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## CONDITIONS of KRESS FOUNDATION AWARDS

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### Preservation of and Access to the Products of Kress Foundation Sponsorship

Central to the Samuel H. Kress Foundation's grant and fellowship programs is the Foundation's mission-driven commitment to making the products of its funding programs as broadly accessible as possible, in an ongoing way, in support of education, research and scholarship. This overarching commitment applies to:

- *sponsored research*, whether that research is of a scholarly or scientific nature;
- *the outcome(s) of such sponsored research*, whether a scholarly publication or a scientific process or product;
- *documentation projects*, whether textual or visual in nature;
- *the outcome(s) of such documentation projects*, whether analog or digital in format.

The Foundation's commitment to open and ongoing access entails a corresponding commitment to the preservation and stewardship of all such products of Foundation funding.

Research projects: In accordance with these goals, the Kress Foundation expects that all recipients of Kress Foundation grants and fellowships who are pursuing *research*, whether scholarly or scientific in nature, will both preserve all significant data assembled in the course of their research and will seek to publish all meaningful results and findings of their research in peer-reviewed scholarly or scientific publications, or will otherwise disclose them to the interested public in an expeditious and effective manner. Dissemination via the internet is strongly encouraged and endorsed by the Foundation.

Documentation projects: The Kress Foundation expects that all recipients of grants and fellowships pursuing *documentation* projects, whether of a textual or a visual nature, will both *preserve and disseminate* the results of these projects to the interested public in an expeditious manner.

Preservation and Access: With respect to *preservation*, the Foundation expects that grantees will make best efforts to ensure that the products of such projects are archived and preserved, either by the grantee institution itself or in partnership with an appropriate third party. With respect to *access*, the Foundation strongly supports open access to the results of such projects via the internet and typically adopts and recommends use of the most recent version of the Creative Commons Attribution Unported License (the current version of this license is 3.0; see <http://creativecommons.org/licenses/by/3.0/>). Where third party rights or other compelling considerations make use of open access vehicles impossible or inappropriate, alternative models of access may be adopted, as long as these models provide for reasonable access to the educational, scholarly and cultural communities the Foundation serves. In the case of visual resources, the Foundation has an informal depository partnership with ARTstor ([www.artstor.org](http://www.artstor.org)) intended to address the Foundation's strong interest in both digital preservation and access, and strongly encourages grantees to share digital images created with Foundation sponsorship through the ARTstor Digital Library, both in instances in which these images are being openly disseminated via the internet and in cases where third party rights make limited, licensed access for educational use more appropriate.

*Explicit acknowledgement of the Foundation's support is required. (Example: "This research has been supported by a grant from the Samuel H. Kress Foundation")*

#### Intellectual Property Rights, Patents, Etc.

The Foundation will generally not assert intellectual property rights in the products of its sponsorship, even when its investment is substantial. The creator(s) of such products will retain these rights, subject to any governing intellectual property or other relevant institutional policies at the grantee institution. When sponsored scientific research leads to the filing of a patent application for processes or products created with Kress Foundation support, intent to undertake such filing should be disclosed to the Foundation in a timely manner (within 30 days). This applies both to patent applications submitted by individual investigators and those submitted by grantee institutions. Where Foundation sponsorship leads to patent issuance, licensing, commercialization, or otherwise generate net revenues for the grant recipient or grantee institution, the recipient or grantee institution, as the case may be, will pay royalties to the Foundation in accordance with terms to be negotiated in good faith between the parties. The rate and amount of royalties shall at a minimum allow the Foundation eventually to recover its charitable contribution to the research involved and shall help the Foundation to sustain its funding programs for such research. These considerations do not apply to scholarly publications distributed by trade and university presses.

#### Unexpended Grant Funds

The Foundation expects that Kress Foundation grant funds will be invested in a prudent manner that will reflect the purpose and terms of the grant, with the understanding that the interest earned will be applied, alongside the grant funds proper, towards the purpose and terms of the grant. It occasionally happens that a grantee institution concludes it will be unable fully to carry out the goals described in a grant or fellowship application. The Foundation expects that such situations will be disclosed to the Foundation in a timely manner as part of reporting requirements described in the Foundation's award letter. The Foundation is further prepared to explore with grantees alternative uses of grant funds that might be consonant with and advance the goals of the original award. However, the Foundation reserves the right to recover the full amount of the grant funds not expended, including earned interest, when it is evident that the original intention of the grant cannot be achieved.

#### Diversity

The Foundation strongly urges its grantees and fellowship administrators to help diversify the next generation of art historians, art conservators and art museum professionals by adopting an inclusive approach to all Kress-sponsored partnerships, and educational and training opportunities.