



## RESOLVING THE OVERLAP BETWEEN ACCESS TO KNOWLEDGE AND COPYRIGHT REGIME: IN INDIA

By Atharv Arya, LLM Scholar  
From National Law School of India  
University, Bangalore

**Keywords:** Copyright, intellectual property rights, access to education, restrictions on knowledge, fair use, fair dealing, Alberta case, DU photocopy case.

### ABSTRACT

The author in this paper has covered the issue of lack of access to knowledge in India due to the rights that clash between the IPR holder's rights and the liberty of open access. The author through this paper has unravelled the fact that how one copyright product has such distinct price with the copyright of the other product. In a gist the understanding that develops is that in India watching movie is cheaper than having access to written databases such as Manupatra, SCCOnline etc. Such issues have not only become a menace but are a barrier when it comes to upholding a constitutional right i.e. right of education. Amidst the pandemic and with the lockdown going the colleges/schools are yet not open and there is no physical access to materials(library) hence access to the online materials has become a major concern in deliverance of education which is eventually leading to a standstill in the educational

sector. A read to this paper will help the reader understand the nuances in the field of copyright in India.

### INTRODUCTION

*“I believe in copyright, within limited precincts. But I also believe in fair use, public domain, and especially transformation”.*

-David Shields<sup>1</sup>

A successful knowledge system always makes a strong base for the growth of society. It ensures that the society is going in the right direction. Thus there has always been a requirement of genuine source of knowledge and its protection. In order to protect the original literary, dramatic, artistic work of the authors and the creators, the Indian legislative came up with the Indian Copyright law 1957 to secure the rights of the authors and make sure that the end consumer receives most genuine information.

In this project the author begins with the aspect of highlighting the essential aspects of the copyright regime. The copyright law was adopted as it was believed that this shall aid in the progress and dissemination of information and knowledge<sup>2</sup>. The idea behind formulating copyright laws is to regulate and to demarcate the scope and applicability of that particular field.

In this paper author will discuss the history that is the issues that India had faced and how

<sup>1</sup>BIP Patent Attorneys, Srimanthudu Copyright Case, Pirate Bay Copyright Infringement, Splinter Cell Trademarks and More' (16 June 2017) <<https://www.bananaip.com/ip-news-center/copyright-entertainment-law-news-srimanthudu-copyright-case-pirate-bay-copyright-infringement-splinter-cell-trademarks/>> accessed 16 November 2020.

<sup>2</sup>Laurence R Helfer and Graeme W Austin, *Human Rights and Intellectual Property: Mapping the Global Interface* (Cambridge University Press 2011) <<https://www.cambridge.org/core/books/human-rights-and-intellectual-property/C874F7982746D898C390B57AAEE6FC9A>> accessed 16 November 2020.



copyright law devised mechanisms/ways in order to resolve the issues or the challenges that were there. Subsequently, the author will try to cover the shortfalls that are still prevalent in the copyright regime and will try to suggest plausible options in order to curb the issues.

### **RESEARCH QUESTIONS**

- 1) What is the link between access to knowledge and copyright law?
- 2) Does copyright law act as a barrier to access to knowledge vis. a vis. right to education?
- 3) What are the solutions to bridge the present barrier between copyright law and access to knowledge?

### **RESEARCH OBJECTIVES**

- To give an overview of the overlap and the government intervention by way of carving out exceptions.
- To examine the use and applicability of the exceptions with that of other countries ;
- To undertake a analytical study of the implementation with reference to the objectives of copyright regime;
- To suggest remedies that could reduce the overlap of access to knowledge and the copyright regime.

