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FAIR DEALING TREND IN INDIA: ARE WE MOVING FORM QUALITATIVE TO QUANTITATIVE ANALYSIS

AUTHORED BY - SUHASINI¹

Abstract

The market and business environment in India have undergone a substantial transformation in recent years, progressively moving from a qualitative to a quantitative analysis framework. An rising focus on data-driven methods and measurements to evaluate the fairness of company dealings, consumer rights, and market practises is indicative of this transition. This study's goal is to examine the ramifications of this current trend for the Indian market environment.

In the past, fair dealing evaluations in India were based on qualitative analyses that mostly depended on personal experiences, ethics, and judgements. This qualitative method frequently included a wide range of elements, such as credibility, client satisfaction, and goodwill. But the rapid use of technology and the digital revolution have sparked a shift in favour of quantitative analysis. The use of statistical and quantitative methods to examine market practises and consumer rights impartially characterises this new paradigm.

The regulatory frameworks and policy initiatives that are increasingly adopting data-centric methods for monitoring and compliance reasons reflect this quantitative shift as well. Government agencies place a strong emphasis on open, quantifiable criteria to ensure a level playing field in the market. Additionally, companies are voluntarily implementing quantitative analysis techniques to promote fair competition and increase consumer trust.

While this change promises a precise and objective study of ethical behaviour, it also raises certain concerns about data accuracy, privacy, and the ability of quantitative measures to accurately capture the subtleties of ethical behaviour in commercial transactions. With an emphasis on how this trend may affect India's efforts to create a more open, responsible, and fair marketplace, this study tries to analyse the potential and problems it presents.

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In conclusion, it appears that India's ongoing trend of shifting from qualitative to quantitative analysis in fair dealing practises is encouraging a more open and impartial economic environment. In order to enable a forward-thinking and balanced economic ecology, this study aims to assess the extent of this transition and its potential to reshape the idea of fair dealing in the Indian market.

INTRODUCTION

In the dynamic landscape of intellectual property, where innovation brushes against the canvas of originality, copyright law stands as the vigilant gatekeeper, safeguarding creators from the voracious challenges of infringement. Yet, amidst the labyrinthine rules and stringent protections, there exists an oasis: the doctrine of fair dealing. Rooted deeply in the very ethos of promoting creativity, fairness, and the public interest, fair dealing deftly negotiates the taut line between rigid protectionism and unbridled use. It's a realm where scholarship, critique, and transformative works find refuge, ensuring that the ecosystem of creativity thrives without smothering the seedlings of inspiration. Let us dive into the intricate tapestry of fair dealing, a doctrine that marries justice with accessibility in the ever-evolving world of copyright.

COPYRIGHT: AN OVERVIEW

“Copyright is the Cinderella of the law. Her rich older sisters, Franchises and Patents long crowded her into the chimney-corner. Suddenly the fairy godmother, invention, endowed her with mechanical and electrical devices as magical as the pumpkin coach and the mice footmen. Now she whirls through the mad mazes of a glamorous bass.”²

Copyright is a unique kind of intellectual property right. In British legal parlance, copyright is the term used to describe the area of intellectual property law that regulates the creation and use that is made of a range of cultural goods such as books, songs, films and computer programs.³

Copyright is a legal term that shields works of original authorship from being copied or reproduced without permission. This encompasses a huge variety of works, from books to music, films to

² Zechariah Chafee, Jr., “Reflections in the Law of Copyright”, 45 *Columbia Law Review*, 503 (Jul., 1945). Available at https://www.jstor.org/stable/a342a6aa-eaed-3eea-aef0-73ade48ee5dc?searchText=Reflections+on+the+Law+of+Copyright+I&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3DReflections%2Bon%2Bthe%2BLaw%2Bof%2BCopyright%253A%2BI&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&refreqid=fastly-default%3Afc2b5d30e30560142dd097aa216a9c16. Last Visited on 24th August, 2023

³ Bently, Sherman, “*Intellectual Property Law*”, 3rd edn, Oxford University press, (2009), pg-28.

software, and everything in between. The primary objective is to bestow exclusive rights upon the creator, which will function as an incentive for creative endeavours and innovative thinking. When someone owns the copyright of a piece of work, they have complete control over how that work is presented, reproduced, and distributed. To put it simply, others are not permitted to take, use, or sell the work of others without first receiving permission.

