



A STUDY ON THE BOUNDARY BETWEEN EDUCATIONAL FAIR DEALING AND INSTITUTIONAL COPYRIGHT INFRINGEMENT IN HIGHER EDUCATION IN INDIA

Author : Miss Dharigasri V, Co-Author : Miss Kirthana K and Mr Saran Krishnan

Designation : LLM (IPR) of author , Designation : LLM (IPR) of 1st co- author and Designation:
LLM (Criminal Law) of 2nd co- author

Name of Department : IPR

Name of Organisation: Saveetha school of law, Saveetha University, Chennai, Tamil Nadu, India

Abstract: Access to knowledge in the institutions of higher learning in India is a significant aspect of the idea of educational fair dealing. Simultaneously, copyright law is aimed to defend the rights of publishers and authors against any unauthorized use of their work. The paper explores the thin line between institutional copyright infringement and educational fair dealing in higher education in India. It examines the law in the Copyright Act, 1957, and Section 52 that gives an exception in case of educational use. Important judicial cases such as the Delhi University photocopy case are also taken into consideration in the research, which provided clarity to the extent of reproduction of copyrighted materials in the name of academic purposes. Although in a given situation such practices can qualify as fair dealing, too much or commercial reproduction can constitute infringement. This brings about uncertainty in institutions, teachers, students, and publishers. The analysis will be conducted to find out the factors that indicate the fair dealing of an educational use or if it is an infringement which include purpose, amount, character of the work, and market impact. It also examines the grey spaces that exist due to the technological progress and digital learning environments. The study aims at suggesting less ambiguous principles towards balancing the interests of copyright owners and the constitutional aim of encouraging education and knowledge access. Finally, the research helps to realize how the Indian copyright law can be used to defend both the academic freedom and intellectual property protection in higher education.

Index Terms - Copyright, Infringement, Education, Conventions, Agreement.

I. INTRODUCTION:

The copyright law has been created with the aim of safeguarding the rights of authors and also promoting the transfer of knowledge. The contemporary system was initiated with the Statute of Anne that provided the authors with partial rights over their work. International treaties like the Berne Convention also enhanced the protection of copyright on the international front. Nevertheless, copyright has never lacked exceptions to make sure that education, research and interest of the people in the society is not limited. These are the exceptions on which the doctrine of fair dealing is based. In India, copyright was initially regulated by the Copyright Act, 1914 and then the all-inclusive Copyright

Act, 1957 that is still in control of copyright in India. Section 52 of the 1957 Act gives fair dealing exceptions such as fair dealing by way of private study, research, criticism, review, and educational use. The TRIPS Agreement also applies to India and stipulates that copyright restrictions in the latter country have to meet the three-step test, meaning that exceptions must not infringe on the copyright owners unreasonably. The border area of educational fair dealing and infringement came into the limelight of *The Chancellor, Masters and Scholars of the University of Oxford v. The Delhi University Photocopy Case* is also referred to as *Rameshwari Photocopy Services*. Delhi High Court has construed the meaning of Section 52 to be wide and considered that the preparation of course packs in favour of students during the instructional process was not a copyright infringement. The ruling underscored the right to education and appreciated the economic constraints of students. This case has taken the centre stage on the part of the educational exceptions in India. Although such legal provisions are in place, there are still a number of grey areas. The term in the course of instruction is not explicitly defined and it is not clear whether it involves digital uploads, online classes, and e-learning platforms. No definite rule exists on the amount of copying that can be performed, and thus it becomes hard to establish the legal boundaries by the institutions. The question of commercial aspects is also unclear and the universities make certain fee charges and are forced to resort to commercial photocopy options. Furthermore, there exist doubts as to whether the copying over fair dealing thresholds creates a liability of the teachers, institutions, or service providers. As higher learning has expanded and more modern education is being done online, there has been an escalation between the need to safeguard the rights of authors and the need to make study material more affordable. According to publishers, over-copying has been hurting their earnings, whereas educational institutions believe it is socially significant to have access to knowledge. Hence, there is a need to balance intellectual property rights and the freedom to education. This research paper attempts to compare the history of educational fair dealing in India, evaluate the applicable legislative provisions and judicial rulings and determine the grey areas that impact institutions of higher learning. The study aims to conclude on whether the existing legal system provides good balance between rights of authors and the individual-level interest in education and propose possible ways to make clear where the legal educational use and institutional copyright infringement meets.

