

Open Access and U.S. Federal Information Policy

The Federal Purpose License (FPL) is shorthand for the guidance contained in the Code of Federal Regulations, which describes policies for copyrightable works acquired or created with support from Federal research grants.

The “Federal Purpose License”

“To the extent permitted by law, the recipient or subrecipient [of a grant] may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so. This includes the right to require recipients and subrecipients to make such works available through agency-designated public access repositories.”

2 C.F.R. § 200.315(b)

The FPL is a voluntary grant of rights by the awardee to the agency, as a condition of Federal funding.

The FPL functions in a manner identical to any other license agreement between two parties.

The FPL is a non-exclusive license that takes effect the instant copyright vests.

As a written, nonexclusive license, the FPL survives any future transfer of ownership in the work.

This ensures—

- ☼ Authors remain authorized to comply with grant obligations
- ☼ Agencies may continue to rely on the license’s authorizations.

Agencies reserve the FPL regardless of whether they rely on it by name in their public access policies.

The FPL authorizes the agency to further authorize third parties to use the works, though it does not specify the extent of that authority.

The FPL authorizes more than just reproduction and publication. The extent of the additional rights depends on the meaning of “Federal purposes,” which is undefined.

The Office of Management and Budget (OMB) updated the FPL in October 2024, clarifying that the FPL authorizes the agency to make the works available in an agency-designated public access repository.

Though the FPL appears in the Code of Federal Regulations as guidance, all 26 grant-making agencies have implemented it, giving it the force and effect of a regulation—each agency must, under its own policies, reserve the FPL. Some agencies have supplemented it to provide additional rights to the agency.