

DRAFT Revised Grant Terms to Implement Public Access (In GC-1)

24. Copyrighted Material

a. Definition

Subject writing means any material that is:

1. copyrighted under Title 17 of the U.S.C.; and
2. produced by the grantee or its employees in the performance of work under this award. Subject writings include such items as reports, books, journal articles, software, databases, sound recordings, videotapes, videodiscs, and web pages.

b. Copyright Ownership, Government License

Except as otherwise specified in the award or by this paragraph, the grantee may own or permit others to own copyright in all subject writings, subject to the Federal government's license. The grantee agrees that if it or anyone else does own copyright in a subject writing, the Federal government will have a nonexclusive, nontransferable, irrevocable, worldwide, paid-up, royalty-free license to exercise or to authorize others to exercise, all rights under copyright to reproduce, publish, or otherwise use the work for Federal purposes, or authorize others to do so. The Federal government license includes but is not limited to the right to have the copyrighted material included in a repository where the public can search, read, download, and analyze in digital form final accepted manuscripts or [publisher's version of record documents within a time frame that is appropriate for each type of research sponsored by NSF, as determined by NSF or other Federal Government agency. Any rights transferred by awardees and/or investigators to any other individual or entity, including but not limited to a publisher, are subject to NSF's Federal Government license. Such license, however, will not include the right to sell copies or phone records of the copyrighted works to the public.

c. Grants Affected by International Agreements

If the grant indicates it is subject to an identified international agreement or treaty, NSF can direct the grantee to convey to any foreign participant or otherwise dispose of such rights to subject writings as are required to comply with that agreement or treaty. In such cases, the standard clauses for Copyrightable Material or Patents Rights will be modified through the addition of the following:

"This project is supported under the cooperative program listed below. Your rights in inventions, writings, and data may be affected."

The applicable agreement or treaty will be identified immediately beneath that sentence.

d. Grantee Action to Protect Government Interests

The grantee agrees to acquire, through written agreement or an employment relationship, the ability to comply with the requirements of the preceding paragraphs and, in particular, to acquire the ability to convey rights in a subject writing to a foreign participant if directed by NSF under the previous paragraph. The grantee further agrees that any transfer of copyright or any other rights to a subject writing, by it or anyone whom it has allowed to own such rights, will be made subject to the requirements of this article.

25. Public Access to Copyrighted Material

NSF's Public Access Policy applies to awards, funded in whole or in part, as a result of proposals submitted, or due, after January X, 2016. NSF's Public Access Policy may be viewed at http://www.nsf.gov/news/special_reports/public_access/.

NSF's policy on public access to copyrighted material (Public Access Policy) reflects the Foundation's commitment to making certain that, to the extent possible, the American public, industry and the scientific community have access to the results of federally funded scientific research. Pursuant to this policy, awardees must ensure that all articles in peer-reviewed scholarly journals and papers in juried conference proceedings:

- are deposited in a public access compliant repository (as identified in the Public Access Policy);
- are available for download, reading, and analysis within 12 months of publication;
- possess a minimum set of machine-readable metadata elements as described in the Public Access Policy;
- are reported in annual and final reports with a persistent identifier.

Either the final printed version or the final peer-reviewed manuscript is acceptable for deposit.