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Reconciling Copyright Law and Digital Transformation in Indian Academia: Challenges, Opportunities, and Policy Pathways

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Digital technologies and new pedagogy have drastically changed the way that knowledge is shared and spread, leading to a growing presence of information and communication technology in education. In 2017, the World Intellectual Property Organization (WIPO) member states requested the Standing Committee on Copyright and Related Rights (SCCR) to conduct an updated review of the copyright limitations and exceptions for educational uses in all 191 WIPO member states, which was carried out based on the legislation in effect as of August 2017. The study looked at, among other things, contractual provisions that could restrict protections in education, digital copying and dissemination, and restrictions on technological protection measures. At SCCR meetings, as well as in the studies, the problem of copyright in the digital environment and the problems of online distance education and university research have also been discussed. Alongside access to education being made much more widespread by digital technologies, there has been a concern that limitations on access may present a copyright risk, for example, where a work protected by copyright is accessed without permission, outside of the exceptions and licences. In this regard, the present study examines the copyright regime in India with an emphasis on the Copyright Act, 1957 (amended) and the Copyright Rules, 2013 (amended) and especially how the digital transformation affects the academic use of copyrighted materials. It aims to find issues of tension between the rights of the copyright holders and educational / public access, as well as to offer a solution that balances the rights of copyright holders and public interest.

Keywords: Copyright Law, Digital transformation, Academic Use, Open Educational Resources, Artificial Intelligence, India

There was a time when knowledge was totally for the welfare of society and its people, without any commercial benefit. By the start of the Industrial Revolution in the 18th century, it was realised that there was a need to protect the rights of people making creative things using their intellect, which is the subject matter of Intellectual Property Rights, and copyright protection is one of them. With the passing of time, countries all over the world got this fact realised that change is needed according to the changing scenario, whether it is due to the introduction of the Internet or it is due to the dominance of artificial intelligence. The Indian Copyright Act is increasingly vital for addressing the nation's educational needs, particularly in the digital era. The government's initiatives, like the National Mission on Education through Information and Communication Technology (NMEICT), the National Mission on Library (NML), and the National Knowledge Commission (NKC), indicate policymaking progress. However, these ambitious goals require the legal framework provided by the Copyright Act to be feasible and effective.[1] In India, recent initiatives such as the National Education Policy 2020 (NEP) have played a significant role in introducing digital technology in the academic arena. This initiative is intended to become a central part of the national education system in the years to come.[2] The NEP focuses on applying digital tools to improve access, equity and quality of education, especially in remote and underserved regions.[3] However, this transformation has also created significant challenges for copyright law, which must balance the rights of creators with the need for accessible and affordable education. Copyright law, originally developed to protect creators' interests and promote innovation, is struggling to keep pace with the rapidly evolving landscape of digital education. Due to the simplicity of copying and reproducing digital work, the exploitation of the implementation of these measures has resulted in the pervasive piracy that has destroyed the economic gain of the creators and publishers.At the same time, the rise of open educational resources (OER) and the use of Artificial Intelligence (AI) to

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make content are creating new problems with ownership, authorship, and fair use. The intersection of AI and copyright law, particularly its transformative impact on digital education, raises distinct and complex questions that merit dedicated scholarly treatment. A focused analysis of AI-generated content, AI-assisted pedagogy, and their implications for Indian copyright law is therefore intentionally reserved for future research and falls outside the scope of the present study.[4]

Digital Transformation in Academic Use

The online learning sites and digital content like textbooks and robo-readers have greatly added to the rapid integration of technology, which has made an education system that has been burdened by inequality make a quick jump over to the digital revolution. Indian policy movements like the NEP 2020 and the Digital India program have played a significant role in making the use of digital technologies in education popular in India.[5] The NEP imagines online and blended learning as an essential aspect of the education system, ensuring that students from anywhere in India can access very high-quality educational resources. Digital India campaign was initiated in 2015, and its objective is to develop India as a digitally empowered society and knowledge-based economy by availing cheap internet connectivity and digital infrastructure.[6]