### **SCOPE AND LIMITATIONS**

The Author begins by explaining how the government made developments in the legal

<sup>3</sup>Yoram Rabin, The Many Faces of the Right to Education, Exploring Social Rights – Between Theory and Practice 265 | Natural And Legal Rights | Human Rights' (Scribd).  
<<https://www.scribd.com/document/192271777/Yoram-Rabin-The-Many-Faces-of-the-Right-to-Education-Exploring-Social-Rights-Between-Theory-and-Practice-265>> accessed 18 November 2020.

department of literary work. Furthermore, the author tries to understand the limitations and shortfalls of the present system and projects it with the help of few examples in order to illustrate the legal perspective. In doing so author has highlighted the shortcomings and has presented its opinions that might be able to bring some plausible changes.

### **RESEARCH METHODOLOGY**

The research work undertaken is a doctrinal research which involves the collection of material from primary and secondary sources, like various Indian and Foreign Statutes, Judicial Pronouncements, Studies by Government. Besides this the researcher has also placed reliance on Books, Articles, Newspaper readings, Blogs written by various authors found in Journals and websites to address the topic.

### **RIGHT TO EDUCATION AND COPYRIGHT LAW**

The right to education has its root from the International covenants which describe this right as an "Inherent right". It is also said that Right to education stems out from Human rights.<sup>3</sup>If we see the Article 13(1) of the International Convention of Economic, Social and Cultural rights and Article 26 of the Universal Declaration of Human Rights then we can see the link between the two, that right to education as an Inherent human right confers human dignity.

In India Right to Education comes under the ambit of Right to Life as envisaged under article 21 in the constitution of India.<sup>4</sup>Right

m-Rabin-The-Many-Faces-of-the-Right-to-Education-Exploring-Social-Rights-Between-Theory-and-Practice-265> accessed 18 November 2020.  
<sup>4</sup>HUMAN-RIGHTS-ARTICLE-21.Pdf  
<<https://rshrc.rajasthan.gov.in/includes/HUMAN->



to education is a Fundamental right guaranteed under part III of the Indian Constitution.<sup>5</sup>

Despite the inclusion of Right to education as Fundamental Right it is pertinent to note that in India this right is not delivering justice. This can be substantiated from various instances such as -Drastic shortage of books was noted in India,<sup>6</sup> Cost of books to be high and hence leading to piracy etc.<sup>7</sup> The ministry of Human resource development had mentioned that one of the reasons for piracy is the cost of books. It was also stated that piracy in form of photocopying is to be seen as a common phenomenon near educational institutions.<sup>8</sup>

**GOVERNMENT INITIATIVES TO REDUCE THE OVERLAP BETWEEN ACCESS TO KNOWLEDGE AND THE COPYRIGHT REGIME**

In the year 2010 the Copyright Amendment Bill, 2010 was introduced by the government to resolve the concerns and shortfalls prevalent in the copyright regime. Unfortunately the bill lapsed but was passed in the year 2012 bringing in certain ease in the copyright regime with respect to access to knowledge.

Below listed are few salient features of the Copyright (Amendment) Act 2012-

- Section 31 B that is a beneficial legislation for the disabled persons. As it provides for grant of compulsory license to aid the disabled persons with respect to education.
- Providing provisions of penalties to overcome digital exploitation.
- Introduction of statutory licences for cover versions and broadcasting organizations and the liability of internet service provider;
- Inclusion of provisions pertaining to exclusive economic and moral rights to performers that ensure right of royalties for music composers and authors;
- Equal distribution of rights in membership of copyright societies for authors and other right owners with the exception of grant of access to copyrighted works for physically disabled.<sup>9</sup>

From the above reading it can be understood that the government has tried to limit the scope of copyright infringement and has focused on providing better access to knowledge.

RIGHTS-ARTICLE-21.pdf> accessed 16 November 2020.

<sup>5</sup>PP Rao, 'Fundamental right to education' 50 JOURNAL OF THE INDIAN LAW INSTITUTE 585. <[http://14.139.60.114:8080/jspui/bitstream/123456789/12824/1/015\\_Fundamental%20Right%20to%20Education%20\(585-592\).pdf](http://14.139.60.114:8080/jspui/bitstream/123456789/12824/1/015_Fundamental%20Right%20to%20Education%20(585-592).pdf)> accessed 20 November 2020.

