

GitHub Copilot Is 'Unacceptable And Unjust' Says Free Software Foundation

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GitHub Copilot, a Visual Studio Code extension that utilizes artificial intelligence to assist developers to write code, has brought the ire of the Free Software Foundation (FSF). Free Software Foundation is calling for white papers that address legal and philosophical questions fostered by the technology.

The non-profit supporter of software freedom has raised questions about the fairness, legitimacy, and legality of GitHub's AI-driven coding assistant.



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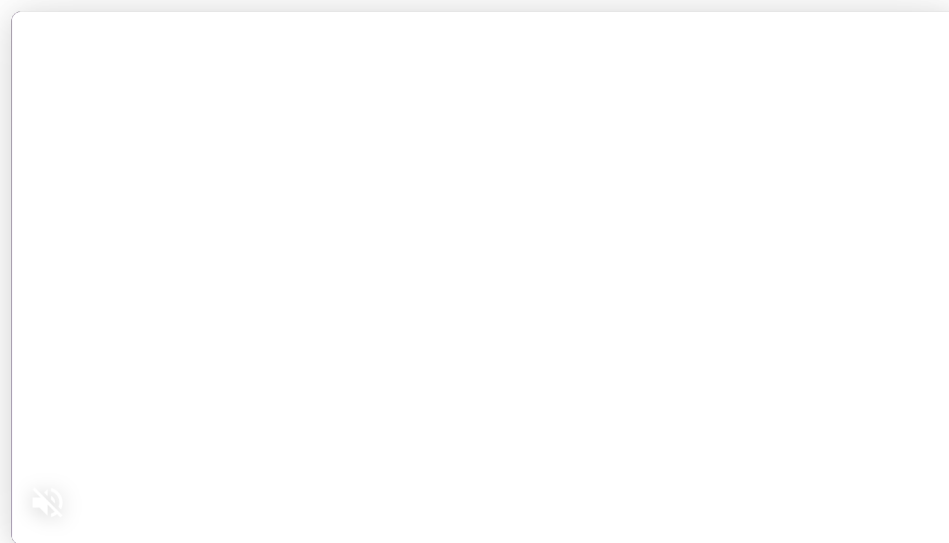
GitHub Copilot is “unacceptable and unjust, from our perspective,” **the FSF addressed in a blog post** asking for white papers on the implications of Copilot for the free software community. The idea is that Copilot needs running software that is not free, such as Microsoft's Visual Studio IDE or Visual Studio Code editor. The FSF contents and constitutes a **“service as a software substitute”** indicating that it's a way to obtain power over other people's computing.

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Developed by GitHub in collaboration with OpenAI, Copilot is a Visual Studio Code extension that uses machine learning trained on freely licensed open-source software to suggest lines of code or functions to developers as they write software. Copilot is currently available in a limited technical preview.

The Free Software Foundation (FSF) **urges free software developers not to host their code on GitHub**, many do, and even many who don't have their work mirrored there by others.

The Free Software Foundation said that there are legal questions concerning Copilot that may not have been previously tested in court. Thus, the organization is funding a call for white papers to examine both legal and ethical issues surrounding Copilot, copyright, machine learning, and free software. The FSF said that Copilot's use of freely licensed software has many implications for the free software community and that it has got many questions regarding its stand on these questions.