II OBJECTIVES:

1. The objective is to explore the changes and the broadening of the concept of educational fair dealing under the Copyright Act, 1957, in the context of higher education in India and specifically, in Section 52 of the Act.
2. To examine judicial interpretations and judicial decisions that involve educational exceptions and institutional copyright infringement and determine how these have affected universities and academic institutions.
3. To establish and critically analyse the grey issues and practical problems of institutions of higher learning in defining the line between acceptable use of education and infringement of copyright.
4. To determine to what extent the present legal system sufficiently balances the rights of the authors with the right of the population, in general, to access to education and to propose measures to help define and reinforce this boundary.

III RESEARCH GAP:

The existing literature on copyright law in India is to a large extent based on the general doctrine of fair dealing, comparison with the doctrine of fair use that has been undertaken in the US or an in-depth analysis of landmark cases like the case of the Delhi University Photocopy Case. Numerous studies discuss the section 52 of the copyright act of 1957 doctrinally and focus on the need to have access to education. Nonetheless, in the context of Indian higher education institutions, limited in-depth studies have been carried out specifically to look at the practical boundary between educational fair dealing and institutional copyright infringement. The majority of previous studies are theoretical and lack adequacy to examine how in practice universities, libraries, faculty members and online learning

platforms implement these stipulations in actual academic environments. There is also poor empirical or policy-based research regarding the issue of digital reproduction, online course materials, e-learning systems, and institutional practices undermining the traditional understanding of the meaning of in the course of instruction. Also, institutional liability and compliance mechanisms in universities have not been conducted in a systematic manner. Also, although court rulings have construed educational exceptions widely, there is an absence of in-depth studies on whether the current legal provisions offer clear working guidelines to the institutions of higher learning. Also unexplored is the relationship between the international requirements (as in the TRIPS three-step test) and the national educational requirements. Hence, the paper aims to address this gap by narrowing down to examine the grey areas between acceptable educational use and institutional infringement in Indian higher education, in terms of clarity of doctrine, practical problems, and the necessity of a balanced reform.

IV REVIEW OF LITERATURE:

Tiwari and Singh (2025) DESIDOC Journal of Library and Information Technology. Research enquires into fair treatment with the Indian Copyright Act under Section 52 and purpose of it in research and education. Sees the limiting effect of the provision on access to education, and judicial uncertainty as not doing the requisite to weigh the interests of the research and the exclusivity of copyright. The process is demanded to be made more clear and changed to accommodate educational use without violation of rights.

Preprints.org (2025) - Academic Use & Digital Transformation, Discusses how the digital transformation has affected copyright and academic writing. Concludes that the limited fair dealing regulations do not fit in the current digital educational practices in higher education in India and should be reformed in the policy to allow equitable access without infringement.

Varnekar and Chutia (2025) - IJLLR Journal, Discusses the subject of copyright law in relation to academic freedom in India. Raises the fair dealing provisions to be not clear enough to apply to the digital content of education, and places a conflict between academic freedom and the risk of infringement, particularly in the case of institutional use.

Fair Usage Critical Study (2025) - International Journal of Research Publication and Reviews Doctrinal analysis of fair dealing in the context of wider copyright rights especially in the case of digital rights. Concludes that fair dealing is increasingly being determined by judicial tests of purpose and effect on the market, however there is confusion surrounding educational institutional use. Manupatra article on copyright doctrines

Sood (2024) - Journal of Intellectual Property Rights Analyses fair dealing vs. US fair use, observing that India has more limited exceptions, which are purpose-specific, to fair dealing under Section 52. Claims that the narrow focus of the Indian doctrine opposes both educational and research applications, implying that comparative lessons may inform a reform.

Khobragade and Anson (2023) - Journal of intellectual Property rights. The awareness of the librarians regarding fair dealing. Is recognized popularly but is faced with practical challenges in application and accidentally violated in educational establishments. Points out gaps in the knowledge between practice and doctrine.

Chadha, 2022 - NTUT Journal of Intellectual Property Law and Management, Comparative analyses of the fair dealing in India and UK/US doctrines using the case of Delhi University photocopy. Stresses on the unclear statutory language used in India, which creates a situation of inconsistent interpretation in school.

