

INNOVATION IN EDUCATION: A COMPREHENSIVE ANALYSIS OF INTELLECTUAL PROPERTY RIGHTS IN THE EDTECH

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PART-I

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ABSTRACT

With an emphasis on the Indian market, this study explores the complex interplay between innovation and intellectual property in the quickly developing EdTech industry. The study examines the several types of intellectual property (patents, copyrights, trademarks, and trade secrets) applicable to EdTech and their function in promoting innovation while the sector experiences revolutionary changes. It explores issues with ownership, fair use, and copyright infringement, among other concerns relating to intellectual property rights in the EdTech industry. Case studies, like the one involving WhiteHat Jr. and WhiteHat Sr., provide insightful analyses of actual situations. This paper also examines the development and future prospects of the EdTech sector; the study also looks at the value of intellectual property protection for these businesses. The investigation is guided by the research questions, and a thorough analysis at the end of the study opens the door for wise decision-making in the ever-changing EdTech industry.

KEY WORDS: EdTech sector, Intellectual property, Innovation, education

INTRODUCTION

In 2020, as the covid-19 pandemic hit the nation and nationwide lockdowns were imposed in the country, this prompted a surge in the demand for a hybrid education model. Soon, All over India a drastic change in education was observed, the classroom teaching was completely replaced with teaching on eLearning platforms, namely, Microsoft Teams, Google classrooms etc. The increased emphasis on hybrid education served as a boon for the growth of Education Technology companies, popularly known In 2022, The Indian edtech market was estimated to be worth US\$6.4 billion and as per the IMARC Group's forecast, the market would expand at a 13.7% compound annual growth rate (CAGR) between 2023 and 2028, when it is expected to reach US\$ 14.1 billion. The edtech sector in India is growing at a remarkable pace because of the emerging technologies, changing educational paradigms, and a growing demand for flexible and accessible learning options. India's sizable population and thriving digital ecosystem make it an ideal place for the development of edtech platforms.

as EdTech companies. An organization that specializes in the creation, application, and distribution of technological solutions and intends to improve and facilitate the educational process is known as an EdTech (Education Technology) company. These companies use advancements in digital technology to develop tools, platforms, applications, and content with the goal of enhancing the teaching and learning process, streamlining administrative duties, and providing assistance to educators, learners, and educational institutions.

Indian edtech platforms serve a diverse group of learners by offering a wide range of subjects and disciplines. These courses cover anything from professional skill development to academic education. The availability of affordable mobile devices, state-of-the-art educational technology, and internet connectivity have all contributed to the industry's rapid growth.

With the adoption of the digital revolution in traditional educational paradigms, the Indian edtech market is continuing to reinvent the educational environment and offer opportunities for lifelong learning.

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Due to its steadfast emphasis on quality, accessibility, and learner-centric methodologies, the Indian edtech sector is poised to transform education and create new growth prospects. Although, as the EdTech sector evolves, one crucial aspect that necessitates scholarly examination is the connection between educational innovation and the intricate dynamics of intellectual property (IP). Innovative platforms, tools, and content that push the limits of conventional education are being developed by EdTech companies. Trade secrets, patents, copyrights, and other forms of intellectual property serve as the foundation for these breakthroughs and are crucial in determining how the EdTech sector develops. Most of the EdTech giants of India, namely, LawSikho, Byju's, Unacademy etc. has faced a lot of legal challenges, including Intellectual Property Rights, Copyright and patent Infringement, Trademark issues, Data privacy regulations and many more. This research paper embarks on a comprehensive exploration of the intricate relationship between innovation and intellectual property within the EdTech sector. It aims to contribute valuable insights to scholars, policymakers, educators, and industry stakeholders navigating the evolving landscape of education in the digital age.

❖ **RESEARCH QUESTIONS**

Enlisted below are some research questions that will be explored in the study titled "Innovation in education: a comprehensive analysis of Intellectual Property Rights in the EdTech sector":-

- I. What are the various forms of intellectual property (patents, copyrights, trademarks, trade secrets) applicable to EdTech, and how do they contribute to fostering innovation in education?
- II. In the EdTech sector, what are the obstacles and problems related to intellectual property rights, specifically with regard to ownership disputes, fair use, and copyright infringement? What practical implications may case studies within the EdTech industry have for understanding the dynamics of intellectual property, and how have legal considerations impacted the creation and implementation of cutting-edge educational technologies?
- III. What prospects for development and growth are given by the dynamics of intellectual property in the EdTech sector, and how have mergers and acquisitions aided in the spread of EdTech businesses throughout the world?

- IV. Whether the EdTech Market and the Conventional education market are different or the same?

