
COPYRIGHT AND DIGITAL EDUCATION: ANALYZING THE IMPACT OF DISTANCE LEARNING

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I. INTRODUCTION

Our day-to-day activities mainly involved going to college, school or work where people like us used to commute daily to their educational institutions or workplaces, well these involved travelling by various means such as cycling, public transport or driving commuting allowed individuals to attend college, school or workplaces physically and to move them from the home to their destination regularly.

This facilitated socialization and networking opportunities for example, students in school or colleges interacted with their friends or classmates during breaks or events or any extracurricular activities and meanwhile, employees got to be engaged in team-building activities and strengthening professional networks.

But the universe had something else planned for the world when covid-19 pandemic took place, so during the pandemic or after the pandemic life was quite different especially when it came to education and learning educational institutions had to close and even workplaces, students couldn't go to classes like before so relatively schools and teachers started using the internet and computers to avail the learning for their future and this is called digital education.

Digital education during the pandemic and even after the pandemic took a rise to the sky due to many reasons if I were to give examples it would be accessibility, digital education made learning accessible worldwide, people even from remote areas and people with physical disabilities were able to access quality education to without the hectic travelling. Another can be learning can never be limited as with digital education you are entitled to learn new things whenever you want to be.

So, after the digital education we come to our copyright as we know copyright protects the original works of the creator, the work can be artistic work, dramatic work, musical work, cinematography and etc.

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Digital learning may provide new challenges to copyright owners for educators and content creators. Copyright and digital learning can intervene with each other in various ways and for many reasons due to the reliance on digital content in educational areas.

In this article, we'll talk about how digital learning is affecting copyright, how they are connected to each other and how the resources are being utilized in digital learning, forms of content their relevance to the original work of author and the infringement.

II. COPYRIGHT AND DIGITAL EDUCATION

Copyright and digital learning; analysing the impact of distance learning likely refers to the analysis and study for examining how copyright laws are intersecting with digital learning and education, especially in the context of distance learning. This includes exploring various issues such as fair use of copyrighted information or facts in online education, there can be challenges of ensuring resources for educational purposes while considering and respecting copyright in respect of implications of distance learning on enforcement of copyright and educational practices.

Copyright plays an important role in digital learning or education, analysing how educational materials are being created, and distributed or is being used online, there are various factors how copyright is involved in digital learning;

- Copyright laws provides content creators exclusive right of their original work which may include, lectures, books, videos and many educational resources. When educators create their digital educational materials, they automatically have copyright over their work or creations but it will not lead to infringement until and unless the creators had transferred those rights to someone else or appointed them as part of their employment.
- Educators often integrate third party content such as articles, images or videos so that they can enhance their teaching information to interesting learning, however the educators must ensure that their use of such content does not violate rules of copyright and shall adhere to copyright law this may include obtaining permission from the copyright holder for using content under fair use or fair dealings provisions.
- Fair use and fair dealings are the legal provisions under copyright law which provides a limited use of the copyrighted work of copyright holder without obtaining the permission from the original copyright owner. In relevance with digital learning, educators mainly rely on fair use and fair dealings provisions so that they can use

copyrighted works in their teaching but they shall ensure that their idea shall be limited to fair use only.

- This may also include educational institutions may enter into agreements for licensing with content creators or publishers or those who are providing contents and online platforms so to access digital education materials and facts. These agreements specify terms and conditions under which educational institutions can use, share and distribute copyrighted work.
- In the era of digital education, this mainly relies upon the distribution or sharing of the educational information likely through online platforms and websites whereas copyright law supervises the distribution, reproduction and public display of copyrighted facts in digital assignments i.e. educators must be thorough of restrictions of copyright when sharing materials with students or staffs online.
- As not obtaining permission for using copyrighted work from the copyright owner or recording a video or sound of copyrighted work may violate copyright law if the work is already reproduced.
- Copyright law is making it challenging for teachers and educators to use copyrighted works in necessary educational activities.