Through these initiatives, many have been able to access educational materials, especially those living in remote and marginalised contexts, and facilitate new teaching pedagogies such as flipped classrooms and gamified learning.[7] For example, the availability of free online courses and digital textbooks on platforms such as SWAYAM (Study Webs of Active Learning for Young Aspiring Minds) or DIKSHSA (Digital Infrastructure for Knowledge Sharing) has made learning more autonomous.[8] The digital revolution in education, however, has both negative sides as well as positive sides. The protection of copyright is its main weakness, which is more difficult to ensure in the case of vast digital amounts of information. Another obstacle is what the report calls a digital divide, which refers to inequality in access to digital devices and the Internet.[9]

The transition of education to online due to the COVID-19 outbreak also dramatically sped up the advancement of digital technology in academic institutions (schools or universities) to meet the growing needs and demands. Nonetheless, it was also a sharp departure that exposed gaps in digital infrastructure. It highlighted the need to have firm policies regarding data privacy, cybersecurity, and fair access to digital tools.[10] As an example, a 2021 report by the National Sample Survey Office (NSSO) has found that there is access to the net by only 24 percent households in India, rural areas being far behind urban areas.The digital divide skews towards the students with economically poor backgrounds and they are denied access to quality education.[11]

The legal use associated with materials under copyright is referred to as the “academic use”, in which the materials may be duplicated, transmitted, enacted, modified and utilised to be used in a consulting format to accomplish the very purpose of instruction and research in the conventional and informative learning setting. This use benefits educational institutions, individual learners, researchers and the public good through the promotion of education, morality and knowledge exchange within a framework that supports copyright protection and educational access.[12]

Academic use under the Indian copyright regime is a recognised exception to the infringement of copyright that allows use of copyrighted works for educational, teaching purposes without prior permission from the owner of copyright.[13] The Copyright Act, 1957, particularly through Section 52, establishes the doctrine of "fair dealing", which encompasses academic activities such as research, private or personal use, criticism, review, and reporting of current events.[14] Specifically, there is a fair dealing exception to any work in section 52(1)(a) that refers to fair dealing of the work in cases of research and personal study, and a section 52(1)(i) that implies that the exception can be applied to the copying of a work as part of course work by a teacher or a student.[15] The legislative purpose of these provisions is to strike a fine balance between protecting the economic rights of copyright holders and ensuring that knowledge is freely disseminated to promote academic research and educational progress.[16]

Copyright Law in India: An Overview

Copyright proportion plays a crucial role in the extent of influence exerted by copyright law in India's transition to a digitised education system. The content and information advantages that are 'cloud-based ' in online platforms or in Learning Management Systems (LMS) mean the question today is no longer whether

we can protect meaningful academic work, but how it may be shared, adapted and reused legitimately within educational activities.[17] Having been originally conceived in order to promote the economic and moral interests of the authors, Indian copyright law nowadays has to be addressed by the increasing necessity of the just and popular access to knowledge.[18]

The Copyright Act, 1957, forms the core of this legislative framework. It seeks to protect authors' rights to their works, but also acknowledges the existence of some exceptions in favour of public interest, especially for educational purposes. But both its language and structure are from the pre-digital era. It then must be aligned with current academic practice, a legal and pedagogical necessity.[19]

Legislative Framework and International Commitments

India's copyright law, which is largely governed by the Copyright Act, 1957, is influenced by both the local considerations and international commitments concerning the Berne Convention (1886),[20] the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1995),[21] and the WIPO Copyright Treaty (1996).[22] Through these treaties, there are minimum standards of rights among the authors, which need to be practised by the signatory countries, including India, through enacting the laws at the domestic level. The Berne Convention's Article 10(2) allows member countries to include exceptions in their copyright laws for the purposes of "teaching," provided that such use is in accordance with "fair practice." This TRIPS provision (found in Article 9(1) rather broadly stated, and further broadened by the deletion of “extracts” during the Paris Revision: full works may now be used without a proportionality test for use in accordance with teaching objectives and fair practice.[23]

While such international rules may help protect Indian writers and artists, they set in place rigid norms which can be antithetical to the developmental needs of India, like access to educational materials in a developing economy. The Copyright Act has undergone amendments in 1994, 1999 and 2012, seeking a balance between harmonisation with international norms and the domestic necessity of providing access to education as a fundamental right.[24] There are no simple answers to the balancing act copyright requires of us in academic work, where we need to balance the costs of acquiring copyrighted materials with academic freedom and equal access to knowledge. By exploiting the flexibility of Berne Convention Article 10(2), India can draft fair-dealing provisions for educational purposes, to harmonise and balance its copyright system with international obligations and local growth needs.[25]

