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The Hidden Barrier: Copyright Literacy, Rights Transfer and Open Access Practices among Indian Researchers

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This study examines the relationship between copyright law and Open Access (OA) in Indian academia, focusing on researchers' awareness of copyright provisions, open licensing, and rights transfer agreements. The research employed an online survey with 60 PhD and postdoctoral students, as well as faculty interviews, at an Institute of National Importance in Eastern India. While the Indian Copyright Act, 1957, initially grants authors ownership of their works, publishing contracts often transfer economic rights to publishers. The study reveals that 70.15% of researchers were unable to distinguish between moral and economic rights, while 73.13% were unaware of fair dealing provisions. Additionally, 70.1% prioritised journal impact factor over open access policies while selecting publication venues. These trends suggest the over-dependence on prestige metrics and uneven institutional support for rights retention. The study recommends the adoption of rights retention strategies for publicly funded research and copyright and OA training for researchers.

Keywords: Copyrights; Moral Rights, Economic Rights, Open Access, Journal Impact Factor

1 Introduction

The issue of access to academic research in India is linked to awareness and understanding related to copyright and OA policies amongst researchers and stakeholders. Awareness of these aspects is particularly low in India. Section 52 of the Indian Copyright Act provides some exceptions for education and research, but its scope is unclear and narrow. Academic authors rarely understand the fair dealing provisions and moral rights offered by section 52(1) a and section 57 of the Indian Copyright Act, respectively. Landmark cases such as Rameshwari Photography and the Sci-Hub litigation reveal this tension between the enforcement of copyright and the right to knowledge[1,2]. Section 17 of the Indian Copyright Act, 1957, recognises authors as the initial owners of copyright in their literary works. Yet, publishing agreements generally necessitate authors to assign these rights to commercial publishers, which restricts their ability to publicise their own work. As a result, research that is frequently supported by public funds and produced and reviewed without direct financial compensation to academics often remains inaccessible behind subscription paywalls imposed by a limited number of multinational publishers. The OA movement emerged as a counterpoint to these structural constraints, advocating that research outputs should be "digital, online, free of charge, and free of most copyright and licensing restrictions"[3]. At the global level, several funder-driven initiatives, such as the U.S. NIH Public Access Policy and the European Plan S, have introduced rights-retention models, ensuring that authors can deposit their work in open repositories notwithstanding publisher contracts[4,5]. Some European jurisdictions, including Germany and Italy, have introduced a statutory "second publication right" for authors[6]. India has also introduced initiatives such as Shodhganga and the proposed One Nation, One Subscription model to widen access. Yet India's OA output remains 24% below the global

average of 30%, and is primarily operated through article processing charges that shift the financial burden onto authors [7]. Although legal and policy frameworks outline the conflict, existing literature identifies a significant gap in understanding the roles and influence of academic stakeholders. The misalignment between legislative intent and researcher practices is indicated by the ongoing transfer of rights from authors to publishers. Publishers' dominance is perpetuated by insufficient awareness of copyright law and its implications among researchers, which further limits the dissemination of academic knowledge. OA is generally categorised into Gold, Green, and Diamond models, where Gold open access makes articles freely available upon publication, often supported by an author-paid Article Processing Charge (APC). Green OA allows authors to self-archive a version in repositories. Diamond OA, as emphasised in this paper, provides free access to readers, imposes no publication charges on authors, and helps authors retain copyright to their works through different licensing agreements[8,9,10]. In response to these structural issues, this study seeks to understand researchers' understanding of the Copyright Law and the fair dealing provisions, as well as various publication practices that discriminate against developing countries and early-career researchers. This study formulates the following research questions:

2 Research Questions

- How does the Indian Copyright Act (especially Sections 14, 57, 17, 52) facilitate or hinder academic freedom and OA dissemination?
- What level of awareness exists among Indian academics regarding copyright ownership, licensing, and institutional IP policies?
- How do major journals with high Journal Impact Factor (JIF) and cite scores monopolise the publishing business to strengthen their profit margin and create a hindrance to creativity and innovation?
- To what extent does the dominance of paywalled journals deepen inequalities between developed and developing countries?

