

Open Licensing Policy Rationale

What is Open Licensing Policy?

Open licensing policy is the simple idea that publicly funded resources are openly licensed resources. Specifically, an open licensing policy is an open licensing requirement in a federal grant solicitation that requires publicly funded resources be free and openly licensed. The public should have access to what it paid for, and should not be required to pay twice (or more) to access and use federally funded education resources, research materials, or data. Today the public pays for the development of these resources first through their tax dollars, and then again to access the same federally funded materials such as textbooks, scientific journal articles, and/or data sets.

Open licensing policy is made possible through the funder's use of open licenses, whereby the acceptance of public funds requires grantees to share content developed with those funds broadly under an open license, such as the [Creative Commons Attribution \(CC BY\) license](#).

Why is an open licensing policy needed on publicly funded resources?

While US Federal Agencies typically retain a nonexclusive and irrevocable license to reproduce, publish, or otherwise use their grant-funded project materials for government purposes, agencies rarely exercise that federal purpose license to provide the public free and legal access to those publicly funded resources. The adoption of Creative Commons licensing clarifies to the public how they may access, use, and adapt publicly funded resources.

There are multiple benefits of requiring open licenses on publicly funded resources:

- Government increases the impact, reach and scalability of its grants,
- Government creates conditions for maximum potential value created from of all resources it funds, more efficiency, and better stewardship of public funds,
- Public has access to the education, research and data resources it funded,
- Innovative and entrepreneurial uses of openly licensed materials are enabled,
- Resources are available for reuse and value-add by anyone, including individual citizens, educators, scientists, public sector employees, entrepreneurs, and commercial businesses.

Creative Commons licenses are public copyright licenses that grant permission to the public to reproduce, distribute, perform, display or adapt the licensed materials for any purpose, and typically contain a minimal set of conditions, such as the requirement that a user provide attribution to the author. Creative Commons licenses are built on top of and encourage respect for copyright and copyright holders. Open policies leveraging open licenses allow creators to retain copyright, the government to retain its nonexclusive, irrevocable license, and provide the public with free, legal access to publicly funded resources.

Creative Commons licenses are the global standard for open content licensing. There are over [880 million CC-licensed](#) objects available on the web. CC licenses have been adopted globally by governments and public sector bodies, scientific publishers, and cultural heritage institutions such as national museums and libraries. CC licenses are the legal standard for collaboration on the web, used by businesses like Microsoft to communities like Wikipedia to philanthropy like the [Ford Foundation](#).

Open licensing precedents at US Federal level

There are several existing initiatives at the US Federal level that have adopted open licensing for publicly funded materials. These include:

- Department of Labor:
 - [Trade Adjustment Assistance College and Career Training Grant Program](#)
 - [Career Pathways Innovation Fund Grant Program](#)
 - [H-1B Ready to Work Partnership grant program](#)
- Department of Education:
 - [First in the World Program-Development Grants](#)
- Department of State:
 - [2015 E-Teacher Scholarship Program](#)
- Project Open Data
 - [Examples of open licenses for potential use by agencies](#)
- Data.gov
 - [Climate Data Online](#)

Related initiatives

The fundamental principle that the public should have access to materials it funds has already been validated and embraced through initiatives such as the National Institute of Health's [Public Access Policy](#), where the final peer reviewed journal manuscripts resulting from NIH funding (~\$30 billion annually) must be deposited in a publicly accessible digital archive within 12 months of publication so that anyone can access them. Similarly, the White House [issued a Directive](#) supporting public access to publicly-funded research and data where Federal agencies with more than \$100M in R&D expenditures must develop plans to make the published results of federally funded research freely available to the public within one year of publication.