What the Law Guards: Academic Work Subject Matter and Originality

The Copyright Act has a broad scope of works, in that there are literary, dramatic, musical and artistic works; cinematographic film; and sound recording. Textbooks, articles, notes, presentations, and digital materials will be of major interest in the educational setting.[26] These works are only protected if they are considered "original," a term subject to judicial scrutiny in Indian courts. Clarification by the Supreme Court in its historic decision in *Eastern Book Company* v *D.B. Modak (2008),* the Supreme Court stated that under Indian law, the “originality” would be based on skill and labour, or there would be a minimum level of creativity. This has a strong implication on the content development in education. When a professor is writing a textbook, compiling lecture notes or building a unit in an online course, the only copyrighting that should be realised is an intellectual input and creativity to add to the expressed ideas, and not to perform a curation or a copying. Where the institutions are relying on that material, the rights of the creator of that material should not be encroached except where another exception is made, like fair dealing.[27]

Balancing: Economic and Moral Rights

The law grants two kinds of rights to authors, namely economic and moral. Economic rights are the right that grants one the exclusive power to permit or prohibit the use of their works, including reproduction, translation, adaptation, as well as communicating to the public. What This Means This means that academic authors (research papers, textbook or teaching module) can be licensed to publish or distribute them including in digital form. However, where collaborative and institutionally sponsored content production is the order of the day, the issue of ownership and licensing comes into view as one university produces its own MOOCs or posts lectures to YouTube or on digital platforms.The section 57, safeguarding the moral right ensures that the author has a right to recognition as an author, and they also have a right to protest against the distortion

or mistreatment of their work.[28] In this regard, moral rights prove to be a strong legal weapon that ensures the preservation of academic honesty in the field of academia, with the issue of validity and recognition being quite a controversial question. However, in case educational content is dissected, remixed and distributed throughout the web, these moral rights prove to be far more relevant in preventing unlicensed usage or even author claims.[29]

Fair Dealing in Education: An Evolving Legal Exception

Section 52 of the Indian Copyright Law, relating to acts that do not constitute infringement, may be the relevant provision for Academic use. These exceptions, which are frequently called "fair dealing" provisions, consist of the use of a work:

(i) personal or private use (including non-commercial research and private study),
(ii) criticism or review,
(iii) reporting of current events,
(iv) and importantly, instructional purposes.

This section explains the universal legal rights afforded to both teachers and students in a traditional teaching setting, although the application of the rights in an online classroom is less obvious. As an example, does making an online course portal to enable access to a whole chapter of a textbook are "instructional use"? Is it fair dealing to protect copyright material present in the slides and pictures of archived lectures?The landmark *University of Oxford* v*Rameshwari Photocopy Services* (2016)is also very much applicable since it has made it clear that copying of book contents in a course pack to study as part of the educational process falls within the educational exception. And yet, even though the case had to do with the physical reproductions, the same logic can arguably be extended to a wider range of cases, such as when it comes to digital reproductions, as long as these are being carried out with no commercial expectations of using them privately. Nevertheless, the lack of these explicit statutory analogues to digital formats has led to a state of additional uncertainty, which nevertheless puts pressure on institutions and makes the research and development of new policies a justifiable undertaking These complexities in digital learning fall into line with the reasoning of *Elsevier Ltd.* v *Alexandra Elbakyan*(2025). Where *University of Oxford* v *Rameshwari Photocopy Services* (2016) was concerned with the affirmation of a right to reproduce excerpts to textbooks in educational activities, the case of Scientia sexualise, the Sci-Hub litigation, shifted the battlefield into the cyberspace where the question of whether one could access a whole journal and an article was a controversial issue. The question before the Delhi High Court was whether or not the electronic broadcasting of copyrighted material on the basis of non-profit educational use is also subject to the educational exception as contained in Section 52 of the Copyright Act, 1957. Again, just like in the case of photocopying, *Elsevier* v*Elbakyan*saw access to education as meaningfully constitutional but also suggested a more provocative discussion of what occurs when entire repository is made available (not merely replicated) on the Internet. The two cases also demonstrate that there is an urgent requirement of statutory interpretation of the scope of fair dealing and instructional use in digital contexts, particularly with the increased online teaching.[30]