3 Review of the Literature

Suber has been one of the most influential voices in defining the modern philosophy of OA. He strongly advocates OA; he argues that scholars do not publish work for money but for recognition and career advancement. He has argued that Universities pay salaries and that funding agencies award grants to advance research and to serve a range of public interests. They don't do it to earn profits from the results. They are all nonprofit. He also discussed how access gaps are worse at other affluent institutions and, worse still, in the developing world[10].

Shavell has explored whether copyright in academic works should be abolished from an economic perspective. He has argued that academics are mainly motivated by recognition and impact, not financial gain. Because of this, copyright offers little extra incentive and instead can limit the spread of information. Shavell suggests that removing copyright on scholarly works could improve social welfare by making research more widely available, while still allowing authors to gain prestige. His work questions the common belief that copyright always benefits creators and points out that academic rewards are usually not financial [11].

Mueller-Langer and Watt have built upon Shavell's thesis. They have considered academic publishing as a two-sided market, a system in which journals serve authors and readers while balancing quality, price, and profit. They demonstrate how publishers exploit market inefficiencies. They conclude that to attain socially efficient levels of access, the best course of action is either to control monopolistic pricing or to subsidise publication costs. Thus, their work establishes the economic foundation for perceiving OA as a movement that is both moral and market-corrective[12].

Nazim et al. have examined more than 20 OA trends in India. According to their research, India's OA publication rate (23%) is still lower than the global average of 30%, despite being one of the top 15 countries for OA journals. The study cites the lack of a national OA policy, insufficient funding for APCs, and scholars' ignorance of their self-archiving rights as reasons for this lag. They also highlight regional differences: smaller universities remain underrepresented in OA output, while major institutions such as IITs and IISc dominate it. The authors conclude that policy and copyright awareness must advance in tandem for OA to succeed in India.[13].

Larivière and Sugimoto conducted a thorough analysis of the JIF, describing its development, its mathematical drawbacks, and its detrimental systemic impacts. They have revealed the disciplinary biases that favour the natural sciences over the humanities,

as well as the asymmetry: citations to non-citable items inflate impact scores. According to them, JIF has evolved from a bibliometric tool into a status symbol that encourages citation manipulation and unhealthy competition. They call for responsible metrics that assess research contextually rather than using one-dimensional numbers. They suggest that JIF-centred evaluation deters academics from publishing in open venues.[14]

Mongeon and Paul-Hus conducted empirical research to show that Western and English-language journals. The social sciences and the arts are consistently underrepresented in comparison to the natural and biomedical sciences, according to their analysis of 63,000 active journals. They contend that this disparity marginalises non-Western scholarship and distorts the global map of academic visibility.[15].

According to Willie, citation cartels are collusive networks of authors and journals that manipulate citation counts to inflate perceived scholarly impact and are becoming increasingly prevalent. He did a quantitative analysis of citation patterns to show how a small group of authors often manipulate citation exchanges to make the metrics favourable. He suggests that there should be more rigorous editorial oversight accompanied by algorithmic detection tools. His study hints towards unequal research practices and an obsession with metrics [16].

Zhang et al. talk about yet another related phenomenon, 'the publication monopoly', in which a small number of "monopoly authors" control the majority of journal outputs. using extensive data from the Open Academic Graph, they create metrics, such as the Monopoly Index (MI), to measure author concentration and its effects on diversity and innovation. Their study suggests that lower participation among early-career researchers and thematic stagnation are correlated with higher MI scores.[17].

Moed has come up with the Metric Tide Report to critique the "tyranny of metrics" in academia. Their report suggests how reliance upon factors such as citation count and impact factors has distorted research behaviour, pushing scholars toward high-impact closed journals for career advancement. The report recommends responsible metrics, contextualised, pluralistic evaluation frameworks that align with OA principles. Emphasis was placed on reforming the evaluation culture, which is essential for sustaining OA, as scholars' publishing choices are shaped by what institutions reward. In this sense, copyright awareness, OA adoption, and evaluation reform are inseparable components of academic integrity[18].

Savitha and Krishnamurthy conducted an empirical study at Karnatak University, Dharwad, which revealed that the understanding of infringement and fair use remains inconsistent. Their study suggested a limited understanding of copyright provisions, which contributes to digital piracy, unapproved sharing of content and photocopying. The findings conclude that it's mostly ignorance rather than malicious practices, and that it's essential to have proper training and workshops on copyright provisions[19].

