



# DIVISION OF RESEARCH

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February 26, 2025

## MEMORANDUM

**TO:** College Budget Officers  
Training Listservs

**FROM:** Wendy Montgomery *W. Montgomery*  
Assistant Vice President  
Office of Research Administration

Gregory F. Ball *Gregory F. Ball*  
Vice President for Research

**SUBJECT:** Blanket Intellectual Property Waiver Clarifications & KR Certification Update

*\*\*Please share this email with your PIs and Department Business folks who process proposals\*\**

The purpose of this email is to provide clarification to the campus community about the use of the Blanket Intellectual Property (IP) waiver announced by Dr. Ball's [memo](#) dated December 20, 2023, and to provide updated information about the corresponding Quali Research investigator/key personnel certification. Additional information can be found [here](#), including key definitions and FAQs.

Clarification summary:

- The Blanket IP Waiver is no longer required for the University to adhere to the federal government's Public Access Policy/requirement implemented by the White House Office of Science and Technology Policy (OSTP) 2013 Memorandum *Increasing Access to the Results of Federally Funded Research*, which was updated on August 25, 2022.
- The Blanket IP Waiver applies to certain **domestic** non-federal sponsors, such as nonprofit organizations or foundations, that have open access, open source, and/or open science written policies. It also applies if a **federal sponsor** incorporates an open access or open source requirement in addition to the Public Access Policy as part of award terms and conditions.
- The Blanket IP waiver applies to the release of software and code under open source licenses under NASA awards.

- Release of IP under an Open Access license or Open Source license when it is a foreign and/or corporate/industry sponsor ***will require*** an individual IP waiver regardless of whether or not the sponsor has a written policy. The Blanket IP waiver cannot be used in these situations.

Kuali Research (KR) will be updated to remove the current question about the Blanket IP waiver and instead include the following statement that investigators must agree.

**New PI/Key Personnel Certification:**

*I agree to follow the University's Intellectual Property (IP) policies in reference to data and IP developed under sponsored projects; and will take necessary actions based on sponsor and project requirements. I agree to follow processes for IP Waivers (blanket or individual), which may be necessary to accept any resulting award, and to ensure that all individuals working on this project are informed of these requirements.*

The PI will continue to be responsible for educating students, post-docs, subrecipients, and others working under their awards or under their supervision about the IP terms of each award, including any open access/source requirements; contacting UM Ventures with questions about appropriate open access/source license(s) to use; and for forwarding any release or data sharing agreement that needs a UMD signatory to the appropriate office.

Thank you for your attention to this matter.