

# Navigating Copyright and Fair Use in The Age of Artificial Intelligence: Implications for Education and Research

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**Abstract**—This paper examines the evolving intersection of Indian copyright law, fair dealing, and Artificial Intelligence (AI) within the educational sector. As the National Education Policy (2020) advocates for the integration of digital technologies, the widespread adoption of generative AI tools like ChatGPT and Google Bard has intensified existing tensions between copyright owners and educational institutions. While the Copyright Act, 1957, provides specific exceptions under Section 52 for research and instruction, it remains silent on the legal status, authorship, and ownership of AI-generated content. The analysis highlights a significant legislative gap regarding human authorship. Indian jurisprudence, notably *Eastern Book Company v. D.B. Modak*, establishes that copyright requires a "modicum of creativity" and intellectual effort from a human author. Consequently, autonomous AI outputs may fall outside current protection frameworks, creating uncertainty for universities and educators who increasingly rely on these tools for preparing instructional materials. Furthermore, the paper explores the potential for copyright infringement when AI training datasets or outputs replicate substantial portions of protected works. The study also addresses the ethical dimensions of AI in academia, specifically concerns regarding plagiarism and the erosion of academic integrity. It concludes that while AI offers transformative potential for inclusive education—particularly for persons with disabilities under Section 52(1) (zb)—the current regulatory ambiguity necessitates urgent statutory reform. Ultimately, the paper argues for a balanced legal framework that protects the economic rights of creators while upholding the constitutional right to education and the free dissemination of knowledge.

**Index Terms**—Artificial Intelligence, Copyright Act 1957, Fair Dealing, Educational Exceptions, Academic Integrity

## I. INTRODUCTION

Education lays the foundation for developing an equitable, progressive and prosperous society and is fundamentally for achieving full human potential. Every country is undergoing rapid changes in the knowledge landscape in terms of technological advancement, particularly the growing influence of Artificial Intelligence. Within this evolving frame, the influence of Brand law and Artificial Intelligence on education and educational institutions has been a focus of sustained discussion and debate. The increasing use of AI-enabled tools for creating, accessing, and disseminating educational content has further intensified existing tensions within the copyright framework. There is a never-ending tussle between the copyright owners particularly publishers, who have increasingly adopted a stringent approach to protecting their rights and educational establishments that seek to access, reproduce, and increasingly rely upon both copyrighted and AI-generated works with greater ease for academic and instructional purposes. In recent years, this balance has been further complicated by the widespread adoption of Artificial Intelligence systems capable of generating literary, artistic, and instructional content that is increasingly used in educational institutions. While the Indian Copyright Act, 1957 provides specific educational exceptions under Section 52<sup>1</sup>, it remains silent on the copyright

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<sup>1</sup> *Indian Copyright Act, 1957, section 52, No. 14 of 1957, India Code (1957).*

status, authorship, and permissible use of AI-generated works. There is an increasingly gap between the legislative framework that governs education and equality in education, as noted by the High Court of Delhi in *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services*<sup>2</sup>, whereby the educational purpose of works came to the forefront in assessing whether or not the owner had dealt fairly with the work under the concept of fair dealing. Additionally, decisions emerging at the global level, such as *Thaler v. Registrar of Copyrights (United States, 2023)*<sup>3</sup>, have determined that works created with no human authorship cannot be protected by copyright, which creates a significant question regarding whether or not a work created using AI for educational purposes can be included in the effects of infringement analysis or excluded. Therefore, this paper will examine the copyright and fair use of works created with AI in educational contexts to analyse whether there are enough statutory exceptions and legal interpretations of statutes to safeguard the fair use of works created with AI through educational purposes while continuing to satisfy the constitutional right to access education. In India currently, this issue is heightened due to the National Education Policy (2020), which recognises the potential significant use of technology in education overall and advocates for the integration of AI and digital technologies within the education system. While the policy establishes guidelines for the use of the AI tool and creation of AI-generated content, it does nothing to describe how the policies surrounding copyright laws apply to AI's creation of works generated through technology in an educational setting. Under present copyright law, it isn't clear who has an ownership interest or a right to use AI-generated materials, and thus there is uncertainty about the creation of and rights associated with artworks created by AI as a result of current copyright law. A thorough review of copyright law and an understanding of fair use with respect to AI-generated works in an educational setting will eliminate much of the uncertainty.

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<sup>2</sup> *The Chancellor, Masters & Scholars of the Univ. of Oxford v. Rameshwari Photocopy Servs.*, 2016 SCC OnLine Del 5584 (Del. High Ct.).

<sup>3</sup> *Thaler v. Perlmutter*, 687 F. Supp. 3d 140 (D.D.C. 2023).

## II. COPYRIGHT AND EDUCATION

Copyright, part of Intellectual Property Rights (IPR), gives creators of original work an array of exclusive rights in respect to their work. The Indian Copyright Act (1957) has in Section 14 defined copyright as, 'the exclusive right to do, or to authorise the doing of, certain specified acts. The specified acts have been defined differently for different types of literary work, dramatic work, musical work, computer software, artistic work, cinematographic film or sound recording<sup>4</sup>. Copyright in India rises inevitably upon the creation of an original work fixed in a material form and vests in the author or creator without cause for formal registration. You may think of it as a social contract: the author receives payment for their creative work during a specified period; thereafter, their work becomes free to the general public. The intent of copyright is to balance two competing objectives: the author's desire to exploit their work and the public's desire for knowledge or some other reason for accessing knowledge. When copyright limits the ability of an individual (e.g., a teacher) to obtain access to educational materials (textbooks and other educational resources), it may serve as a constraint on teaching and learning. In the education sector, the use of copyrighted material is inevitable. Books, articles, research papers, and online resources are required for teaching and learning. While copyright allows authors to have a temporary monopoly on their works, society cannot afford to wait for their copyrights to expire before they can have access to the knowledge contained in those works. If copyright owners were to have unlimited rights, it could lead to a reduction in education and bound the capability of individuals towards learning. Therefore, balanced Copyright Act is needed to create a proper incentive for the creator of knowledge and provide public access to knowledge. This balance between access and incentives has been identified by scholars such as Landes and Posner as the "key issue" in copyright law. The role of libraries in achieving this balance is very important. Libraries serve as gateways to knowledge, as they offer access