4 Methodology

For this research, a mixed-methods approach was used that combined textual analysis with a quantitative survey and semi-structured interviews (Supplementary Table 1). The aim was to understand awareness among early-career researchers, Doctoral and Postdoctoral students, and a few faculty members regarding copyright and OA, and to compare their responses with existing frameworks.

i. Sampling

For this research, we surveyed 60+ students from an Institute of National Importance (INI) in India's eastern region, with a legacy of nearly a century. The target population was PhD and Postdoctoral students from 17 departments to obtain more comprehensive data. Interviews with 6-7 professors have been conducted to gain diverse perspectives. The purposive sampling method was used to ensure equal representation. The purpose of this research was to analyse and assess awareness of copyright and OA amongst early-career researchers. The questionnaire was circulated through email. Questions were mostly closed-ended and designed to gauge understanding.

ii. Data Collection

1. Textual/Document Analysis: Existing literature on policies, copyright law provisions, and OA was analysed.
2. Semi-Structured Interviews - Semi-Structured Interviews were conducted with faculty members to explore their awareness, practices, and attitudes toward copyright and OA.

iii. Data Analysis

The existing literature was analysed interviews were conducted with faculty members to identify gaps between the literature and faculty members' awareness

iv. Ethical Considerations

Participants were informed about the purpose and scope of the research. Anonymity and confidentiality were maintained, and participants were given pseudonyms when reporting results. Interviews were audio-recorded with participants' permission.

5 Results

Data in Table 1 demonstrates the structural reliance of Indian academicians on prestige metrics, supporting the study's premise that these metrics shape publication choices. The primary finding is that 70.1% of respondents prioritise Journal Impact Factor (JIF) or journal prestige when selecting a journal, while only 29.9% prioritise OA status. This disparity establishes that career incentives related to promotions, funding, and international recognition outweigh ethical or legal considerations in favour of the open dissemination of publicly funded research. This thus justifies the fact that a few publishers monopolise the publishing market. Additionally, 64.2% of scholars publish more in international journals than in Indian publications. This high percentage of submissions in foreign journals suggests a reliance on international evaluation systems, which takes away the copyright of the author. Evidence implies that researchers forego potential rights retention out of a need for recognition, which feeds the cycle of limited access that open access aims to break. Thus, Table 1 serves as the theoretical foundation for the criticism of the knowledge gap in publishing behaviour.

Key evidence to the 'hidden barrier' concept is included in Table 2, which shows that many Indian researchers are confused about copyright law. They may sign publishing contracts without fully understanding the rights they own and transfer, as more than half do not understand the distinction between moral and economic rights. The fact that 73.13% of people are not aware of the Fair Dealing laws (Sec. 52) that facilitate research access worsens this issue. The process of intellectual dialogue is hampered by the common misunderstanding regarding authorship and ownership. It contradicts the Indian Copyright Act of 1957's protective intent by granting publishers exclusive rights.

Table 3 shows an obvious gap between researchers' actual use of their rights and their understanding of rights management. The licenses, as well as conditions that provide publishers with commercial control over their work, are typically unknown to researchers when they sign a copyright transfer agreement. While Creative Commons licenses are designed to assist authors in maintaining their rights, few have used them; this does not equate to complete control or confidence. Very few authors feel they have the right to share or reuse their own work. Nearly 38% feel they do not retain sufficient rights, and another 50% are unsure about their rights. This suggests that the authors do not have the practical skills needed to protect their intellectual property rights. Hence, publisher contracts often take priority, limiting the open sharing of publicly funded research[20].

Across all categories (Table 4), the majority of researchers fall into the "unaware" bracket. The data shows a foundational failure in legal literacy (50.7% unaware of moral/economic rights), which feeds into a critical failure of practical knowledge: nearly four-fifths of researchers (77.6%) do not know which OA model they are using, and 79.1% are unaware of the

Table 1 — Background and Publishing Preferences

Question/Category	Response (N)	Percentage (%)
Journal Selection Focus:		
Impact Factor (JIF)/Prestige	47	70.10%
OA Status	20	29.90%
Primary Publishing Location:		
International Journals	43	64.20%
Indian Journals	16	23.90%
Not Yet/NA	11	16.40%

