

To Use or Not to Use? Fear Not! The Public Domain Beckons Thee

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Ah, the public domain—where copyrights dare not tread, and content lives free from the litigious claws of infringement claims. Whether thou art a humble creator or a bold entrepreneur, rejoice! For in this blessed realm, you may pluck the ripest fruits of history without fear of lawyers whispering “cease and desist” in thine ear.

As an experienced litigator who has spent years navigating the nuances of copyright and trademark disputes, I often receive inquiries from clients and creators alike asking whether using material in the public domain could still lead to legal liability. These questions are understandable—copyright law is notoriously complex, and the fear of receiving an infringement claim can chill even the most well-intentioned use of historical or creative works.

However, the law is clear. Under the Copyright Act of 1976, 17 U.S.C. § 101 et seq., once a work has entered the public domain, it is no longer protected by copyright. That work may be used freely without permission or risk of infringement liability.

This principle is further reinforced by judicial precedent and administrative interpretations issued by the U.S. Copyright Office. Below is a short—albeit Shakespearean—synopsis of the right-to-use works that have passed into the public domain.

All the World’s a Stage... and the Public Domain is Yours to Play Upon

When a work enters the public domain, it is like King Lear abdicating his throne—no longer held by a single rights-holder but shared by all. You may quote, adapt, remix, or even set it to dubstep, should the spirits moves you. There is no need to “beware the Ides of Infringement,” for the legal ghosts have departed these works.

A Rose by Any Other Name Would Still Be Royalty-Free

From the Bard himself to silent films, early jazz, and vintage pulp novels, the public domain is a veritable treasure trove. If your heart desires to adapt Romeo and Juliet as a sci-fi space opera or turn Macbeth into a murder-mystery podcast, thou art free to do so. And should anyone protest, simply say: “The copyright hath shuffled off this mortal coil.”

Much Ado About Nothing (To Pay)

No fees, no permissions, no licensing headaches; using public domain content means your budget won’t suffer a tragic fate. You are free to profit, reimagine, or distribute at will without hearing the dreaded words: “Thou art summoned to court.”

The Lady Doth Protest Too Much, Methinks! But Legally She Can’t

If a work is truly in the public domain, no rights-holder can claim otherwise—not even an overzealous heir or a distant cousin twice removed who believes Great Uncle Will’s haikus should still be protected. Verily, if someone doth protest, remind them

that the law is clear: once public, forever free.

What Light Through Yonder Archive Breaks?

More works enter the public domain each year, like clockwork, every January 1st. These cultural gems become part of the commons, waiting for creative minds to breathe new life into them. Whether thou art a playwright, podcaster, game designer, or meme-smith, this is your cue to take the stage.

Parting is Such Sweet Sorrow (But You Can Keep the Content)

So go forth, noble creator, and draw from the well of the public domain with confidence. For when it comes to these works, the law doth not bite its thumb at thee.

“A Pox Upon Uncertainty: Better to Know Than to Be Woe”

While the public domain offers a vast and invaluable reservoir of creative material, it is of paramount importance to confirm that a given work is, in fact, free of copyright protection before using it. Not all “old” content is automatically in the public domain; factors such as the date of publication, the country of origin, and whether proper formalities were observed can all impact a work’s legal status. Mistakenly using material that remains under copyright could expose a user to infringement claims, even if the misuse was unintentional. Therefore, before thou dost take up thy pen (or camera, or microphone), it is wise to consult with legal counsel. As with so many matters in the law, ’tis better to measure twice than to be sued once.