



# 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, or 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 your code 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.**

If your Agreement provides for the defense of third party claims, that provision will apply to your use of GitHub Copilot, including to the Suggestions you receive. Notwithstanding any other language in your Agreement, any GitHub defense obligations related to your use of GitHub Copilot do not apply if you have not set the Duplicate Detection filtering feature available in GitHub Copilot to its “Block” setting. You can learn how to enable the Duplicate Detection filter at [gh.io/cfb-dd](https://gh.io/cfb-dd).

## **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 sends an encrypted Prompt from your code editor to GitHub to provide Suggestions to you. Prompts are transmitted only to generate Suggestions in real-time and are deleted once Suggestions are generated. Prompts are not used for any other purpose, including the training of language models. Prompts are encrypted during transit and are not stored at rest. If you have instructed GitHub otherwise, through purchasing or opting in to optional features or products that use alternative data processing such as custom private language models, those instructions will apply with respect to your use of those optional features or products. More detailed information on how data is processed by GitHub Copilot is in the GitHub Privacy Statement available at [gh.io/privacy](https://gh.io/privacy).



## **7. Definitions.**

“Acceptable Use Policies” means the GitHub Acceptable Use Policies available at [gh.io/aup](https://gh.io/aup).

“Code” and “Your Code” means the code you write while using the GitHub Copilot extension in a code 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 [gh.io/dpa](https://gh.io/dpa).

“General Terms” means the GitHub Customer Agreement’s General Terms or Microsoft equivalent, such as the Microsoft Business & Services Agreement.

“Prompt” means the collection of code and supporting contextual information that the GitHub Copilot extension sends to GitHub to generate Suggestions.

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