Public Domain Day 2027: the cheat sheet

At midnight on January 1, 2027, Universal's *Dracula* and *Frankenstein* (both 1931) enter the U.S. public domain. **The films are free, but the brands, a famous face, and a 1998 score are not.**

1931 + 95 = 2026

Why Jan 1? U.S. works published in 1931 with a renewed copyright get 95 years, and terms run to the end of the calendar year, so they're free on Jan 1, 2027. Sources: 17 U.S.C. §305 and the Cornell public-domain chart.

WHAT BECOMES FREE

DRACULA (1931)

- The film as released: footage, images and its original soundtrack.
- No original score. The opening theme is Tchaikovsky's *Swan Lake*, free for a long time.
- Bram Stoker's 1897 novel has been free your whole life.

FRANKENSTEIN (1931)

- The film, including Jack Pierce's monster makeup *as it appears in that film*.
- Bernhard Kaun's original music.
- Mary Shelley's 1818 novel was already free.

WHAT STAYS PROTECTED

BRANDS AND MUSIC

- **"DRACULA" and "FRANKENSTEIN" as brands.** Universal holds live trademark registrations covering posters, paper goods, apparel, toys and more.
- **The Philip Glass score** (written in 1998, released in 1999) is a separate copyrighted work. Use the unscored 1931 track.
- **Sequels:** *Dracula's Daughter* (1936), *Bride of Frankenstein* (1935) and everything after them are still protected.

FACES AND AI

- **Boris Karloff's face: treat it as protected.** His estate runs a licensing program. A clip of the public-domain film in a video essay is expressive use; his monster on a mug or in an ad is not.
- **AI "digital replicas."** California's §3344.1(a)(2) sets $10,000 or more for an unauthorized digital replica of a deceased performer in an audiovisual work.
- **The flat-top look as a brand** drew a cease-and-desist in 2010.

CAN I...?

YOU WANT TO	VERDICT AS OF JAN 1, 2027
Post a video essay with clips from the 1931 films	FREE Generally fine
Re-edit, recut or re-score the 1931 films	FREE The film is yours to cut. Skip the Glass score
Draw your own vampire or Shelley-based creature	FREE Always was fine
Sell "DRACULA" or "FRANKENSTEIN"-branded merch	NO Universal trademarks
Put Karloff's monster face on a product or ad	NO Treat as protected (his estate licenses it)
Make an AI "new scene" starring the original performers	NO Digital-replica rule
Rip a Blu-ray to get your copy	CAUTION Anti-circumvention law (§1201). Use archive copies

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Every verdict, with its source

Check these yourself, or hand them to your lawyer. All links are from Commons Cut Issue No. 1.

COPYRIGHT TERM

- 17 U.S.C. §305, terms run to the end of the calendar year: https://www.law.cornell.edu/uscode/text/17/305
- Cornell public-domain chart: https://copyright.cornell.edu/publicdomain

DRACULA (1931)

- Film background: https://en.wikipedia.org/wiki/Dracula_(1931_English-language_film)
- DRACULA trademark, Reg. 4042239: https://furm.com/trademarks/dracula-75077541
- Universal's 2026 opposition to another DRACULA application (TTAB): https://ttabvue.uspto.gov/ttabvue/v?pno=98711366&pty=EXT
- *Dastar* (trademark can't act as a "mutant copyright"): https://www.law.cornell.edu/supremecourt/text/02-428

FRANKENSTEIN (1931)

- Film background: https://en.wikipedia.org/wiki/Frankenstein_(1931_film)
- FRANKENSTEIN trademarks: Reg. 1178108 https://tsdr.uspto.gov/statusview/sn73271294, Reg. 2057740 https://uspto.report/TM/74505230, Reg. 5848013 https://uspto.report/TM/87513435
- Karloff obituary (died Feb 2, 1969): https://www.latimes.com/local/obituaries/archives/la-me-boris-karloff-19690204-story.html
- Karloff estate licensing: https://www.karloff.com/commercial-licensing-settlement-agreement/
- The 2010 flat-top cease-and-desist (Foley Hoag): https://foleyhoag.com/news-and-insights/blogs/making-your-mark-blog/2018/october/frankenstein-and-copyright-5-things-you-should-know/

LIKENESS, AI AND RIPPING

- California Civil Code §3344.1: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=3344.1
- 17 U.S.C. §1201 (anti-circumvention): https://www.law.cornell.edu/uscode/text/17/1201

READ THE ORIGINALS FREE

- Stoker, *Dracula* (1897), Project Gutenberg: https://www.gutenberg.org/ebooks/345
- Shelley, *Frankenstein* (1818 text), Project Gutenberg: https://www.gutenberg.org/ebooks/41445

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