<sup>6</sup>Akanksha Jumde, 'The Interface between Right to Education and Copyright Law: Does Copyright Law Inhibit the Right to Education?' (2016) VI Online International Interdisciplinary Research Journal 189 <<http://www.oijrj.org/oijrj/dec2016-special-issue/18.pdf>> accessed 21 November 2020.

<sup>7</sup>Government of India (Ministry of Human Resource Development Government of India), Study on Copyright Piracy in India.Pdf <<https://copyright.gov.in/documents/study%20on%20copyright%20piracy%20in%20india.pdf>> accessed 18 November 2020.

<sup>8</sup>ibid.

<sup>9</sup> Parliament of India Rajya Sabha, (Department-Related Parliamentary standing committee on human resource development), THE COPYRIGHT (AMENDMENT) BILL, 2010. <<https://www.prsindia.org/uploads/media/Copyright%20Act/SCR%20Copyright%20Bill%202010.pdf>> accessed on 20 November 2020.



### THE NEED FOR REFORMS TO PREVENT LOOSE ENDS

In order to suggest reforms author would discuss few judicial pronouncements that elucidate on the idea of loose ends.

#### Case 1: DU Photocopying case

In the case of DU photocopying the conflict was to be seen between the statutory use and the statutory interpretation of the “fair use” exception.<sup>10</sup>As per Section 52 copyrighted work by a teacher or pupil is permitted if so done for the course of instruction. Hence this helps us to infer that selling of course packs, containing excerpts of Academic books prescribed by the teachers come under the ambit of “Fair use”.<sup>11</sup>The course of instruction and the role of fair use can be understood with the help of the case of *Longman Group Ltd. v. Carrington Technical Institute Board of Governors*.<sup>12</sup>In this case the interpretation of Section 21(4) of the New Zealand Copyright Act, 1962 was laid with respect to the words ‘in the course of instruction’. The court had held that “anything in the process of instruction with the process commencing at a time earlier than the time of instruction, at least for a teacher, and ending at a time later, at least for a student. So long as the copying forms part of and arises out of the course of instruction it would normally be in the course of instruction”<sup>13</sup>.Furthermore, even though the foreign judgements have persuasive value yet like the Novartis case “The court found this

to be the only logical interpretation of this phrase and termed the judgment as an authority on this point due to the similarity in the language of Section 52(1)(i) of the Indian Copyright Act and Section 21(4) of the New Zealand Copyright Act”<sup>14</sup>.

The other issue that is to be seen is that all though Section 52(1) of the copyright act talks of fair dealing with respect to its usage for educational purpose and for personal use and the important aspect that is to be pondered upon here is that there is no limitations imposed on the usage of these exceptions. That is to say that there are loose ends as the intent of the legislature reflects that it did not intend to put certain restrictions and curtail the rights of people in situations where there is dissemination of knowledge. If an analysis is made then it can be said that until and unless the exorbitant price of books is there in the market then it would restrict the access to knowledge and hence raise the issue of right to education.<sup>15</sup>

#### Case 2: Alberta case

The other aspect we need to introspect into is that whether in this case there was “fair dealing” with that of “fair use”. In order to understand the correlation we need to see the Canadian case *Alberta(Education) v. Canadian copyright Licencing Agency(Access Copyright)*.<sup>16</sup>In this case the permissible purpose was analysed that is to say that the rationale behind the use of fair

<sup>10</sup>The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors. [DU Photocopying Case] (*SpicyIP*) <<https://spicyip.com/resources-links/du-photocopy-case>> accessed 20 November 2020.

<sup>11</sup> *ibid.*

<sup>12</sup>*Longman Group Ltd v Carrington Technical Institute Board of Governors* 2 NZLR 574 (1991).

