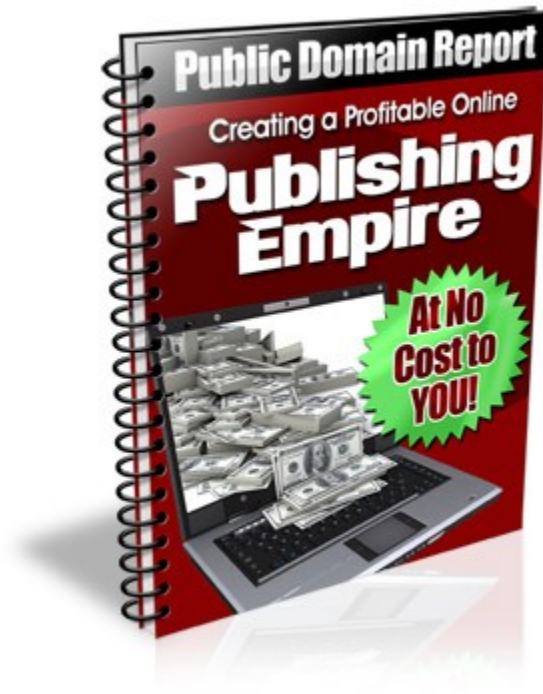


Special Report

Understanding the Public Domain: How You Can Create a No-Cost Publishing Empire



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Understanding the Public Domain: How You Can Create a No-Cost Publishing Empire

Introduction

Content is a critical part of becoming a successful online publisher. They say that content is king for a reason: It's what people want when they get on line. It's what they're often ready to buy, too. Furthermore, it's the one thing that the search engines - everyone's favorite source of traffic - really love.

Public domain content can give you a substantial boost in terms of content. The law allows you to use public domain content in any way you'd like to help grow your business. Having access to a wealth of public domain material in your niche is like having a staff of professional writers working under you at no charge.

It's one of the best ways to build a business without investing a great deal in content production.

This guide will introduce you what the public domain is all about and how to determine if a work is part of it. We'll then touch upon the value of public domain works to your Internet marketing business. Finally, we'll share a few pointers about how you can find public domain works that you can use effectively and efficiently to generate substantial revenue.

What's in the Public Domain

Core Public Domain Concepts

The term "public domain" refers to situations in which a creative work (like a book or article, for instance) is no longer afforded legal copyright protection.

When a work is in the public domain, it truly belongs to "the public". Any individual can use the work in any way he or she sees fit. One can edit the work, sell it, or even claim it as their own. There are absolutely no copyright-related restrictions on works found in the public domain.

Intellectual property is protected by copyright laws in order to give creators an economic incentive. There wouldn't be as much authorship if every new book was instantly ripped off by everyone else! By protecting the rights to a work, we encourage the production of more materials.

However, copyright was never really intended to be an infinite protection of every idea that showed up in print. The idea that copyrights can and should expire has been with us for centuries. At some point, the financial interest of individual ownership to rights is trumped by the value of free and unfettered access to the material. The point at which the value of those competing interests ostensibly shifts is governed by law.

Those copyright laws draw the line between copyright-protected works and those in the public domain. If you have an interest in public domain materials, you'll want to understand those laws to prevent acting in a manner inconsistent with copyright law.

Violators of copyright laws are unlikely to spend a great deal of time in a federal penitentiary, but they can end up facing substantial fines if wrongdoing is proven. Additionally, those who violate copyright requirements may find themselves on the receiving end of a lawsuit.

When one considers the sheer volume of public domain content available, it doesn't make much sense to consider stretching to use a work when you're not sure about its status.

Preface and Disclaimer

No one really likes "fine print", but it's necessary in this situation. Copyright laws are a serious matter and we want to let you know where we stand on the issue of determining public domain eligibility based on this text alone.

When discussing the determination of public domain status, many different variables can come into play. Additionally, a variety of past and present laws may also enter the picture. The purpose of this guide is to provide general information about public domain materials. It is not intended to be, nor should it be used as, a replacement for professional assessment of any work's copyright status. Misappropriating intellectual property or violating the copyright laws governing its use can be a serious legal matter. The authors of this ebook suggest conferring with professionals in the field to make a final judgment of public domain status. Readers are responsible for their own decisions regarding the use of any content and must hold the authors of this guide harmless with respect to any liability incurred due to a violation of intellectual property rights or copyright. Readers must recognize that this guide is not a substitute for competent legal counsel, nor does it attempt to serve as such.

