Section when the request is accompanied by a request for special handling; search requests for which a fee estimate has been provided; additional fee for each claim using the same deposit; full term retention fees; appeal fees; Secure Test processing fee; short fee payments when accompanied by a Remittance Due Notice; in-process retrieval fees; and online service providers fees.

Reference and Bibliography Section: Requests for searches on a regular or expedited basis can be charged to a credit card by phone.

Records Maintenance Unit: Computer time on COINS, printing from the Optical Disk, and photocopying can be charged in person in the office.

Fiscal Control Section: Deposit Accounts maintained by the Fiscal Control Section may be replenished by credit card. See Circular 5, "How to Open and Maintain a Deposit

Account in the Copyright Office."

NIE recordations and claims filed on Forms GATT and GATT/GRP may be paid by credit card if the card number is included in a separate letter that accompanies the form.

NOTE: Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

SEARCH OF COPYRIGHT OFFICE RECORDS

The records of the Copyright Office are open for inspection and searching by the public. Moreover, on request, the Copyright Office will search its records for you at the statutory hourly rate of \$75 for each hour or fraction of an hour. (See note above.) For information on searching the Office records concerning the copyright status or ownership of a work, request Circular 22, "How to Investigate the Copyright Status of a Work," and Circular 23, "The Copyright Card Catalog and the Online Files of the Copyright Office."

Copyright Office records in machine-readable form cataloged from January 1, 1978, to the present, including registration and renewal information and recorded documents, are now available for searching on the Internet via the Copyright Office website at www.copyright.gov.

FOR FURTHER INFORMATION

Information via the Internet: Circulars, announcements, regulations, other related materials, and all copyright application forms are available on the Copyright Office website at www.copyright.gov.

Information by fax: Circulars and other information (but not application forms) are available by using a touchtone phone to access Fax-on-Demand at (202) 707-2600.

Information by telephone: For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

Information by regular mail:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

For a list of other material published by the Copyright Office, request Circular 2, "Publications on Copyright."

NOTE: The Copyright Office provides a free electronic mailing list, *NewsNet*, that issues periodic email messages on the subject of copyright. The messages alert subscribers to hearings, deadlines for comments, new and proposed regulations, new publications, and other copyright-related subjects of interest. *NewsNet* is not an interactive discussion group. To subscribe, send a message to listserv@loc.gov. In the body of the message say "subscribe uscopyright". Or fill in the subscription form online at www.copyright.gov/newsnet. You will receive a standard welcoming message indicating that your subscription to *NewsNet* has been accepted.

The Copyright Public Information Office is open to the public 8:30 a.m. to 5:00 p.m. Monday through Friday, eastern time, except federal holidays. The office is located in the Library of Congress, James Madison Memorial Building, Room 401, at 101 Independence Avenue, S.E., Washington, D.C., near the Capitol South Metro stop. Information specialists are available to answer questions, provide circulars, and accept applications for registration. Access for disabled individuals is at the front door on Independence Avenue, S.E.

The Copyright Office is not permitted to give legal advice. If information or guidance is needed on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or the method of obtaining royalty payments, it may be necessary to consult an attorney.



Library of Congress • Copyright Office • 101 Independence Avenue, S.E. • Washington, D.C. 20559-6000
www.copyright.gov



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United States Copyright Office

How to Investigate the Copyright Status of a Work

IN GENERAL

Methods of Approaching a Copyright Investigation

There are several ways to investigate whether a work is under copyright protection and, if so, the facts of the copyright. These are the main ones:

1. Examine a copy of the work for such elements as a copyright notice, place and date of publication, author and publisher. If the work is a sound recording, examine the disk, tape cartridge, or cassette in which the recorded sound is fixed, or the album cover, sleeve, or container in which the recording is sold.
2. Make a search of the Copyright Office catalogs and other records; or
3. Have the Copyright Office make a search for you.