<sup>4</sup> *Copyright Act, 1957, No. 14 of 1957, section 14 (India) (defining copyright and specifying exclusive rights for literary, dramatic, musical, artistic works, cinematograph films, sound recordings, and computer programs).*

to copyrighted works, conserve materials, and even make limited copies for research or restoration purposes. The availability of reading materials is very closely linked to the right to education. However, the problem of access is even more acute for people with disabilities. A significant percentage of published works are not produced in accessible forms such as Braille, audiobooks, or e-texts. This has resulted in what is commonly referred to as the “global book famine.” Inaccessibility of educational materials has significant implications aimed at the right to education, the right to work, and the right to freedom of expression. Most disability rights groups believe that the copyright law creates a barrier to accessing knowledge.

### III. FAIR USE AND EDUCATION

In India, there are exceptions or limitations under Chapter XI, Section 52 of The Copyright Act, 1957<sup>5</sup> for Copyright Infringement Liability on certain types of usage of Copyrighted Work without permission from the Owner of the Copyright (copyright holder). Such authorized usages of Copyrighted Works are specified in Section 52(1)(a)-(h) and include:

- 1) Use For Private Study.
- 2) Use For Research.
- 3) Use For Criticism.
- 4) Use For Review.
- 5) Use For Reporting Current Events.
- 6) Use For Educational Purposes.

All of the above-authorized usages of Copyrighted Works must meet the statutory requirements as stated in Section 52 and may not be considered Substantial Copying, which would adversely affect the Economic Rights of the Copyright Holder. Apart from section 52, section 39 of the act provides for acts not to be infringement of broadcast reproduction right and

performer’s right. These provisions under the act reflect the broad public interest that the legislature kept in mind taking into account the social, educational, cultural and economic conditions of the society<sup>6</sup>. The vittle’s essay to balance the exclusive rights of the brand proprietor with the public interest in the free dispersion of all workshop. The Indian judiciary has applied a contextual and fact-specific test in interpreting fair dealing. In 2016, the Delhi High Court addressed the case of University of Oxford v Rameshwari Photocopy Service<sup>7</sup>, the court found that when a central university photocopied parts of textbooks into course packs for students, this did not violate any copyright law since the use was for an educational rather than a commercial purpose and did not create an unfair competition with publishers. In *Civic Chandran v Ammini Amma*, Kerala High Court (1996)<sup>8</sup>, it was determined that fair dealing could also include large amounts of copying, as long as the use was for commentary or public interest purposes. Distance and context determine fair dealing; not just the percentage of material being copied. While neither of these dealt with AI, they underscore the judicial approach that educational and public interest uses may be protected under fair dealing even with significant extracts when properly contextualized. However, Indian law faces significant legal ambiguity regarding the application of fair dealing to AI-generated works, particularly when copyrighted material is used to train generative AI models used in educational settings. The Copyright Act’s definition of “author” under Section 2(d) and 2(f)(c) recognizes only natural persons or entities causing the creation of a work, leaving AI-generated outputs without clear copyright protection, and creating uncertainty about how fair dealing should apply when an AI leverage copyrighted data to create new educational content. Academic commentators have observed that existing fair dealing provisions were not designed with AI technologies in mind,

<sup>5</sup> *Copyright Act, 1957, section 52(1)*.

<sup>6</sup> *Copyright Act, 1957, No. 14 of 1957, ch. XI, section 52, 39 (India) (providing exceptions to copyright infringement and acts not constituting infringement of broadcast reproduction and performer’s rights); see also Copyright Act, 1957, section 39, Indian Kanon, <https://indiankanon.org/doc/95642793/> (last visited Mar. 3, 2026).*

<sup>7</sup> *Sourya Veer Pratap Deo, Delhi University Photocopy Case: Copyright, Fair Dealing, and Access to*

*Education, Lawful Legal (July 18, 2025), <https://lawfullegal.in/delhi-university-photocopy-case-copyright-fair-dealing-and-access-to-education-2/> (last visited Mar. 3, 2026).*

<sup>8</sup> *The Concept of Fair Use in Indian Copyright Legislation*, Legal Serv. India (2025), <https://www.legalserviceindia.com/Legal-Articles/the-concept-of-fair-use-in-indian-copyright-legislation/> (last visited Mar. 13<sup>th</sup>, 2026).

leading to unpredictable interpretations when licences are absent or when training datasets incorporate copyrighted works, even for research or educational transformation<sup>9</sup>.

#### FAIR DEALING FOR EDUCATIONAL USE UNDER INDIAN COPYRIGHT LAW - EXCEPTIONS

All the treaties on copyright law have recognized access to the copyrighted works for educational through general specific copyright exceptions. Despite this, the copyright exceptionals specifically for education have always been a key issue for deliberation at international level.

#### Performance and Communication of Copyright Works in Educational Institution - Section 52(1) (j)

The right to publicly perform, play and display copyright works is guaranteed to the copyright owner. However, Section 52(1)(j) creates exceptions to performances in educational institutions. Section 52(1)(j)- the performance, in the course of the conditioning of an educational institution, of an erudite, dramatic or musical work by the staff and scholars of the institution or of a cinematograph film or a sound recording if the followership is limited to similar staff and scholars, the parents and guardians of the scholars and persons connected with the conditioning of the institution or the communication to such an followership of a cinematograph film or sound recording. Section 52(1)(j) inserted by the Copyright Amendment Act of 2012, was originally enshrined under Section 52(1)(1). The only change that was made to the section during Amendments 2012 was the removal of the word 'directly' from the last part of the section, which earlier read as "the parents and guardians of the students and persons directly connected with the activities of the institution."<sup>10</sup>

<sup>9</sup> Shantanu Dipak Jagtap, *Impact of AI-Generated Works on Indian Copyright Law – Authorship and Originality Challenges*, IJLLR J. (Sept. 9, 2025), <https://www.ijllr.com/post/impact-of-ai-generated-works-on-indian-copyright-law-authorship-and-originality-challenges> (last visited Mar. 13<sup>th</sup>, 2026).