Additionally, this book is written based on an understanding of U.S. law. Its applicability to works published outside of the United States may be limited. It does not purport to offer any information or recommendations regarding the use of intellectual property and/or public domain materials in nations other than the United States.

Determining if a Work is in the Public Domain

It would be nice if every book automatically hit the public domain a certain amount of time after its initial publication. It would make determining if something were in the public domain that much easier. Unfortunately, that's not how the law works.

Copyright law has developed slowly over time, creating a series of steps one must go through in order to ascertain if a book is part of the public domain. Let's look at the various concepts involved in making a determination.

Publication Status. In order to tell if a book is still under copyright, you'll need to know when it was published. That date is going to "set the timer" for a number of other considerations.

But what if the work in question was never actually published? Does that mean that it's automatically part of the public domain? Absolutely not.

In fact, it's actually possible that some unpublished works will have greater copyright protection than some published ones. That's because the law states that unpublished works automatically get a copyright term of 70 years after the death of the author. Assuming a work was published and the date is ascertainable, you can move on to other considerations.

The Three Rules. Basically, there are three rules that govern the determination of whether something falls within the public domain.

- If a work was first published before 1923, it is part of the public domain.
- If a work was published on or after January 1, 1978, it is protected by copyright law for 70 years after the death of its author.
- If a work was published during 1923 through March 1, 1989, it is protected by copyright law if the author followed proper renewal and notice procedures.

Those three principles can give one a good idea of whether something may be in the public domain, but they don't provide a definitive answer in all cases. We must consider a few other things before making a final determination.

The Location of Original Publication. If a work was published outside of the United States between 1909 and 1977, it may have different copyright protections than those first printed in the United States. The issue, according to the U.S. Ninth Circuit Court of Appeals, hinges upon whether a proper copyright notice was in place. According to the Court, those works from outside the U.S. that lacked a copyright notice should be treated just like an unpublished work, which means they would be protected for 70 years after the death of the author.

This question hasn't been decided by the U.S. Supreme Court or other District Courts, which means the precedent isn't necessary the "law of the land" in all jurisdictions, but it gives you a good idea of the complications that can arise when dealing with non-US works.

The Presence of Notice. Under old copyright laws, works published without a copyright notice immediately fell into the public domain. That isn't the case today, however. When new rules went into effect in 1976, the approach changed. Now, copyright automatically adheres upon creation of a work. The old law governs works produced before the beginning of 1978; the new law applies to everything produced since. However, even the new law required copyright notices through March of 1989!

Renewal of Copyright. Under the old law of 1909, all works received two copyright terms of 28 years. However, the second term was only activated if the author filed for a renewal with the federal government. If the author failed to request a renewal, the work would enter the public domain. That seems relatively straightforward, but there is a wrinkle to this guideline. A subsequent amendment to the laws created automatic renewals for anything published between 1964 and 1977.

Putting it All Together. In order to make a safe determination of a work's eligibility for public domain status, you should really go through all of these different points, testing the work for eligibility every step of the way. Sometimes, that will lead to a very quick answer. In other cases, it will raise new questions that necessitate additional research (for instance, you might have to do your homework to find out if renewal requests were filed). The process is complicated enough that there is always a risk of error. Considering the possible legal ramifications of a mistake, all people searching for public domain materials should take all care and exercise all due diligence when making a determination.

One great way of "testing" for public domain eligibility is to use a copyright protection calculator. People have created computer programs that take input from the user about a work and apply those responses to the criteria for public domain eligibility. They can be a great shortcut to determining if something is really in the public domain or not. While some of the privately developed tools are designed with Internet marketers in use, the U.S. Copyright Office does have its own tool to help make determinations about copyright status:

<http://www.copyright.gov/records/cohm.html><http://www.copyright.gov/records/cohm.html>

The U.S. Copyright Office can be a great source of insights and guidance regarding the determination of public domain status.

<http://www.copyright.gov/><http://www.copyright.gov/>

Project Gutenberg also provides information regarding copyright and public domain.

<http://www.gutenberg.org>

Government Documents and the Public Domain

Documents, books and publications authored by the United States federal government are generally part of the public domain.