Because of international conventions such as the Berne Convention, the fundamentals of intellectual property law are very same around the globe. Nevertheless, since each nation's culture, history, and legal traditions are unique, there are subtleties and particulars that exist in each country.

As per Section 14 of the Indian Copyright Act⁴, Copyright means the exclusive right to do or authorize others to do certain acts in relation to

- (1) Literary, dramatic or musical work,
- (2) Artistic work,
- (3) Cinematographic film,
- (4) Sound recording,
- (5) Computer program.

The Copyright Act of 1957 is the primary legal document that determines copyright law in India. It covers the entirety of India and has the goal of guaranteeing that creators can profit from their works, which will result in increased investment in creative endeavours and a wider variety of cultural traditions. The Indian Copyright Act places a strong focus on both the economic rights and the moral rights of authors, which is an interesting component of the law. When it comes to the benefits that can be derived from one's labour, economic rights focus on monetary compensation, while moral rights are more concerned with one's persona and reputation. For example, even if an author buys the rights to their book, they still have the right to protest if the book is altered in a way that is detrimental to their reputation.

India, with its diverse array of cultures, musical traditions, and artistic expressions, provides a fresh viewpoint on the concept of copyright. Copyright protection is extremely important to Bollywood, the Indian film business, which is one of the largest film industries in the world. These

⁴ Indian Copyright Act, 1957

tenets are also essential to the success of the music industry, which encompasses a wide variety of musical styles ranging from traditional to contemporary. Piracy and other forms of unauthorised use have, however, been a persistent obstacle. India has made tremendous progress towards combating this issue, including enacting rigorous rules and raising awareness about the significance of protecting intellectual property rights.

In addition to this, India recognizes certain loopholes in copyright laws because the country is aware that the free exchange of ideas and information is essential to the evolution of any society. In India, a legal principle known as "fair dealing" permits the use of copyrighted materials without the requirement for permission in some circumstances, such as when the contents are being used for the purposes of research, criticism, or private study. This helps to maintain a healthy equilibrium between the rights of the creator and the requirements of society as a whole.

The advent of the digital age offers copyright advocates everywhere, including in India, with opportunities as well as obstacles. While the internet has made it easier for more people to access content, it has also increased the likelihood that intellectual property rights will be violated. In light of this reality, India's legal system has developed over time. Provisions on digital rights management and penalties for circumventing protection measures are included, for example, in the Information Technology Act.

The concept of copyright is global, with the goals of protecting creators and inspiring them to continue their work. However, the implementation of it, which is influenced by cultural peculiarities, paints a very different picture. The protection of intellectual property in India, with its vast cultural heritage and rapidly expanding digital sector, lies at the crossroads of history and technology. It works hard to preserve its enormous body of creative work while also ensuring that its knowledge and culture are available to everyone. A balancing act between the old and the modern, between the creator and the consumer, and between rights and duties, this is the path that copyright has taken in India, and it reflects the larger journey that copyright has taken.

FAIR DEALING: SIGNIFICANCE AND IMPLICATIONS

“we must take care to guard against two extremes equally prejudicial; the one, that men of ability, who have employed their time for the service of the community, may not be deprived of their just merits, and the reward of their integrity and labour; the other, that the world may not be deprived

of improvement, nor the progress of the arts be retarded.”⁵

The international copyright system acknowledges the significance of restrictions and exemptions in order to fulfil the promise that knowledge-based commodities will enhance the general welfare of society as a whole by fostering creative expression and facilitating sharing of information. Throughout the course of its existence, the international system has not placed a primary emphasis on the vital relevance of limitations and exceptions to the accomplishment of the aims of copyright. Because of this, there is a widespread misconception that the addition of restrictions and exemptions to copyright laws does nothing more than make the system less effective at advancing the public good. The requirements of emerging nations are becoming an increasing priority in this age of widespread digitalization and globalisation. Access to knowledge commodities, which can improve human resources and boost economic progress, is an essential component of any functioning international system. There is a role for developing nations to play, and that role entails deliberately adopting constraints and exceptions in a manner that is most suitable for their domestic requirements, particularly the need to foster local inventiveness. Not only are people who utilise knowledge goods—like books and movies—interested in the role that restrictions and exemptions play in advancing the public good, but also the people who create those commodities are. Without the suitable balance between protection and access, the international copyright system not only impoverishes the worldwide public, but in the end, it weakens its own ability to maintain and reward creative business for the long-term future. This impoverishment of the global public is a result of the international copyright system's failure to strike the appropriate balance between protection and access.⁶

These limitations and exception can be in the form of:

- 1) Temporal Limitations
- 2) Non-voluntary Licences
- 3) Fair Dealing/Permitted Acts

Temporal limitations provides that copyright is not for indefinite period and it exists for certain period with the author and after that the works falls in public domain. For Example, under Indian Act, it is for life terms of the author plus 60 years.

