

PUBLIC DOMAIN DAY

A CELEBRATION OF SOUND JANUARY 20, 2022

A zine by



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INTRODUCTION


January 1, 2022 was Public Domain Day, and this year there is a lot to celebrate. Works published in 1926 are now in the public domain, where we can discover, share, and breathe new life into them, without permission or fee. **But that's not all.** In 2022 we got a bonus: an estimated 400,000 sound recordings from before 1923 entered the public domain too! Hence **"A Celebration of Sound."**

In 2022 the US public domain welcomed a lot of "firsts": **the first Winnie-the-Pooh book from A. A. Milne, the first published novels from Ernest Hemingway and William Faulkner, the first books of poems from Langston Hughes and Dorothy Parker.** What's more, for the first time ever, a special category of works—sound recordings—finally began to enter the public domain. Decades of recordings made from the advent of sound recording technology through the end of 1922 are now open for legal reuse. It's an aural time capsule.

Everything from early experiments with sound to opera, classical music, blues, jazz, vaudeville, ragtime, popular songs, and comedy sketches. Early recordings from the great Mamie Smith and Ethel Waters. Performances by Enrico Caruso and Pablo Casals. The voices of Bert Williams, the first Black artist to play a leading role on Broadway, and Fanny Brice, the real-life Funny Girl later portrayed by Barbra Streisand.

There's much more—the original Bambi, a much darker story than the one most Americans know. Silent films featuring Harold Lloyd, Buster Keaton, Greta Garbo, and Rudolph Valentino. Broadway songs and jazz standards. But these are only the famous works—the tip of the iceberg. Works from 1926 are almost a century old, and the pre-1923 sound recordings are even older. **By the time these works enter the public domain, most are no longer commercially viable.** This means that no rightsholder is benefiting from continued copyright. Yet all of this creativity remains presumptively off limits, in danger of being forgotten. **And the iceberg is melting: many old films and recordings have been lost entirely.** One important film from 1926 was *The Great Gatsby*, an adaptation of the 1925 novel. But, to the great dismay of scholars and enthusiasts, it appears to be lost to history.

For the material that has survived, however, the long-awaited entry into the public domain is still something to celebrate. **This community knows the importance of unfettered access to cultural artifacts.** It enables preservation of our history. It eliminates barriers to access. Works can be republished and posted in online repositories. Students, teachers, and historians can share the full cultural record. Community theaters can screen the films. Youth orchestras can afford to publicly perform the music. And, of course, creators can legally build upon the past—reimagining the books, making them into films, adapting the songs and movies. **The whole point of copyright is to promote creativity, and the public domain plays a central role in doing so.**

On January 20, we will raise a glass to all of this. Happy Public Domain Day! 

Jennifer Jenkins, Duke Center for the Study of the Public Domain

WHY MUSIC?

In 2019, the United State Congress passed the first significant changes to the copyright act in twenty years.

The Music Modernization Act attempts to improve the way the Copyright Act addresses three areas related to music: how songwriters receive royalties for streaming, how producers receive royalties, and what copyright protections there are for sound recordings made before 1972.

The Classics Act gives some federal copyright protections to sound recordings made before 1972 for the first time, but more importantly, it outlines when these sound recordings will become part of the public domain!

Beginning with 2022, our public domain of sound recordings will begin to grow. This year, all sound recordings made before 1923 are now in the public domain for the first time.



Listen to the sounds of the Public Domain

<https://bit.ly/3GlbqBM>

This playlist includes tracks listed in the zine as well as the Association of Recorded Sound Collectors notable recordings from before 1923!



WHAT'S GOING INTO THE PUBLIC DOMAIN?

From Winnie the Pooh to Ethel Waters, this year has something for everyone. Here are just a few of our favorites.



