Trevor Abel

Dr. Valerie Sessions

CSCI 301

16 October 2019

<p style="text-align:center">Fair Use with Source Code from GitHub, Stack Overflow, and Other Sites</p>

In the expanse that the internet is we have access to many resources when getting stuck on assignments for any class like CheggStudy. While for coding we have GitHub, Stack Overflow, SourceForge, and many others. Our world today has many more tools for assistance than just a few years ago with communities of people willing to provide assistance to those who have questions and are learning new coding languages. However, what happens when someone helps and someone else copies that code for their own personal use or gain what are the legal and ethical responsibilities of those who just copy for their own gain.

According to the ACM Code of Ethics Section 1.5 "A computing professional should respect the work required to produce new ideas, inventions, creative works, and computing artifacts." (ACM). Also in Section 2.2 "A computing professional should maintain high standards of professional competence, conduct, and ethical practice" (ACM). These two codes apply to fair use and copyright because they state that a professional should be coming up with their own work and not relying on taking code from others to complete it. Also, in the IEEE Code of Ethics Section 7.8.7 "to seek, accept, and offer honest criticism of technical work, to acknowledge and correct errors, and to credit properly the contributions of others;" (IEEE). This also outlines the importance of giving credit because it is unethical to just take code from someone who has worked hard to get to completing the code that someone would take without giving credit to. Legally a copyright of software prevents people from copying it without using it

at all whether using it for personal use or monetary gain (UpCounsel). This gives access for specific reasons however, it limits all other uses while a person or company holds the copyright to the code or software. This gives the person or company the legal rights to pursue anyone who uses the code or software without permission and take monetary gains and more from those who used the code. The Copyright Act of 1976 gives two exclusions from copyright protection that are educational use or nonprofit purposes these two categories are cleared legally to use the copyrighted code or software (UpCounsel).

The obligations as a programmer are not blurry because as a self-respecting programmer one should have the drive to create their own code not take from others. In the event that code is borrowed it should be properly sourced for credit to who wrote it as well as making sure it is alright to use the code. Ethically everyone as professionals should strive for transparency in "doing the right thing when no one is watching" because it speaks of your character and your ability to handle responsibilities (Gentile). This is important because having this foundation in your character will help carry you in your professional life because people will know you have such a high standard that you hold yourself too.

I would choose a permissive or apache style license agreement because if I am designing code it should have a core set of functions that should remain untouched for functionality. Since permissive is "they contain minimal requirements about how software can be modified or redistributed" (Synopsys Editorial Team). This is the most common type of license for open source code so I think that this would be most beneficial for development of additional features from outside sources. This would allow standard modification like on most GitHub repositories and would promote advancement on my projects.

Works Cited

ACM. *ACM Code of Ethics and Professional Conduct*. 22 June 2018. 16 October 2019.

Gentile, Brian. *Transparency, participation, and collaboration: The distinguishing principles of open source*. 30 September 2010. 16 October 2019.

IEEE. *IEEE - IEEE Code of Ethics*. n.d. 16 October 2019.

Synopsys Editorial Team. *5 types of software licenses you need to understand*. 7 October 2016. 16 October 2019.

UpCounsel. *Software Patent or Copyright: Everthing You Need to Know*. n.d. 16 October 2019.