⁵ Sayrev, Moore (1785), cited in *Cary v. Longman* (1801), 1 East 358, 362 n.(B), 102 E.R. 138, 148 n. (b)

⁶ Okediji, L.Ruth, “ *The International copyright System: Limitations, exceptions and Public Interest Consideration for the Developing Countries,*” March 2006 I UNCTAD - ICTSD Project on IPRs and Sustainable Development.

The Non-Voluntary Licences include the compulsory licences and the statutory licences and the last is the permitted act or fair dealing which does not amount to infringement.

The Copyright Act authorizes certain act which is though done by other person, than the owner of copyright would not amount to infringement of the copyright. This is known as “**Fair Dealing**”. Fair dealing provisions comes within permitted act, which would otherwise amount to infringement. These permitted act are in general designed to balance the interests of copyright owners with the public interest.

If we refer to Berne Convention or the TRIPS Agreement, there are 3-Step Test, deals with the permitted provision. The three-step test permits the reproduction of the work in 3 circumstances:-

1. In certain special cases, where the reproduction,
2. Does not conflict with the normal exploitation of the work and,
3. Does not unreasonably prejudice the legitimate interest of the author.

Within the realm of copyright law, the notion of “fair dealing” is an essential one that serves as a balance to the exclusive rights that are awarded to creators. Even though protections for copyright offer authors authority over their own original works, allowing them to make money off them and safeguarding them, these rights are not inviolable. It is common knowledge that society benefits when information and ideas are free to circulate among its members. The principle of fair dealing applies in this situation.

Under the copyright laws of India and the United Kingdom, the term “fair dealing” is used, although under the US Copyright Act, the term “fair use” is used. Fair Dealing is the word that is used to define specific exceptions to exclusive rights that are established in the United Kingdom, 1988 Act and other common law copyright statutes arising from the British Copyright Act. These exceptions are referred to as “fair dealing.” Research or private study, criticism or review, and reporting current events (with specific conditions attached) are the three categories of fair dealing that are stated in Sections 29(1) and 30(1)(2) of the United Kingdom Act. These types of activities do not constitute an infringement of copyright.⁷

The Copyright Act of 1957 (referred to simply as the “Act”) is the piece of legislation that

⁷ Sterling, J.A.L., “World Copyright Law”, Sweet and Maxwell, (1998), Pg-772.

formalized the concept of fair dealing by including it in Section 52(1)(a) of the statute. The copyright of the author may be infringed upon in a few specific ways, however doing so would not be considered an act of infringement according to the provisions outlined in Section 52 of the Act. “Fair dealing” with literary, dramatic, or artistic works is exempted from the Act’s provisions under Section 52(1)(a), provided that it is done for one of the objectives listed in that section. To wit: (i) “private or personal use, including research;” (ii) “criticism or review, whether of that work or of any other work;” and (iii) “the reporting of current events and current affairs, including the reporting of a lecture delivered in public.”⁸

The learned judge made the following observation in the matter of *Civic Chandran v. Ammini Amma*: The phrase ‘fair dealing’ is not defined in the Act in the way that it is used here. However, in section 52(1)(a) and (b) of, the phrase “fair dealing” of the work, and not replication of the work, is specifically referenced. In light of this, it could be plausible to hold that the re-production of the complete work or a significant portion of it as such will not typically be authorised, and that only excerpts or quotations from the work will be permitted, even as fair dealing. In addition, the court decided that “In such cases, court has to take into consideration (1) the quantum and value of the matter taken in relation to the comments or criticism; (2) the purpose for which it is taken; and (3) the likelihood of competition between the two works”; this is comparable to the four factor test that is used for determining whether or not a work is being used in a fair manner in the United States.⁹

At its core, fair dealing is the principle that authorizes persons to use copyrighted information in some contexts without first obtaining permission or paying costs to do so. Depending on the jurisdiction, these could include things like research, private study, criticism, review, news reporting, or education, among other things.