❖ **RESEARCH METHODOLOGY**

The study titled "Innovation in Education: A Comprehensive Analysis of Intellectual Property Rights in the Edtech Sector" is mostly based on doctrinal research principles. Doctrinal research is defined as the process of referring to and interpreting existing facts, such as legislation and statistics. According to the researcher, the current study is heavily reliant on existing regulations and how they interact with one another. It is preferable to favor doctrinal study and evaluate numerous applicable laws in force to conduct successful research on such a topic. As a result, the researcher believes that the tools used in this study are appropriate for the issue at hand.

Moreover, in this research methodology, the researcher uses all the materials in the library, such as journals, articles, books, etc. This form of research is the most suitable methodology which can be used for conducting good research; hence this methodology has been accordingly employed. Moreover, all the Legal Databases, such as S.C.C. Online, Manu Patra, etc. helped the researcher in continuing the research work smoothly.

❖ **OBJECTIVE OF THE STUDY**

The primary objective of this comprehensive study is to perform a thorough analysis of the dynamics of intellectual property in the Education Technology (EdTech) industry for a research paper titled "Innovation in Education: A Comprehensive Analysis of Intellectual Property Dynamics in the EdTech Sector." The goal of the study is to investigate the complex interactions that exist between intellectual property laws and innovations in education.

Hence, its particular objective is to examine how EdTech has developed historically and to determine how it affects the development and protection of intellectual property. The research will conduct a thorough analysis of many types of intellectual property, such as trade secrets, patents, copyrights, and trademarks, clarifying their functions in promoting creativity and influencing the field of education. Through an examination of obstacles, disputes, and actual case studies, the study aims to offer useful understandings of how intellectual property affects EdTech advancement.

Furthermore, the study intends to evaluate the adaptable tactics used by EdTech businesses during the COVID-19 pandemic and investigate joint

ventures, expansion prospects, and tactics for striking a balance between innovation promotions and upholding legal limits in the EdTech industry. In the end, the goal of the project is to add significant

❖ **SIGNIFICANCE OF THE STUDY**

The research paper "Innovation in Education: A Comprehensive Analysis of Intellectual Property Dynamics in the EdTech Sector" is holds profound significance because it clarifies the complex interplay between intellectual property and innovation in the quickly changing EdTech environment. Fundamentally, the study closes a significant knowledge gap by offering a sophisticated comprehension of the ways in which intellectual property dynamics impact the creation, application, and safeguarding of cutting-edge educational technologies. The practical ramifications of this study's findings for policymakers include insights that can be used to develop legislation that protect intellectual property rights while promoting innovation. By using the findings, EdTech companies may ensure responsible innovation and

❖ **REVIEW OF LITERATURE**

In this review of literature, brief description is given about the various useful articles, journals, books, etc. used to get an in-depth knowledge about the concerning topic of the research paper. The sources used by the researcher for an extensive Research are enlisted below:-

- I. **INNOVATION, INCUBATION AND INTELLECTUAL PROPERTY RIGHTS; EXPERIENCES FOR DEVELOPING COUNTRIES¹**: The book titled "Innovation, Incubation and Intellectual Property Rights" written by Dr. S Glory Swarupa, helped the researcher to get an overview about the intricate interplay and relation between different types of IP, namely Patents, Trademarks, copyrights, trade secrets, etc. and the EdTech Industry. Hence, this book was very helpful for the research work.
- II. **BRIDGING THE GAP: TECHNOLOGY TRENDS AND USE OF TECHNOLOGY IN SCHOOLS²**: The

¹ Dr. S. Glory, S. (2022). Innovation, Incubation and Intellectual Property Rights; Experiences for Developing Countries. National Institute for Micro, Small and Medium Enterprises

² Cher Ping Lim, Yong Zhao, Jo Tondeur, Ching Sing Chai, & Chin-Chung Tsai. (2013). Bridging the Gap: Technology Trends and Use of Technology in

information about the transformational junction of innovation and intellectual property in education technology to the domains of academia, business, and policy.

compliance by navigating legal constraints. Additionally, the study is a useful tool for educational institutions, giving them the knowledge they need to make wise decisions about incorporating EdTech solutions into their classrooms. The research helps to develop worldwide collaborations by examining joint efforts and global market trends, which may have an impact on how collaborative innovation in education technology develops in the future.

In the end, this study serves as a pillar of the academic discourse, directing future investigation and promoting an innovative strategy within the EdTech industry that is both balanced and compliant with the law. Its importance goes beyond that, however, to include adding to the current conversation about the revolutionary nexus of technology and education.

article titled " Bridging the gap: Technology trends and use of technology in schools" written by Cher ping lim, was an insightful article which also provided an overview about replacing the traditional classroom teaching method with the modern method of teaching with the help of technology.