A Few Words of Caution About Copyright Investigations

Copyright investigations often involve more than one of these methods. Even if you follow all three approaches, the results may not be conclusive. Moreover, as explained in this circular, the changes brought about under the Copyright Act of 1976, the Berne Convention Implementation Act of 1988, the Copyright Renewal Act of 1992, and the Sonny Bono Copyright Term Extension Act of 1998 must be considered when investigating the copyright status of a work.

This circular offers some practical guidance on what to look for if you are making a copyright investigation. It is important to realize, however, that this circular contains only general information and that there are a number of exceptions to the principles outlined here. In many cases it is important to consult with a copyright attorney before reaching any conclusions regarding the copyright status of a work.

HOW TO SEARCH COPYRIGHT OFFICE CATALOGS AND RECORDS

Catalog of Copyright Entries

The Copyright Office published the *Catalog of Copyright Entries (CCE)* in printed format from 1891 through 1978. From 1979 through 1982 the CCE was issued in microfiche format. The catalog was divided into parts according to the classes of works registered. Each CCE segment covered all registrations made during a particular period of time. Renewal registrations made from 1979 through 1982 are found in Section 8 of the catalog. Renewals prior to that time were generally listed at the end of the volume containing the class of work to which they pertained.

A number of libraries throughout the United States maintain copies of the *Catalog*, and this may provide a good starting point if you wish to make a search yourself. There are some cases, however, in which a search of the *Catalog* alone will not be sufficient to provide the needed information. For example:

- Because the *Catalog* does not include entries for assignments or other recorded documents, it cannot be used for searches involving the ownership of rights.
- The *Catalog* entry contains the essential facts concerning a registration, but it is not a verbatim transcript

of the registration record. It does not contain the address of the copyright claimant.

Effective with registrations made since 1982 when the CCE was discontinued, the only method of searching outside the Library of Congress is by using the Internet to access the automated catalog. The automated catalog contains entries from 1978 to the present. Information for accessing the catalog via the Internet is provided below.

Individual Searches of Copyright Records

The Copyright Office is located in the Library of Congress James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, D.C. 20559-6000.

Most Copyright Office records are open to public inspection and searching from 8:30 a.m. to 5 p.m., eastern time, Monday through Friday, except federal holidays. The various records freely available to the public include an extensive card catalog, an automated catalog containing records from 1978 forward, record books, and microfilm records of assignments and related documents. Other records, including correspondence files and deposit copies, are not open to the public for searching. However, they may be inspected upon request and payment of a \$75 per hour search fee.*

If you wish to do your own searching in the Copyright Office files open to the public, you will be given assistance in locating the records you need and in learning procedures for searching. If the Copyright Office staff actually makes the search for you, a search fee must be charged. The search will not be done while you wait.

In addition, the following files dating from 1978 forward are now available from the Copyright Office website at www.copyright.gov: COHM, which includes all material except serials and documents; COHD, which includes documents; and COHS, which includes serials.

The Copyright Office does **not** offer search assistance to users on the Internet.

NOTE: Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

SEARCHING BY THE COPYRIGHT OFFICE

In General

Upon request, the Copyright Office staff will search its records at the statutory rate of \$75* for each hour or fraction of an hour consumed. Based on the information you furnish, we will provide an estimate of the total search fee. If you decide to have the Office staff conduct the search, you should send the estimated amount with your request. The Office will then proceed with the search and send you a typewritten report or, if you prefer, an oral report by telephone. If you request an oral report, please provide a telephone number where you can be reached from 8:30 a.m. to 5 p.m., eastern time.

Search reports can be certified on request for an extra fee of \$80 per hour.* Certified searches are most frequently requested to meet the evidentiary requirements of litigation.

Your request and any other correspondence should be addressed to :

Library of Congress
Copyright Office
Reference and Bibliography Section, LM-451
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

Tel: (202) 707-6850
Fax: (202) 252-3485
TTY: (202) 707-6737

What the Fee Does Not Cover

The search fee does **not** include the cost of additional certificates, photocopies of deposits, or copies of other Office records. For information concerning these services, request Circular 6, "Obtaining Access to and Copies of Copyright Office Records and Deposits."