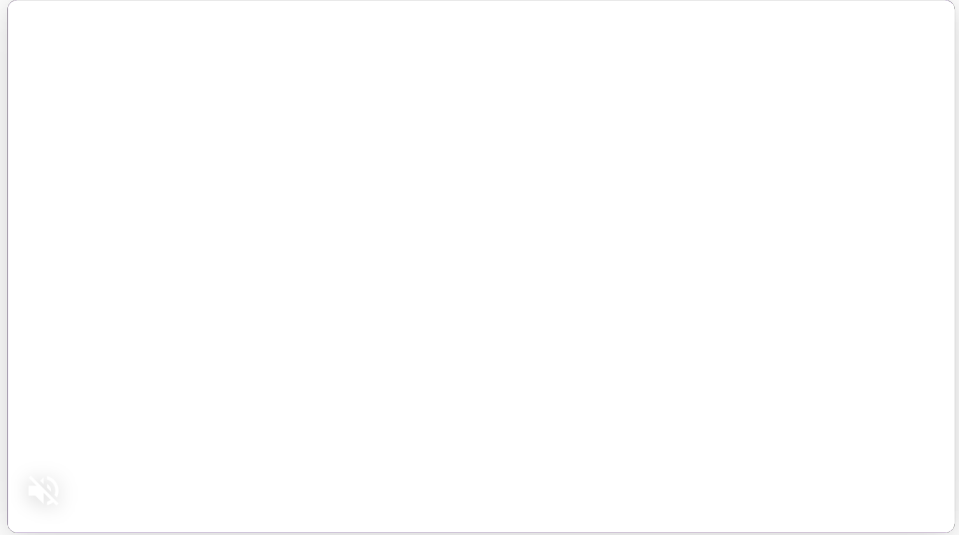


“Developers want to know if training a neural network on their software can be considered fair use. Others who might want to use Copilot wonder if the code snippets and other elements copied from GitHub-hosted repositories could result in copyright infringement. And even if everything might be legally copacetic, activists wonder if there isn’t something fundamentally unfair about a proprietary software company building a service off their work,” the FSF wrote.

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The Free Software Foundation cited the following questions as being of interest:

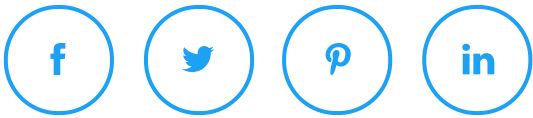
1. Is Copilot's training on public repositories infringing copyright? Is it fair use?
2. How likely is the output of Copilot to generate actionable claims of violations on GPL-licensed works?
3. How can developers ensure that any code to which they hold the copyright is protected against violations generated by Copilot?
4. Is there a way for developers using Copilot to comply with free software licenses like the GPL?
5. If Copilot learns from AGPL-covered code, is Copilot infringing the AGPL?
6. If Copilot generates code which does give rise to a violation of a free software licensed work, how can this violation be discovered by the copyright holder on the underlying work?
7. Is a trained artificial intelligence (AI) / machine learning (ML) model resulting from machine learning a compiled version of the training data, or is it something else, like source code that users can modify by doing further training?
8. Is the Copilot trained AI/ML model copyrighted? If so, who holds that copyright?
9. Should ethical advocacy organizations like the FSF argue for change in copyright law relevant to these questions?



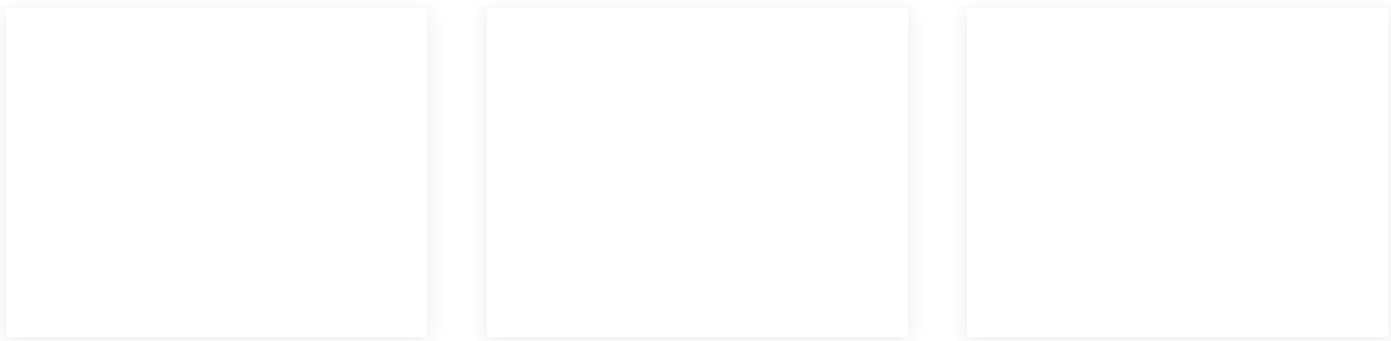
GitHub, replying to the FSF protest, showed a willingness to be open about any issues. “This is a new space, and we are keen to engage in a discussion with developers on these topics and lead the industry in setting appropriate standards for training AI models,” GitHub said.

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