

Publishers clash with students over textbook copying

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Contents

Enforcement is the problem	3
Raising public awareness	3
Case against a photocopy shop	4
Used to cheap books	5

Indian academics and university students are fiercely defending their right to use copyrighted reading material for free as Indian publishers intensify their fight against the photocopying and organised counterfeiting of books.

"Legal action is initiated in one or two new [piracy] cases every month," said Manas P Saikia, managing director of Feel Books Pvt Ltd and a founding member of the Association of Publishers in India, or API.

The anti-piracy operations are being undertaken by a team of intellectual property rights lawyers hired by API.

Saikia told *University World News* that about 40% of India's textbooks market is affected by piracy, and that it is largely controlled by organised criminals.

Enforcement is the problem

"The laws are OK, but enforcement is a problem," he said. "Pirates print and move from one product to another very quickly."

Saikia said that pirated versions of academic books were mostly sold from small shops around universities, especially where there are number of engineering, medical and management colleges, for instance in Hyderabad in Andhra Pradesh.

In his view, the legal actions being taken by the industry has reduced piracy "a lot from what it was, but still it is too much." Saikia said the counter measures have started to develop the market for original academic books, and warned that laxity would reverse those gains.

Indeed, a recent Industry Pulse Survey conducted by the Federation of Indian Chambers of Commerce and Industry, released in February, described piracy and 'cannibalisation' of print editions by e-books as major challenges.

According to its results, 66% of Indian publishers said a collaborative effort followed by "increased regulations over distributors" were needed to combat the problem.

While most international publishers, including those from the UK, are already active in fighting piracy, API is concerned that smaller Indian publishers are taking insufficient action to protect themselves, and it is trying to encourage them to support anti-counterfeiting actions.

Raising public awareness

Actions could fight the problem at the demand end, for instance by backing public awareness programmes persuading consumers to avoid fakes.

"Educational authorities like the [central government] ministry of human resource development and other stakeholders should join hands with publishers to make people understand that there is some sanctity to copyrighted knowledge, which should be respected," said Sesh Seshadri, secretary of the API.

"Preventive measures cause harmony, bring in cooperation and understanding whereas litigation gets into a mess."

Indeed, when publishers have aggressively demanded an end to the practice of photocopying books at or near university campuses, it has cost them a lot of goodwill and pitched publishers directly against students.

A good example of public opinion comes from Apoorva Gautam, an MPhil student at Jawaharlal Nehru University in New Delhi, who said: "The knowledge part of books is much more important than whether publishers are making profit out of it or not."

Defending the right of students to photocopy books Gautam, who is also the president of the Association of Students for Equitable Access to Knowledge, or ASEAK, said Indian students have very small budgets.

"We live in cheap hostels, we eat cheap food, we get cheap reading material and if publishers have to bear a cost for that, it's their problem," she said.

Case against a photocopy shop

ASEAK is building up its arguments for an upcoming date in April when it will explain its position before the Delhi High Court in a two-year-old case initiated by API.

In August 2012, API managed to get a court order to shut a photocopy shop, Rameshwari Photocopy Services in the Delhi School of Economics, that was accused of unauthorised copying of books.

Students reacted sharply against the order and formed ASEAK, which was recognised by the court as a defendant in the case.

Rameshwari Photocopy Services claims that it compiled course packs or study material for students on the direction of teachers, by photocopying specific chapters from books borrowed from the Delhi School of Economics library.

The practice is widely prevalent and well accepted in India. Soon after the shop was raided and a court case was initiated, a group of authors including those associated with major international publishers wrote an open letter to API requesting it to withdraw the case.

The letter said that "these course packs serve as advertisements for the books themselves, and it is only by allowing the use of these extracts that we can hope to enthruse students to buy the entire book at a future date".

Indeed, many authors value recognition above royalties, according to Professor Yash Pal, former chair of India's University Grants Commission.

"Lots of my work is completely photocopied and I don't see it published anywhere," he said. "Sometimes I feel great that at least it is seen and known."

Used to cheap books

Indian students are used to cheap reading materials as subsidised primary and secondary school textbooks published by the central government-owned National Council of Educational Research and Training cost less than the cost of photocopying them.

"If a book on 'castes in India', for example, is available for US\$2, I will be most happy to buy it," said Gautam. "However they cost between US\$6 to US\$20 and I need to read dozens of them."

The API argues that this is unfair, and released a public statement arguing that "the Indian operations of international publishing houses have made books available to consumers in India at possibly the lowest prices anywhere in the world".

But this still leaves the question of the extent to which photocopying textbooks is legal in India.

According to Smarika Kumar, a legal researcher at Bangalore-based Alternative Law Forum, which is providing legal help to ASEAK: "Copyright is not an absolute right as there are certain exceptions through which consumers can bypass copyright and make use for certain purposes like research and academic readings and commentaries."

Furthermore, Kumar claimed: "In most cases less than 10% of the book text is being photocopied."

In fact, in their open letter the authors also said that section 52 (1)(i) of the Indian Copyright Act "allows for 'the reproduction of any work by a teacher or a pupil in the course of instruction' or as a part of questions or answers to questions".

Professor Pal called for early resolution of the issue. "A middle way has to be found because if students always photocopy books then after a while there will not be any books to publish," he said.

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