Information Needed

The more detailed information you can furnish with your request, the less expensive the search will be. Please provide as much of the following information as possible:

- The title of the work, with any possible variants

- The names of the authors, including possible pseudonyms
- The name of the probable copyright owner, which may be the publisher or producer
- The approximate year when the work was published or registered
- The type of work involved (book, play, musical composition, sound recording, photograph, etc.)
- For a work originally published as a part of a periodical or collection, the title of that publication and any other information, such as the volume or issue number, to help identify it
- The registration number or any other copyright data

Motion pictures are often based on other works such as books or serialized contributions to periodicals or other composite works. **If you desire a search for an underlying work or for music from a motion picture, you must specifically request such a search. You must also identify the underlying works and music and furnish the specific titles, authors, and approximate dates of these works.**

Searches Involving Assignments and Other Documents Affecting Copyright Ownership

For the standard hourly search fee, the Copyright Office staff will search its indexes covering the records of assignments and other recorded documents concerning ownership of copyrights. The reports of searches in these cases will state the facts shown in the Office's indexes of the recorded documents but will offer no interpretation of the content of the documents or their legal effect.

LIMITATIONS ON SEARCHES

In determining whether or not to have a search made, you should keep the following points in mind:

No Special Lists. The Copyright Office does not maintain any listings of works by subject or any lists of works that are in the public domain.

* See NOTE, page 2.

Contributions Not Listed Separately in Copyright Office Records. Individual works such as stories, poems, articles, or musical compositions that were published as contributions to a copyrighted periodical or collection are usually not listed separately by title in our records.

No Comparisons. The Copyright Office does not search or compare copies of works to determine questions of possible infringement or to determine how much two or more versions of a work have in common.

Titles and Names Not Copyrightable. Copyright does not protect names and titles, and our records list many different works identified by the same or similar titles. Some brand names, trade names, slogans, and phrases may be entitled to protection under the general rules of law relating to unfair competition. They may also be entitled to registration under the provisions of the trademark laws. Questions about the trademark laws should be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Possible protection of names and titles under common law principles of unfair competition is a question of state law.

No Legal Advice. The Copyright Office cannot express any opinion as to the legal significance or effect of the facts included in a search report.

SOME WORDS OF CAUTION

Searches Not Always Conclusive

Searches of the Copyright Office catalogs and records are useful in helping to determine the copyright status of a work, but they cannot be regarded as conclusive in all cases. The complete absence of any information about a work in the Office records does not mean that the work is unprotected. The following are examples of cases in which information about a particular work may be incomplete or lacking entirely in the Copyright Office:

- Before 1978, unpublished works were entitled to protection under common law without the need of registration.
- Works published with notice prior to 1978 may be registered at **any** time within the first 28-year term.
- Works copyrighted between January 1, 1964, and December 31, 1977, are affected by the Copyright Renewal Act of 1992, which automatically extends

the copyright term and makes renewal registrations optional.

- For works under copyright protection on or after January 1, 1978, registration may be made at any time during the term of protection. Although registration is not required as a condition of copyright protection, there are certain definite advantages to registration. For further information, request Circular 1, "Copyright Basics."
- Since searches are ordinarily limited to registrations that have already been cataloged, a search report may not cover recent registrations for which catalog records are not yet available.
- The information in the search request may not have been complete or specific enough to identify the work.
- The work may have been registered under a different title or as part of a larger work.

Protection in Foreign Countries

Even if you conclude that a work is in the public domain in the United States, this does not necessarily mean that you are free to use it in other countries. Every nation has its own laws governing the length and scope of copyright protection, and these are applicable to uses of the work within that nation's borders. Thus, the expiration or loss of copyright protection in the United States may still leave the work fully protected against unauthorized use in other countries.

OTHER CIRCULARS

For further information, request Circular 6, "Obtaining Access to and Copies of Copyright Office Records and Deposits"; Circular 15, "Renewal of Copyright"; Circular 15a, "Duration of Copyright"; and Circular 15t, "Extension of Copyright Terms," from:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

You may call the Forms and Publications Hotline (202) 707-9100 at any time, day or night, to leave a recorded

request for forms or circulars. Requests are filled and mailed promptly.

