CONGRESS OVERRIDES PRESIDENTIAL VETO AND EXTENDS MANUFACTURING CLAUSE FOR 4 MORE YEARS

The manufacturing clause in the copyright law, section 601 of the 1976 Copyright Act (title 17, United States Code), has recently been extended by Congress until July 1, 1986; without this Congressional action, the manufacturing provisions in the copyright law would have expired on July 1, 1982. On the eve of the expiration date of the clause, Congress passed H.R. 6198 to retain the provisions for another 4 years. President Ronald Reagan vetoed the Act, explaining that his administration favored “strengthening free trade.” However, Congress overrode the Presidential veto on July 13, thereby extending the manufacturing provisions for 4 years.

The 4-year extension of the clause originally derived from a compromise in Congress between those who wanted to extend the clause indefinitely to protect jobs in the United States printing and book manufacturing industries, and those who preferred to allow the clause to expire in order to smooth trading and copyright relationships with the trading partners of the United States.

The manufacturing clause applies only to published works, primarily textual, written by United States authors or domiciliaries. The provisions require that copies of a work “consisting preponderantly of nondramatic literary material that is in the English language” be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are several exceptions to the provisions; they relate to three general categories: the nature of the work, the processes used to manufacture the copies, or certain facts existing at the time of importation or distribution of copies in the United States. One of the exceptions of the third type provides for the issuance of an Import Statement which will permit the importation of up to 2,000 copies of a foreign edition when certain conditions are met.

For further information on the manufacturing clause, its exceptions, and the issuance of import statements (Form IS), please write to:

Information and Publications Section, L.M.-555
Copyright Office
Library of Congress
Washington, D.C. 20559

Copies of the July 1981 “Report of the Copyright Office to the Congress on the likely effects of the expiration of the manufacturing clause” are available from the Copyright Office upon payment of a fee of $23.00 (no cash please, check or money order payable to the Register of Copyrights).