- III. **TEACHERS IN INDIA AND EdTECH: A NEW PART OF THE GIG ECONOMY³**: The article titled "Teachers in India and EdTech: A new part of the Gig Economy" helped the researcher to get an in-depth knowledge on how Covid-19 helped in the growth of the EdTech industry in India. It explains that the increased emphasis on hybrid education served as a boon for the growth of Education Technology companies, popularly known as EdTech companies. Hence, this article was very beneficial for the research work.

Schools. *Journal of Educational Technology & Society*, 16(2), 59–68. <http://www.jstor.org/stable/jeductechsoci.16.2.59>

³ Adavi, K. A. K., & Surie, A. (2023). Teachers in India and EdTech: A New Part of the Gig Economy? In P. Arora, U. Raman, & R. König (Eds.), *Feminist Futures of Work: Reimagining Labour in the Digital Economy* (pp. 157–166). Amsterdam University Press. <https://doi.org/10.2307/jj.2711713.16>.

IV. **EDUCATION AND TECHNOLOGY-KEY ISSUES AND DEBATES**⁴: The book titled “Education and Technology-Key issues and Debates” written by Neil Selwyn was an essential book, during the period of research work, which helped the researcher to get an understanding about the major cases in India as well as Internationally, dealt by the EdTech companies, related to IPR and technology issues, such as Copyright and trademark infringement, privacy concerns, patent disputes, etc.

V. **BIG COMPANY’S BIG ACQUISITION**⁵: The journal article titled “Big Company’s Big Acquisition” helped the researcher of the research paper to have an understanding about the acquisition process of Big Companies. This article, eventually helped the researcher to understand the nuances of one of the biggest acquisition in EdTech industry, i.e. the acquisition of Akaash Institute by Byju’s.

PART-II (CRITICAL ANALYSIS)

❖ **INTELLECTUAL PROPERTY RIGHTS IN Edtech: AN OVERVIEW**

For EdTech businesses, intellectual property protection is now crucial as digital platforms continue to change the face of education. Intellectual Property Rights is the term used to describe the legal rights that organizations or people are awarded over their ideas, innovations, or creations. These rights are essential for preserving the priceless resources that stimulate economic expansion, innovation, and knowledge exchange in the EdTech sector.

➤ **IMPORTANCE OF IPR IN EdTech**

IPR provides the framework for fostering innovation and creativity in the cutthroat and highly competitive EdTech sector. It enables educational technology companies to protect their original ideas, writing,

software, and processes. By safeguarding their intellectual property, these businesses can draw in investors, acquire a competitive advantage, and create long-term revenue sources.

➤ **TYPES OF IPR IN EdTech**

Different IPR forms may be applicable in the EdTech industry. Among them are:

1. **Copyrights**: Guard unique creative works, including software code, films, e-learning resources, and textbooks.
2. **Trademarks**: Protect company names, emblems, and other symbols connected to EdTech products and services.
3. **Patents**: Grant the exclusive right to new, practical, and non-obvious inventions, technological advancements, or methods.
4. **Trade secrets**: Preserve private data, such as customer databases, algorithms, and formulas, which are essential to an EdTech company's success.

➤ **PROTECTING INTELLECTUAL PROPERTY IN EdTech**

Effective protection methods must be implemented by EdTech enterprises to guarantee the security of their intellectual property. Here are a few commonly used techniques:-

1) **FOR TRADEMARKS AND COPYRIGHTS:-**

Trademark registration protects the identity of a brand by averting infringement or unapproved use. Original works are shielded by copyrights, which give their creators authority over their dissemination, reprinting, and public exhibition. In order to protect their distinctiveness and stop content misuse, EdTech enterprises should obtain the necessary trademark registrations and enforce copyright laws.

2) **FOR PATENTS:-**

Patenting novel technologies and procedures grants EdTech businesses temporary exclusivity. The industry will continue to grow and flourish as a result of this protection, which promotes investment in Research and Development.

3) **TRADE SECRETS:-**

By keeping trade secrets safe, rivals are prevented from accessing private information. EdTech

⁴ Neil, S.(2021). Education and Technology- Key issues and Debates. Bloomsbury Publishing.

⁵ BIG COMPANY’S BIG ACQUISITION. (1904). *The Journal of Education*, 59(11 (1471)), 173–173. <http://www.jstor.org/stable/44058647>

businesses should put strong internal security measures in place, such as non-disclosure agreements and restricted access to sensitive data.

