GitHub Copilot Product Specific Terms

Your agreement consists of these Product Specific Terms for GitHub Copilot, combined with your main agreement with us – the GitHub Customer Agreement's General Terms, the GitHub Corporate Terms of Service or similar legacy agreement, or a Microsoft volume licensing agreement. This combined document is the "Agreement."

By using GitHub Copilot, you agree to the General Terms unless you and GitHub have another Agreement in place, and you agree to the Data Protection Agreement unless your Agreement with GitHub includes a different data protection agreement.

These terms may only be modified in a written document signed by you and GitHub. Capitalized terms not defined here have their respective meanings given in the Agreement.

1.   **Using GitHub Copilot.**

To use GitHub Copilot, you need to install an extension to an integrated development environment (IDE) or editor. Your Code is not Content under the Agreement until you upload it to GitHub.com.

2.   **Ownership of Suggestions and Your Code.**

GitHub does not claim any ownership rights in Suggestions. You retain ownership of Your Code.

3.   **Responsibility for Your Code.**

You retain all responsibility for Your Code, including Suggestions you include in Your Code or reference to develop Your Code. It is entirely your decision whether to use Suggestions generated by GitHub Copilot. If you use Suggestions, GitHub strongly recommends that you have reasonable policies and practices in place designed to prevent the use of a Suggestion in a way that may violate the rights of others. This includes, but is not limited to, using all filtering features available in GitHub Copilot.

4.   **Defense of Third Party Claims.**

Notwithstanding any other language in your Agreement, GitHub will defend you against any claim by an unaffiliated third-party that your use of GitHub Copilot misappropriated a trade secret or directly infringes a patent, copyright, trademark, or other intellectual property right of a third party, up to the greater of $500,000.00 USD or the total amount paid to GitHub for the use of GitHub Copilot during the 12 months preceding the claim. GitHub's defense obligations do not apply if *(i)* the claim is based on Code that differs from a Suggestion provided by GitHub Copilot, *(ii)* you fail to follow reasonable software development review practices designed to prevent the intentional or inadvertent use of Code in a way that may violate the intellectual property or other rights of a third party, or *(iii)* you have not enabled all filtering features available in GitHub Copilot.

5.   **Acceptable Use.**

Your use of GitHub Copilot is subject to the Acceptable Use Policies. For example, you may not prompt GitHub Copilot with content that is unlawful or otherwise prohibited by the Acceptable Use Policies, and you may not use GitHub Copilot to generate Suggestions whose use you know (or reasonably should know) would be unlawful or would infringe on the rights of others.

6. Data.

GitHub Copilot transmits snippets of Your Code from your IDE to GitHub to provide Suggestions to you. Code snippets data is only transmitted in real-time to return Suggestions, and is discarded once a Suggestion is returned. More detailed information on how data is processed by GitHub Copilot is in the GitHub Copilot Privacy Statement available at docs.github.com/site-policy/privacy-policies.

7. Definitions.

"Acceptable Use Policies" means the GitHub Acceptable Use Policies available at github.com/site-policy.

"Code" and "Your Code" means the code you write while using the GitHub Copilot extension in an IDE or editor, including your modifications to a Suggestion.

"Content" means text, data, software, images, and any other materials that are displayed or otherwise made available through the Online Services.

"Data Protection Agreement" means the GitHub Data Protection Agreement available at github.com/customer-terms.

"General Terms" means the GitHub Customer Agreement's General Terms or Microsoft equivalent, such as the Microsoft Enterprise Agreement.

"Suggestions" means the code, functions, and other output returned to you by GitHub Copilot.