Table 2 — Awareness of Copyright Law

Question/Category	Response	Count (N)	Percentage (%)
Aware of Moral Rights vs. Economic Rights?	Aware	20	29.85%
	Not Aware	47	70.15%
Familiar with the Indian Copyright Act fair dealing (Section 52)?	Aware	18	26.87%
	Not Aware	49	73.13%
Do you know who owns the copyright after you publish?			
	Publisher	28	41.80%
	Author	22	32.80%
	Institute / No Idea	17	25.40%

Table 3 — Experience with Copyright Transfer & Licensing

Question/Category	Response	Count (N)	Percentage (%)
Have you ever signed a Copyright Transfer Agreement (CTA)?	Signed	23	34.33%
	Not Signed	44	65.67%
Have you come across or used Creative Commons (CC) licenses?	Yes (Come Across/Used)	17	25.37%
	No	50	74.63%
Do you feel you retain sufficient rights to share or reuse your own publications?	Yes (Retain adequate rights)	7	10.40%
	No (Do not retain sufficient rights)	26	38.80%
	Not Sure	34	50.70%

Table 4 — OA Publishing

Deficit Area	Key Finding	Count (N)	Percentage (%)
1. Model Clarity Deficit	Researchers who have "No Idea" which OA model (Gold/Green/Diamond) they used.	52	77.60%
2. Policy Awareness Deficit	Researchers Unaware of National/Global OA Mandates (Plan S, DST/CSIR/UGC).	53	79.10%
3. Institutional Support Deficit	The institution has No Repository, or the Researcher is Unaware of it.	42	62.70%

Table 5 — Barriers and Perceptions

Barrier Category/Negative Outcome	Specific Finding	Count (N)	Percentage (%)
I. Primary Practical Barrier	Researchers cite Quality/Prestige Concerns preventing OA publishing.	38	56.70%
II. Perceived Legal Failure	Researchers who believe the current copyright law does NOT sufficiently support OA.	39	58.20%
III. Direct Consequence	Researchers who have faced situations where they could NOT share their own work due to copyright restrictions.	17	25.40%

Fig. 1 — Reforms they would like to see in Indian copyright law to encourage OA.

national and global policies designed to protect their rights. The lack of information remains a major concern, as 62.7% of the participants lack access to or knowledge of an institutional repository. This suggests that the academic community lacks knowledge related to OA practices, which favours the publishers to get academicians to sign on their terms.

The primary challenge to OA publishing in Indian academia is structural, not financial (Table 5). Many researchers feel pressure to publish in high-impact-factor journals, and 56.7% say concerns about quality and prestige are the most significant reasons they avoid OA options. As a result, they often have to sign Copyright Transfer Agreements, which can prevent them from sharing their own work. In fact, 25.4% of respondents have experienced this problem firsthand. Many also feel that current copyright laws do not adequately support OA, with 58.2% expressing this view. Overall, the desire for prestige makes it easier for publishers to limit researchers' rights and restrict public access to publicly funded research.

Figure 1 summarises scholars' responses on the reforms they would like to see in Indian copyright law to encourage OA.

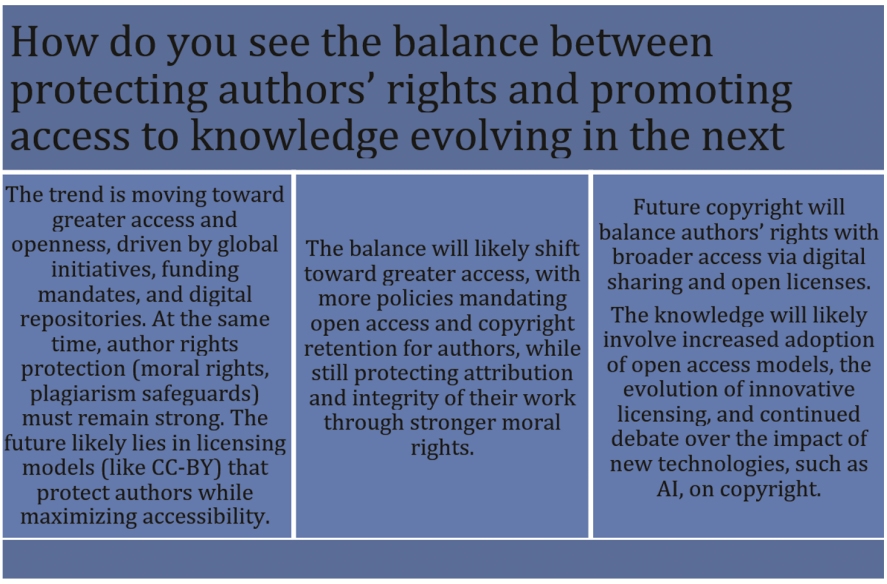

Fig. 2 — The balance between protecting authors' rights and promoting access to knowledge evolving in the next decade.