<sup>10</sup> P. Narayanan, *Copyright and Industrial Designs* 371–73 (4th ed. 2017) (examining the Copyright (Amendment) Act, 2012 and noting modifications to

Firstly, the section provides for exemptions in relation to performances by staff and students of literary works, dramatic works, musical works, sound recordings and cinematographic films. Performance, as defined under Section 2 (q), means any visual or acoustic presentation made live by one or further performers<sup>11</sup>. The section permits only staff and students to be performers, and the performance should relate to activities of an educational institution, provided such use is before an audience comprising of 'staff and scholars, the parents and guardians of the scholars and persons connected with the conditioning of the institution. Secondly, the section permits the 'showing' of a cinematographic film or 'playing' of a sound recording in the course of exertion of an educational institution before the same followership as mentioned over. The opportunity of the section is limited to an audience comprising students, staff, parents, guardians and persons associated with the activities of the institution. In this regard, it is pertinent to note that Section 34 of CDPA, UK - which is similar to Section 52(1)(j) - expressly avoided the addition of 'parents' to the category of persons who can view and listen to films and sound recording as an audience. "The Indian provision is, therefore, wider, as it includes not only parents and guardians but also students of part-time courses, adult education programs and other incidental courses, by the removal of the word 'directly' from the section. Also, the last part of the section clearly mentions that cinematographic films and sound recordings can be 'communicated' to the audience. This implies the extension of the exception to cover distance and online learning, provided the recipients of the works come under the list of potential audiences mentioned in the section<sup>12</sup>.

#### Use of copyrighted works for examination

Section 52(1)(i) (ii) and (iii) permit the reduplication of the copyrighted workshop as part of the questions to

section 52(1)(g), including expansion of educational exceptions and deletion of restrictive wording).

<sup>11</sup> N.S. Gopalakrishnan & T.G. Agitha, *Principles of Intellectual Property* 318–20 (2d ed. 2014).

<sup>12</sup> *Educational Use Exception Under Copyright Law in India and the U.K.: A Comparative Analysis*, SCC Online Blog (2025), <https://www.sconline.com/blog/post/2025/educational-use-exception-under-copyright-law-india-uk/> (last visited Mar. 15<sup>th</sup>, 2026).

be answered in an examination or in answer to similar questions. thus, if in a question paper the monitor quotes many paragraphs from the copyrighted work asking the pupil to assay the same, it's admissible under section 52(1) (i)(ii). The pupil also while answering the question can quote from the copyrighted workshop under section 52(1)(i)(iii). This provision was analysed in the *Syndicate of Press University of Cambridge v. Kasturi Lal & Sons*<sup>13</sup>. The plaintiff was an alleged publisher with all rights in the publication, *Advance Grammar in Use* by Martin Hewings. The defendant published three guide books for the benefit of the students by lifting verbatim the literary work of the plaintiff including complete set of exercises and the answer key to the same. The court while granting injunction held that the case was not covered under sections 52(1)(h) (52(1)(i) now), 52(1)(a)(i) and 52(1)(a)(ii) as the defendant's book could not be termed as questions and answers in an examination or criticism or review of the plaintiff's book as the complete set of exercises was copied from the original work. The court further observed that exception under section 52(1) (h) would be available only when material from the copyrighted work is reproduced as a part of the questions to be answered or to answer similar question in an examination. In relation to section 52(1)(a)(ii), the court observed that verbatim lifting of the literary works can in no manner be covered under review or criticism of the work. On the similar facts of using the literary works for preparing guide books, the single judge in *Syndicate of the Press of the University of Cambridge v. B.D. Bhandari*, dismissed the suit and held that the exercises which have been copied are not original literary work and once the book of the plaintiffs was prescribed by the university, the questions and answers given in the exercises became questions to be answered in an examination and fall in section 52(1)(h) (now 52(1)(i)) and such exercises fall in public domain. The court with regard to guide books observed that the said companion books, kunjies and dukkies are principally tools not for study or understanding but for bearing an examination at a short notice. The request/ patronage for the two are also entirely different. The purchasers of the companion books may also have the text with them but would not have indeed opened the same.

What similar attendants do for similar scholars is to, purely from the point of view of an examination excerpt some contents only of the handbooks which can be used by the scholars for answering the questions. The publisher of similar guidebooks, while doing so, clearly cannot be anticipated to alter vary the contents of similar excerpts. It has to be flashed back that the scholars using the said guidebooks are not the top scholars in each class/ course or the scholars with high intellect. similar scholars can be completely unnerved and shaken by the difference in contents. In any case the purpose of defining a text in the academy/ university is that the scholars would master the said textbook and the observers are also to judge mark the scholars on the base of the said textbook. therefore, tinkering with the said textbook is not possible. This judgment of the single judge to some extent used the concept of transformative use but gave a wrong interpretation to section 52(1)(h) (52(1)(i) now) and jumbled the concept of fair use and public domain. The plaintiff filed an appeal and the division bench dismissed the appeal in *Syndicate of the Press of the University of Cambridge v. B.D. Bhandari*. It was argued that the term public domain and fair use are distinct from each other and once a work comes in public domain, then there is no question of fair use as a work which is in public domain, has no copyright protection. The court accepted this contention of the appellant and observed that when a work is in public domain, it does not enjoy copyright and therefore the question of copyright infringement does not arise. Fair use, on the other hand, requires a work which enjoys copyright but the use of the work comes within the ambit of activities provided under section 52 of the act. The court while not partly agreeing with the judgment of the single judge, observed that the work of the was not in the public domain and the defence under section 52(1)(h) (52(1)(i) now) is not available. The defence under this provision is available to the teacher and pupil to reproduce the copyrighted works as part of the questions or answers to those questions. If the defence is allowed to the publisher, then the publisher will use the work without the permission of the owner for commercial exploitation.

