

# EMPLOYMENT AND TRAINING ADMINISTRATION

## UNITED STATES DEPARTMENT OF LABOR

### Grant Requirements

## Open Licensing and Intellectual Property

#### Why does the U.S. Department of Labor require open licensing?

The U.S. Department of Labor (DOL)'s competitive grant awards represent investments in the next generation of Open Educational Resources (OER) by requiring that DOL-funded intellectual property developed under a discretionary Federal award process to be in a format readily accessible and available for open licensing to the public. Through access to high-quality OER produced by grantees, American workers are better able to obtain affordable, high-quality training that will lead to careers in high-wage industries. Grantees build upon and contribute to the body of available OER, and continue to create technology-driven innovations in career training and education by openly licensing all grant-funded work, pursuant to [2 CFR 2900.13 - Intangible Property](#). For more information on the types of grant-funded products required to be openly licensed, please refer to your program's Funding Opportunity Announcement (FOA), terms and conditions of your grant, and program-specific policy resources.

#### What is the Open License?

When you affix the open license to your grant-funded products, you are stating that the public may copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the recipient. Additionally, the public may remix, transform, and build on the material for any purpose, even commercially. However, anyone who uses your products must credit the original author of the work.

#### How do I mark my products with the Open License?

The Department of Labor may require that grantees affix disclaimer text, stating that the products were funded by the Department of Labor. Grantees should refer to their Funding Opportunity Announcement (FOA) for the required disclaimer text, and guidance on whether this text is required.

#### How can I give the public access to my openly-licensed products?

As part of the requirement to publicly license grant-funded products, grantees must post their products (with the open license affixed) to a public distribution platform. This platform may be a grantee's own webpage, or grantees may post products to other publicly-accessible sites.

#### Does the Bayh-Doyle Act apply to my grant?

Yes. Grant recipients that are small business firms, and non-profit organizations (as defined at the link below, and including Institutions of Higher Education) must adhere to the [Bayh-Dole Act](#), which requirements are provided at 37 CFR 401.3(a). To summarize, these requirements describe the ownership of intellectual property rights and the government's nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually reduced to practice in the performance of work under this grant award. These requirements are in addition to those found in the Intellectual Property Rights term above.

For further information on open license, and publicly posting your products, please consult the following resource:

- <https://resources.data.gov/open-licenses/>