

Micah Stargel

Mr. Michael O'Neill

Survey of Scripting Languages

18 February 2021

Ethics in Copyrights, Free Use, and License Terms and Agreements

The definition given by The University of Alabama Libraries in respect to what a copyright can be applied in the realm of computer science says, “In the US, Computer programs are considered to be literary works (Apple v Franklin), 17 U.S.C. § 101. Copyright law protects not only the ‘literal elements’ of the computer, but extends also to the ‘non-literal’ elements such as code sequence, usage of control structures, and unique or inventive methods of applying normally utilitarian methods, objects, functions, variable or proprietary aspects of a given OS environment or computer language as an expression of the programmer’s original ideas.” (Admin par. 2). The statement above indicates in addition to the physical computer, computer programs or sections of code are entities that can be copywritten. The formal definition as given by the U.S. Copyright Office states that, “Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following: reproduce the work in copies or phonorecords, prepare derivative works based upon the work, distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending, perform the work publicly, in the case of literary,

musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audio-visual works, display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, perform the work publicly by means of a digital audio transmission.” (Interlibrary Services par. 1). Section 106 of the Copyright Act defines the specifics of what is prohibited when using material on which someone else has placed a copyright and Section 501 explains the punishments due to copyright infringement. To summarize, the creator of a work has the right to monitor, regulate, and give editing access to the product. However, Kenton clarifies, “This means that the original creators of products and anyone they give authorization to are the only ones with the exclusive right to reproduce the work.” (Kenton par. 1). Copyrights also entail that if someone copies the work and does not correctly attribute the content used to the original author, the one that copied will be guilty of copyright infringement.

The ACM Code of Ethics summarizes the attitude one should have toward license agreements by saying, “Computing professionals should therefore credit the creators of ideas, inventions, work, and artifacts, and respect copyrights, patents, trade secrets, license agreements, and other methods of protecting authors' works.” (ACM Section 1.5). When one is choosing a license agreement, circumstances do determine what kind is appropriate, and depending on that situation, one or more license could be appropriate. Patents usually are used for scientific or technological advancements or inventions. Commercials, logos, or slogans typically require a trademark license. Copyrights, as discussed in the first paragraph, cover literature, paintings/visual art, movies, or songs. Trade secrets, unlike the previous licenses that are best registered with the federal government, are protected only through secrecy like the formula for

Coca-Cola. The license agreement that is most applicable to programs would be a copyright as it is more similar to a work of literature, which is explained in the definition from the Alabama Library about what is covered by copyrights in regard to computer science. However, if one is making a website or application that would include sounds, logos, slogans, and other aspects of those works in addition to the programming would require different combinations of license agreements.

As a programmer, one is held to the ACM Code of Ethics. In relation to copying and reusing code from the internet for a class, a job, or monetary endeavors, one must not claim that code as your own. The apostle Paul very clearly makes this same point in the book of Romans, "Give everyone what you owe them. If you owe them any kind of tax, then pay it. Show respect to those you should respect. And show honor to those you should honor." (*The Bible*, Rom. 13:7). In addition to the fact that one should not steal someone else's work, it is the responsibility of the one reusing the code to not use the code to inflict harm. The ACM Code of Ethics defines harm as, "negative consequences, especially when those consequences are significant and unjust. Examples of harm include unjustified physical or mental injury, unjustified destruction or disclosure of information, and unjustified damage to property, reputation, and the environment. This list is not exhaustive." (ACM Section 1.2). If one is reusing code or setting license on a work, he/she should try to set guidelines in place that would help ensure that no one could use their code in an adverse way. As someone that is copying code, one should be wary of this and be intentional about only using someone else's code or work for good. Biblically speaking, the verse that can summarize our duty is found in 1 Corinthians 10:31, which says, "So, whether you eat or drink, or whatever you do, do all to the glory of God." (1 Cor. 10:31).

Works Cited:

The Bible. English Standard Version. Crossway. 2001

Business Law. “Types of Licensing Agreements”. *Brewer Long*. Jurisdigital.

<https://brewerlong.com/information/types-of-licensing-agreements/>. 18 Feb 21

“Copyright and Fair Use”. *Dr. Martin Luther King, Jr. Library*. San Jose State University.

<https://libguides.sjsu.edu/c.php?g=230255&p=5093204>. 18 Feb 21

Admin. “Fair Use and Computer Software”. *University of Alabama Universities Libraries*.

Federal Depository Library Program, Hathi Trust Digital Library.

<https://apps.lib.ua.edu/blogs/webservices/2016/02/22/fair-use-and-computer-software/>.

18 Feb 21

Kenton, Will. “Copyright”. Investopedia. <https://www.investopedia.com/terms/c/copyright.asp>.

18 Feb 21