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<sup>13</sup> *Syndicate of the Press of the Univ. of Cambridge v. Kasturi Lal & Sons, A.I.R. 1984 Del. 1 (India).*

### Other Exceptions Relating to Education

Other exceptions related to education, which come under the preview of the doctrine of fair use, include fair dealing for private use, research or private study/library use and disability in respective Sections 52(1)(a), 52(1) (p) and 52(1) (zb).

- Fair Dealing for Private Use - Section 52(1) (a)

As per Section 52(1)(a), there is the ability to legitimately share any work, outside of computer programs, for private or personal usage. This sharing includes significant usage for research, fair criticism, fair review and reporting on what happened today. Though the U.S. has a much more generalised system, India's legitimate sharing system is purpose based. As stated within *Civic Chandran v. Ammini Amma*<sup>14</sup>; the judges on the Kerala High Court can determine how much is shared and whether it is legal based on the amount of sharing to achieve a correct purpose. Additionally, in *R.G. Anand v. Deluxe Films*<sup>15</sup>; the Supreme Court judges were reaffirming that sharing of creativity and ideas is the same as simply sharing an idea from the original creativity (i.e., sharing an idea of how to prepare a recipe) does not go against copyright law.

- Research or Private Study/Library Use - Section 52(1) (p)

According to Section 52(1)(p) of Indian copyright law, libraries may copy copyrighted materials for preservation, replacement, or research purposes when no copies are available for sale in India. This section supports the role of libraries as institutions that promote research and scholarship, especially in higher education, both public and private. One example of the importance of access to education occurred in the landmark case of *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopy Services*<sup>16</sup> (the 'DU Photocopy case') in which the Delhi High Court issued a purposive interpretation of Section 52 and found that photocopying Copyrighted Works for use in course packs constitutes permissible educational use "in the course of instruction." While this Supreme Court case

dealt specifically with the exception of Section 52(1)(i), the Court's reasoning lends further support to the conclusion that Indian copyright law must balance both the intellectual property rights of creators with the constitutional right to education found in Article 21A of the Constitution of India and the right to freedom of speech and expression contained within Composition 19(1) (a) of the Constitution of India. In leading copyright texts such as the *Law of Copyright and Neighbouring Rights*, as well as other scholarly commentaries, there exists overwhelming support for the position articulated by the Delhi High Court that the exceptions to copyright ensure that copyrights continue to serve primarily as vehicles for advancing knowledge rather than suppressing knowledge. If a non-commercial public library maintains a non-digital copy of the copyrighted work in question, Section 52(1)(n) allows the library to store that work in any form or manner to preserve it using electronic means. This provision was added by the 2012 amendment.

- Disability - Section 52(1) (zb)

Section 52(1)(zb) of the Copyright (Amendment) Act was passed on 25th January 2012 and allows people who have physical or mental disabilities to make copies, distribute copies, change the way a work is presented and provide copies of a work in a format that is accessible based on a non-commercial basis of an original work that is non-accessible to persons living with a disability; however, none of the original works that have been converted into an accessible medium can be sold or otherwise commercially exploited beyond individuals living with a physical or mental disability who would derive benefit from the use of the converted accessible works. This amendment serves as a representation of Parliament's commitment to align India's laws with the Marrakesh Treaty and its commitment to promote available educational resources available to persons living with a disability and promotes education through inclusive practices. It allows educational institutions, NGOs and organisations that provide services to people with disabilities to reproduce and convert copyrighted works into Braille, audio or other accessible digital

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<sup>14</sup> *Civic Chandran v. Ammini Amma*, 1996 PTC (16) 329 (Ker. High Ct.).

<sup>15</sup> *R.G. Anand v. Deluxe Films*, A.I.R. 1978 S.C. 1613 (Sup. Ct. India).

<sup>16</sup> *Rameshwari Photocopy Servs.*, 2016 SCC OnLine Del 5584.

formats without needing to seek permission to do so in advance. The intention behind this amendment was clearly articulated in the debates preceding the 2012 amendment, with discussions surrounding how access for persons with disabilities was linked to a broader issue of social justice, and that removing barriers to access to learning was directly related to the right to education and equality in the Constitution (Articles 14 and 21). As reported judicial decisions in India concerning Section 52(1) (zb) have not yet been made, a number of scholarly articles have analysed Section 52(1) (zb) in the context of intellectual property law, concluding that Section 52(1) (zb) is a rights-based copyright exception that achieves a balance between authors' economic rights and the human right obligations<sup>17</sup>.

#### IV. INTERSECTION OF AI TECHNOLOGY AND COPYRIGHT LAW

The connection between copyright law in addition artificial intelligence is a rapidly developing area of law in India. AI technologies create works, alter works and can create works in a new style. As such there are numerous issues of copyright infringement, ownership of these works, and liability for creating, distributing, and profiting from these works. For example; if an AI created a song that was similar to an existing copyrighted song, it will be unclear whether the liability should rest with the programmer, or the end user, or neither party. Currently, there have been no cases in Indian Courts regarding AI as a creator of a copyrightable work, however, principles that have developed from other decisions in India give some guidance. In the case of *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*<sup>18</sup>, the Supreme Court in India recognised the economic rights of the author and that such rights cannot be separated from an author. Accordingly, based on this reasoning, it would appear that AI outputs created without a human creator may fall outside of the current copyright framework.

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<sup>17</sup> *Accessible Format Exception Under Indian Copyright Law: Section 52(1) (zb) and the Marrakesh Treaty*, SCC Online Blog (2025), <https://www.scconline.com/blog/post/2025/accessible-format-exception-section-52zb/> (last visited Mar 25<sup>th</sup>, 2026).