Fig. 3 — Faculty Members' awareness about copyright law and OA policies.

At last, as shown in Figure 2, the participants were asked how they see the balance between protecting authors' rights and promoting access to knowledge evolving in the next decade. While their responses are hopeful and hint at an optimistic future, one also needs to consider how these changes will manifest to suit the academic authors and readers best, promoting knowledge dissemination.

Figure 3 presents key insights from one-on-one conversations with professors at the same university. They suggested that authors share their postprints in online repositories or on their personal websites. They opined that people in academia should practice Open science.

6 Discussions

6.1 Understanding the Copyright provisions of India

The Copyright Act 1957 was the first post-independence legislation in India to protect works against unauthorised use. The Copyright Act protects expression, not ideas. The Indian Copyright Act 1957 aligns with the Berne Convention and the TRIPS Agreement, and thus, it aligns with the laws of other countries under these agreements. Section 17 of the Copyright Act, 1957, establishes that first ownership vests with the authors. "Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein." According to section 2d(i), "author" means, "In relation to a literary or dramatic work, the author of the work". Thus, in the case of a research paper, the Scholar is both the author and the owner of the research article, but when the article is published in a journal, ownership usually shifts to the journal. Most renowned journals ask authors to transfer copyright to the publisher. Sections 18-19 of the Indian Copyright Act allow the transfer of copyright. This section states that the owner of copyright in an existing work or the prospective

owner of copyright in a future work may assign copyright to any person wholly or partially.

Section 30 addresses licenses and states that the copyright owner has the right to grant a permit. There is also a provision for compulsory licensing, which requires the publication of works that have been performed in public and then withheld from the public for future publication or performance. The Creative Commons, crafted by Stanford University law professor Lawrence Lessig and others in December 2002, provides a set of copyright licenses free for public use. A creator can visit creativecommons.org and select from the available licenses.

Article 52(1)(a)(i) deals with the provision of fair dealing for private or personal use, including research. Thus, use for such purposes wouldn't constitute infringement, but these exceptions are broad and undefined; for example, Courts haven't clarified whether it's legal for an author to deposit a work in an open-access repository, creating uncertainty. The act does not require publicly funded research to be OA[21].

6.2 The Curious Case of Impact Factor

The Journal Impact Factor was designed in the 1970s as a bibliometric tool to help librarians decide which journals to subscribe[22]. However, over time, its misuse increased because it is not feasible to use across disciplines, making it an inherently biased metric for cross-disciplinary comparisons. Eugene Garfield, in his 2005 paper, emphasised the misuse of JIF, which was never intended to compare cross-disciplinary research. It was instead created to capture average citation patterns within a narrow disciplinary context. For instance, domains related to the sciences yield rapid experimental results. They are cited far more frequently and quickly than works in the mathematics, humanities, or social sciences, where scholarship develops over decades. In the former disciplines, it is easy to secure a number of citations within the first two years because of the evolving field; by contrast, in history and philosophy, citations peak five to ten years after publication.[18]. This leads to a discrepancy and bias, as scientific journals have higher impact factors than those in the humanities or mathematics.

Larivière et al. have conducted a large-scale study across multiple disciplines and confirmed significant differences in citation density[14]. It was noted that within the same citation window, the average citation per article exceeded 30 in molecular biology, while it was below 5 in economics. Thus, the fallacy of assuming that the impact factor is universally applicable should be avoided.

This misapplication of JIF across disciplines can have serious disadvantages; a historian may struggle to demonstrate impact compared to a cancer researcher, despite both being leaders in their fields.[23]. Funding allocations are also affected by this, as agencies that take impact factor into account unintentionally privilege STEM researchers over the humanities and social sciences, as reflected in promotions and grants that people from different disciplines receive[24].