BOOKS

- A. A. Milne, Winnie-the-Pooh, decorations by E. H. Shepard
- Ernest Hemingway, The Sun Also Rises
- Dorothy Parker, Enough Rope (her first collection of poems)
- Langston Hughes, The Weary Blues
- T. E. Lawrence, The Seven Pillars of Wisdom (later adapted into the film Lawrence of Arabia)
- Felix Salten, Bambi, A Life in the Woods
- Kahlil Gibran, Sand and Foam
- Agatha Christie, The Murder of Roger Ackroyd
- Edna Ferber, Show Boat
- William Faulkner, Soldiers' Pay (his first novel)
- Willa Cather, My Mortal Enemy
- D. H. Lawrence, The Plumed Serpent
- H. L. Mencken, Notes on Democracy

400,000 SOUND RECORDINGS

Including....

Mamie Smith and Her Jazz Hounds, Crazy Blues, Don't Care Blues, That Thing Called Love, and You Can't Keep a Good Man Down (Perry Bradford)

Ethel Waters, Down Home Blues (Tom Delaney) and There'll Be Some Changes Made (Benton Overstreet, Billy Higgins)

Sophie Tucker, Some of These Days (Shelton Brooks) and Pick Me Up and Lay Me Down (Harry Ruby, Bert Kalmar)

Norfolk Jazz & Jubilee Quartets, Jelly Roll Blues (Ferd "Jelly Roll" Morton)

Fisk University Jubilee Quartet, Swing Low, Sweet Chariot (see story) (Traditional African-American spiritual song)

Vess L. Ossman, Maple Leaf Rag (Scott Joplin)

Bert Williams, Nobody and Let It Alone (Bert Williams, Alex Rogers), and Everybody Wants a Key to My Cellar (Ed Rose, Billy Baskette, Lew Pollack)

Billy Murray, Give My Regards to Broadway and The Grand Old Rag (Flag) (George M. Cohan), Alexander's Ragtime Band (Irving Berlin)

Harry Lauder, Roamin' in the Gloamin' (Harry Lauder)

Enrico Caruso performances from operas such as Rigoletto and La Traviata (Giuseppe Verdi), La Bohème (Giacomo Puccini), and Pagliacci (Ruggero Leoncavallo); songs such as Over There (George M. Cohan, French lyrics Louis Delamarre) and O Sole Mio (Neapolitan folk song)

Pablo Casals, Bourée (Johann Sebastian Bach) and Dream of Love (Liebestraum) (Franz Liszt)

Sergei Rachmaninoff, Liebesleid (Fritz Kreisler; arr. Rachmaninoff)

Orquesta Max Dolin, La Golondrina (Narciso Serradell Sevilla)

Ory's Sunshine Orchestra, Ory's Creole Trombone (Edward 'Kid' Ory)

Europe's Society Orchestra, Too Much Mustard (Cecil Macklin)

The Sousa Band, Blue Danube (Strauss) The Star-Spangled Banner (John Stafford Smith, Francis Scott Key, arr. John Philip Sousa), Semper Fidelis and multiple other marches by John Philip Sousa

Jules Levy, The Tale of the Bumble Bee (Gustav Luders, Frank Pixley)

Anna Chandler, She's Good Enough To Be Your Baby's Mother (and She's Good Enough To Vote With You) (Herman Paley, Alfred Bryan)

Fanny Brice, My Man (Maurice Yvain, Jacques-Charles, Albert Willemetz, English lyrics Channing Pollock) and Second Hand Rose (Grant Clarke, James F. Hanley)

Marion Harris, I Ain't Got Nobody (Roger A. Graham, Spencer Williams)

Nora Bayes, How You Gonna Keep 'Em Down on the Farm? (Joe Young, Sam M. Lewis, Walter Donaldson)

Al Jolson, Swanee (George Gershwin, B.G. De Sylva, Irving Caesar)

John Steel, A Pretty Girl Is Like a Melody (Irving Berlin)

Joe Schenck and Gus Van, Carolina in the Morning (Walter Donaldson, Gus Kahn)

Peerless Quartet, Cows May Come, and Cows May Go, but the Bull Goes On Forever (Harry Von Tilzer, Vincent Bryan)



AND MORE!

