The following excerpt is taken from Volume 42, No. 244 of the Federal Register for Tuesday, December 20, 1977 (pp. 63778-9).

On October 4, 1977 the Copyright Office published in the Federal Register (41 FR 53980) a proposal to adopt a new regulation § 301.15 establishing the form, duration, terms and conditions of the license. Ten initial and reply comments were received in response to the Notice of Proposed Rulemaking. While virtually all of the comments agreed in principle with the proposal, several suggested some modification. After careful consideration we have decided to promulgate proposed § 301.15 substantially without change. A discussion of the major substantive comments follows:

1. Extension of Scope of the License

Several comments were received from organizations which provide services to blind and physically handicapped persons. These comments urged that the final regulations allow reproduction and distribution by organizations other than the Library of Congress. These suggestions are beyond the authority of the Copyright Office. Section 710 of the Act refers only to a grant to the Library of Congress and does not include other organizations. This restriction is reflected in paragraphs (a)(1) and (3) of the regulations as proposed and adopted. Of course, nothing in the Act or regulations...
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 Library of Congress to reproduce and distribute copies and phonorecords of the work, or both, to the blind and physically handicapped, 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 this work; or (3) both.

---- Copies only; ---- 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 Division 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 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 trans-

ferees 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 as provided in section 30 of title 17 of the United States Code as amended by Pub. L. 94-295.

(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 Division 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 of 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.

Approved:

BARBARA RINGER,
Register of Copyrights.

Processed by:

DAVID J. BOODSCH,  
Librarian of Congress.

Part 201 of 37 CFR, Chapter I is amended by adding a new § 201.15 to read as follows:

§ 201.15 Voluntary license to permit reproduction of nondramatic literary works solely for the 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. 92-830 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 which have previously been published with the consent of the copyright owner.

(b) Form. The Copyright Office provides the following form as part of applications for registration of claim to use reproduction of additional copies or...