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).

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 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. 95-553 (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,

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.
95-553 (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 59880) 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 35775). 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
submitting the application for copyright
distribution for other
use for the work
limits prescribed by the regulations of
Library of Congress. Upon the effective date of
the blind and physically handicapped or both, as
designated by the copyright owner on
the application form.
(3) Such copies and phonorecords of
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
copy 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 of
§ 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,
may apply 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

*Error; line should read: "permission to the Library of Congress to reproduce and"