IMPACT OF COPYRIGHT ACT ON COPYRIGHT INVESTIGATIONS

On October 19, 1976, the President signed into law a complete revision of the copyright law of the United States (title 17 of the United States Code). Most provisions of this statute came into force on January 1, 1978, superseding the copyright act of 1909. These provisions made significant changes in the copyright law. Further important changes resulted from the Berne Convention Implementation Act of 1988, which took effect March 1, 1989; the Copyright Renewal Act of 1992 (P.L. 102-307) enacted June 26, 1992, which amended the renewal provisions of the copyright law; and the Sonny Bono Copyright Term Extension Act of 1998 (P.L. 105-298) enacted October 27, 1998, which extended the term of copyrights for an additional 20 years.

If you need more information about the provisions of either the 1909 or the 1976 law, write or call the Copyright Office. For information about the Berne Convention Implementation Act, request Circular 93, "Highlights of U.S. Adherence to the Berne Convention." For information about renewals, request Circular 15, "Renewal of Copyright." For information about the Sonny Bono Copyright Term Extension Act, request SL-15, "New Terms for Copyright Protection." for copies of the law (\$24.00 each), request "Copyright Law, Circular 92," (stock number is changed to 030-002-00197-7) from:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

Tel: (202) 512-1800
Fax: (202) 512-2250

For copyright investigations, the following points about the impact of the Copyright Act of 1976, the Berne Convention Implementation Act of 1988, and the Copyright Renewal Act of 1992 should be considered:

A Changed System of Copyright Formalities

Some of the most sweeping changes under the 1976 Copyright Act involve copyright formalities, that is, the procedural requirements for securing and maintaining full copyright protection. The old system of formalities involved copyright notice, deposit and registration, recor-

dition of transfers and licenses of copyright ownership, and United States manufacture, among other things. In general, while retaining formalities, the 1976 law reduced the chances of mistakes, softened the consequences of errors and omissions, and allowed for the correction of errors.

The Berne Convention Implementation Act of 1988 reduced formalities, most notably making the addition of the previously mandatory copyright notice optional. It should be noted that the amended notice requirements are not retroactive.

The Copyright Renewal Act of 1992, enacted June 26, 1992, automatically extends the term of copyrights secured between January 1, 1964, and December 31, 1977, making renewal registration optional. Consult Circular 15, "Renewal of Copyright," for details. For additional information, you may contact the Renewals Section.

Tel: (202) 707-8180
Fax: (202) 707-3849

Automatic Copyright

Under the present copyright law, copyright exists in original works of authorship created and fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly, or indirectly with the aid of a machine or device. In other words, copyright is an incident of creative authorship not dependent on statutory formalities. Thus, registration with the Copyright Office generally is not required, but there are certain advantages that arise from a timely registration. For further information on the advantages of registration, write or call the Copyright Office and request Circular 1, "Copyright Basics."

Copyright Notice

The 1909 Copyright Act and the 1976 Copyright Act as originally enacted required a notice of copyright on published works. For most works, a copyright notice consisted of the symbol ©, the word "Copyright," or the abbreviation "Copr.," together with the name of the owner of copyright and the year of first publication. For example: "© Joan Crane 1994" or "Copyright 1994 by Abraham Adams."

For sound recordings published on or after February 15, 1972, a copyright notice might read "π 1994 XYZ Records, Inc." See below for more information about sound recordings.

For mask works, a copyright notice might read “© SDR Industries.” Request Circular 100, “Federal Statutory Protection for Mask Works,” for more information.

As originally enacted, the 1976 law prescribed that all visually perceptible published copies of a work, or published phonorecords of a sound recording, should bear a proper copyright notice. This applies to such works published before March 1, 1989. After March 1, 1989, notice of copyright on these works is optional. Adding the notice, however, is strongly encouraged and, if litigation involving the copyright occurs, certain advantages exist for publishing a work with notice.