The 2012 Amendment: A Step towards Digital Sensitivity

A major move towards the reformation of the copyright law in India was the Copyright (Amendment) Act, 2012. It had a small number of articles pertaining to the digital and educational environment:

a) Introduction of statutory licenses on transmission by broadcasting and online broadcasting were introduced.
b) Accessibility provisions for people with disabilities were incorporated.
c) There were also added the explanations regarding the right of the writer to compose works (like film music), right of the composer to his individual control and to the reasonable payment.

Educationally, the amendment allowed non-commercial learning institutions to store and copy digital copies of raw materials in a course of learning or examination without any subsequent copying. It also encouraged additional inclusion of persons with disabilities, which is a key to inclusive education. Though, along with such proactive measures, the amendment did not provide the clear guidance on the domains where the relevant use in the areas of online teaching, LMS systems, and stream-based education would be condensed. Its legal vacuum is conspicuous and problematic when taking place on the territory of the Indian academic institutions that move more and more in the direction of blended and online education.[31]

Doctrinal Inadequacies and Legal Ambiguities in Digital Education

Among the most burning issues is that the current copyright laws are weak in responding to the modern digital academic practices. Despite the fact that the Indian Copyright Act, 1957, has been subjected to significant amendments in 2012 that helped make it open to the particular digital concerns, a lot of its foundations continue to be based on the premises of a pre-digital era. The nature of content being exchanged through virtual learning settings is not explicitly considered through the Act, e.g. through LMS, video conferencing solutions or asynchronous online classes.[32]

By definition, traditional classroom instruction culminates in a closed-space of when and how much fair use may be exercised, whereas more recent forms of pedagogy where scanned book chapters are uploaded to digital mediums that demand the user to enter a password or demonstrating the copyrighted video clip as part of the lecture through slideshows that have been expressly made to circumvent lawful recognition as soon as the first or second law offensive, which do not lend themselves to clean divisions of what is legal academia and secondary infraction. Due to the lack of specific statutory references, only general references to case law, which involve such forms of technology, the educators, administrators and institutions are left in a confused state where they are either avoiding what they might find useful, out of fear of committing an illegal act, or end up committing some illegal act by accident.

Heightened Risks of Infringement and Cross-Jurisdictional Complications

Digital media has enabled the process of copying, altering, and subsequently sharing copyrighted creative works as has never been easier in the history of the planet. When academic literature has been digitised it can be transmitted on a very broad range of services, including messaging systems and social media, or file-sharing sites, within a few seconds it may not necessarily be with the permission of the original author or rights holder. Such an increase in the risk of unauthorised exploitation of their content is a grave threat to the control over their content that creators enjoy and an enforcement dilemma to organisations.[33]

The global nature of online education only compounds these problems. Indian students and educators have access to international platforms and consume academic content generated outside India, which is hosted on servers outside the country. On the other hand, Indian-origin content is frequently disseminated worldwide without much protection. Heterogeneity in copyright regimes, especially for fair use, moral rights and their means of enforcement, poses a force of jurisdiction. For example, a work that is "fair use" in the US might not enjoy similar protection under Indian law, provoking confusion in legal landscapes regarding cross-border teaching collaborations and sharing resources.[34]

This fragmentation is detrimental to the rights of Indian content creators as well as to the legal certainty needed for academic institutions to effectively engage in global knowledge networks.[35] This is worsened by the absence of a harmonised international system for educational exceptions, leaving us with a risky environment for cross-border academic dialogue.[36]

