



# ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

## FINAL REGULATION

### GENERAL PROVISIONS; NONDRAMATIC LITERARY WORKS; VOLUNTARY LICENSE TO PERMIT REPRODUCTION SOLELY FOR USE OF THE BLIND AND PHYSICALLY HANDICAPPED

The following excerpt is taken from Volume 45, No. 41 of the Federal Register for Thursday, February 28, 1980 (pp. 13072-13074).

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#### LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 77-10]

**General Provisions; Nondramatic Literary Works; Voluntary License To Permit Reproduction Solely for Use of the Blind and Physically Handicapped**

**AGENCY:** Library of Congress, Copyright Office.

**ACTION:** Final regulation.

**SUMMARY:** This notice is issued to advise the public that the Copyright Office of the Library of Congress is making certain technical amendments in § 201.15 of its regulations, as adopted on January 1, 1978, to reflect the change in the name of the Division for the Blind and Physically Handicapped of the Library of Congress to the National Library Service for the Blind and Physically Handicapped of the Library of Congress and to correct other minor typographical errors in the text of the regulations as printed in the Federal Register. These regulations were issued

to implement section 710 of the Copyright Act of 1976, Pub. L. 94-553 (90 Stat. 2541). That section directs the Register of Copyrights to establish procedures by which the owner of copyright in nondramatic literary works may, at the time of copyright registration, grant the Library of Congress a license to reproduce and distribute the work for the use of the blind and physically handicapped. The regulation establishes the terms and conditions of these licenses.

**EFFECTIVE DATE:** March 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

**SUPPLEMENTARY INFORMATION:** One of the major programs of the Library of Congress is to provide Braille editions and special sound recordings of readings of works for the exclusive use of the blind and physically handicapped. In an effort to simplify and speed up the copyright procedures that are a necessary part of this program, section 710 of the Copyright Act of 1976, Pub. L. 94-553 (90 Stat. 2541) provides for the establishment of a voluntary licensing system to be tied in with copyright registration. The license would permit

the Library of Congress "to reproduce the work by means of Braille or similar tactile symbols, or by fixation of a reading of the work in a phonorecord, or both, and to distribute the resulting copies and phonorecords solely for use of the blind and physically handicapped".

On October 4, 1977, the Copyright Office published in the Federal Register (41 FR 53060) a proposal to adopt a new regulation § 201.15 establishing the form, duration, terms and conditions of the license. After careful consideration of the comments received, the Office promulgated the proposed § 201.15 substantially without change on December 20, 1977 in the Federal Register (42 FR 63778). The regulation became effective January 1, 1978.

After the regulation had been adopted, there was a reorganization within the Library of Congress, resulting in a change in the organizational title of the division responsible for this program.

We are amending the regulation merely to reflect the change in organizational title and to correct minor typographical errors in the text as published in the Federal Register. Since these are technical amendments, we are issuing them without provision for a

comment period.

Section 201.15 of Part 201, 37 CFR, Chapter II is amended to read as follows:

**§ 201.15. Voluntary license to permit reproduction of nondramatic literary works solely for use of the blind and physically handicapped.**

(a) *General.* (1) The "blind and physically handicapped" are persons eligible for special loan services of the Library of Congress, as designated by section 135a of title 2 of the United States Code as amended by Pub. L. 89-552 and regulations of the Library of Congress issued under that section.

(2) This section, and any license granted or exercised under this section, applies only to nondramatic literary works that have previously been published with the consent of the copyright owner.

(b) *Form.* The Copyright Office provides the following form as part of the applications for registration of claims to copyright in nondramatic literary works (Form TX):

**Reproduction for Use of Blind or Physically Handicapped Persons**

Signature of this form at space 10, and a check in one of the boxes here in space 8, constitutes a nonexclusive grant of permission to the Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

a  Copies and phonorecords; b  Copies only; c  Phonorecords only.

(c) *Terms and conditions.* A copyright owner who consents to the use of a copyrighted work by the Library of Congress for the use of the blind and physically handicapped may accomplish this purpose by checking the appropriate box on the application form, by signing the application form as a whole, and by

submitting the application for copyright registration to the Copyright Office. The copyright owner thereby grants a nonexclusive license to the Library of Congress with respect to the work identified in the application, under the terms and conditions set forth in this section.

(1) The work may be reproduced only by or on behalf of the Library of Congress.

(2) The work may not be reproduced in any other form than Braille (or similar tactile symbols), or by a fixation of a reading of the work in phonorecords specifically designed for use of the blind and physically handicapped, or both, as designated by the copyright owner on the application form.

(3) Such copies and phonorecords of the work may be distributed by the Library of Congress solely for the use of the blind and physically handicapped under conditions and guidelines provided by the National Library Service for the Blind and Physically Handicapped of the Library of Congress.

(4) In the case of any conflict with any other right or license given by the copyright owner to the Library of Congress pertaining to the work, the terms and conditions most favorable to the Library of Congress for the benefit of the blind and physically handicapped shall govern.

(5) Copies and phonorecords reproduced and distributed under this license will contain identification of the author and publisher of the work, and copyright notice, as they appear on the copies or phonorecords deposited with the application.

(6) This license is nonexclusive, and the copyright owner is in no way precluded from granting other nonexclusive licenses with respect to reproduction for the use of the blind and physically handicapped, or exclusive licenses for the same purpose on condition they are subject to the nonexclusive license granted to the

Library of Congress, or other exclusive or nonexclusive licenses or transfers with respect to reproduction or distribution for other purposes.

(7) All responsibility for the clearing and exercise of the rights granted is that of the Library of Congress.

(d) *Duration of license.* (1) The license is effective upon the effective date of registration for the work and, subject to the conditions and procedures stated in paragraph (d)(2) of this section, continues for the full term of copyright in the work provided in section 302 of title 17 of the United States Code as amended by Pub. L. 94-553.

(2) Termination of the license may be accomplished by the copyright owner at any time by submitting a written statement of intent to terminate, signed by the copyright owner or by the duly authorized agent of the copyright owner, to the National Library Service for the Blind and Physically Handicapped of the Library of Congress. Termination will become effective 90 days after receipt of the written statement, or at a later time set forth in the statement. Upon the effective date of termination the Library of Congress will be prohibited from reproducing additional copies or phonorecords of the work, or both, without the consent of the copyright owner, but copies or phonorecords, or both, reproduced under authority of the license before the effective date of termination may continue to be utilized and distributed under the terms of the license after its termination.

[17 U.S.C. 408, 702, 710]

Dated: February 22, 1980.

Barbara Ringer,  
Register of Copyrights.

Approved:

Daniel J. Boorstin,  
The Librarian of Congress.

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