Prior to March 1, 1989, the requirement for the notice applied equally whether the work was published in the United States or elsewhere by authority of the copyright owner. Compliance with the statutory notice requirements was the responsibility of the copyright owner. Unauthorized publication without the copyright notice, or with a defective notice, does not affect the validity of the copyright in the work.

Advance permission from, or registration with, the Copyright Office is not required before placing a copyright notice on copies of the work or on phonorecords of a sound recording. Moreover, for works first published on or after January 1, 1978, through February 28, 1989, omission of the required notice, or use of a defective notice, did not result in forfeiture or outright loss of copyright protection. Certain omissions of, or defects in, the notice of copyright, however, could have led to loss of copyright protection if steps were not taken to correct or cure the omissions or defects. The Copyright Office has issued a final regulation (37 CFR 201.20) that suggests various acceptable positions for the notice of copyright. For further information, write to the Copyright Office and request Circular 3, “Copyright Notice,” and Circular 96, Section 201.20, “Methods of Affixation and Positions of the Copyright Notice on Various Types of Works.”

Works Already in the Public Domain

Neither the 1976 Copyright Act, the Berne Convention Implementation Act of 1988, the Copyright Renewal Act of 1992, nor the Sonny Bono Copyright Term Extension Act of 1998 will restore protection to works that fell into the public domain before the passage of the laws. However, the North American Free Trade Agreement Implementation Act (NAFTA) and the Uruguay Round Agreements Act (URAA) may restore copyright in certain works of foreign origin that were in the public domain in the United States. Under the copyright law in effect prior to January 1, 1978, copyright could be lost in several situations. The most common were publication without the re-

quired notice of copyright, expiration of the first 28-year term without renewal, or final expiration of the second copyright term. The Copyright Renewal Act of 1992 automatically renews first term copyrights secured between January 1, 1964, and December 31, 1977.

Scope of Exclusive Rights Under Copyright

The present law has changed and enlarged in some cases the scope of the copyright owner’s rights. The new rights apply to all uses of a work subject to protection by copyright after January 1, 1978, regardless of when the work was created.

DURATION OF COPYRIGHT PROTECTION

Works Originally Copyrighted On or After January 1, 1978

A work that is created and fixed in tangible form for the first time on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author’s life plus an additional 70 years after the author’s death. In the case of “a joint work prepared by two or more authors who did not work for hire,” the term lasts for 70 years after the last surviving author’s death. For works made for hire and for anonymous and pseudonymous works (unless the author’s identity is revealed in the Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is less.

Works created before the 1976 law came into effect but neither published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for new works: the life-plus-70 or 95/120-year terms will apply. However, all works in this category are guaranteed at least 25 years of statutory protection.

Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published with notice of copyright or on the date of registration if the work was registered in unpublished form. In either case, copyright endured for a first term of 28 years from the date on which it was secured. During the last (28th) year of the

first term, the copyright was eligible for renewal. The copyright law extends the renewal term from 28 to 67 years for copyrights in existence on January 1, 1978.

However, for works copyrighted prior to January 1, 1964, the copyright still must have been renewed in the 28th calendar year to receive the 67-year period of added protection. The amending legislation enacted June 26, 1992, automatically extends this second term for works first copyrighted between January 1, 1964, and December 31, 1977. For more detailed information on the copyright term, write or call the Copyright Office and request Circular 15a, "Duration of Copyright," and Circular 15t, "Extension of Copyright Terms."

WORKS FIRST PUBLISHED BEFORE 1978: THE COPYRIGHT NOTICE

General Information About the Copyright Notice

In investigating the copyright status of works first published before January 1, 1978, the most important thing to look for is the notice of copyright. As a general rule under the previous law, copyright protection was lost permanently if the notice was omitted from the first authorized published edition of a work or if it appeared in the wrong form or position. The form and position of the copyright notice for various types of works were specified in the copyright statute. Some courts were liberal in overlooking relatively minor departures from the statutory requirements, but a basic failure to comply with the notice provisions forfeited copyright protection and put the work into the public domain in this country.