III. IS DIGITAL EDUCATION AFFECTING COPYRIGHT IF YES, HOW?

If you want my opinion I would say yes, digital education significantly affects copyright, in the era of digital learning many forms of content such as videos, images, articles are very easily accessible and are easily shareable online. This accessibility raises copyright problems as students and educators interact with the original work of copyright holder.

The impact of digital education to copyright will always be significant in relation with the context of online teaching and distance learning, the adaptation to online teaching was accelerated at the time of covid-19 pandemic which has raised general concerns and questions about the fair use of copyrighted work and information in educational department. Educational institutions and teacher must operate with copyright laws, and provisions of fair use and fair dealings and permissions for implementing when using digital resources in online teachings.

The arrival of digital technologies and its worldwide use of information technologies in educational institutions have introduced new challenges and reflection which are related to copyright and copyrighted works also indulging with the ownership of a copyrighted work, the adaptation to online teaching has focused on the need for a balance between protecting the

rights of a copyright owner and enabling affecting teaching practices in the digital learning field as adapting to teaching online now is meant to find a middle ground among respecting the rights of people who are copyright owner for example – content creators or authors and to make sure that teachers can still do their job without any hindrances.

As online teaching expands more in India, its essential for policymakers, institutions and teachers to relate or deal with copyright issues, they shall encourage fair use and fair dealings of information and to make sure copyright laws can be fully intact with how digital education is unpredictably changing.

IV. COPYRIGHT INFRINGEMENT IN CASES OF DIGITAL EDUCATION

Digital education like any other thing may result in copyright infringement in many cases involving unauthorized use or sharing of the copyrighted work, some few examples are-

- If teachers or any educator uses a copyrighted work of a copyright owner without obtaining the mandatory licenses and permission, the work can be any, images, videos or text may result into copyright infringement.
- Scanning textbooks or copying them without any licenses or permission from copyright holder and providing them digitally to students or transferring scanned copies of paid online books without authorization may result in infringement.
- When someone downloads a video from unauthorized websites or source it will result in copyright infringement.
- Distributing digital copies of any article or research paper published by the copyright owner with peers or students without obtaining the permission from the copyright owner will result in infringement
- Uploading, sharing or distributing any pirated copies related to educational software, digital resources on other school networks owned by other or uploading it to online platforms without the necessary permission may result in infringement.
- Using of any documentaries or films and presenting them in public screenings even for educational purposes without the proper authorization from the copyright owner will violate the rights of copyright holder.

Digital education distributors in India should ensure that they have an authorization and licensing agreements from the copyright holder so that they can use their work with rules and regulations as it will help in promoting academic probity and obey with relevant education laws and regulation. Also, encouraging awareness about digital learning among educators, teachers and students about the moral use of digital resources which are essential for preventing digital infringement and also spreading relevant information regarding intellectual property rights.

V. COPYRIGHT INFRINGEMENT IN INDIA

As per the Copyright Act 1957 of India, the unauthorized use of a copyrighted work without the permission of the owner will result in copyright infringement.

Infringement usually occurs when a third person intentionally uses and copies the work of another person it may also happen unintentionally i.e., they are classified in two categories which are primary infringement and secondary infringement.

In primary infringement, the infringer has actually copied the work of a copyright owner as it is a direct violation of copyright, in primary infringement the infringer can be unsure or may not know about the infringement.

Whereas, in secondary infringement, there is an unlawful dealing of selling or receiving pirated books or articles in secondary infringement the infringer wilfully commits the infringement.

In the context of digital education, it refers to circumstances where a person or an entity benefits from infringing copyrights which are affiliated to digital teaching materials.

It mainly involves distributing of online educational material without the authorization for using copyrighted work which may result to his/her beneficiary.

In both the cases of infringement, copyright owner is liable to seek legal remedies for recovering their position back and compensation for his loss.

