**Common Misconceptions About Copyright**

**1. *“The author is deceased, so the work is in the public domain.”***

The term of copyright extends up to 70 years beyond an author’s life. Upon the death of an author, the copyright to the author’s work typically becomes the property of the author’s heirs or estate.

**2. *“All government documents are in the public domain.”***

Most works created by employees of the United States federal government as part of their official duties fall within the public domain. Public domain does not extend to state government works or works created by certain federal agencies or by contractors of the federal government.

Most material in the public domain falls into one of the following three categories:

• The term of the work’s copyright has expired (e.g. works created before 1923);

• The work was created at the direction of the U.S. federal government; or

• The author of the work has chosen to place the work in the public domain and had noted the work as such (e.g. “copylefting,” the creative commons).

**3. *“I have made a good faith diligent effort to locate the copyright holder, and so even though I did not locate them, I can use the material.”***

A good faith effort to locate the author does not supersede the need to secure the author’s permission. Congress does not yet have legislation in place governing the use of so-called “orphan works.” Use of material under these circumstances, if not otherwise eligible for a “Fair Use” defense, is very risky.

**4. *“SAGE/Corwin Press published the material I want to use, so I don’t need to worry about securing the rights.”***

Prior to using material from a SAGE and/or Corwin Press book or journal, permission needs to be obtained from the appropriate SAGE Permission Editor in the office of that published the work (SAGE, Inc. (Los Angeles), SAGE, Ltd. (London), SAGE Pvt Ltd. (India), or SAGE Pte. (Singapore). The Permissions Editor must confirm that there are no rights restrictions on re-use of the work as well as maintain a record the republication.

**5. *“The author took the photo, so it’s okay to use”***

If the individuals within the photo are identifiable, the author needs to secure Visual Likeness Release Forms from each identifiable subject authorizing the use of the photo. Although the photographer owns, and can grant permission to use, the copyright in a photo, the subjects depicted in the photo have privacy rights, which also require permission.

**6. *“It’s on the internet, so it is in the public domain”***

All material secured from the Internet should be considered protected by copyright unless otherwise indicated by the rightsholder or website owner.