<sup>13</sup> *ibid.*

<sup>14</sup>*ibid.*

<sup>15</sup>Danish Sheikh, ‘Fair Use and Course Packs: A Comparative Perspective’ (*KAFILA - COLLECTIVE EXPLORATIONS SINCE 2006*, 27 August 2012) <<https://kafila.online/2012/08/27/fair-use-and-course-packs-a-comparative-perspective-danish-sheikh/>> accessed 22 November 2020.

<sup>16</sup>*Alberta(Education) v Canadian copyright Licencing Agency* 2012 SCC 37.



dealing should not be limited to the copying material is used for teaching in classroom rather the end-user should also be taken into consideration<sup>17</sup>.

To draw a nexus between this case and the DU photocopy case is that permissible purpose test should also be taken into consideration.

The last aspect that is to be considered is the percentage of copying and the permissible limit. If we see the case of *Cambridge University press v. Becker* the court had held that below the percentage of 10% the university is not required a licence for reproduction<sup>18</sup>. On the other in the DU photocopy case the court stated – “[W]e have before us the range of percentage of the contents from each book being photocopied and included in the course pack. No evidence to that effect is required”<sup>19</sup>.

There is also a notable suggestion that include the Australian-Plain Packaging in which the WTO Panel had applied articles 7 & 8 in Australia- Plain Packaging. Similarly, in the DU Photocopy Case the public interest should be taken into consideration particularly the need of the students.<sup>20</sup> The essential aspect that is it to be seen to be neglected is that of public interest which a major shortfall in the DU photocopy case was.

So basically what the author wishes to do is to point out the relevant aspects which the court overlooked at while laying down the DU photocopy case.

#### **THE REMEDIES TO RESOLVE THE OVERLAP**

In India the major concern is that the Indian Institutional repositories have no authoritative control on digital archives, intermediaries, digitization, library association etc.

Although the 2012 Copyright Amendment brought relief and provided ease to the access of knowledge but it also had its own limitation such as public library was defined but ignored academic and research libraries.<sup>21</sup> In the international arena there is a clear demarcation as to what libraries are Commercial and non-Commercial thus defining non-commercial libraries such as research, academic and public libraries. Where as in India since there is no such clarity the libraries used for public good neither get tax exceptions nor grants.<sup>22</sup>

No matter how many amendments are brought forth the major factor that needs to be catered is are the policies in ground serving the purpose?

To deal with this let’s look at the examples from the prism of a law student in this

<sup>17</sup>ibid.

<sup>18</sup>863 F Supp 2d 1190 (NDGa 2012).

<sup>19</sup> Eashan Ghosh, ‘FUNDAMENTAL ERRORS IN FUNDAMENTAL PLACES: A CASE FOR SETTING ASIDE THE DELHI UNIVERSITY PHOTOCOPYING JUDGMENT’ (2016) 9 NUJS L Rev.

<sup>20</sup> Devika Agarwal, ‘Analysis of DU Photocopy Case from an International Intellectual Property Law Perspective’ (2019)

<<https://community.nasscom.in/communities/policy-advocacy/analysis-of-du-photocopy-case-from-an-international-intellectual-property-law-perspective.html>> accessed 22 November 2020.

<sup>21</sup> National Law University, Delhi, ‘Digital Technology, Libraries and Copyright Issues’ in Dr. Priya Rai and Dr.R.K. Sharma and Dr. P.K. Jain and Akash Singh (eds), *Transforming Dimension of IPR: Challenges for New Age Libraries* (2015).

<sup>22</sup> ibid.



digitized world. The statute has exceptions pertaining to educational purpose, private purpose, research purpose etc. Now what we need to analyze is that - Is there an open access to different databases? Even if we have access to internet are we able to access SCC Online, Hein online, Manupatra, Live Law, Jstor and other such databases? Although these databases hold humongous data but are they catering the objective of dissemination of knowledge?

The answer to this question is that the rich can have an access and poor, middle class needs are not being catered as these databases charge exorbitant fees.