The goal is to strike a balance: those who make things should be compensated for their work, but this shouldn’t come at the expense of opportunities for cultural exchange, education, or the attention of the general public. It is vital to keep in mind, however, that “fair dealing” is not a licence to freely utilise anything that is protected by intellectual property rights. The use has to

⁸ Chelsea Sawlani, “Copyright, Culture and Contemporary Debates: A Jurisprudential Analysis of Fair Dealing in India”, 28 JIIPR, 204(May,2023). Available at <https://or.niscpr.res.in/index.php/JIPR/article/view/713/494>. Last Visited on 25th August, 2023.

⁹ <https://www.mondaq.com/india/copyright/930556/concept-of-fair-use-and-fair-dealing-in-copyright> . Last Visited on 25th August, 2023.

legitimately fit into one of the categories that are accepted, and it can't lower the price that people are willing to pay for the original work.

There is a vital exemption known as "fair dealing" that may be found in the broad and complex field of intellectual property law, which is based on the principle that authors are entitled to sole ownership of the original works they create. This principle, which is the foundation of many different copyright regimes, is intended to define particular circumstances in which it is permissible to use copyrighted material without first obtaining permission. The importance of fair dealing is multifaceted due to the fact that it serves as a link between individual rights and the requirements of society.

The Significance of Fair Dealing is:

1. **Encouragement of Creative Thinking and New Concepts** Fair dealing acknowledges that new ideas frequently expand upon previously developed concepts. By allowing certain uses of copyrighted content without authorization, it encourages a creative atmosphere in which artists, scholars, and the general public can engage with existing works, reinterpret existing works, and innovate upon those works.
2. **The Benefits to Education** Students and educational institutions both gain a great deal from the fair dealing laws since they allow them to make use of copyrighted information for research, study, and criticism without infringing on the copyright. This contributes to the development of an educational environment that is more rich, diversified, and informed.
3. **Ensuring Access for the Public:** Fair dealing is vital for ensuring that the public has access to copyrighted materials for certain purposes, such as reviewing, which are essential for an informed society. This is because copyrighted materials are used for specific objectives, such as reporting the news.
4. **Striking a Balance Between Rights** The copyright system grants authors the exclusive right to use their work, but the principle of fair dealing guarantees that this system does not restrict creativity, public interest, or the free flow of information. It helps to preserve the delicate balance that must exist between the rights of the creator and the requirements of society.

As we go deeper into the complexities of copyright law, the concept of fair dealing emerges not

just as a tool for achieving a balance between competing interests, but also as a driver of change. Although it protects both content creators and users, this principle has far-reaching implications for how content is generated, consumed, and governed in the digital age. The practise of fair dealing has significant repercussions, which will have an impact not only on the present but also on the landscape of intellectual property in the future.

Possible Consequences of fair dealings are as mentioned below:

1. The possibility of ambiguity: The fact that fair dealing is a matter of opinion is one of the most difficult aspects of the concept. In one set of circumstances, anything that appears "fair" may be construed as an infringement in another. This lack of clarity might give rise to legal issues as well as uncertainty.

2. Economic Concerns for Creators Fair dealing, if misunderstood or exploited, has the potential to result in monetary losses for creators. This is because, if their works are used extensively without pay under the pretext of fair dealing, then the creators will be seen as violating fair dealing.

3. The Effect on Licencing and Subscription Models Fair dealing may have an effect on the way content producers organise their licencing or subscription models, particularly in educational environments. In light of the fact that certain content may be accessed through the use of fair dealing principles, publishers may design licencing arrangements that are more individualised or flexible.

4. A Change in the Process of Content Creation In light of the fact that certain kinds of works, such as scholarly journals, may be more amenable to the use of fair dealing, the creators of that content may decide to alter their content, presentation, or distribution tactics.

5. Global Inconsistencies Due to the fact that different nations have adopted differing interpretations of fair dealing or related doctrines, such as the "fair use" concept used in the United States, worldwide collaborations or distributions of content might run into difficulties. What one jurisdiction considers to be ethical business conduct might not be the same as that of another.

6. Adaptation to the Digital Age The advent of the digital age, with the ease with which content may be replicated and disseminated, presents both obstacles and opportunities for fair dealing. It is simpler to monitor and manage the dissemination of content, in spite of the fact that it is less

difficult to share and use content. Because of this, fair dealing is required to undergo constant change to accommodate the realities of the digital world.

