

Dear OUP, CUP and Taylor & Francis,

It has come to our attention that Oxford University Press along with Cambridge University Press and Taylor and Francis have filed a petition in the Delhi High Court claiming copyright infringement by Rameshwari Photocopy Services along with Delhi University as a co-defendant. We are given to believe that the infringement that has been claimed is with respect to course packs that are used as a part of various social science subjects including history, politics, economics, sociology etc. As authors and educators, we would like to place on record our distress at this act of the publishers, as we recognize the fact that in a country like India marked by sharp economic inequalities, it is often not possible for every student to obtain a personal copy of a book. In that situation the next best thing would have been for multiple copies of the book to be available in the library so that students are able to access these books without any difficulty. But given the constraints that libraries in India work with, they may only have a single copy of a book and in many instances, none at all. The reason we make course packs is to ensure that students have access to the most relevant portions of the book without which we would be seriously compromising their education.

The argument made by publishers for strong copyright enforcement is based on presumed losses caused to them. Given the pricing strategy followed by publishers, we do not believe that students are the primary market for these books and hence it would be disingenuous to presume that every photocopied article or book would be a lost sale. We would also like to refute the claim that academic publishing is sustained by the investments made by publishers. This claim hides the fact that most academics are able to write books because they are supported by public infrastructure and money by virtue of being employed by universities or research centers. Academic writers are paid salaries and make their living from the university system, which in India is still largely government subsidized. Academic authors could not possibly make anything close to a living from the royalties that publishing houses offer them. This means in effect that the profits of academic publishing houses are under-written by taxpayers' money, and there is a huge public contribution to the profits made by academic publishing houses.

That apart, we believe that these course packs fall very much within the ambit of statutory limitations to copyright and in particular are covered under Sec. 52 of the Copyright Act.

Sec. 52(1)(i) 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.

Sec. 52(1)(a) allows for a fair dealing with any work (except computer programs) for the purposes of private or personal use, including research.

In most countries in the world there are copyright exceptions made for educational uses and this provision is most critical in developing countries in which the cost of books, in proportion to incomes, is exorbitant.

We would finally like to place on record that the petitions filed by the publishers claim that they are acting on behalf of authors and representing the interest of authors. As academics and authors we believe that the wider circulation of our work will only result in a richer academic community and it is unfortunate that you would choose to alienate teachers and students who are indeed your main readers and we urge you to consider withdrawing this petition.

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(On behalf of 309 authors and academics. Complete list of signatories below. The first 33 are authors specifically mentioned in your suit.)

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