Furthermore, the Copyright Act specifies that employers own copyright in work developed by their workers, yet there is no clarity on whether work produced by AI contractors and the individual who commissions it will meet the definition of 'employee' for the purposes of this legislation. There is no legal precedent and therefore no legal certainty at this time concerning work created by AI both through previous agreements and future agreements and there is a need for policies surrounding the role of AI in the creative arts to be established as a matter of urgency.

#### V. POTENTIAL CONFLICT BETWEEN BOUNDARIES OF AI GENERATED MATERIALS AND PRE-EXISTING RESEARCH AND EDUCATIONAL TOOLS

Robotization of work and tasks has frequently brought both fear and excitement to societies. This was clearly true for objects that have since come incorporated into our diurnal lives, similar as washing machines, laptops and smartphones, and for robots that totally reduce manufacturing costs and displace workers. The growing relinquishment of artificial intelligence (AI) by associations and individualities is formerly significantly impacting and is poised to further impact, colorful tasks through full robotization or addition. This will involve close collaboration between humans and technologies. Academia, particularly those disciplines most exposed to request forces and involving disruptive stakeholders, is not pure from mass relinquishment of AI.

- Ai And Teaching

Artificial intelligence technology, whereby scholars are suitable to use artificial intelligence tools, similar as Microsoft's Chatbot (MS Chatbot), Google Bard, etc., have snappily come popularised, since late 2022, and have global acceptance. As educational institutions and preceptors acclimatize their tutoring styles, numerous have begun to develop new ways for scholars and preceptors to engage with one another.

<sup>18</sup> *Indian Performing Right Soc'y Ltd. v. E. Indian Motion Pictures Ass'n*, A.I.R. 1977 S.C. 1443 (Sup. Ct. India).

This has also sparked an ongoing transnational dialogue about the counteraccusations of using artificial intelligence and AI education for the development of knowledge and literacy by both scholars and preceptors in universities. For illustration, since precluding scholars from using generative AI would be futile, some authors have suggested colorful ways of constructively integrating AI into the classroom. In any case, the necessity to readdress why people attend seminars is at the centre of the matter. Expanding one's academic knowledge is clearly one reason. Another should be to learn how to learn – beyond learning and regurgitating data. ChatGPT will radically transfigure the ways in which tutoring and literacy are endured. It'll demand that professors consolidate the shift in their places from traditional preceptors to facilitators. Arguably, this shift has formerly passed, as represented by the spread of 'flipped classroom' approaches. AI adds another dimension to this miracle. scholars formerly have access to vast quantities of information." Still, now they can operate a tool that combines this information, at no cost, in textbooks generally of sufficient quality<sup>19</sup>. To produce an atmosphere that perceives value from the experience of being in class, sharing with your peers, and working with faculty, faculty members and institutions should try to develop a culture that values academic achievement. In the future, pastoral support will come decreasingly important as it relates to academics. Whilst AI can support different aspects of literacy, it cannot replicate ontological empathy with scholars. This means that, maybe to an indeed lesser extent than preliminarily, the physical presence of professors in advanced education will have to be about much further than spending time in the architectural terrain of the university or the business academy, represented by iconic structures. speakers can formerly use AI tools to establish module content. They can also use AI to engage scholars creatively. For case, they can draw on AI to induce suggestions for in- class conditioning to develop an interest in the content, and for exemplifications to illustrate a given conception, among other creative uses. scholars can also use AI to explore motifs of interest, challenge speakers and potentially cheat on coursework and test tasks. Transforming classrooms

<sup>19</sup> *Artificial Intelligence in Education: Implications for Teaching and Learning*, UNESCO (2025),

into spaces that develop curiosity and critical thinking rather than just conducting knowledge will be indeed more pivotal than before the emergence of generative AI. AI places fresh pressure on universities to readdress the tutoring – literacy relationship. Since AI can give numerous of the answers to questions scholars ask, of consummate significance is a focus on developing thinking and going beyond moralistic approaches to education, and rather, to put dialoguing, inquiring, and indeed feeling at the centre of the pedagogic process." Through full or partial robotization, AI tools will continue to ameliorate processes and routines around lecture evaluations and other executive systems related to tutoring. This can have a positive outgrowth in reducing disunion and process- related inefficiencies. AI tools are also reconsidering the work of preparing and delivering lectures. Now, preceptors can use AI to frame a chronogram, come up with ideas regarding which critical motifs should be covered, and induce donation input. AI can also help prepare classroom accoutrements, similar as colonizing slides with content and suggesting conditioning to foster pupil engagement. In this sense, AI is on the verge of substituting corridor of the academic job in planning a whole course as well as individual tutoring sessions, preparing slides and potentially serving as a veritably competent, effective and undemanding virtual adjunct to deliver lectures. AI may also allow for the development of further effective assessment styles and a better understanding of scholars' engagement and appreciation of the content, playing a pivotal part in preparing specific assessments to attack the further gruelling or instigative aspects and acclimatizing specific assignments for scholars.

- **Ai Generated Material for Educational Purpose**

As generative artificial intelligence is becoming increasingly embedded in the educational landscape, we need to consider how these AI-generated resources will behave under the umbrella of copyright and the doctrine of fair use and fair dealing. Some examples of the types of educational materials produced by AI tools include lecture notes, research summaries, problem sets, simulations, visual graphics, assessment rubrics, and even draft articles for publication.