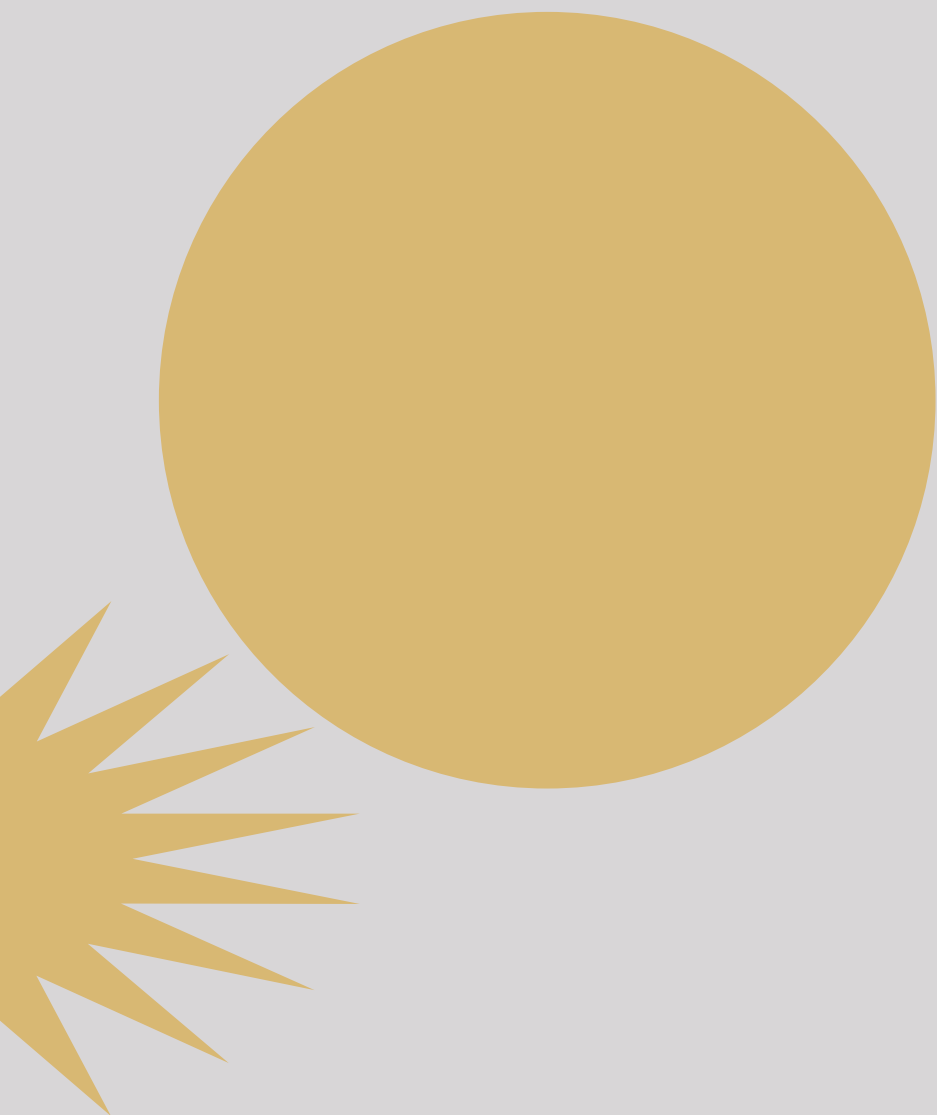
Movies and musical compositions too

MOVIES

- For Heaven's Sake (starring Harold Lloyd)
- Battling Butler (starring Buster Keaton) 12
- The Son of the Sheik (starring Rudolph Valentino)
- The Temptress (starring Greta Garbo)
- Moana (docufiction filmed in Samoa)
- Faust (German expressionist classic)
- So This Is Paris (based on the play Le Réveillon)
- Don Juan (first feature-length film to use the Vitaphone sound system)
- The Cohens and Kellys (prevailed in a famous copyright lawsuit)
- The Winning of Barbara Worth (a Western, known for its flood scene)

