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### The “Fairness” of Code Usage

The usage and reuse of already created code are nothing new in the world of computer science. Especially in the modern age of coding and the development of AI programs like ChatGPT and easy to access coding databases such as Stack Overflow, the ability to use code that is already created is easier than ever. This usage of code, however, is not as free as most people think it would be, as the usage of this code can violate the many rules of copyright and licensing agreements that exist with code. It is important to note what copyright is, a good and proper license agreement to use for code to allow fairness for both creator and user of a code, and the obligations of those who use code from the internet that is not theirs.

To start, what is copyright exactly? In terms of computer science, we define it as the “ownership of control of the rights to the use and distribution of certain works of creative expression (Loshin & Richardson, 2021) which a computer program falls under. In more recent times, mainly due to acts of the Disney Corporation and their pushing of such acts as the Copyright Act of 1976, copyright of intellectual property can last upwards of 70 years. This copyright applies once the creative work is made, and immediately the owner can apply any copyright laws to such work. The existence of fair use can allow the usage of these creative works though if it falls under certain exceptions however, such as parody or criticism comment, though the US definition of fair use is not exactly well defined. This of course means, that if there is a copyright on code, it should fall under such jurisdictions of copyright, unless there is a licensing agreement on it.

A licensing agreement, in short, is a formal agreement or contract that allows other parties (not related to the creator of an IP) to use, sell, etc. the original creator's work. This usually means while allowing usage of the code in this case, this means that the user must follow the agreement to a fine detail less they wish to be struck with a copyright claim and violate ethics of coding in the process. To follow a licensing agreement means to follow not only that agreement but the ethics of coding along with it, to ensure you are properly following the moral code that comes with such agreements. The ACM (Association of Computing Machinery) and the IEEE (Institute of Electrical and Electronics Engineers) both have their own code of ethics that provide a good moral philosophy when reusing code. The ACM states in section 4.1 that “computing professionals should adhere to the principles of the Code and contribute to improving them. Computing professionals who recognize breaches of the Code should take actions to resolve the ethical issues they recognize, including, when reasonable, expressing their concern to the person or persons thought to be violating the Code (“ACM Code of Ethics and Professional Conduct”, 2018) and the IEEE in similar states in section one that “to uphold the highest standards of integrity, responsible behavior, and ethical conduct in professional activities (“7.8 IEEE Code of Ethics”, 2020) is amongst the most important thing to uphold with code. Both companies in short basically state that upholding a moral code when it comes to following proper code etiquette and maintaining a sense of respect and responsibility in terms of following the copyright laws, licensing agreements, and moral etiquettes that have been established. This also means having fair standards when it comes to the fair use of code. This can be mainly seen in licensing agreements as picking a proper one would become rather important should it allow the public to use such a code. In terms of a fair one, I believe the MIT License is the best standard one to use. It is a “short and simple permissive license with conditions only requiring preservation of copyright and license notices. Licensed works, modifications, and larger works may be

distributed under different terms and without source code (“MIT License”, n.d.) which I believe to be good for usage of a licensing agreement. It should be short and thorough, which I think is important for anything, as not every code needs to be bogged down with needless restrictions or allowed the entire farm to the 3<sup>rd</sup> party users looking to use the code. Now of course, I am of the belief that another licensing agreement can be used should needed, though in all reality something like the MIT License is all that is needed for most run of the mill code.

As a programmer that uses code from the web though, it is proper to do two things. A programmer should follow proper ethics and licensing agreement as mentioned before, and properly credit the original creators of a code should you use it. This goes for all the circumstances of using code be it commercial, school, or personal projects. In the ACM code of ethics “values of equality, tolerance, respect for others, and justice (“ACM Code of Ethics and Professional Conduct”, 2018)” are stressed under the section of being fair and not discriminating. This applies to the work too, that is borrowing code, as no matter what the project would be, it must follow a code of conduct when it is being created. It is good practice and great morality to do such things and can promote good faith in the community if done. If not, the choice to not follow such codes can result in a society of distrust and great uprising in anger towards uncredited work which eventually would lead to much legal ramification occurring. This becomes dangerous in a wide aspect as even the faintest idea of people stealing code, even if they are not, becomes a large issue where in which no one trusts anyone, breaking any all-potential bonds in the coding world.

In short, there needs to be a good knowledge of copyright laws, licensing agreements, and how to properly follow and maintain ethics and their standards should one which to be using code in the programming world. Even as a good Christian or not, there should be no stealing of code in the programming workforce, it violates so much trust and ethics that it should not even be

thinkable really without including proper credit. While I believe fair use of code should be promoted and allowed, we need to consider when this fair use begins to cross the line of stealing and violation of proper ethics.

## References

7.8 *IEEE code of Ethics*. IEEE. (2020, June). <https://www.ieee.org/about/corporate/governance/p7-8.html>

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