The author tries to draw a contrast that how dissemination of knowledge has become more accessible to the elite and rich class than to the public at large. This can also be examined with the help of the case of *Eastern Book Company & Ors. v. D.B. Modak & Anr.* whereby the court saw that even the judgements were copy-pasted but there was a requirement of 'minimal degree of creativity'. As a result to this what we see how private databases have developed a monopoly on the databases which are stemmed out of judgements that are laid down the courts. By exhibiting creativity such as footnotes, head notes these databases have certainly given ease but the core i.e. the judgement is the copied verbatim for which the end users that is the students have to pay a lot and hence this raises the question as to the application of Section 52 of the copyright act and its application.

#### **PRICE OF DIFFERENT DATABASES OF COPYRIGHTED WORK ( MANUPATRA SUBSCRIPTION VS NETFLIX SUBSCRIPTION**

The author with the help of Annexures (Table I, Table II, Table III) tries to

illustrate the price of the following. The author does not try to compare the usage, competition in market, consumer-demand ratio etc. Although, **Table I** and **Table II** that are mentioned above belong two entirely different copyright works and are no where correlated but the author only wishes to draw a contrast between the two copyright product sellers (Netflix and Manupatra). The purpose of this comparison is to establish that the prices of books, databases are way higher (**Table II** and **Table III**) as compared to the entertainment database (**Table I**). So it can be put as such that in India access to entertainment is cheaper than the access to knowledge.

#### **CONCLUSION**

The author by giving an overview of the history of the copyright regime from the introduction of Copyright Bill, 2010 till the present scenario has tried to convey the message to its readers that how government has introduced initiatives in order to bridge the gap between the copyright holders and the access to knowledge. Keeping in mind the interest of copyright holders and how they need to be rewarded for their work the author has tried to analyse the Indian scenario with the outside world.

The author does not demean the role of government or the judiciary but has simply brought into light the factors that need amendments and improvements. The author by drawing shortfalls and with the illustration of examples has tried to put forth the harsh reality and has simply laid down measures to resolve the limitations that are still prevalent in the society.

In Prashant Ivengar's words-



*“it is the pirate industry that shows India up as a nation of voracious readers constantly endeavo[u]ring, against odds, to educate itself.”<sup>23</sup>*

#### SUGGESTIONS-

1. **OPEN ACCESS** should be provided which should not be limited to those who pay hefty fees of colleges and get the access but to the public at large. The whole purpose gets defeated when the common man or public at large is not catered. The laws are not framed for a particular section of society but for the general public. In the copyright regime it is to be seen that copyright publishers intend to make financial gains through their copyrighted work and prevent common man to have an access to their work in order to increase their profits. To which the publishers have created a licensing agreement whereby only the registered students can access the content.<sup>24</sup> So now the issue raises back the question as what about the provision of fair use for public at large? Will scope of access always be limited to a targeted group under the garb of general public? In order to overcome this issue the author suggests the below listed measures-

2. **NON PROFIT ORGANIZATIONS-** Author suggests that there should be more NPO's/NGO's like-Creative commons that aid dissemination of knowledge and information for public good or so as to say that they add to the common stock. If we refer to Annexures -**Table IV** we will be able to see as to how Create Commons publishes its

work and how publisher gives its rights to creative commons.

The author also suggests that from the Netflix-Manupatra example there should be government intervention to regulate the prices and to ensure that the public at large is benefitted than a small section of society.