Absence of Copyright Notice

For works first published before 1978, the complete absence of a copyright notice from a published copy generally indicates that the work is not protected by copyright. For works first published before March 1, 1989, the copyright notice is mandatory, but omission could have been cured by registration before or within 5 years of publication and by adding the notice to copies published in the United States after discovery of the omission. Some works may contain a notice, others may not. The absence of a notice in works published on or after March 1, 1989, does not necessarily indicate that the work is in the public domain.

Unpublished Works. No notice of copyright was required on the copies of any unpublished work. The concept of "publication" is very technical, and it was possible for a number of copies lacking a copyright notice to be reproduced and distributed without affecting copyright protection.

Foreign Editions. In the case of works seeking *ad interim* copyright,* copies of a copyrighted work were exempted from the notice requirements if they were first published outside the United States. Some copies of these foreign editions could find their way into the United States without impairing the copyright.

Accidental Omission. The 1909 statute preserved copyright protection if the notice was omitted by accident or mistake from a "particular copy or copies."

Unauthorized Publication. A valid copyright was not secured if someone deleted the notice and/or published the work without authorization from the copyright owner.

Sound Recordings. Reproductions of sound recordings usually contain two different types of creative works: the underlying musical, dramatic, or literary work that is being performed or read and the fixation of the actual sounds embodying the performance or reading. For protection of the underlying musical or literary work embodied in a recording, it is not necessary that a copyright notice covering this material appear on the phonograph records or tapes on which the recording is reproduced. As noted above, a special notice is required for protection of the recording of a series of musical, spoken, or other sounds that were fixed on or after February 15, 1972. Sound recordings fixed before February 15, 1972, are not eligible for federal copyright protection. The Sound Recording Act of 1971, the present copyright law, and the Berne Convention Implementation Act of 1988 cannot be applied or be construed to provide any retroactive protection for sound recordings fixed before February 15, 1972. Such works, however, may be protected by various state laws or doctrines of common law.

The Date in the Copyright Notice

If you find a copyright notice, the date it contains may be important in determining the copyright status of the work. In general, the notice on works published before 1978

* "*Ad interim* copyright" refers to a special short term of copyright available to certain pre-1978 books and periodicals. For further information on *ad interim* copyright, see page 10.

must include the year in which copyright was secured by publication or, if the work was first registered for copyright in unpublished form, the year in which registration was made. There are two main exceptions to this rule.

1. For pictorial, graphic, or sculptural works (Classes F through K under the 1909 law), the law permitted omission of the year date in the notice.

2. For “new versions” of previously published or copyrighted works, the notice was not usually required to include more than the year of first publication of the new version itself. This is explained further under “Derivative Works” below.

The year in the notice usually (though not always) indicated when the copyright began. It is, therefore, significant in determining whether a copyright is still in effect; or, if the copyright has not yet run its course, the year date will help in deciding when the copyright is scheduled to expire. For further information about the duration of copyright, request Circular 15a, “Duration of Copyright.”

In evaluating the meaning of the date in a notice, you should keep the following points in mind:

WORKS PUBLISHED AND COPYRIGHTED BEFORE JANUARY 1, 1978: A work published before January 1, 1978, and copyrighted within the past 75 years may still be protected by copyright in the United States if a valid renewal registration was made during the 28th year of the first term of the copyright. If renewed by registration or under the Copyright Renewal Act of 1992 and if still valid under the other provisions of the law, the copyright will expire 95 years from the end of the year in which it was first secured.