QUALITATIVE vs. QUANTITATIVE ANALYSIS OF FAIR DEALING

Understanding the concept of fair dealing in the complex realm of intellectual property law calls for a combination of qualitative and quantitative approaches to problem solving. Concerning the quality, the nature of the application is of the utmost importance. It is absolutely necessary to determine the reason why copyrighted content was exploited. Were educational purposes, commentary, criticism, or even satire among the possible uses for this resource? Frequently, the meaning or purpose behind the use bears a substantial amount of weight. The inherent essence of the work that is protected by intellectual property rights is of equal importance. Fair dealing may be more easily applicable to activities like factual databases or news pieces, for example, as opposed to more deeply creative endeavours like music or fiction. The impact on the market constitutes yet another important qualitative aspect. Although one could evaluate this using numbers, there are other, more nuanced aspects to take into account. For instance, even if there is no obvious direct monetary loss, does the use of the copyrighted material diminish its market potential or eliminate the requirement for the original? In addition to this, qualitative evaluations place a significant emphasis on the transformative component. When a new piece of work merely replicates an earlier one, it is evaluated in a different manner than when it introduces novel expressions of meaning or messages.

As we move from the qualitative to the quantitative realm, the quantity of the copyrighted material that was used becomes the primary focus. It's possible that using a tiny extract will generate less controversy than using significant chunks of the work or the whole thing. The direct repercussions on the original creator's financial situation are also included in this scope of responsibility. The inclusion of quantifiable data, such as a decline in sales that can be traced to the purported fair use or measurable financial losses, might provide insight into the impact that the usage actually has. The frequency of use is yet another parameter that should be taken into consideration. It is possible that the case for fair dealing will be weakened if a piece of copyrighted content is featured in a different context on a consistent and regular basis. Last but not least, in works such as collages or compilations that combine previously existing content with new material, the proportion of copyrighted content to new material might be a determining factor. A composition that is

predominately new work and contains only a little amount of material that is copyrighted may have a better argument for fair use.

Quantitative metrics, despite their seeming clarity, may neglect the more general nature of fair dealing. This is because qualitative aspects bring a degree of subjectivity, which might make them more disputed in legal or academic settings. The combination of qualitative and quantitative analyses is necessary if one wants to get an all-encompassing and reliable evaluation of fair dealing.

CONSENT FOR INDIANS: BEING A DEVELOPING COUNTRY

India being a commonwealth nation focuses on creating the balance between exclusive rights of copyrights owners and the interest of society at large.¹⁰

Each nation has its own rules that govern how the exception of fair dealing is applied and understood. In India, Section 52 of the Copyright Act, 1957 lists common exceptions or defences to copyright infringement. The fair dealing clause stipulates that in order for a transaction to be considered "fair," the purposes must fit into the legally recognised categories of private use, study, criticism, and review. Simply said, based on the facts and circumstances of a case, the exception of fair dealing, which has not been defined by the Act but has its roots in the law of equity, authorises unauthorised use of a copyrighted work. It delineates between an honest, legitimate fair use of a work and a dishonest, obvious replica of the work. The court in the case of *Wiley Eastern Ltd. v. IIM*¹¹ laid down that the rationale of Section 52 and stated that it is to protect the freedom of expression (through research, private study, criticism, or review or reporting of current events enshrined in Article 19 (1) of the Constitution of India.¹²

The idea that copyright applies everywhere and that it is essential to obtain permission before using content that is protected by intellectual property rights is well-established and is supported by international accords such as the Berne Convention, which counts India among its signatories.

¹⁰ VK Ahuja, *Law Relating to Intellectual Property Rights* 155 (LexisNexis, New Delhi, 2010)

¹¹ 61 (1996) DLT 281 Para 19.

¹² <https://suranaandsurana.com/2022/09/02/doctrine-of-fair-dealing-in-indian-copyright-law/#:~:text=The%20term%20fair%20dealing%20has%20not%20been%20defined%20in%20the,circumstances%20of%20a%20given%20case>. Last Visited on 25th August, 2023.

Nevertheless, the narrative takes on additional dimensions when one is engaged in a discussion over copyright within emerging countries such as India. The uneven nature of India's economic landscape, which is exemplified by its inequities, sparks discussions about the high costs that are associated with licenced content. Some people believe that strict adherence to copyright laws could put essential resources, such as educational materials and software, out of reach for significant portions of the general population. This worry goes into the field of access to various forms of knowledge. Measures of copyright that are too restrictive run the risk of restricting the flow of knowledge, which is essential for the progress of a nation. This concern is especially prevalent in the academic and research communities.