Balancing Access to Knowledge and Protection of Creative Works

The possibility to create an informational content that is freely available, but on the other hand to safeguard information proprietors, is a commonly occurring policy puzzle. The transformation of education by means of digitalisation can take place in India, as socioeconomic inequalities determine access to education. However, these rules, while being enforced, can bring about unintended side effects of locking down valuable learning resources, particularly in government universities or rural schools where students are not able to afford the proprietary resources. The latter tension is further augmented by the application of Technological Protection Measures (TPM) and Digital Rights Management (DRM) technologies, which inhibit copying, printing or editing of digital information. In its intended mission to safeguard right holders, TPMs can impair any other legal uses of copyright law, including those allowed to quote short portions of a work and to do translations of work to be used in a classroom or to benefit the visually impaired. Although sections 65A and 65B of the Copyright Act do acknowledge the existence of anti-circumvention measures, it specifically fail to indicate any exceptions to anti-circumvention, in particular, the academic or non-commercial teaching resulting in advice and exacerbating the problem of conflicting laws even more.[37] The Indian Law lacks substantive exceptions like controlled digital lending and compulsory licensing of educational resources or general

educational exceptions introduced by laws in Canada or South Africa. Therefore, institutional choice is to adhere to the rule rigidly when, at times, it may restrict academic flexibility and informal ways of bypassing it, which introduce compliance risks.[38]

Institutional Capacity Deficits and Low Copyright Literacy

The most significant non-doctrinal challenge is the lack of knowledge and understanding of copyright responsibilities among academic communities. Faculty members, librarians and students are often working without any formal education in copyright law, and there is little embedded knowledge of copyright as part of the curriculum or orientation programs.[39] It's a knowledge gap that translates into misinformation about what constitutes fair use, plagiarism, and allowed reproduction in digital media. Secondly, Indian educational institutions generally don't have specific IPR cells or copyright compliance divisions to provide legal advice and supervision. Without the backup of institutionally underpinned regulations and internal grievance procedures, individual academics are frequently left to rely on their own judgment; the result is an uneven approach to the issues at hand, with legal liabilities for all parties.[40] Such gaps also hinder the adoption of best practices in digital content curation, archiving, and dissemination. For example, there is often confusion regarding whether publicly available online content can be reused in academic settings or how attribution should be handled under different licensing models. Without clear institutional protocols, copyright compliance becomes ad hoc and reactive, rather than proactive and policy-driven.

Underutilisation and Misunderstanding of Open Educational Resources (OERs)

Open Educational Resources (OERs) are often regarded as means of finding a solution to the copyright issues involving educational materials, but they have their own drawbacks. Although OERs are designed to allow free use, adaptation and redistribution, to ensure productive use, however, one requires an insight into the licensing matters especially the Creative Commons (CC) licenses. As a matter of fact, not all teachers are aware of the distinctions between different CC licenses (CC-BY, CC-BY-SA, and CC-BY-NC) and misuse or do not reference the materials appropriately.There has also been poor institutional backing in the creation and production of OER. Even though national platforms (e.g., SWAYAM, e-PG Pathshala, National Repository of Open Educational Resources (NROER)) are building an open content repository, the policy is not coherent enough or educators motivated to offer well-designed material. Issues involving peer review, quality management and control over content, authorship and durable digital preservation are also other areas of concern in the process of introducing OERs in the formal academic environment.[41] Moreover, the lack of a federal legal framework that would formally acknowledge and endorse open licensing models is hindering the validity and magnitude of OER adoption. Consequently, the idea of the OERs democratising education and lessening dependence on proprietary materials has not materialised.

Opportunities for Reconciliation

The copyright law nexus and digital inheritance has brought forth both the legal and institutional challenges scampering along with the opportunities it provides to do the re-casting of the architecture of copyright governance in India.[42] These channels are the legal and policy reform, capacity development and creation of common knowledge enabling environments. In a nation such as India, digital capacity is part of the vision of inclusive development and equal access; copyright legislation ought to be harmonised with digital learning processes, something that can be done quite effortlessly. In this part, the key avenues of implementing this reconciliation are examined.

Reforming the Legal Framework for Digital Realities

The first and best opportunity lies in the form of revising the new Indian Copyright Act, 1957, to reflect the reality of digital realities. In spite of certain improvements with changes of 2012, particularly with the provision of exceptions to persons with disabilities, there remains a lot of room to expand the statutory exceptions as far as education and research uses in electronic form are concerned.[43] One needs a more subtle view of how the application of fair dealing is used in the case of online education. It could also have institutionalised pronouncement that directly correlate to the intellectual property of uploaded reading in order to establish the security of the institutional apparatus, the usage of audio-visual (AV) resources in online learning (or other), and the

generation of derivative educational content. On top of the best practices around the world, India must build provisions of open-text-based flexible exceptions, such as the US fair use of the Canadian educational provision norms. This would introduce a sense of legal comfort and safeguard the interests of the offenders.[44] In addition to this, significant support of the licensed or encrypted digital content in education might be provided by considering the authorised circumvention of these TPMs for educational purposes. The inclusion of exceptions regarding education in sections 65A and 65B would simplify the process of access-controlled content in the classroom, especially in those countries with fewer resources at their disposal.[45]