Therefore, the U.S. copyright in any work published or copyrighted prior to January 1, 1923, has expired by operation of law, and the work has permanently fallen into the public domain in the United States. For example, on January 1, 1997, copyrights in works first published or copyrighted before January 1, 1922, have expired; on January 1, 1998, copyrights in works first published or copyrighted before January 1, 1923, have expired. Unless the copyright law is changed again, no works under protection on January 1, 1999 will fall into the public domain in the United States until January 1, 2019.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1923, AND DECEMBER 31, 1949, BUT NOT RENEWED: If a work was first published or copyrighted between January 1, 1923, and De-

ember 31, 1949, it is important to determine whether the copyright was renewed during the last (28th) year of the first term of the copyright. This can be done by searching the Copyright Office records or catalogs as explained previously. If no renewal registration was made, copyright protection expired permanently at the end of the 28th year of the year date it was first secured.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1923, AND DECEMBER 31, 1949, AND REGISTERED FOR RENEWAL: When a valid renewal registration was made and copyright in the work was in its second term on December 31, 1977, the renewal copyright term was extended under the latest act to 67 years. In these cases, copyright will last for a total of 95 years from the end of the year in which copyright was originally secured. Example: Copyright in a work first published in 1925 and renewed in 1953 will expire on December 31, 2020.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1950, AND DECEMBER 31, 1963: If a work was in its first 28-year term of copyright protection on January 1, 1978, it must have been renewed in a timely fashion to have secured the maximum term of copyright protection. If renewal registration was made during the 28th calendar year of its first term, copyright would endure for 95 years from the end of the year copyright was originally secured. If not renewed, the copyright expired at the end of its 28th calendar year.

WORKS FIRST PUBLISHED OR COPYRIGHTED BETWEEN JANUARY 1, 1964, AND DECEMBER 31, 1977: If a work was in its first 28-year term of copyright protection on June 26, 1992, renewal registration is now optional. The term of copyright for works published or copyrighted during this time period has been extended to 95 years by the Copyright Renewal Act of 1992 and the Sonny Bono Term Extension Act of 1998. There is no need to make the renewal filing to extend the original 28-year copyright term to the full 95 years.

However, there are several advantages to making a renewal registration during the 28th year of the original term of copyright. If renewal registration is made during the 28th year of the original term of copyright, the renewal copyright vests in the name of the renewal claimant on the effective date of the renewal registration; the renewal certificate constitutes *prima facie* evidence as to the validity of the copyright during the renewed and extended term and of the facts stated in the certificate; and, the right to use the derivative work in the extended term

may be affected. Request Circular 15, "Renewal of Copyright," for further information.

UNPUBLISHED, UNREGISTERED WORKS: Before 1978, if a work had been neither "published" in the legal sense nor registered in the Copyright Office, it was subject to perpetual protection under the common law. On January 1, 1978, all works of this kind, subject to protection by copyright, were automatically brought under the federal copyright statute. The duration of copyright for these works can vary, but none of them will expire before December 31, 2002.

Derivative Works

In examining a copy (or a record, disk, or tape) for copyright information, it is important to determine whether that particular version of the work is an original edition of the work or a "new version." New versions include musical arrangements, adaptations, revised or newly edited editions, translations, dramatizations, abridgments, compilations, and works republished with new matter added. The law provides that derivative works, published or unpublished, are independently copyrightable and that the copyright in such a work does not affect or extend the protection, if any, in the underlying work. Under the 1909 law, courts have also held that the notice of copyright on a derivative work ordinarily need not include the dates or other information pertaining to the earlier works incorporated in it. This principle is specifically preserved in the present copyright law. Thus, if the copy (or the record, disk, or tape) constitutes a derivative version of the work, these points should be kept in mind:

- The date in the copyright notice is not necessarily an indication of when copyright in all the material in the work will expire. Some of the material may already be in the public domain, and some parts of the work may expire sooner than others.
- Even if some of the material in the derivative work is in the public domain and free for use, this does not mean that the "new" material added to it can be used without permission from the owner of copyright in the derivative work. It may be necessary to compare editions to determine what is free to use and what is not.
- Ownership of rights in the material included in a derivative work and in the preexisting work upon which it may be based may differ, and permission obtained

from the owners of certain parts of the work may not authorize the use of other parts.