#### 3. THE ROLE PLAY OF INDIAN REPROGRAPHIC ORGANISATION (IRRO) RIGHTS

The IRRO should play an efficient role in order to reach the public by generating awareness about its functioning. What we see is that in the absence of such active role there is more likely of spread of conjectures and surmises. Like for instance it is to be seen that in the article in telegraph states that “Under the law, substantial portions of a book cannot be copied. *The IRRO has fixed the limit at 10 per cent or one chapter*”<sup>25</sup>. The reason for highlighting this was that the IRRO was said to be defunct and that it violated laws. The IRRO by not actively participating has given oxygen to such comments so as to say that IRRO has went on to state the percentage that it uses 15 % of the distribution fees for carrying out administrative expenses but it fails to address major issues such as- the issue of copying and the limitation percentage.<sup>26</sup>

#### BIBLIOGRAPHY

##### CASES

*Alberta(Education) v Canadian copyright Licencing Agency* 2012 SCC 37.

<sup>23</sup>Lea Shaver, ‘Access to knowledge in India’ (2011) 23 Access to Knowledge in India 12.

<sup>24</sup>ibid.

<sup>25</sup>Basant Kumar Mohanty, ‘Photocopy Licensing Agency Loses Licence’ The Telegraph Online (New Delhi, 14 January 2014) <<https://www.telegraphindia.com/india/photocopy->

licensing-agency-loses-licence/cid/221895> accessed 23 November 2020.

<sup>26</sup>Indian Reprographic Rights Organisation-Booklet.Pdf <<https://www.irro.org.in/wp-content/uploads/2019/01/IRRO-Booklet.pdf>> accessed 25 November 2020.



In this case the Supreme court of Canada had to analyse the aspect whether the photocopying of excerpts by the teachers to distribute it to the students for the teaching amount to copyright infringement. That is to say whether the purpose of distribution come under the ambit of fair dealing or would it be excluded as per the copyright law. In this case the purpose of the use was seen. This case is of paramount importance when compared to the DU Photocopy case as the court should have introspected into the aspect as to whether the photocopies were done for academic purpose or not and whether the end users were students. So basically this case help to draw a contrast between fair use and fair dealing and also helps in understanding the application of fair dealing.

*Cambridge University press v. Becker* 863 F Supp 2d 1190 (NDGa 2012).

In this case of United States the court looked into the aspect of four factor test that is prevalent in the United States. In this case the issue was pertaining to Whether there is application of fair use where a university's electronic distribution of copyrighted for the use of students. In this case the extent of permissible copying was seen that is to say whether there was substantial copying. This case is relevant in context with the DU photocopy case in India as India in DU photocopy case did not taken in to the aspect the quantity of data that was copied moreover India has no where drawn a limit on percentage. Hence this helps in drawing a critical analysis of the DU judgement.

*Longman Group Ltd v Carrington Technical Institute Board of Governors* 2 NZLR 574 (1991).

In this case Section 21(4) of the New Zealand Copyright Act, 1962 was to be seen respect to the words 'in the course of instruction'. The court had held the tenure of the process of course of instruction i.e. from the teachers' instructions to the use of material by students. This case is relevant to understand the scope of instruction whether the materials were used within the scope or the course of instruction or not or whether there was a breach and its application was out of the perimeter.

### BOOKS

Helfer LR and Austin GW, *Human Rights and Intellectual Property: Mapping the Global Interface* (Cambridge University Press 2010).

This Book mentions the study of the two major subjects – one being the authors and publishers that want more protection under the copyright laws and the other being the rights of people that are being affected that is the scholars, academicians etc. The author of this book tries to cover the legal, political and institutional implications of the above mentioned subjects. The author by its book tries to draw the rational connection and the dissimilarity between the subjects. This book is important to gather information such as the benefits of copyright regime, Jurisprudence behind the copyright etc. In this paper the essential aspect or the objective of the copyright regime is looked upon and has been used to refer the importance of the copyright regime.

Justice Jain N, 'HUMAN-RIGHTS-ARTICLE-21'.

This book covers article 21 in Toto and it covers the rights that come under the ambit of Article 21 of the Constitution of India. It



covers Right to Life, Sexual Harassment, Right to livelihood, Right to Health etc. This book does not only speak from the prism of Right to education per say but how is it relevant in this paper is to highlight the nexus of right to life and the right to education. This essential gives the readers the importance of the right that flows from the constitution of India and it should be kept at the epitome while there is a need for protection of this right.