However, before you take that government report and start selling it as an ebook, you should make sure that it was actually authored by the federal government. In many cases, the government actually utilizes private contractors or others to generate its materials. In those cases, copyright does exist and the content is not part of the public domain. You can usually ascertain whether this is the case by carefully reviewing the material in question.

People often distribute federal documents with a copyright claim in place, claiming that they've added value by formatting, indexing or commenting upon the contents of the government documents. This means that you should take care when distributing a government document to make sure that it is the original version and not one to which these copyright claims could be made.

Profiting with Public Domain Content

Now that you know what public domain content is, we can turn our attention to how you can use it to improve your business. There are many different ways to put public domain materials to work for you. We're going to look at a series of the strongest proven techniques for getting the most out this exciting free content source.

Selling Public Domain Works

We're all familiar with selling ebooks and information products. It's part of the backbone of the Internet marketing world. It's also a perfect way to put public domain content to work for you.

- Instead of spending the time, resources and energy necessary to complete a from-scratch product, you can sell an already-written public domain product, instead.
- Or, you could actually merge several public domain articles or publications into one larger resource to create something very attractive to potential buyers. If you add a little extra value to the material with your own formatting, commenting or custom materials, so much the better.

And don't think for a second that no one is going to be interested in purchasing a public domain work. Several online publishers make substantial incomes selling books on popular topics that come directly from the public domain. It's just a matter of finding the right material and combining it with your other Internet marketing talents for the best possible results.

Creating Niche Websites

Thick, information-heavy niche websites are a proven performer in Internet marketing circles. Virtual real estate investors love developing these sites and monetizing them with AdSense, affiliate links and whatever else they can think of. The problem with niche sites is that they require so much content. It can be tough to produce it all yourself and outsourcing everything you need can break the bank.

That's where public domain content enters the picture. You can slice and dice a large book to create a massive website. You can combine multiple public domain resources on the same topic to make a great content-heavy site that the search engines will absolutely adore. Why commission 10,000 pages of content when writers and Uncle Sam are ready to give you everything you need free of charge?

The BLT

No, we're not talking about the famed bacon, lettuce and tomato sandwich. Public domain content can do a lot of things, but it can't make you a lunch.

BLT stands for **branding, links** and **traffic**. It's a wonderful little article marketing strategy you can use when you have the right public domain content at your disposal.

Find the right report or book to match your niche. Now, edit it into a series of shorter articles. Depending on the format of the public domain material, that might be one of the easiest things you've done in a long time.

Now that you have the articles, submit them to article directories with your name on them and your link in the resource box. That's right; you can do your article marketing with public domain materials.

The BLT part? The branding comes by having your name on those articles. You're going to create an image of credibility and expertise within your niche by sharing this great information. The links will come from the directories themselves and from all of the sites that decide to syndicate the content of those directories. The traffic will come as a result of the search engine boost you'll get from the links and the visitors who'll arrive directly after finding your article in the directories.

The Public Domain Autoresponder

Do we dare repeat the old cliché again? Why not? The money is in the list.

The problem with list marketing is that you have to follow up with your list members again and again. After a few dozen mailings, it can get a little tough to come up with anything new or interesting to share. That's why you might want to start looking at public domain materials to beef up your auto responder sequence.

You can create a great ecourse by finding the right public domain documents and editing them into manageable chunks. You can find information in government documents that your readers will appreciate and that can help to persuade them to consider your offerings. If you're not in the mood to write all of the follow-ups you need to stay active with your list, you can rely on public domain content to help.

Sign Up Inducement

We just talked about list marketing. Public domain content is a great way to keep your list "fed". It's also a good way to attract sign ups in the first place.

Think about it, how do you usually increase the effectiveness of a plain old a squeeze page? Most people do that by offering people something valuable to

the customer in exchange for signing onto a list. A free ebook or a free report can increase the signup percentage significantly.

You can use public domain content to create a hard-to-refuse offer that will explode your list, giving you more and more chances to sell your products. Public domain content is the best shortcut imaginable to a perfect sign up inducement.

Building a Better Mousetrap

We discussed selling public domain content “as is” or with slight modification, but there is another option. You can take these freebies and use them to create something new and exciting.

- What if you found a popular old book and created an audio version?
- What if you took a great author’s three best books and made them into a handy ebook trilogy?
- What if you went through a series of government documents to create an overall perspective on a particular issue that couldn’t be found anywhere else?

Those are just a few ideas. Let your imagination run wild. There’s so much you can do with the raw materials and the only limit to the options is your own creativity.