MUSICAL COMPOSITIONS

- Bye Bye Black Bird (Ray Henderson, Mort Dixon)
- Snag It (Joseph 'King' Oliver)
- Gentlemen Prefer Blondes (Irving Berlin)
- Black Bottom Stomp (Ferd 'Jelly Roll' Morton)
- Someone To Watch Over Me (George Gershwin, Ira Gershwin)
- Nessun Dorma from Turandot (Giacomo Puccini, Franco Alfano, Giuseppe Adami, Renato Simoni)
- Are You Lonesome To-Night (Roy Turk, Lou Handman)
- When the Red, Red Robin Comes Bob, Bob, Bobbin' Along (Harry Woods)
- Ke Kali Nei Au ("Waiting For Thee") (Charles E. King), in 1958 renamed Hawaiian Wedding Song with new lyrics (English) by Hoffman & Manning
- Cossack Love Song (Otto Harbach, Oscar Hammerstein II, George Gershwin, Herbert Stothart)



The Rider-Waite tarot deck, the most popular tarot deck in the world, is in the public domain. Have a mystical time and color in this celebrated artwork!

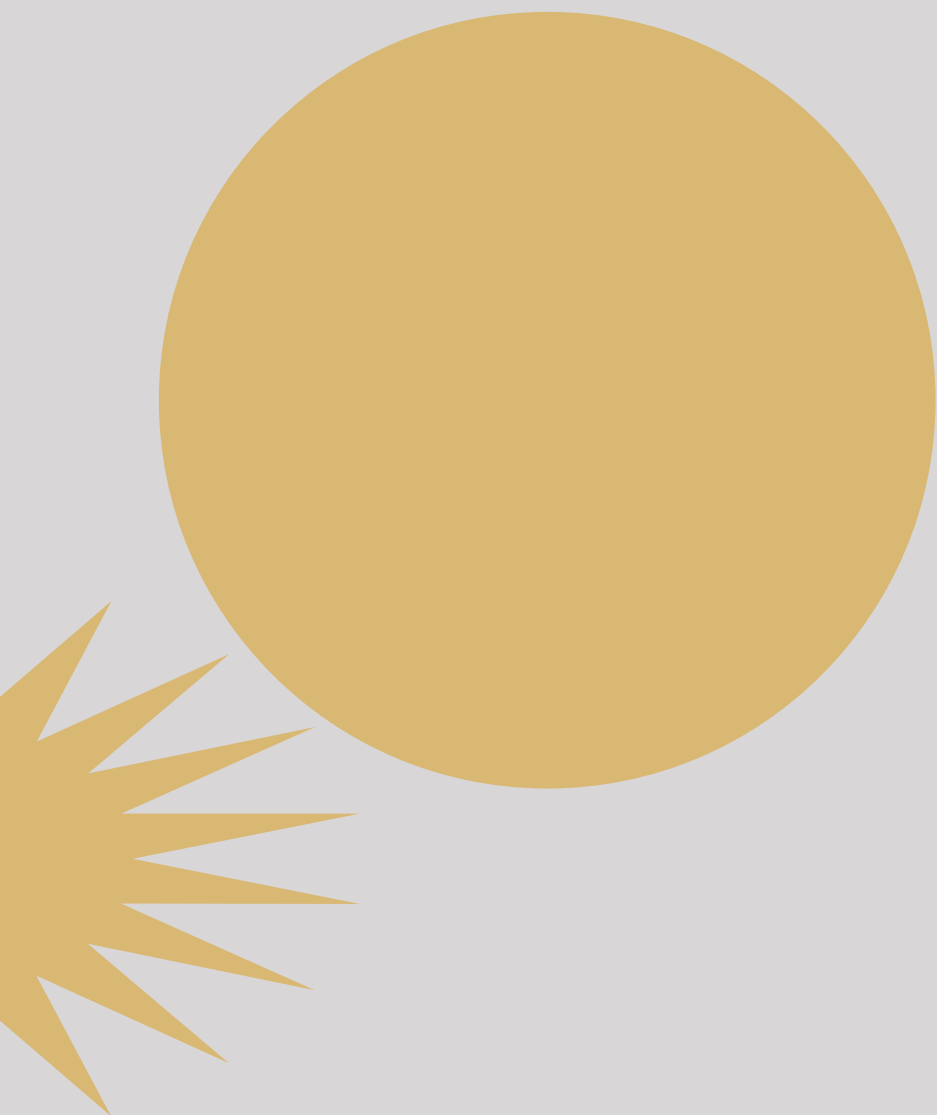
COLOR THE TAROT



THE FOOL .