With the rise of Web of Science and Scopus, citation indices have profoundly impacted how scholarship is produced, perceived, and disseminated worldwide. These citation indices reinforce the regional disparities and disadvantage the scholars and journals from the global south and developing countries[25].

Another problem that persists is the regional disparities and coverage. Research indicates that while journals and writers from the Global South, Africa, and Latin America are significantly underrepresented, those from North America and Europe are more likely to get indexed.

Even though these journals address vital local issues, they often face exclusion because of language and impact-related criteria of WoS and Scopus.

Only around 7–10% of Sub-Saharan African journals are indexed in global databases, meaning that the majority of regionally critical scholarship remains invisible in international evaluations. Language reinforces this bias, as indices overwhelmingly favour English-language journals, marginalising publications in Spanish, Portuguese, Chinese, Arabic, and indigenous languages. This results in the systematic undervaluation of context-specific knowledge, which is often relevant locally but cannot conform to international publishing standards[25].

The underrepresentation of journals from the Global South, Africa, and Latin America leads to asymmetrical citation flows. Researchers from developing countries cite work from highly indexed Western journals to align with international publishing norms. In contrast, the case is just the opposite for scholars from the Global North, who, despite the relevance of the work, rarely cite journals outside the main indexes[26] .

Thus, an unequal knowledge flow model is created, a form of transaction in which knowledge flows from Western countries to other parts of the world. And in developing countries, rather than becoming contributors to global knowledge, they mostly emerge

as consumers, which creates a hierarchy and discrepancies. Citation-based metrics influence hiring, funding, grants, and other decisions, thereby directly translating into career disadvantages for scholars from non-Western countries. They might produce a relevant, valuable, and impactful piece of scholarship. Still, they would not be acknowledged if the journal they publish in is not indexed and their contributions are systematically erased in the global evaluation system.

The inequality deepens when the national government also relies on these international rankings to evaluate its universities.[24] Thus, even the most accomplished scholars are forced to publish in Western high-impact journals, even if these journals are not as relevant to their social and regional contexts. This reinforces dependency on Western publishers and citation metrics, starving local journals of visibility, citations, and funding.

6.3 Pseudo inflation of Citations

Self-citation is another concern in the distortion of bibliometrics. Garfield, who first introduced the IF, acknowledged that journals often self-cite to inflate their impact, and though it's legitimate to an extent, it hints towards strategic behaviour.[22]

There is evidence of coercive citation practices that force or encourage authors to cite previously published works from the same journal. By increasing the numerator of the citation computation, this method raises the journal's IF. Garfield, for instance, pointed out that more than half of the citations in some journals originated from the same publication. These trends make it difficult to distinguish between genuine scholarly impact and manufactured visibility. Citation cartels, which occur when a group of writers, journals, or institutions purposefully cite one another's work to artificially increase citation counts and impact metrics like the Journal Impact Factor or h-index, are yet another occurrence. There is no relationship between the citation and the research that was done, as opposed to an authentic reference, which demonstrates genuine influence in this study. This leads to systemic marginalisation of scholars coming from not-so-privileged parts of the world, thereby deepening existing inequalities in global scholarship. Because such patterns often resemble normal citation behaviour, they are challenging to detect. However, bibliometric studies have shown that abnormal citation clusters and unusually high self-citation rates are clear indicators of cartel activity. Citation cartels undermine the credibility of citation-based metrics and shift the focus of publishing from genuine knowledge dissemination to strategic manipulation [16] Fong and Wilhite have documented instances in which editors and reviewers pressured authors to add citations from a particular journal, raising ethical concerns about coercion [27]. The oligopoly of academic publishers reinforces these patterns by clustering prestige within a narrow set of outlets. For scholars in developing countries, whose journals are often excluded from central databases, these cartelized dynamics amplify their structural invisibility.

6.4 Copyright Transfer and the Commodification of Citations

The issue of citation discrepancies and the legal framework of copyright transfer in academic publishing are closely related. Most major journals require authors to give up their copyright before publishing. As a result, control moves from scholars, who usually value recognition over profit, to publishers, who make money from access and reputation[11].

In this way, the citations themselves become part of the asset base of the publisher. The prestige of a journal, as measured by IF, is based on the flow of citations. If self-citation or cartelized citation patterns increase the IF, then more papers are submitted to the journal. However, each paper comes with the cost of the authors giving up their copyrights.