Finding Public Domain Content

By now, your mind is probably racing, thinking of all the different ways you can use public domain content to build your business. There’s only one issue left to confront before you hit the ground running - finding good public domain materials. Let’s look at a few of the ways you can get the goods!

Libraries and Used Bookstores

Sure, you’re an Internet marketer and the idea of digging through the stacks at the library might seem a little old-fashioned. It’s one of the best ways to find public domain works, though. A little time with the Dewey Decimal System in the library can result in a mother lode of great material that’s never seen the light of day online. Libraries that serve as government document repositories are particularly valuable for public domain researchers, for obvious reasons.

Converting those old texts into something you can use online might take a little effort, but it’s definitely less labor intensive to scan or transcribe materials into a working computer file than it is to write them from scratch. Plus, if you don’t feel like handling that yourself, you can outsource the task for next to nothing.

The same goes for old bookstores, of course. It's the same principle. You're looking for books and reports that have slipped through the copyright cracks. It's amazing what you can come up with in very little time.

One of the reasons this is such a great way to find materials is because you stand such a strong chance of getting something that is not currently on the web. If you do that, you're going to be using content that is completely, 100% new, unique and fresh in the eyes of the search engines. Just think about what kind of business you'll be able to do with an endless supply of free new content!

Project Gutenberg

Project Gutenberg is a website dedicated to taking old books like the ones you might find in the library or an old bookstore and making them available online. They have an impressive collection of texts in their system and many are in the public domain.

The Terms of Service for Project Gutenberg state that the contents of the site are for non-commercial use. However, they don't hold copyright to those texts. Remember, those books are in the public domain and all bets are off. You'll want to remove any comments, headers or information noting that they came from PG or that contain information not available in the original text. Beyond that, they belong to you just as much as they belong to anyone.

Please note that not every book in the collection is in the public domain. Some people wrongly assume that if it's on PG they can do with it what they will. That's not necessarily the case. Be certain you're dealing with those pieces of the collection in the public domain.

The University of Pennsylvania Collection

It isn't quite as big as Project Gutenberg, but the University of Pennsylvania has a very large collection of older books that are available online. Many of these are in the public domain. The same rules and recommendations noted for Project Gutenberg apply to using this great resource.

WikiBooks

This site provides a number of different textbooks that fall under a special license that disavows copyright. Basically, they have been intentionally released into the public domain. This can be a great place to find material for niche sites, courses and auto responders. If you want easily-modifiable content with no apparent risk of running afoul of copyright laws, this is a good place to grab materials.

Government Websites

If there's one thing the government is obviously good at, it's producing paperwork. Government sites are thick with content, reports, transcripts and information you can use to boost your online publishing business. The size and

scope of the federal bureaucracy almost guarantees you an opportunity to find material directly related to any niche, too.

Just make sure that the federal government is the author of record so you don't run up against the copyrights of subcontractors who may write for the government and who may maintain intellectual property rights to their works.

Online Tools

Just finding your way through the search engines while researching a topic can make hours disappear. You may question whether you have time in your life, or if its worth it to use public domain material, considering you may have to sort through 85 million books, a huge collection of art, thousands of classic vintage movies, cartoons and documentaries, the millions of reports, videos and images published by the U.S. Government each year in order to find the best material for your website, blog, ebook, training course, etc.

It may be well worth the money to buy one of the tools that have been developed to streamline your search for appropriate public domain material, such as the [Public Domain Toolbar 2.0](#).

The [Public Domain Toolbar 2.0](#) will provide you instant access to 500 or more public domain-related websites, and also includes a separate search function for public domain images. The \$97 price tag seems inconsequential when you consider that time you can spend marketing and earning money with your newly acquired material rather than wasting hours searching for it.

“Use the right tool for the job,” as my father often said.

Conclusion

Content is king. It makes search engines happy. It makes users happy. It delivers traffic, increases conversions and can even be a product.

Online publishers need content. Public domain content is some of the best material out there. It's professionally written, covers all issues and is absolutely free for the taking. That's right - no long nights trying to write your own content. No big payments to freelancers or ghostwriters. The material you need is waiting for you and you can use it however you'd like without spending one penny for the privilege.

Now it's time to put some of that great free content to use. Start looking for the right public domain content to meet your site needs and make it part of your overall online publishing plan. It's one of the best shortcuts out there!