In conclusion, EdTech businesses require a sophisticated grasp of intellectual property rights as well as their efficient application. This synopsis offers a basic understanding of the complex environment of intellectual property in the ever-evolving and inventive field of education technology.

❖ **NAVIGATING IPR CHALLENGES IN EdTech INDUSTRY**

Despite the importance of intellectual property rights, the EdTech sector has several challenges when it comes to efficient intellectual property management, Enlisted below are few of them:-

➤ **CHALLENGES**

1. **OWNERSHIP DISPUTES:** It can be quite difficult to ascertain who actually owns educational materials, technological advancements, and methods. In order to resolve disagreements and establish ownership rights, contracts must be thorough and unambiguous.
2. **FAIR USE DILEMMAS:** There are difficulties in allowing fair use of copyrighted works for educational purposes while upholding the rights of the artists. EdTech companies have to walk a tightrope between using content to further education and not infringing on others' rights.
3. **COPYRIGHT INFRINGEMENT:**
The likelihood of copyright infringement rises with the spread of digital content. To stop unlawful distribution or duplication of copyrighted content, edtech platforms must put in place strong content monitoring mechanisms and instruct users on fair use and copyright laws.
4. **COLLABORATION & LICENSING:**
EdTech businesses frequently work with other platforms, institutions, and content producers. To prevent disagreements and guarantee just compensation, it is essential to create explicit license agreements and contracts that specify who owns and has the right to use intellectual property.

5. **INTERNATIONAL CONSIDERATIONS:**

Understanding international intellectual property rules and resolving jurisdictional issues are crucial for EdTech companies that operate internationally. Effective international intellectual property protection requires navigating many legal systems and cultural norms.

Hence, EdTech companies must be able to effectively navigate these challenges. EdTech firms can safeguard their inventions and create an environment that supports ongoing growth and advancement in the rapidly evolving educational technology sector by tackling intellectual property rights (IPR) complexities.

❖ **UNPACKING IPR THROUGH FAMOUS EDTECH CASE STUDY**

Case studies serve as useful and informative insights that provide a concrete perspective for examining how EdTech companies negotiate the complex world of intellectual property. We may learn priceless lessons about creating ownership structures, handling fair use issues, settling conflicts, and effectively utilizing intellectual property assets by dissecting these case studies.

➤ **CASE STUDY OF WHITEHAT JR. V/S WHITEHAT SR.**⁶

1. **FACTS OF THE CASE:-**

Under the brand name "Whitehat jr," the plaintiff firm, Whitehat Education Technology Private Limited, is an EdTech start-up providing online education services. Think & Learn Private Limited, a corporation that sells itself in the market as Byju's, purchased the plaintiff company in August 2020. The plaintiff discovered the defendant's website, "www.whitehatsr.in," in 2022. The defendant offered digital marketing services under the trade names "WhiteHat Sr." Following more research, it was claimed that the defendant's 2020-registered domain name, whitehatsr.in, contained the contested marks. Additionally, the defendant used the contested marks to run many social media accounts. The plaintiff sent the defendant a legal notice on October 4, 2022,

⁶ Whitehat Education Technology (P) Ltd. v. Vinay Kumar Singh, 2023 SCC OnLine Del 4663

requesting that the defendant stop using the contested marks.

The Plaintiff then had filed the present suit seeking a permanent injunction on the grounds of **TRADEMARK INFRINGEMENT** and passing off.

2. CONTENTIONS BY THE PLANTIFF:-





In order to demonstrate that their mark is widely used and properly registered in the market, the plaintiff did submit search reports and documentation of their registration of their mark under several classes. Additionally, the plaintiff claimed to be the owner of the domain name "whitehatjr.com," which was registered on May 23, 2018. The plaintiffs' trademark was even asserted to have become a "well known" brand due to their extensive and exclusive use of the mark in marketplaces, social media posts, and other promotional materials.

3. CONTENTIONS BY THE DEFANDANT:-

The defendants state in court that they acknowledged both the plaintiffs' intellectual property rights on their mark, Whitehat Jr., and the legal notice that the plaintiffs had filed asking them to stop using the contested content. They also made it clear in the notice and before the court that they offer far more diverse services than the plaintiff does. They also said in court that they provide digital marketing and consulting services using this contested brand. However, because they are an Ed-tech company, the plaintiff uses this mark to provide educational services. Because they are both involved in distinct trades, there won't be any confusion amongst the customers.