The Delhi University (DU) Photocopy Case, which was formally known as “The Chancellor, Masters and Scholars of the University of Oxford & Ors v. Rameshwari Photocopy Services & Anr,”¹³ is a significant legal case in India that revolved around the subject of copyright infringement in the context of academic institutions. Rameshwari Photocopy Services is a photocopy business that is located on the campus of Delhi University. In 2012, a number of multinational publishers, including Oxford University Press, Cambridge University Press, and Taylor & Francis, launched a lawsuit against Rameshwari Photocopy Services. This action was the beginning of the dispute. The source of the disagreement was a “course pack,” which was a compilation of photocopied snippets from a variety of books and was put together by the store based on the reading lists that the university instructors had provided. The publishers maintained that the conduct of reproducing and selling these collections without first acquiring a licence was in violation of copyright laws and that they should be punished for their actions.

The interpretation of Section 52(1)(i) of the Indian Copyright Act, which allows the reproduction of any work by a teacher or pupil “in the course of instruction,” was the central issue in this case. The question that needed to be answered was whether or not the creation of course packets qualified as an activity covered by this rule. In 2016, the Delhi High Court found in favour of the Xerox business and the university, stating that the development of course packets for educational purpose was a fair use under the Indian Copyright Act. This decision was made in favour of the copier shop and the university. The court reached the conclusion that the financial interests of the publishers were outweighed by the greater public interest of distributing educational materials. As a result of the judgment’s affirmation of the right to access information and education, many

¹³ MANU/DE/2497/2016

members of the academic and student communities expressed their gratitude. On the other hand, publishers and a few authors have expressed concern on the potential negative financial repercussions and the potential disincentive for writing academic works in the future.

The Indian government's response has been to incorporate new clauses into its copyright statutes, which will allow content replication for educational purposes as long as certain parameters are met. Nevertheless, there is a discussion of culture to be had here. The diversity of cultures, languages, and customs that can be found in India has resulted in the creation of art, literature, and information that has been passed down for millennia. When one analyses folkloric music, ancestral cures, or native craft designs, it is clear that the present copyright framework can be in conflict with these indigenous notions. This becomes evident when one considers the contemporary copyright framework. The advent of the digital age has added another layer to this intricacy. While digital technologies and the internet have made it easier for people to copy and share content, they have also given rise to difficulties in the process of copyright enforcement. The obstacle that India must overcome is maintaining a precarious equilibrium. It is of the utmost importance to continue respecting global copyright rules and protecting intellectual rights. Concurrently, it is of the utmost importance that these rights do not thwart the nation's hopes for its future development or its efforts to preserve its cultural legacy. Even though India's developing status may argue for certain leniencies in copyright regulations, particularly in areas where societal progress is at risk, this does not provide limitless liberty to reproduce work that is protected by intellectual property rights. India supports international copyright norms as a dedicated partner in the global consortium. At the same time, it sculpts provisions that resonate with its own developmental trajectory and cultural tapestry.

CONCLUSION

The legislation governing copyright plays an essential part in preserving the rights of creators, encouraging creative endeavors, and ensuring that intellectual property is both safeguarded and compensated for in a manner that promotes its value. Fair dealing is a component of copyright regimes that attempts to strike a balance between these rights and the broader public interest by allowing for uses of copyrighted content without permission in certain contexts, such as education or research. Fair dealing is a component of copyright regimes that seeks to strike a balance between these safeguards and the broader public interest. The complexity of the situation is shown by the disagreement between qualitative and quantitative analyses in the context of fair dealing.

A qualitative technique enables a flexible and context-driven assessment, but it's possible that the results will be interpreted as subjective. In contrast, taking a quantitative position provides clarity, but it also runs the risk of oversimplifying complex issues or missing the point of a piece of work. When seen from the perspective of India, a growing nation with a rich tapestry of cultural heritage and an urgent need for the diffusion of information, the issues surrounding copyright take on additional layers of complexity. While the nation is committed to adhering to worldwide copyright rules, the country's distinct educational and developmental requirements call for individualized approaches. This is evident in situations such as the DU Photocopy Case. In the end, the difficulty is in locating a harmonious middle ground that respects the rights of creators while also ensuring that access to knowledge is not unnecessarily restricted. This is the goal of the challenge.