VI. REMEDIES FOR COPYRIGHT INFRINGEMENT

The copyright holder or owner can file a suit if his produced work is infringed, there are two legal remedies by which he or she can file a legal suit which are-

- Civil suit
- Criminal suit

In a civil suit, when a copyrighted work is copied or infringed, the copyright holder is liable to seek remedies for compensation which are-

Injunction- injunction can be called as one of the efficient methods for seeking legal remedy, in injunction whoever infringes the original work of author is controlled for continuing infringing acts and he or she is ordered by the court to recover the position or reputation of the author.

Damages- damages can be called as the amount or lump sump money which are provided to the copyright holder so that the reputation and his identity can be reclaimed to its previous position. However, the amount or credits which are earned or obtained by the infringer by selling, distributing or producing the original work are taken into consideration and are provided to copyright owner for such acts because selling or producing the work to public by

unauthorized means will lead to drop off in the sale of original owners work or loss of profit etc.

Accounts- amount or credits earned and obtained by the infringer in process of selling, distributing or producing the original work to public will be inspected by the appropriate authority and infringer can be told to provide the details of profits from such acts, so that appropriate quantity of money is payable to the copyright owner.

This was all for seeking legal remedies in a civil suit by the copyright owner against a person or an entity for infringing his or her rights, a case can also be filed against a company or an LLP (limited liability partnership) and including all those who are in operating the company at the time of infringement.

Criminal Suit: When a person infringes or abets someone to infringe the copyright knowingly then the offence is committed under the copyright act 1957. When a copyright holder files a suit for infringement the minimum punishment for infringement is 6 months which can extend to 3 years with a minimum fine of 50,000 which can extend to rupees 2 lakhs.

In case of a subsequent conviction or second conviction the punishment will be imprisonment for minimum of 1 year which may extend to 3 years and also with fine of 1 lakh rupees which may extend to 2 lakh rupees.

A police officer cannot arrest someone as an infringer if the police officer is below the rank of sub inspector if above the rank, the officer can seize the infringing copies even without a warrant if a police officer is satisfied that infringement has been committed and produce before the appropriate authority which will be magistrate.

VII. IMPACT OF DISTANCE LEARNING

Firstly, distance learning mainly means that students do not have to be physically present in the classroom or educational institutions to gain knowledge and insights from the teacher even though the teacher doesn't have to be physically present with students for providing education is called distance learning.

It is a teaching method that enables the students to learn without physical interaction at a university or institute.

Distance learning refers to online classes, online courses, and e learning.

Distance learning was being used for many years but it evolved during covid 19 pandemic, distance learning mainly depended upon providing educational materials related to their courses and students job was to submit their assignments and work through mail or messages. But after the COVID, distance learning has evolved to interactive class experience of learning,

similarly with the vastness of internet around the world has made it easier for any person to gain knowledge from anywhere around the world even from remote areas.

After the pandemic distance learning became a major plot for research and discussion worldwide and much research has been done about implementing it more, about its advantages and disadvantages but I want to share my opinion of distance learning in India.

VIII. ADVANTAGES OF DISTANCE LEARNING

- **Time conserving:** Students don't need to travel to educational institutions to have knowledge about their course or to steer crowded hallways for getting to the lecture class, so similarly students can save time by studying and may also focus on other aspects of their life.
- **Incomparable accessibility:** When the world is evolving there are still some places that exist which are not accessible to everyone especially those individuals who are primarily limited to mobility, there is a reason why because majority population resides in those areas whereas it is difficult to gain education similarly distance learning will help provide these areas by providing remote classes as it offers new potentials, no chapters or lessons are missed so that students don't feel behind from the class and they may also learn in the surroundings which they are comfortable at.
- **Elastic work schedule:** As many families have different backgrounds and financial conditions whereas it is difficult for those students who are working to support their families. These responsibilities for the families and also carrying the need to complete their education can be affected some time, being able to carry both the things are much easier when the hectic travelling is avoided to save time and it's all possible by distance learning implementing that responsibilities for families are pivotal as well as education.
- **Cost effective:** Many researchers have proved that distance learning is an effective method for saving money and is very cost efficient. however, the cost effective may be different depending on various factors such as services provided by the content providers or program quality.
- **Lessen travelling pressure:** This is a major advantage of enabling distance learning as it avoids or prevents the students from the hectic schedule of going to institutions and coming back from it as it saves a lot of inconvenience and burden. As it is an efficient method for people who are struggling with the finances and do not want to spend their money on daily public transportation expenses as the same are also applicable to teachers which prevents them from moving from one class room to another.