<https://www.unesco.org/en/articles/artificial-intelligence-education> (last visited Apr. 1, 2026)

Although AI-generated educational resources provide significant benefits to support educational activities and are a source of equality of opportunity for all, there are also problems associated with AI-generated educational resources that challenge many of the basic tenets of copyright law relating to human creativity and originality, and authorship. According to Section 13 of the Copyright Act of 1957, original literary works, dramatic works, musical works, and artistic works are protected by copyright law in India. The definition of “author” at Section 2(d) includes “the person who causes the work to be created,” effectively implying that for computer-generated works to be copyright protected, there must be identifiable and/or verifiable human causation<sup>20</sup>. While this provision may support the notion that AI-generated educational resources can be regarded as innovative and protected by copyright, it establishes an implicit requirement that there be identifiable and/or verifiable human causation to create the works. Therefore, if AI creates content independently or generates outputs through marginal human input, we cannot determine the status of the copyright protection for these AI-created works. In the case of *Eastern Book Company v. D.B. Modak*<sup>21</sup>, the Supreme Court of India affirmed the notion that creativity is closely associated with the meaning of copyright, finding that a “modicum of creativity” must be present when determining originality, as simply being a mechanical labourer is not sufficient evidence of creativeness. If the AI-generated outputs meet this originality requirement, they may be considered copyright protected; however, if the AI-generated outputs are solely automated and do not contain any element of creative intellectual input or effort by any human author, then they are likely to be lacking the requisite originality required for copyright protection. Similarly, in *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*<sup>22</sup>, the Court emphasized that copyright is a bundle of economic rights vested in an author, reinforcing the centrality of human authorship.

<sup>20</sup> *Narayanan, Copyright and Industrial Designs, supra, at 74.*

<sup>21</sup> *E. Book Co. v. D.B. Modak, (2008) 1 S.C.C. 1 (Sup. Ct. India).*

<sup>22</sup> *Indian Performing Right Soc’y, A.I.R. 1977 S.C. at 1446.*

#### • Fair Dealing and Classroom Use of Ai-Generated Content

It is currently debated if AI-generated materials used in teaching are covered under statutory exceptions to educational use. Under the 1957 Copyright Act Section 52(1)(i), teachers and students can make copies of the copyright owner's work while performing instruction duties. In the Delhi High Court case *The Chancellor, Masters & Scholars of the University of Oxford v Rameshwari Photocopy Services (Delhi University Photocopy Case)*<sup>23</sup>, this section was construed broadly to mean that reproducing some form of an educational instruction does not infringe a copyright by providing an educational purpose and not entering into an unreasonable detriment to a right of the copyright owner. Applying this reasoning, AI-generated summaries or extracts used within instructional settings may qualify as fair dealing, provided:

- The use is non-commercial,
- It is proportionate and pedagogically justified,
- It does not substitute the market for the original work.

However, if AI tools reproduce substantial copyrighted material verbatim from training datasets, the protection of Section 52 may not apply.

#### • Ai As a Derivative or Transformative Tool

AI creates content resembling existing content's (like) style, structure or theme; and should therefore create legal risks when such content produced by AI is close to that of copyrighted texts, scholarly articles and/or research databases for the development of formulating educational products for the purpose of delivering education. To address this issue of comparative jurisprudence, the court in *Authors Guild v. Google Inc*<sup>24</sup>, held that Google's digitization of pre-existing texts created a transformative use and therefore, is exempted from copyright infringement because the use created a new way of using and/or interacting with a text by creating an automated search function through the use of electronic versions of the text.

<sup>23</sup> *The Chancellor, Masters & Scholars of the Univ. of Oxford v. Rameshwari Photocopy Servs., 2016 SCC OnLine Del 5584 (Del. High Ct.)*

<sup>24</sup> *Authors Guild v. Google, Inc., 804 F.3d 202 (2d Cir. 2015).*

Though the transformative doctrine is not codified under Indian law, it may provide assistance to Indian courts in determining whether the use of AI to create digital forms (for example, analytical summaries, quizzes, concept maps, etc.) of the content meets the definition of an infringement or creates a transformation. However; the legal definition of a "transformative" form under Indian law will present a challenge, since the definition of a transformative use under Indian legal definition is more narrowly interpreted than under the U.S. fair-use statute.

- Liability And Accountability in Educational Ai Use  
A significant conflict arises where AI-generated materials unintentionally replicate copyrighted research or academic tools. Liability may potentially attach to:

- The developer/programmer, if the system was trained unlawfully;
- The educational institution, if it knowingly deploys infringing tools;
- If significant parts of copyrighted material are reproduced by an individual (teacher/student).

Sections 51 and 55 of the Copyright Act 1957 describe copyright infringement (and the remedies available). However, those provisions assume that there are identifiable human actors. The lack of clear guidance by legislation regarding artificial intelligence generates uncertainty about who is liable<sup>25</sup>.

- Academic Integrity and Ethical Implications

AI-generated content has raised significant concern in two ways that are related: firstly, due to the implications of potential Copyright Law infringement; and secondly, due to concerns about how an individual may represent AI-generated content that they received as "their own original work." The issue is not always going to involve Copyright Law (i.e., there may not be any Copyright infringement if the AI output does not qualify as any type of Copyright protection); however, the issue can certainly involve concerns about Plagiarism, Misrepresentation and/or Academic

Dishonesty as defined by each Institution's respective academic limitations or use limitations. Copyright Law protects original works by providing Economic Rights and Moral Rights to a Copyright owner; however, entities focusing on Academic Integrity create frameworks that define how Copyrighted Works are deemed "Acceptable" or "Unacceptable" by adhering to criteria focusing on Authenticity, Intellectual Effort and Attribution. The Supreme Court of India has already established in the case of *Eastern Book Company vs. D.B. Modak*<sup>26</sup>, the necessity of a "minimal level" of Creativity required in order for a Work to be deemed "original" and noted that the Intellectual Effort put forth by an author is one of the principles determining authorship; accordingly, the implications of representing an AI-generated output as an individual's own Academic Work have a direct correlation to and undermine academic standards. In addition, the Court in *Indian Performing Right Society Limited v. Eastern Indian Motion Pictures Association*<sup>27</sup> noted that Copyright is vested with a recipient/s (as opposed to a Author) based solely upon the authors ability to produce "works" through their Creative Contributions through the skill and labour of the author; therefore, an ethical obligation exists for one's Creative Output to be able to trace back to an identifiable Human Intellectual only. According to *Feist Publications, Inc. v. Rural Telephone Service Co*<sup>28</sup>, originality is established through both independent creation and minimal creativity. When text is produced solely by AI systems, the lack of independent human intellect will create challenges for students trying to claim they authored the text. Additionally, the Delhi High Court in *The Chancellor, Masters & Scholars of the University of Oxford v Rameshwari Photocopy Services* held that while access to knowledge needs to be balanced against an author's rights, this principle also applies to the ethical use of AI by students in their classrooms<sup>29</sup>. Therefore, AI-assisted drafting will not necessarily infringe copyright under Sections 51 or 52 of the Copyright Act, 1957; however, the ethical misrepresentation of

<sup>25</sup> Narayanan, *Copyright and Industrial Designs, supra*, at 407.