Rai P, *Transforming Dimension of IPR: Challenges for New Age Libraries* (National Law University, Delhi 2015).

The paper highlights the key challenges that are there in IPR and that there is a need to redefine certain positions with respect to the understanding of IPR regime which should not be limited to physical(hard copy) literary works but to see the application of IPR in the digital divide. It is essential since the time is evolving to more access to e-resources and use of libraries so this paper highlights the challenges that are to be seen occurring because of the advent of digital arena. From this article the shortfalls of the Copyright Amendment 2012 are taken that leave behind the inclusion of certain essential resources and give an ambiguous and a limited definition. The need to highlight this was to convey to the readers that even there were amendments to the copyright regime but they lacked clarity.

Shaver L, 'ACCESS TO KNOWLEDGE IN INDIA' (2011) 23 Access to Knowledge in India 12.

This article is important in order to understand the access to knowledge in India and how the human rights of people are being hampered due to excess protection that is there under the intellectual property right.

The author wishes to give the article a touch of the factual reality by connecting the access with socio-economic factors that are prevalent in India. From this a quote has been extracted that speaks volumes and helps us understand the nexus between piracy and its readers.

### JOURNALS & ARTICLES

□□ 'Study on Copyright Piracy in India.Pdf'. This study was conducted by the Government of India (MHRD) in which the by NPC survey the authors have evaluated the data and analyzed the copyright piracy that is prevalent in various copyrighted work. The study highlights the socio-economic aspects that lead to such piracy and the authors have suggested remedy, suggestions to overcome this issue. From the literary works the essential aspect is to see why piracy is prevalent in India. This information is important in order to broadcast the essential aspect that is leading to piracy and the author has incorporated the relevant portion to substantiate the reason for piracy.

Agarwal D, 'Analysis of DU Photocopy Case from an International Intellectual Property Law Perspective' (*NASSCOM Community /The Official Community of Indian IT Industry*, 7 February 2019).

In this Reading the author has tried to analyse the case of Delhi University Photocopy case with respect to the International Conventions such as Berne Convention, TRIPS, and WIPO. The author has compared the exceptions that are there in the international agreements and the author has tried to mention about the TRIPS agreement's public interest provision. This is important for this paper in order to analyze the DU Photocopy case and the international conventions with



respect to the exceptions in copyright regime on public interest.

Ghosh E, 'FUNDAMENTAL ERRORS IN FUNDAMENTAL PLACES: A CASE FOR SETTING ASIDE THE DELHI UNIVERSITY PHOTOCOPYING JUDGMENT' 40.

This article is important in order to know the nuances of copyright regime and to understand the flaws that were prevalent in the DU photocopy case. This article highlights the extracts of the DU photocopy case judgement in order to make critical comments. This article has helped to find the exact excerpts. The relevant portion that I have incorporated is the paragraph of the court where it failed to take the quantitative data for analysing whether there was substantial copying or not.

IRRO, 'Indian Reprographic Rights Organisation- Booklet'.

This booklet is published by the Copyright society named as IRRO which is registered under the (MHRD-Government of India). The booklet reflects the basic information about copyright, copyright validity, tenure, copyright infringement and its exception. The important thing is to understand IRRO like how it functions, what role it does, information about licensing, royalty percentage used for meeting out expenditures etc. The contribution of this booklet in this paper is bring forth the fact that there is inadequate data in the booklet which does not give a clear picture of IRRO and that there are various publications that mislead the role of IRRO.

Jumde A, 'The Interface between Right to Education and Copyright Law: Does

Copyright Law Inhibit the Right to Education?'