IX. DISADVANTAGES OF DISTANCE LEARNING

- **Facing technical issues:** Sometimes the internet connection is not a dependable source if a person is residing in a remote area, yes there can be a healthy internet connectivity but can be affected due to multiple factors for example- electricity for no reason at all the electricity could go off any time on a day or for a few days due to geographical conditions, so it can lead to missing out a lecture and their notes.
- **Distance learning can be solitary:** In a virtual classroom, a teacher cannot focus on every student i.e. student may feel detached from the class, as there are also cases where you cannot have a face-to-face interaction with the teachers or other learners leading to complicated situations for asking questions and seeking doubts.
- **Lack of compulsory courses online:** As students who are focusing on different degree programs sometimes cannot find all the important courses needed for their education so it's not adequate for all subjects, for example, it is easier to learn a political science lecture online but learn a lab practice of chemistry and biology.
- **Distance learning can create a lack of ambition:** As self-motivation is an essential ingredient on a student, herein also in distance learning students need to have self-motivation all the time as there are assignments and work which are provided to students to be completed on time as there is no physical interaction of students with teacher and not focusing on these works will lead to failure of obtaining passing marks in their course so i.e. distance learning is more adequate to those who are motivated learners. As most of the time, students fail to submit their assignments and work on time which lead them to low self-esteem.

Now coming back to copyright, distance learning has been challenging copyright in many ways and has raised various issues for educators like:

- **Escalated dependency on digital materials:** As educators and institutions or libraries must adhere to the licensing agreements for providing digital materials including copies of data but realising on the facts that these agreements are not always available and can be too overpriced.

There can always be an infringement of copyright as discussed above if a portion or a whole copyrighted work is scanned or recorded and produced to the public without obtaining permission from the copyright holder.

Educators providing online courses may face harsh challenges because they do not have copyright pliability as equated to those teachers who are teaching in a traditional classroom.

Accordingly, educational institutions shall have legal policies of or agreements of copyright and are liable to provide their teaching faculty, peers and students that these agreements or policies which include data and information to be studied in the course are subject to copyright protection.

Also, educational institutions must be convenient in taking measures so that students are prevented from using these materials or data inappropriately for example publicizing the information to other people.

X. CONCLUSION

The arrival of distance learning has transformed the education system for providing information and assets which have not been provided ever, however, every modification has always brought difficulties and complexities especially related to copyright as after COVID many institutions have shifted to digital education and platforms have pulled out debates from many researchers.

In this conclusion, I will highlight the impact of distance learning in copyright including digital education and its challenges. The main challenge which digital education has faced in recent times is maintaining a balance between distributing information and data and also honouring the rights of copyright owners especially when there are already laws regarding fair use and fair dealings under the copyright law of India 1957, as copyright in digital education still is doubtful often. The only method is that educational institutions must adhere to agreements of licensing so that students or staff can steer issues of copyright effectively. Maintaining a healthy relationship between content creators, copyright owners and educators is essential so that the respect of intellectual property rights are reserved. In the end, the transformation to digital education has remodified the nature of education which states opportunities and complexities in the era of copyright and digital education so by encouraging responsible use of copyright the educators can tackle the potential of digital education while respecting or considering the moral of copyright law in the modern age.

To address infringement of copyright in distance learning educators and institutions must embrace legal practices and pre-planned lessons to adhering to copyright laws also understand fair use provisions in India so that there is an easy and understandable use of copyrighted material and promoting the quality of online learning and learning experiences.

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