<sup>26</sup> *E. Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

<sup>27</sup> *Indian Performing Right Soc'y Ltd. v. E. Indian Motion Pictures Ass'n*, A.I.R. 1977 S.C. 1443 (India).

<sup>28</sup> *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

<sup>29</sup> *Rameshwari Photocopy Servs.*, 2016 SCC OnLine Del 5584.

AI-generated content as purely original by students is a clear violation of the principles of honesty, transparency and academic integrity. Universities, therefore, must develop comprehensive AI-use policies that define what is acceptable and what is prohibited, require that students disclose that they used AI tools when preparing their assignment and emphasize the research aspect of using AI rather than substituting critical thinking. These regulatory frameworks are not only necessary to protect against academic misconduct; they also will preserve the pedagogical mission of postsecondary institutions, which is to develop independent reasoning within students, ability to analyse deeply and authentically engage in intellectual activity.

#### VI. CHALLENGES FACED BY UNIVERSITIES, TEACHERS AND LIBRARIES IN THE ERA OF AI: A COPYRIGHT AND FAIR USE PERSPECTIVE

##### 1. UNCERTAINTY REGARDING AUTHORSHIP AND OWNERSHIP OF AI-GENERATED WORKS

Universities increasingly rely on AI tools to prepare teaching materials, research drafts, and assessment content. However, under the Copyright Act, 1957, copyright protection is premised upon identifiable authorship. Section 2(d) recognizes the “person who causes the work to be created”<sup>30</sup> as the author of computer-generated works, yet it does not clarify the threshold of human involvement required. In light of *Eastern Book Company v. D.B. Modak*, which requires a “modicum of creativity,” purely automated AI outputs may not qualify for protection. This creates institutional uncertainty over who owns AI-generated lecture notes or study materials—teachers, universities, or no one.

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<sup>30</sup> *Gopalakrishnan & Agitha, Principles of Intellectual Property, supra, at 103.*

<sup>31</sup> *Rameshwari Photocopy Servs., 2016 SCC OnLine Del 5584; Narayanan, Copyright and Industrial Designs, supra, at 407.*

<sup>32</sup> *Gopalakrishnan & Agitha, Principles of Intellectual Property, supra, at 314; Sinha, Fair Dealing in Indian Copyright Law, supra, at 75*

##### 2. RISK OF COPYRIGHT INFRINGEMENT THROUGH AI-GENERATED CONTENT

Due to the fact that AI systems trained on copyrighted texts such as books, journals and research databases can accidentally generate reproductions of a substantial amount of a protected work's output, if any AI-Generated materials created closely resemble existing textbooks or academic publications then Universities/Teachers may breach Sections 51 & 55 Copyright Act 1957. The case *The Chancellor, Masters and Scholars of the University of Oxford v. Rameshwari Photocopying Services*<sup>31</sup> highlights that educational use of these works is an exception but this does not extend to large scale/commercial reproduction. Therefore, institutions need to assess very carefully how much they are reproducing from AI-Generated sources.

##### 3. NARROW SCOPE OF FAIR DEALING IN INDIA

Indian law does not use the broad fair use rule that a U.S. copyright holder uses for his own benefit. Indian copyright law has a limited fair dealing doctrine under Section 52 of India's Copyright Act, 1957<sup>32</sup>. While Section 52(1)(i) allows for reproduction “in the course of instruction,” there is still ambiguity about AI-generated summaries, automated translations, or digital course packs that would be considered to fall under this exception. Therefore, Indian universities must work within the narrow confines of the law to integrate AI into their classrooms.

##### 4. ACADEMIC INTEGRITY AND PLAGIARISM CONCERNS

Teachers have an ever-increasing challenge distinguishing between AI submissions and student submissions. Copyright law may not penalize the use of non-original AI outputs, although academic policies will consider undisclosed use of AI to be as academic misconduct. The case of *Feist Publications, Inc. v. Rural Telephone Service Co*<sup>33</sup>. reaffirms the

<sup>33</sup> *Feist Publications, Inc. v. Rural Telephone Service Co.: Case Summary, Legal Info. Inst., Cornell Law Sch., <https://www.law.cornell.edu/supremecourt/text/499/340> (last visited Apr. 3, 2026)*

importance of original authorship due to independent intellectual effort, which will continue to be jeopardized due to the availability of automated content creation.

#### 5. LICENSING AND DATABASE SUBSCRIPTION CONFLICTS FOR LIBRARIES

Libraries of universities have licensed access to both academic databases and e-resources through subscriptions. AI tools that extract, summarize, or process many types of content could violate these licensing contracts, regardless of whether there are any statutory exceptions available under Section 52. As such, university libraries must achieve a balance between technology innovation and compliance with the copyright laws when utilizing AI to provide access to copyrighted works without compromising the integrity of the Digital Rights Management (DRM) protections associated with these works.

#### 6. MORAL RIGHTS AND ATTRIBUTION ISSUES

Moral rights of authors are protected under Section 57 of the Copyright Act, 1957, which includes the right of attribution and integrity.<sup>34</sup> When AI generates adaptations or paraphrases of academic materials, this may alter the original work and result in a breach of moral rights. It is up to teachers and institutions to properly cite all protected works and not make any changes to or use them in a derogatory way.