The irony here is that researchers, who are often taxpayer-funded, cannot share their own work freely after publication. Meanwhile, the profit margins that publishers make from the resale of access are very high[28]. Citations, which should represent the organic circulation of ideas, instead help to ensure the profitability of publishers' platforms.

This monopoly is particularly grave for Global South. Researchers not only face challenges publishing in indexed, English-language journals but also lose rights over their work when they succeed. Their findings are locked behind paywalls that their own institutions may not be able to afford. Thus, copyright transfer transforms regional knowledge into proprietary commodities, stripping communities of access to research that directly concerns them[18].

In short, copyright transfer and citation manipulation are two sides of the same coin: the former provides the legal infrastructure for a publisher monopoly. At the same time, the latter supplies the prestige economy that sustains it.

6.5 Shadow Libraries and Guerrilla OA

As with every coin, people who support OA mandates and those who oppose them are also divided into two groups. The need for OA has been realised since the beginning of this century, but it has even taken some extreme steps. In 2008, Aaron Swartz came up with his Guerrilla OA Manifesto [29].

The rise of shadow libraries has affected scholarly communication broadly. Shadow libraries such as Sci-Hub and LibGen make thousands of journal articles, books, chapters and research papers available to all those who have an internet connection[26]. The roots of this phenomenon lie in the Guerrilla Open Access (GOA) movement, which challenges both copyright and publishers' rights. The GOA Cookbook, a manual dedicated to the late Aaron Swartz, describes the movement's moral framework: content "liberation" is not theft but the reproduction of culture in the face of artificially extended monopolies[29], [30]. Aaron Swartz brought out his GOA Manifesto in 2008. In July 2011, the US government charged him with multiple felonies under the Computer Fraud and Abuse Act (CFAA). His crime was downloading a vast number of articles from the subscription database JSTOR using facilities in the Massachusetts Institute of Technology's (MIT) network in 2010. He was charged with 13 felonies, which could potentially put him in jail for up to 50 years and a million-dollar fine. Swartz killed himself in January 2013, transforming him into a martyr for the movement and provoking activists who viewed his struggle as a symbol of the moral urgency behind OA.

Swartz's movement closely resembles that of Alexandra Elbakyan, who launched Sci-Hub in 2011. This platform helps researchers access research papers easily. She claims she had difficulty accessing these papers behind paywalls and realised this was a problem many researchers from developing countries faced. In 2020, Elsevier, Wiley, and the American Chemical Society, three of the four publishers that own most of the academic papers downloaded through Sci-Hub as per a 2017 study, filed a case in the Delhi High Court against Alexandra Elbakyan, Sci-Hub, and LibGen. In a recent development, this case occurred on August 21, 2025, when the Delhi High Court blocked the operations of Sci-Hub and LibGen in India [31].

6.6 Legal Way Outs and Way Forward

If we look at the history of copyright, we will realise that its primary objective has been to facilitate access for the masses. Access to scholarly works is essential to promoting creativity and facilitating social, cultural, and industrial development of a society. To make this possible, works must be made available at a reasonable cost to those who need them. The development of copyright is thus reflected in the delicate balance between the rights of copyright owners, which give them an incentive to create further works, and the rights of users and the public at large, who want access to copyrighted works at an affordable price. The Berne Convention, the TRIPS Agreement, and the WIPO treaties (among other legal instruments) address this issue and provide flexibilities to calibrate the domestic law to suit local developmental needs.

There have been attempts to provide access to knowledge without compromising copyrights, as the balance between the two is of immense importance. The Budapest Open Access Initiative (BOAI) of 2002, by the Open Society Institute, proposed two paths to achieve OA, which were self-archiving and launching new OA journals funded by the foundations and governments that fund research, universities, and laboratories that employ researchers [3].

European countries have adopted Plan S, launched by cOAlition S and implemented starting in 2021, which mandates that research funded by signatory organisations must be published immediately in compliant OA journals and platforms, without any embargo period, under an open license such as CC-BY. The European Commission, the Bill & Melinda Gates Foundation, and the World Health Organisation have supported the initiative. [32].

In China, Funding agencies mandate repository deposits at the Chinese Academy of Sciences (CAS) and the National Natural Science Foundation of China (NSFC), support APCs, and align with open-access movements through national structures [33].