Another significant reform initiative that merits close attention in this context is the Government of India's One Nation One Subscription (ONOS) scheme, launched in January 2025.[46] Under this initiative, the central government has negotiated subscription agreements with major international academic publishers to provide access to thousands of peer-reviewed journals and research publications to all government-funded higher educational institutions and research bodies across India. This policy intervention directly addresses the access-to-knowledge deficit that lies at the heart of the copyright and digital education debate. By ensuring that students, faculty, and researchers at institutions funded by the government can access licensed academic content without incurring individual subscription costs, ONOS substantially mitigates the legal and financial pressures that have historically driven unauthorised reproduction and distribution of copyrighted academic material.[47] The ONOS model also holds broader significance for copyright reform: it demonstrates that equitable access to knowledge need not come at the cost of rights holders' interests, provided there is sufficient state intervention through collective licensing and institutional procurement. For copyright law scholars and policymakers, ONOS thus serves as a concrete example of how the tension between access and protection — which lies at the core of the present study — can be partially resolved through coordinated government action, even in the absence of statutory amendment.[48]

Institutional Policy Innovation and Capacity-Building

The other major way in which copyright and digital shift can be reconciled is through institutional change. Colleges should have their IPR (traffic) cells or copyright resource centres to provide training, legal advice and review of homemade as well as third-party digital academic content. These agencies may act as mediating entities between the national policy and local educational practice.[49] Inserting sections of copyright literacy into teachers' training programs, academic meetings, and curriculum-conduct development workshops may be another way to create a culture of legal knowledge and obedience. For example, short faculty- or student-targeted certification courses or webinars could demystify complicated licensing systems, clarify the boundaries of fair dealing and set out best practices for attributing images and citing sources.[50]

Institutions can help to develop a more aware and responsible academic culture through the incorporation of copyright awareness within their digital literacy activities. This is particularly important as hybrid and virtual teaching become more common in the post-pandemic world.[51]

Collaborative Models between Stakeholders

Also required by the process of reconciliation are the collaboration of rights holders, educational institutions and digital platforms. Availability of quality content under a low economic cost: Institutional subscription packages, pay-per-use licenses and collective licensing are low-cost academic use that can help legit content be accessed without unjustifiable cost. PPPs would allow the academic content pools to develop which are easy to obtain under negotiated licences and enable the right holders to be compensated by collective licencing. Equally, working with publishers on digital lending, temporary access in classrooms, and content bundling to low-income schools can contribute to the creation of fairer ones.[52] At a higher level, dialogue between copyright regulating authorities, educational heads, computer innovators, and civil society should also be encouraged which will result in reforms that are more participatory, equitable, and one that is aware of the everyday reality of teachers. New models could be tested on the basis of the national consultations, white papers, and pilot projects and not implemented immediately.[53]

Case Studies: Landmark Judgments and their Implications

The interpretive values of judicial decisions at law provide a kind of bridge by which new digital

environments are tattooed onto copyright in its traditional form. With the growing reliance of institutions on digital platforms, the legal frontier relating to educational use, fair dealing, digital reproduction, and accessibility to academic material is increasingly reaching courts in both India and abroad. Here are some Indian and international cases that offer a judicial perspective on harmonising copyright standards with the demands of contemporary education systems.

Legal Precedents under Indian Jurisdiction

***Elsevier Ltd* v *Alexandra Elbakyan* (2025)**

This case was the first attempt at Indian copyright jurisprudence, particularly in the digital age, with the newly passed case of the Delhi High Court. Some of the biggest publishers in the world, including Elsevier, Wiley and American Chemical Society, filed the lawsuit against Sci-Hub and Lib-Gen, claiming that they are heavy copyright infringers because they enabled access to millions of copyrighted materials by letting individuals download copyrighted books and papers without paying the publishers. They sought permanent injunction and blocking out the sites claiming that the defendants had circumvented paywalls and the technology protection system which had cost the publishing industry money and business.