The Name in the Copyright Notice

Under the copyright statute in effect before 1978, the notice was required to include "the name of the copyright proprietor." The present act requires that the notice include "the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner." The name in the notice (sometimes in combination with the other statements on the copy, records, disk, tape, container, or label) often gives persons wishing to use the work the information needed to identify the owner from whom licenses or permission can be sought. In other cases, the name provides a starting point for a search in the Copyright Office records or catalogs, as explained at the beginning of this circular.

In the case of works published before 1978, copyright registration is made in the name of the individual person or the entity identified as the copyright owner in the notice. For works published on or after January 1, 1978, registration is made in the name of the person or entity owning all the rights on the date the registration is made. This may or may not be the name appearing in the notice. In addition to its records of copyright registration, the Copyright Office maintains extensive records of assignments, exclusive licenses, and other documents dealing with copyright ownership.

Ad Interim

Ad interim copyright was a special short-term copyright that applied to certain books and periodicals in the English language that were first manufactured and published outside the United States. It was a partial exception to the manufacturing requirements of the previous U.S. copyright law. Its purpose was to secure temporary U.S. protection for a work, pending the manufacture of an edition in the United States. The *ad interim* requirements changed several times over the years and were subject to a number of exceptions and qualifications.

The manufacturing provisions of the copyright act expired on July 1, 1986, and are no longer a part of the copyright law. The transitional and supplementary provisions of the act provide that for any work in which *ad interim* copyright was subsisting or capable of being secured on December 31, 1977, copyright protection would be extended for a term compatible with the other works in which copyright was subsisting on the effective date of the new act. Consequently, if the work was first published on or after July 1, 1977, and was eligible for *ad interim* copyright protection, the provisions of the present copyright act will be applicable to the protection of these works. Anyone investigating the copyright status of an English-language book or periodical first published outside the United States before July 1, 1977, should check carefully to determine:

- Whether the manufacturing requirements were applicable to the work; and
- If so, whether the *ad interim* requirements were met.

FOR FURTHER INFORMATION

Information via the Internet: Circulars, announcements, regulations, other related materials, and all copyright application forms are available on the Copyright Office website at www.copyright.gov.

Information by fax: Circulars and other information (but not application forms) are available by using a touchtone phone to access Fax-on-Demand at (202) 707-2600.

Information by telephone: For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. The TTY number is (202) 707-6737. Information specialists are on duty from 8:30 a.m. to 5:00 p.m., eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707-9100. Leave a recorded message.

Information by regular mail:

Library of Congress
Copyright Office
Publications Section, LM-455
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000



search request form

Library of Congress
Copyright Office
101 Independence Ave., S.E.
Washington, D.C.
20559-6000

Reference & Bibliography Section
(202) 707-6850
8:30 a.m. to 5 p.m. eastern time
Monday through Friday,
Fax: (202) 252-3485

Type of work:

- Book
 Music
 Motion Picture
 Drama
 Sound Recording
 Computer Program
 Photograph/Artwork
 Map
 Periodical
 Contribution
 Architectural Work
 Mask Work

Search information you require:

- Registration
 Renewal
 Assignment
 Address

Specifics of work to be searched:

TITLE: _____

AUTHOR: _____

COPYRIGHT CLAIMANT: _____
(name in © notice)

APPROXIMATE YEAR DATE OF PUBLICATION/CREATION: _____

REGISTRATION NUMBER (if known): _____

OTHER IDENTIFYING INFORMATION: _____

If you need more space please attach additional pages.

Estimates are based on the Copyright Office fee of \$75 an **hour or fraction of an hour** consumed. The more information you furnish as a basis for the search, the better service we can provide. The time between the date of receipt of your fee for the search and your receiving a report will vary from 8 to 12 weeks depending on workload.*

Names, titles, and short phrases are not copyrightable.

Please read Circular 22 for more information on copyright searches.

YOUR NAME: _____ DATE: _____

ADDRESS: _____

DAYTIME TELEPHONE NO. (_____) _____

Convey results of estimate/search by telephone
 yes no

Fee enclosed? yes Amount \$ _____
 no

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

(CUT HERE)



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