Latin American countries have also championed OA through legislation, community-run platforms, and regional repositories. In Argentina, the 2013 law (26.899) mandates that publicly funded research be uploaded to digital repositories within 6 months. Peru and Mexico have similar laws. LA Referencia, established in 2012, serves a regional purpose; it promotes open science by providing access to scientific and academic publications from national repositories across the region [34].

In South Africa, the National Research Foundation (NRF) mandates that all publicly funded research be deposited in OA repositories within twelve months. As of June 2021, there are 43 OA repositories

registered in OpenDOAR and 11 OA policies registered in ROARMAP and there are 110 OA journals registered in DOAJ. Academy of Science of South Africa (ASSAf) manages the Scientific Electronic Library Online (SciELO) SA [35]

The Indian government has taken several initiatives, including the Early Repository Infrastructure, such as Shodhganga, which is under INFLIBNET, providing OA to PhD theses from Indian Universities. Preprint platforms like AgriXiv and IndiaRxiv, as well as the diamond OA portal IndiaJOL (launched in 2024), contribute to India's OA ecosystem. The Union Cabinet approved the One Nation One Subscription (ONOS) on 25 November 2024. INFLIBNET manages it and aims at creating a uniform subscription platform for government-run higher education and R&D institutions across India. It has been operational since January 1, 2025. ONOS grants access to nearly 13,000–13,400 journals from 30 major publishers, including Elsevier, Springer Nature, Wiley, and Taylor & Francis. For a period of three years, ₹6,000 crore has been allocated for the period 2025–2027. Initiatives like this promote OA policies without infringing the owner's copyright. Though this approach has benefitted many, independent researchers without institutional backing are left out, and also, awareness about these free resources needs to be promoted[36].

Many communities have led efforts to promote OA and reduce the monopoly of a few journals. One example is 'Glossa', which was introduced by a group of publishers who worked with Elsevier's 'Lingua' and stepped out to create this new OA journal.[37]

7 Conclusion

This paper discusses the importance of OA in research and academia, as well as the need to understand copyright laws, which protect authors' integrity and identity. Below are a few methods to Indianize the publication industry and make research accessible to the masses.

- An Indian Journal Ranking System – an Indian journal ranking system could be developed to replace JIF and Cite score. This will help reduce reliance on other inherently flawed journal assessment factors.
- Academicians are advised to select journals wisely; they can go for Q1 and Q2 journals, which support OA without any paywall barrier.
- Academicians and scholars with a larger influence can try to promote Indian journals. A journal takes years to gain a reputation and reliability. At this point, if senior academicians start promoting and publishing in open-access journals, it would encourage early-career academicians to publish more in Indian journals.
- There have been efforts earlier where community-led attempts were used to tackle this issue. It is relatively easy to communicate within the scholarly community. A significant gap in this area is the lack of awareness amongst those involved. Scholars in various fields are primarily focused on research in their subject matter, and though they might excel in their fields, they often fail to understand the legal elements. On platforms like LinkedIn and in universities and colleges, there should be discussions and mandatory training on Intellectual Property Rights and Copyright-related issues, respectively. DPIIT has taken a step in this direction by establishing SPRIHA IPR Chairs at various institutes and universities, which promote education and research in the field of Intellectual Property.
- Moreover, legislative reforms such as those proposed in the manuscript titled "Ensuring Equitable Access to Academic Knowledge through Legislative Reform in India" (Upputuri et al., submitted to DESIDOC Journal of Library and Information Technology, 2025) offer a vital pathway to provide authors with statutory secondary publication rights for publicly funded research works. Such reforms can legally empower authors to retain rights essential to the long-term accessibility and dissemination of knowledge in India[38].

OA is the need of the hour, and copyright laws are supposed to protect authors' authorial rights and integrity, not to gatekeep knowledge. It aims to secure the moral and economic rights of authors while also making knowledge available to the masses. The Indian Copyright Act promotes research and development. Thus, scholars and researchers need to be more vigilant about the terms they sign and make a conscious decision about whether their goal is to reach the masses or to remain behind a paywall, catering only to the privileged few.

Limitations and suggestions: This study is based on responses from a limited number of doctoral and postdoctoral students and faculty members. It can therefore not be expected to provide a complete picture of the situation. Further research could be built on analysing India's ONOS Models and tracing subsequent developments in the field of education related to copyright.

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