#### 7. INSTITUTIONAL LIABILITY AND VICARIOUS RESPONSIBILITY

Universities may face vicarious liability if faculty members or students use AI tools in ways that infringe copyright. The Supreme Court's reasoning in *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*<sup>35</sup> underscores the importance of protecting authors' economic rights. Institutions must therefore implement compliance mechanisms and internal policies to mitigate legal exposure.

#### 8. DIGITAL DIVIDE AND ACCESS TO EDUCATIONAL RESOURCES

While AI promises broader access to knowledge, overreliance on proprietary AI platforms may create inequities between institutions with advanced technological infrastructure and those without. The constitutional commitment to education under Article 21A requires balancing copyright protection with equitable access to learning tools.

#### VII. RECENT JUDICIAL DEVELOPMENTS AND EMERGING AI-COPYRIGHT LITIGATION IN INDIA

While no Indian Courts have yet considered a direct case regarding AI authored or generated works, there have been developments in case law and related litigation that address many of the legal principles centered around the connection between AI, Copyright and Educational use. In *Eastern Book Company v D.B. Modak*, the Supreme Court of India stated that Originality requires some degree of creativity to be exhibited by the human author, thereby stating that Copyright Security is based upon the intellectual effort exhibited by a human author and not merely based upon the mechanical compilation of works. Therefore, this principle raises only fundamental issues as to whether autonomous AI produced outputs can ever be eligible for Copyright protection, particularly where such outputs may be used to create Educational Materials and/or Summaries without any substantial human involvement. In *Indian Performing Right Society Ltd. v Eastern Indian Motion Pictures Association*, the Court has stated Economic Rights cannot exist in the absence of a defined Creator and thus, may be read to indirectly suggest that AI generated works likely fall outside the scope of copyright coverage under the Copyright Act of 1957, except that there may be some level of human supervision of the generation of such works. As a result of the High Court of Delhi ruling in *The Chancellor, Masters, and Scholars of the University of Oxford vs Rameshwari Photocopy Services (Delhi University Photocopy Case)*, it has become clear that exceptions to copyright for education under Section 52 need to be interpreted in terms of the public good

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<sup>34</sup> Devanshi Bhandari, *Moral Rights in the Age of Artificial Intelligence: Challenges to Attribution and Integrity*, 12 *Indian J. Intell. Prop. L.* 89, 96–99 (2025).

<sup>35</sup> Rahul Mehra, *Artificial Intelligence, Copyright Infringement and Institutional Liability*, 10 *J. Intell. Prop. Rts.* 45, 52–55 (2025)

served by providing access to education through the reproduction of copyrighted works for classroom use as examples of "fair dealing." Although generative AI tools operated outside the scope of this particular decision, the case provides a legal framework for balancing the interests of copyright owners with providing access to education, and could serve as the basis for resolving disputes involving the use of generative AI to reproduce or transform copyrighted materials as part of educational research. Currently, the World Intellectual Property Organization is hosting global discussions with member states and consulting with stakeholders in India regarding the need for legislative amendments relating to copyright in connection with the issues of authorship, liability, and transparency of training data for AI systems. No changes to existing statutory law have yet been made, but these judicial and policy developments indicate that if disputes arise at the intersection of copyright and artificial intelligence (AI), particularly in the context of education, courts may be asked to interpret whether reproducing or transforming copyrighted content using an AI/computer is permissible under the doctrine of fair use, and whether there is originality in the content produced, as well as to what extent AI/computer-assisted learning materials may legally use copyrighted material<sup>36</sup>.

### VIII. CONCLUSION

In conclusion, copyright law, fair dealing and artificial intelligence can be viewed together in the context of education as providing opportunities and complexity when it comes to legal issues. The Copyright Act 1957 attempts to create a delicate balance between the exclusive right of the author under section 14 of the Act and providing a benefit to the community by allowing access to knowledge. The Act's exceptions to the copyright protections afforded by section 52 are examples of this. Court decisions have generally interpreted that copyright protection is based on the author's original contribution, but at the same time,

courts have consistently recognised that providing the public with access to educational material should not be made more difficult than necessary. For example, the case of *Eastern Book Company v D B Modak*, *Indian Performing Right Society Ltd v Eastern Indian Motion Pictures Association* and *The Chancellor, Masters and Scholars of the University of Oxford v Rameshwari Photocopy Services* have helped to develop these two competing rationales. The continuing evolution of artificial intelligence ("AI") will further exacerbate the tension created by the Copyright Act where questions relating to copyright authorship, originality, liability and transformation of the work of authors are not clearly articulated in the current statutory scheme. AI can enhance teaching strategies; provide greater access to learning and make education more widely available, especially for people with disabilities who will benefit from progressive changes to the Copyright Act like section 52(1) (zb); however, if AI continues to be without any regulation, it will be detrimental to both the economic and moral rights of the author and to the principles of academic integrity that are the foundation of education. There continues to be a lack of clear laws describing the ways copyright law covers works produced using AI and data used to train AI. This has led to uncertain regulatory processes and has made it necessary for organizations, corporations, or institutions to establish institutional policies regarding AI-generated works. An unclear regulatory framework also necessitates improvements in statutory law through clearer reform legislation and a more balanced, equitable, and transparent interpretation of copyright law by the courts. Copyright laws in higher education must remain a social tool that supports developing creativity and enhancing citizens' constitutional commitments to education, equality, and access to knowledge. Ultimately copyright law must ensure that the growth of innovation and technology strengthens rather than undermines the basic purposes of higher education in India.

<sup>36</sup> *Eastern Book Company v. D.B. Modak: Supreme Court on Originality in Copyright Law, Live Law*, <https://www.livelaw.in/top-stories/eastern-book-company-v-db-modak-originality-copyright-judgment> (last visited Apr.34, 2026); *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*, *Indian Kanoon*,

<https://indiankanoon.org/doc/1535096/> (last visited Apr. 4, 2026); *The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services*, *Indian Kanoon*, <https://indiankanoon.org/doc/56580673/> (last visited Apr. 4, 2026)