Comparative Fair Dealing Article (2022) Contrast Indian fair dealing with fair use in the US, where India has a very limited number of exceptions. Observes that in the case of educational institutions, the courts tend to interpret the meaning of fair dealing in a narrow way, which poses infringement issues when institutional copying goes beyond the statutory intent.

Anonymous (2020) - LawJournals.org article (Anonymous, 2020) offers information on the international journal of law. Educational institutions exceptions on review of Indian Copyright Act,

Section 52. Underlines that there is fair dealing of research and teaching that has no bright-line rules, and therefore institutional practices are susceptible to infringement suits.

Ranjan (2019) - South Asian Law Review Journal Critically evaluates the Indian copyright law doctrine of fair dealing. Describes Indian courts using factor-analysis techniques like those in the US fair use but do not have a well-articulated role of educational exceptions, which must be deliberated by legislative and judicial means regarding the scope of fair dealing.

V SUGGESTIONS:

To draw the line between the educational fair dealing and institutional copyright infringement clearly, some practical and legal changes were required. To begin with, one needs to establish the educational exceptions contained in the provisions of section 52 of the Copyright Act, 1957. The term in the course of instruction must be clarified to encompass or rule out digital platforms, virtual learning rooms, and online distribution of resources by an institution using a secure institutional system. It would give some rational and exemplary specifications on the number of copies that may be copied under the name of academic purposes to minimize any doubt and ensure that the institutions do not exceed what the law specifies. Institutions of higher learning must also create internal policies of copyright compliance. Universities may develop transparent policies to the faculty and libraries on how to prepare course packs, digitally circulate study material and reproduction of copyrighted work. Possibly, the introduction of copyright compliance committees or officers could be a solution to ensuring that the law is followed and unintentional violation is avoided. Meanwhile, the institutions can also think of using licensing processes or signing contracts with the copyright societies. It would enable limited reproduction under the legal laws regardless of the fact that it would compensate the authors and publishers fairly. One more significant advice is to promote Open Educational Resources (OER) and open-access materials. Replacing relying on costly textbooks with having faculty members utilize Creative Commons licensed works or government-provided digital collections can help a great deal in decreasing the reliance on costly textbooks. It also requires judicial clarification especially in digital education. Courts ought to also determine how fair dealing will apply to online teaching practices and online sharing, given the booming hybrid and online learning practices in the new technological fields. Lastly, teachers, librarians, and students should be regularly provided with awareness and training programs to increase awareness on copyright law and fair dealing principles. Numerous cases of infringement occur as a result of ignorance and not intentional abuse. It is also of essence that the law is periodically reviewed by the policymakers so as to make sure that the Copyright Act, 1957 is flexible to the changes in technology and the emerging trends in education. All of these measures will allow reaching a balanced course that guarantees the rights of authors and ensures the interests of the people in free and affordable higher education.

VI CONCLUSION:

The demarcation between educational fair dealing and infringement of the institutional copyright in higher education in India is a tricky and emerging area of legal apprehension. Although the Copyright Act, 1957 has offered some exceptions under the Section 52 to allow the use of the work in the teaching, research and private study, it has not clearly indicated the boundaries of appropriate use in every case. Consequently, universities and colleges usually exist somewhere on a grey field where it is not always clear what is considered fair dealing and infringement. The judicial interpretation especially on the Delhi University photocopy case has enhanced the stance of access to education and the need to have low-cost learning books for students. Nevertheless, the increased pace of digital education, online education, electronic libraries and electronic distribution of content has posed new challenges. What would be just in a traditional classroom context would become a legal issue in an online realm, particularly when mass reproduction or distribution is a consideration to the market interests of the second-party involved in copyright. This paper demonstrates that the number of factors varies depending on the purpose of use, the quantity being reproduced, nature of the copyrighted work, and consideration on the commercial market to come up with the boundary. There should be a middle ground between the security of the rights of authors and publishers on the one hand and the possibility of getting knowledge by students and teachers on the other hand. Better statutory guidelines, institutional copyright policies and educator awareness can serve in reducing confusion and stopping inadvertent violation. Finally, the Indian copyright law should keep adapting, though, to the extent that

balancing between the protection of the intellectual property and the constitutional objective of education and social justice is achieved. This balance is critical to achieving academic development, innovation, and even access to higher education in India on equal terms.

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