This paper tries to see the how copyright law acts as a barrier to right to education and this paper tries to discuss the alternatives that aim at creating a balance between right to education and copyright laws. The paper tries to explore provisions of national as well as international laws that help to aid and provide dissemination of knowledge by way of exceptions that are there in the copyright laws. Majorly this paper is important for understanding the fair use principle and to see alternative that are there to the principle of fair use that are suggested by the author. From this paper the UN commission reports observing remarks on the rights of child is important to be noted. Since right to education has its linkage with child rights and that the remarks pertain to the lack of resources that India have.

Rao PP, 'FUNDAMENTAL RIGHT TO EDUCATION' 50 JOURNAL OF THE INDIAN LAW INSTITUTE 8.

This journal places the importance of right to education that stems out from Article 21A and how it is a fundamental right. This journal is important in order to know the origin as it discussed the constitutional amendments that brought forth the right to education as a fundamental right. Further through various judicial pronouncements the author discusses the inclusion of this right to education and the journal also highlights the importance of education with reference to Part IV of the constitution of India. The key highlights of this journal have been incorporated that state the importance of right to education as a fundamental right.

'Yoram R, The Many Faces of the Right to Education, Exploring Social Rights –



Between Theory and Practice 265 | Natural And Legal Rights | Human Rights’.

The article covers the international conventions that protect the rights and go on to define right to education as an inherent right. The Article is quintessential to understand the inclusion of the right in the international arena. The need to incorporate this was to understand the stance of international convention on the right to origin and to understand the history and the origin of this right and how it has become an important human right.

#### NEWSPAPERS & BLOGS

□□□ ‘The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors. [DU Photocopying Case] | SpicyIP’.

In this Article the facts, issues raised and the judgement of the Delhi University Photocopy case has been mentioned in a precise manner. The reading mentions about ASEAK (Association of Students for Equitable Access to Knowledge) and SPEAK (Society for Promotion of Equitable Access to Knowledge) Participation with respect to this case. The article gives a gist of the proceedings that took place and the contention of the parties. A reference to this article was required in order to get the idea of the principle of ‘fair use’ and its functioning i.e. the way court interprets its use.

Sheikh D, ‘Fair Use and Course Packs: A Comparative Perspective’ (*KAFILA - COLLECTIVE EXPLORATIONS SINCE 2006*, 27 August 2012).

This article highlights the issue of fair use and the issue of photocopying of course packs across various jurisdictions. This article tries to highlight the expense analysis part as to

how the books in entirety are expensive and that there is a need for considering this issue in order to have fair pricing. The author by illustrating the various case laws has analyse the approach of other jurisdictions with respect to the fair use principle and the photocopying of course packs. This article is important in order to analyse the reasons/need of photocopying and whether any analogy can be drawn with respect to the Indian scenario.

Mohanty B, ‘Photocopy Licensing Agency Loses Licence’.

This Article highlights the defunct functioning of IRRO and why it lost its licence as it violated laws. This article highlights the reasons for the forfeiture of the licence of this society. This article is relevant to know as to have a background of the IRRO and as to how it malfunctioned and also to draw a contrast as to how this society is still requires to actively participate and to address misleading news as stated in this article.

\*\*\*\*\*



ANNEXURES

	Mobile	Basic	Standard	Premium
Monthly price	₹199	₹499	₹649	₹799
Video quality	Good	Good	Better	Best
Resolution	480p	480p	1080p	4K+HDR

Table I : *Netflix Subscription* <<https://www.netflix.com/signup/planform>>

Plan Name	Price	Action
State Module Plan	Rs. 7,500/-	Subscribe Now
Bihar & Jharkhand State Module		>

TableII : *ManupatraSubscription* <<https://www.manupatrafast.in/Asps/SubscriptionPlans.aspx>> 6



Table III : All India Reporter Book Price

<[https://www.ebcwebstore.com/product\\_info.php?products\\_id=3201](https://www.ebcwebstore.com/product_info.php?products_id=3201)>

Table IV : Creative Commons Published Article

<<https://link.springer.com/article/10.1007/s10609-016-9281-8#citeas>>

\*\*\*\*\*