Who Owns an Online Course? Copyright Protection for Digital Education in India

News & Updates • November 25, 2026

An online course may appear to be a single product on a learning platform, but its creation involves several distinct intellectual assets. A recorded lecture may contain an instructor's original explanation, presentation slides, diagrams, written notes, assignments, case studies, question banks and other learning materials. These elements may be created by different people, commissioned by an educational institution or developed collaboratively with an EdTech company.

As online education becomes an established commercial model, an important question arises: who owns the intellectual property in a course, the instructor, the institution, the platform or the person who creates the learning material?

An Online Course is a Collection of Copyrightable Works

The Copyright Act, 1957 does not recognise an online course as one indivisible category of copyrighted work. Instead, its individual components may receive protection under different categories recognised by the legislation.

Section 13 provides copyright protection for original literary, dramatic, musical and artistic works, cinematograph films and sound recordings. Accordingly, course scripts, written study material, original presentations, illustrations and recorded lectures may qualify for protection, depending on their form and originality.

For example, an instructor's written explanation of a subject may qualify as a literary work. Original diagrams and illustrations may receive protection as artistic works, while recorded video lectures may qualify as cinematograph films. The underlying subject, facts, ideas, teaching methods or general concepts, however, do not become the exclusive property of the person who presents them. Copyright protects the original expression of an idea, rather than the idea itself.

This distinction becomes important when a course contains material drawn from publicly available information, textbooks, statutory provisions or academic research. The protection extends to the original contribution, not automatically to every underlying fact or concept.

Does the Instructor or the EdTech Company Own the

Course?

The question of ownership becomes more complicated when an instructor develops content for an educational institution or an EdTech platform.

Section 17 of the Copyright Act establishes the general principle that the author of a work is its first owner, subject to specified exceptions. One such exception concerns works created in the course of employment under a contract of service or apprenticeship. In such circumstances, the employer may become the first owner, subject to the statutory conditions and any agreement to the contrary.

Commissioned work and independent contractual engagements may raise different ownership questions. For instance, an instructor engaged to create a recorded course may retain certain rights unless the applicable statutory provisions or contractual arrangements provide otherwise. The position may also differ for written materials, illustrations, photographs and cinematograph films.

This makes the distinction between employment, independent authorship and commissioned production particularly relevant to digital education. The fact that an institution funds the production of a course does not, by itself, establish that it owns every intellectual property right associated with it. The nature of the work, the circumstances of its creation and the governing agreement all matter.

What Rights Does an Online Learning Platform Acquire?

Platforms such as upGrad, Udemy and Coursera operate through different business and contractual models. Their relationships with instructors, universities, institutions and content partners may therefore differ.

A platform may receive permission to host, reproduce, stream, distribute, market or otherwise make course material available to learners. Such permission may take the form of a licence or, depending on the agreement, an assignment of copyright.

Sections 18 and 19 of the Copyright Act govern assignments of copyright, including requirements concerning the rights assigned, duration, territorial extent and other relevant terms. Section 30 separately recognises licensing by copyright owners.

Consequently, the commercial availability of a course on a platform does not, on its own, establish that the platform owns the underlying copyright. A platform's contractual rights may be limited to distribution and access, or may extend further depending on the agreement.

The same distinction matters when an instructor leaves an institution or a platform. The ability to continue using, updating, reproducing or commercially exploiting previously created course material may depend on the ownership and licensing terms applicable to that material.

Can Students Share or Resell Paid Course Materials?

Purchasing access to an online course generally gives a learner permission to use the material within the scope of the applicable access terms. It does not automatically transfer copyright ownership or grant unrestricted rights to reproduce and distribute the content.

Section 14 of the Copyright Act identifies the exclusive rights associated with copyright, including reproduction, issuing copies to the public and communication to the public. Section 51 addresses infringement where a person exercises rights reserved to the copyright owner without permission or acts contrary to the conditions of a licence.

Uploading paid lectures to Telegram groups, distributing course notes through file-sharing platforms, reproducing assignments for commercial distribution or reselling recorded lessons may therefore raise copyright infringement issues, depending on the material and circumstances.

The Delhi High Court considered these issues in *Jainemo Private Limited v. Rahul Shah & Ors.* (2023). The dispute concerned the unauthorised distribution of paid educational courses offered through Apna College. The material included recorded videos, live-session recordings, assignments, reading material and question banks. The Court recognised the course material as comprising literary works and cinematograph films protected under the Copyright Act and granted interim injunctive relief against unauthorised dissemination through digital platforms, including Telegram, WhatsApp and YouTube.

The order illustrates how copyright protection may extend across different components of a commercially distributed online course. It was an interim order based on the material before the Court, rather than a final determination of every possible ownership or infringement question involving online education.

The Ownership Question Behind Digital Education

Online education brings together instructors, content developers, universities, technology platforms and learners within a single commercial ecosystem. Each may have a different relationship with the course material, but participation in its creation, distribution or purchase does not necessarily confer the same intellectual property rights.

The Copyright Act, 1957 provides a framework for identifying protected works, determining first ownership and regulating their reproduction and distribution. However, the ownership of a particular course cannot be determined merely by identifying the platform on which it appears or the person whose name is attached to it.

As digital education continues to expand, the distinction between creating educational content,

owning its copyright and receiving permission to use it remains central to the commercial and legal structure of the online learning industry.

RELATED INDUSTRIES

MEDIA AND ENTERTAINMENT LAWS

RELATED PRACTICES

COPYRIGHT