The defendants being represented by Alexandria Elbakyan of the famous Sci-Hub fame argued the case that the sites played a vital role in improving education and research in India as they provided students and institutions in the country access to scholarly material which they could not afford. Several of these academicians, researchers and bodies of the general interest came into the picture thus signifying that there was infringement to the right to education as provided in Article 21A of the Constitution of India and pressed that Section 52 of the Copyright Act, 1957, was replete with provisions of fair dealing.[35]

The Court was aware that worldwide, there was controversy over the issue of copyright protection as well as access to information and was not likely to grant a global injunction. Instead, it emphasized a realistic course of action and demanded changes in the law and careful prudency on policy to reconcile IPR and educational demands in India.

***University of Oxford* v *Rameshwari Photocopy Services* (2016)**

This case came in as a result of other international academic publishers approaching the courts requesting the shop based in Delhi University to be stopped in selling course packs of extracts of their titles. The High Court in Delhi upheld the denial by stating that the nature of the work would be considered on whether fair dealing would be applicable, and that substantiality may be evaluated upon the specific application i.e. copying the work to be used in the classroom by the students. The court showed how vital education is to every individual and also noted that financial constraints should not be a barrier to accessing academic facilities. The rationale to provide an analysis of the above quote here is that these instances dealt with a physical photocopy, and the same reasoning can be made in the scenario of teachers reproducing copies of a copyrighted work electronically on a contemporary platform, whereby only current enrolled students have access to electronic copies.[34]

***Super Cassettes Industries Ltd.* v *Hamar Television Network Pvt. Ltd.* (2010)**

The issue concerning the case was the question on whether the momentary reproduction of protected music videos in a cache server during the transmission of the internet was an infringement. The Delhi High Court concluded that temporary or transient storage on RAM did not violate any copyright since it was not a permanent or substantial piece of work. The model is particularly significant when considering the digital education, where brief buffering or caching of audio-visual educational material may be needed. When the patented product is only used in the process and is not directed at selling and distribution, then it is not infringing.[54]

***Eastern Book Company* v *D.B. Modak* (2008)**

This was among two cases that dealt with copyright- originality that is, whether the defendant could obtain copyright on editorial headnote of court opinions on a public domain. It was determined that the works which are founded only on the number system cannot be eligible as copyrightable. First, the Supreme Court provides the criteria of academic content known as the acid test. The ruling would have far-reaching consequences in respect of the academic content, including edited study materials or tailored digital course packs. This would appear to go in line with the suggestion that copyright may be created on materials written by the faculty, but it may not be applied to unoriginal works or replicas of unoriginal works.[30]

***Syndicate of the Press of the University of Cambridge* v *B.D. Bhandari* (2011)**

This case was about the reproduction and sale of large numbers of Cambridge University Press's books by an Indian publisher without authorisation. The court granted a publisher's request for an injunction, noting the need to stop companies from profiting from educational material. This decision narrows the ambit of fair dealing when reproduction is commercial, strategic and occurs outside of bona fide licensing channels. It is a wakeup call for the online content distributors and educational institutions to stop copying copyrighted material and selling it in mass under the guise of education.[55]

***Indian Performing Right Society Ltd.* v *Aditya Pandey* (2011)**

This was a case which decided whether or not the playing of copyrighted music during a public performance, absent payment or permission, amounted to an infringement. The court also found that private or non-commercial performances would not be infringing. Although not a strictly educational decision, this helps clarify the meaning of 'public performance' and 'non-commercial use' in Indian copyright parlance. Limited non-profit educational use in a digital classroom or academic setting, which is not transmitted outside of the institutional walls (for example, via closed-circuit television) when there is some music or multimedia component to the learning.[56]

***Pine Labs Pvt. Ltd.* v *Gemalto Terminals India Pvt. Ltd.* (2011)**

Here, it was concerning a controversy of one technological firm stealing proprietary software of another. The court determined that software source code such as literature works can be subject to a copyright violation and incapable of carjacking (even of code software which is functional) when literal can therefore be an infringement. This ruling has considerable significance to academic institutions, which are associated with licensed online learning platforms. This explains the need to follow up the software licensing in e-learning applications and the construction of technology facilities in higher institutions of learning.[57]

