

Department of Education Proposes Open License Requirement for Certain Copyrights

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The U.S. Department of Education has published a notice of proposed rulemaking in the Federal Register that would require grantees that are awarded direct competitive grant funds to openly license to the public all copyrightable intellectual property that was created using Education of Department grant funds. Read the Department of Education's notice of proposed rulemaking HERE. This would allow others, not just the creator, to use the works, subject to certain restrictions. Two examples of open licensing of educational material, MIT's OpenCourseWare and Rice University's OpenStax CNX use Creative Commons licensing. Creative Commons licenses come in various levels of restrictions in the use of the licensed material, with some permitting, and some forbidding, commercial use. Which type of open license would meet the Department of Education's requirement should be specified in the final rule, expected in 2016.

Client Tip: *Institutions should periodically review and update their intellectual property policies whether or not the institution receives U.S. Department of Education funds through a direct competitive grant program.*

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