PUBLIC DOMAIN TOOLS
COPYRIGHT – WHAT YOU NEED TO KNOW

This factsheet is intended for University of Newcastle staff members to use in the context of their employment only and provides general advice. University staff should contact the Copyright Advisor if they have specific questions or concerns.

What is the public domain?

There is often confusion that where material is publicly available it is in the 'public domain', which isn't true for copyright - most material available online and elsewhere is very much still protected. True public domain means that material is not restricted by copyright due to age, form, function, or for other reasons. You can copy, distribute, display, perform, modify, or otherwise (re)use these works for any purpose, including commercially, and without attribution.

What are the Creative Commons public domain tools?

Creative Commons (CC) has two public domain tools. The first is a dedication tool that allows copyright works to be made available without restriction (CC0), the other is an identification mark for works that are not protected by copyright (PDM).

The CC0 Public Domain Dedication tool

CC0 is often grouped with the 6 CC licences, but it is actually a separate dedication tool that has different wording and function to the licences. Where CC licences take a 'some rights reserved' approach, the CC0 tool functions as 'no rights reserved', changing the copyright status of a work (to the fullest extent allowed under a country's legislation). Use of CC0 allows for the broadest possible distribution and reuse options for users, and aids in unambiguous understanding of the copyright status of a work. The CC0 tool also includes a backup function as a permissive licence for jurisdictions where creators are not able to surrender or waive certain rights. Note that CC0 does not remove any patent or trademark rights.

CC0 should only be applied to your own work, or where you have authorisation to do so for the works of others. CC0 FAQs

The Public Domain Mark (PDM)

While CC0 is intended for use by creators or copyright owners, the PDM can be applied by anyone. The PDM functions as a label to mark works that users identify as being in the public domain (i.e., free of copyright restrictions). Note that application of the Mark lacks the legal backing that is included with CC0, so care should be taken when using materials marked with it. As the copyright status of works can vary by jurisdiction, and the PDM can be applied by anyone, a good rule of thumb is to investigate where the copyright owner 'resides' and check that the work is out of copyright in that country.

Why is CC0 often recommended for data?

Much of what we see as 'data' – facts, names, numbers, etc. – is not protected by copyright, regardless of the effort involved in gathering it. The complexities in this area can mean that the 6 CC licences may not be applicable to some data. CC0 is often used to clear up restrictions around copyright and usage. Read our guide to research data and copyright (PDF) for more.

Can I use CC0 for software?

Where a creator wishes to dedicate software or coding to the public domain, CC0 has been approved for use by the Free Software Foundation (FSF). Unlike the 6 CC licences (which should not be used with software), CC0 is compatible with many open software licences. There is a notice that the FSF recommends adding to the file (or an accompanying text document).

Can I claim copyright in a work that incorporates public domain materials?

If you build on a public domain work, you may be eligible for copyright protection for your original elements/contributions, but the underlying work will remain in the public domain. This means that others can still make use of the work as you have.

I'd like to attribute a public domain work. How can I do so?

Creative Commons has a great example of attributing a CC0-dedicated work. Where public domain material has been identified via the PDM, follow the pattern in the example but replace the final sentence with 'Marked as public domain'.

Do I need to add the S113P copyright notice with public domain material in Canvas?

There is no need to add the S113P notice as you are not relying on the educational statutory license. See attribution above.

For more information see **Copyright Support** below.

GETTING COPYRIGHT 'RIGHT'