Landmark Decisions from Foreign Jurisdictions

***Authors Guild* v *Google Inc.* (2015)**

The case was centred around Google's sweeping plan to digitise millions of books and make them searchable online, through its Google Books programme. The judge held that making book digitisations amounted to transformative use and was protected under fair use. Even though Google was not providing access to the full texts, the ability of users to search the index and use teaser-associated extracts was found to serve a public need without supplanting or unfairly competing with the market for the original works. The case is internationally applicable to electronic academic repositories, where material is ingested and made available in a managed manner for learning and research.[58]

Cambridge University Press* v *Becker (Georgia State University Case)

The case involved investigating whether an American university can scan complete books and publish the scans on a secure Web site, which is utilized by the students, among other aspects, and focused on over ten years of litigation. It was finally found out that some limited, not-to-profit, direct instructional digital copying could be considered fair use. The court adopted a four-factor test where it ruled that even minor snippets circulated to enrolled students via sites that implemented passwords did not result in any significant harm to the market of the publishers. It is a case that offers a helpful point of reference to Indian institutions who are interested in obtaining insightful advice regarding the uploading of academic readings of virtual classrooms.[59]

***CCH Canadian Ltd.* v *Law Society of Upper Canada* (2004)**

In this Canadian case, a law library was sued by legal publishers for photocopying case law and giving copies to lawyers and researchers. Fair dealing in research and private study. The Supreme Court held that the above acts should be treated as fair dealing for the purpose of research and private study. The decision was significant in that it recognised the concept of fair dealing as a user right, rather than a simple defence or exception. This progressive interpretation reinforces the academic rationale for access to content in libraries, archives, and educational sites, including content shared non-commercially for scholarly purposes.[60]

***SOCAN* v *Bell Canada* (2012)**

This is the first case that looked at whether or not previewing a portion of a song on a music service constituted fair dealing. According to the Canadian Supreme Court, since previews assist users to make informed decisions, they have a legitimate research function. The decision broadened the concept of fair dealing to cover practical, user activities in digital

contexts. For educators, this means that viewing small sections of educational video or listening to short excerpts of music or text may qualify as fair use for that purpose.[61]

***American Geophysical Union* v *Texaco Inc.* (1995)**

A scientist at Texaco copied scientific journal articles for his personal research. The court held that the practice was infringing, mainly because it was intentional and repeated and could threaten to supplant the licensing market. This ruling is frequently cited for its close reading of fair use, and for holding that copying, even when related to this fact-focused research, still has to take into account economy-wide effects. It says educational institutions need to be careful about large-scale, routine copying of copyrighted materials for the purposes of granting internal access.[62]

***Ashdown* v *Telegraph Group Ltd.* (2001)**

In this UK case, a newspaper published confidential political papers and argued that fair dealing for the purpose of reporting news constituted a defence. On appeal, the defence was dismissed, with the Court of Appeal finding that the use was neither fair nor in the public interest. While not an education case, it has important implications in relation to proportionality, necessity and context when evaluating a fair dealing defence. In an educational context, this emphasises the need to use only what is strictly necessary for instructional purposes and not to resort to complete works without a precedent of criticism.[63]

Conclusion

The interface between the digital revolution and copyright law in academic use in India has a lot of potential and urgent legal issues. Online delivery (via virtual classes, multimedia-based open educational resources) is something that has been quickly disrupted by digital technologies (with such initiatives as Digital India, the National Education Policy 2020) and has resulted in the growth of access to knowledge. The immediate issues, such as AI-generated creations and the legal position of open educational resources and the piracy of online content, do not actually fit into the Copyright Act, 1957 or its revisions in 2012, and leave the educator in an ambiguous situation regarding the law. The divide in digital interpretation widens the access gap, and there is not only a lack of institutional capacity but also a low level of awareness of copyright, which can be potentially dangerous for compliance. The decisions of the Delhi High Court (e.g., *University of Oxford* v*Rameshwari Photocopy Services*) have already proved the fair dealing provisions in the education system several times, yet have not referenced the digital media; we require some legislation to tackle the problem. An alternative copyright regime that upholds rights of creators and gives fair, innovative and unrestrictive opportunities to digital education is being written in India.

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