

May 6, 2014

## **Open licensing recommendations for Department of Education 2014 Open Government plan**

Dear Mr. Yale:

We urge the Department of Education to adopt open intellectual property licensing policies on grant programs that fund the creation of educational, training, and related materials. The open intellectual property licensing policy would require grantees to release all grant-funded materials under an open license--meaning a worldwide, royalty-free, non-exclusive, perpetual, irrevocable copyright license granting the public permission to access, reproduce, publicly perform, publicly display, adapt, distribute and otherwise use the work and adaptations of the work for any purpose, conditioned only on the requirement that attribution be given to authors as designated. Doing so will promote access and re-use of federal grant funded materials, thereby increasing the impact of public investments.

Such an open licensing policy has already been demonstrated. In 2011, the Department of Labor adopted an open licensing policy for its \$2 billion Trade Adjustment Assistance Community College and Career Training initiative (more information at <http://www.doleta.gov/taaccct/>). This open licensing language could be replicated for similar Federal agency grant programs:

*To ensure that the Federal investment of these funds has as broad an impact as possible and to encourage innovation in the development of new learning materials, as a condition of the receipt of a TAACCCT grant, the grantee will be required to license to the public all work (except for computer software source code, discussed below) created with the support of the grant under a Creative Commons Attribution 4.0 (CC BY) license. Work that must be licensed under the CC BY includes both new content created with the grant funds and modifications made to pre-existing, grantee-owned content using grant funds.*

*This license allows subsequent users to copy, distribute, transmit, and adapt the copyrighted Work and requires such users to attribute the Work in the manner specified by the grantee. Notice of the license shall be affixed to the Work. For general information on CC BY, please visit <https://creativecommons.org/licenses/by/4.0/>. Instructions for marking your work*

*with CC BY can be found at*

[http://wiki.creativecommons.org/Marking\\_your\\_work\\_with\\_a\\_CC\\_license](http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license).

Adopting open licensing on grant outputs is sound public policy. In order to be used dependably and reliably by teachers, businesses, or institutions that desire to innovate, publicly funded materials must be clearly licensed and marked as such. Requiring release of grant-funded materials under CC BY maximizes the public benefit of the funding dollars expended. CC BY gives individuals, nonprofits and businesses permission to use and build upon material created with public funds, so long as the creator is credited.

This type of open licensing policy aligns with President Obama's priorities for increasing transparency, collaboration, and participation originally laid out in the Open Government Initiative.

We appreciate the opportunity to offer suggestions to the Department of Education's 2014 Open Government plan. If you have questions about our comments or want to discuss the issue further, please feel free to contact us.

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