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Ethics Paper

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The Ethics of Using Others' Code

When we think of copyright law, we normally think of things like movies and music. With the rise in the use of YouTube, creators have to be incredibly careful what music or clips they add to their videos. Before it was okay to add these things as long as you added credit for the content in the description, but now you can hardly use anything at all that is protected from copyright. The same can be said with proprietary software. How the operating systems of Apple and Microsoft products are built is not widely accessible to people like you and me. That is why reverse engineering is so important in computer science. A security researcher just needs to be careful on what systems they work on and determine whether the company that owns the software has an appropriate bug bounty program that gives them the right to break down the software. Because if they do so without permission, they could be liable for damages.

So, what is copyright pertaining to computer software? According to the United States government software is protected as a literary work under 17 USC § 103(a). Under this law copyright protections automatically attach to the work as soon as it is "in a tangible medium" (Fair Use Stanford). This law only protects you so far. You also need to register your code with a small fee and even then, it is your job to pursue any legal action that must be taken against anyone using your code without permission. But say you actually want other people to use your code. There are other options like Fair Source and Open Source licensing that you can add to your code.

In short, a Fair Source License "…Allows everyone to see the source code and makes the software free to use for a limited number of users in your organization. It offers some of the benefits of open source while preserving the ability to charge for the software" (TechRepublic). The author of the article does not look at Fair Source with kind eyes, and I have to agree with them here as well. Fair Source licensing came after the boom of open source, and it seems to be hindering on the application of using open source licensing. When you are using a Fair Source license you basically have an open source project until the owner decides they no longer want to keep the project open source and begins charging money for others to either use or edit the software. To me this is wrong and is going in the

wrong direction when it comes to open source licensing. "Fair Source is an attempt to resurrect yesterday's software licensing model in a world that has gone open source and cloud" (TechRepublic).

So, if Open Source is the best bet when it comes to licensing your own software, how do you know which one to choose? There are many different licenses to choose from that each do a little bit different things and have variations in protections. One of the most popular options is GNU's General Public License (WhiteSource). A GPL open source license is technically a "copyleft license" and means that any software that is written based on any other GPL work must be released as open source. Another is The Apache License. It protects the author of the code while also allowing users to freely use, modify, and distribute any Apache Licensed product as long as the guidelines are followed (WhiteSource). Even Microsoft has an open source license called the Microsoft Public License. It states that you are free to use and distribute original works of any software licensed under the Ms-PL, but you cannot use logos, or other trademarks. There is another extremely popular license from Berkeley Software Distribution called the BSD License. It allows you to freely modify and distribute code as long as you retain a copy of the copyright notice, list of conditions, and any disclaimer that may be present (WhiteSource).

As an everyday normal person who likes to delve into the world of software development every once in a while, I would choose to license my software under the GNU GPL because under the license your software is ultimately free to use and modify by anyone. Anything that I would be creating would be for the betterment of humanity and society as is written in the code of ethics by the ACM (ACM). It also protects my base code from restrictive redistribution by other parties that may have made changes to my code in order to sell it. Instead of making money off of my initial work, they must also give it away for free. When it comes to the morality of using another's work, I don't see any issue using someone else's code that is under an open source license as long as I give credit to the initial code in my own code and distribution of that code. I even do this in my personal GitHub account. If the author of the software decided to put their code under an open source license, then they most certainly are wanting others to contribute to its growth.

Works Cited:

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