QUEEN of WANDS.

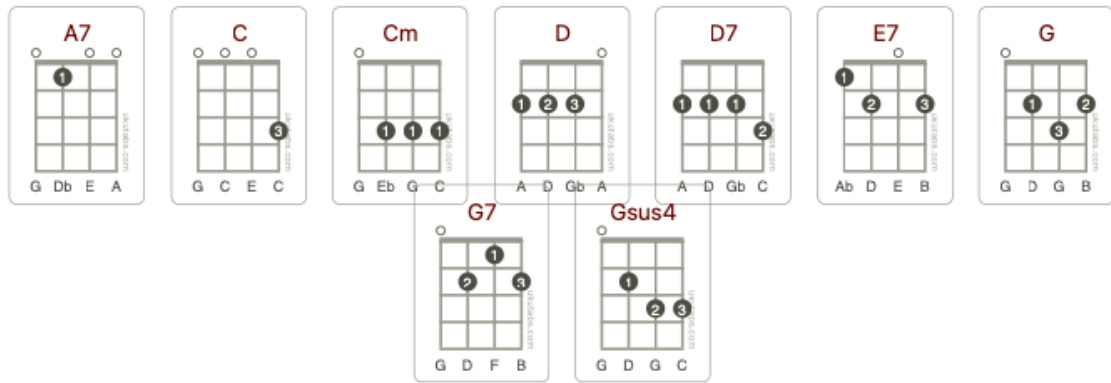


The ukulele was introduced to the United States in 1915 at the San Francisco World's Fair and soon became a symbol of the jazz age. Strum along to one of 1926's greatest hits!

**UKULELE
STRUM ALONG**

TONIGHT YOU BELONG TO ME

Billy Rose and Lee David



Intro:

G G G G Gsus4 G G
G G G G Gsus4 G -x2-

G G7
I know -I know- you belooooong
C Cm
To soooooomebody neeeeeew
G D G
But tonight, you belong to me

Interlude:

G G G G Gsus4 G G
G G G G Gsus4 G

G G7
Although -although- we're apaaaaart
C Cm
You're a paaaaart of my heaaaaart
G D G G7
And tonight, you belong to me

Cm
Way down by the stream
Cm
How sweet it will seem
G E7
Once more just to dream
A7
in the moonlight
D7
My honey,
G G7
I know -I know- With the daaaaaawn
C Cm
That you will be doooooone

G D G
But tonight, you belong to me
D7 G G G Gsus4 G
Just little old me

WHERE TO FIND PUBLIC DOMAIN MATERIALS ONLINE



A starter pack!

- Delgado Community College LibGuide: <https://dcc.libguides.com/publicdomain/resources>
- Public Domain Review: <https://publicdomainreview.org/guide-to-finding-interesting-public-domain-works-online/>
- Fair Use at Stanford: <https://fairuse.stanford.edu/overview/public-domain/welcome/>
- Cornell Guide to the Public Domain: <https://guides.library.cornell.edu/copyright/publicdomain>
- Internet Archive: <https://archive.org>
- Duke Center for the Study of the Public Domain: <https://web.law.duke.edu/cspd/>
- Ohio State LibGuide: <https://library.osu.edu/copyright/public-domain>
- Library of Congress Free to Use: <https://www.loc.gov/free-to-use/>

PUBLIC DOMAIN DEFENDERS



+ YOU!

**THANK YOU FOR BEING A PART
OF PUBLIC DOMAIN DAY 2022!
SEE YOU NEXT YEAR!**