4. OBSERVATIONS AND DECISION BY THE COURT:-

Following receipt of their summaries and hearing their arguments, the court examined the marks in more detail. The marks and domain names used by the plaintiff and defendant were compared, and the results are shown below:-

Plaintiff's 'WhiteHat Jr' trademarks	Defendant's marks
	
	

Therefore, when the marks are compared side by side, it becomes evident that the defendant is using

marks that are confusingly similar to those of the plaintiff. The marks being used by the defendant are "deceptively similar" to those of Whitehat Education Technology Private Limited, according to Hon'ble Justice Bansal. There would be no discernible distinction between the plaintiffs' and defendants' marks if the suffix "Sr" in "WhiteHat Jr." was substituted. The Court's prima facie opinion is that they believed consumers would be led to believe that the defendant was somehow connected to the plaintiff or that the plaintiff's services were related to the defendant.

Hence, the court granted the plaintiff's request for an injunction order after hearing the arguments and supporting documentation from both sides and conducting more research and analysis⁷.

❖ **INTELLECTUAL PROPERTY DYNAMICS AND MAJOR M&A INSTANCES**

➤ **BYJU'S ACQUISITION OF AAKASH**

When we mention about major Acquisitions in the EdTech industry, the famous and one of the biggest acquisition which comes in our mind is that of Aakash Educational and Byju's. In April 2021, BYJU'S paid about \$1.25 billion to acquire the chain of physical coaching centers, Aakash Educational. The Chaudhry family sold Aakash Educational Services to Think and learn for a combination of cash and shares as part of the acquisition agreement. This agreement is supposed to be finished with the share swap⁸.

⁷ Editor, 4. (2023, August 7). [WhiteHat Jr v. Whitehat Sr] Delhi High Court grants permanent injunction to Whitehat Education Technology for its marks 'WhiteHat Jr', 'W'; awards Rs. 9 lakhs costs. <https://www.scconline.com/blog/post/2023/08/07/delhi-hc-grants-permanent-injunction-to-whitehat-education-for-its-marks-and-logos-legal-news/>

⁸ Sarkar, G. (2023, August 1). BYJU'S-Aakash Battle Over Share Swap Deal: What Happens Next?. <https://inc42.com/buzz/byjus-aakash-battle-over-share-swap-deal-what-happens-next/#:~:text=a%20share%20swap,-,BYJU'S%20acquired%20Aakash%20Educational%2C%20the%20chain%20of%20physical%20coaching%20centres,combination%20of%20cash%20and%20shares.>

This move, which combines the advantages of digital learning with Aakash's well-established brick-and-mortar presence, underscores the changing dynamics of education technology. The acquisition has the potential to significantly alter the competitive EdTech scene in India by providing a blended learning strategy that accommodates a wide range of learning preferences. By combining Aakash's vast offline reach and test-preparation know-how with BYJU'S digital capabilities, the company creates new opportunities for growth and expansion and continues to contribute to the nation's education sector's continuing change.

❖ **EDTECH MARKET AND DOMINANCE: AN OMINOUS POSSIBILITY**

Businesses are not allowed to use their position of market power to force out equally competitive companies from the market, according to Section 4 of the Competition Act, 2002⁹. Only the boundaries of the pertinent market can determine an enterprise's (in this case, Byju's) supremacy. Determining the market is therefore essential under the Act.

The Competition Commission of India (CCI) has ruled in a number of cases, including the Snapdeal and Flipkart cases, that online and physical markets are only alternative means for distribution rather than distinct marketplaces. In *FastTrack Call Cab Private Limited v. ANI Technologies Private Limited*¹⁰, the CCI, however, departed from its previous stance and held that the online and offline marketplaces were distinct and separate due to the emergence of e-commerce platforms. Thus, the EdTech and traditional education markets for competitive tests would constitute the boundaries of the relevant market in the current situation

❖ **CONCLUSION AND RECOMMENDATIONS**

Hence, in order to conclude, it can be concluded that following the COVID-19 outbreak, the Indian EdTech sector saw unheard-of growth, driven mostly by a spike in demand for hybrid education models. Education technology (EdTech) companies played a major part in the dynamic landscape that resulted from this shift, which brought both obstacles and opportunities. The relationship between intellectual property (IP) and educational innovation is a crucial part of the sector's ongoing evolution that warrants scholarly investigation.

This research paper titled "Innovation in Education: A Comprehensive Analysis of Intellectual Property Dynamics in the EdTech Sector," this research study set out to thoroughly examine this intricate relationship. It covered the importance of intellectual property rights, the difficulties the EdTech industry faces, and different types of intellectual property. Prominent case studies, such as the disagreement between WhiteHat Jr. and WhiteHat Sr., offered insightful information on problems and solutions that arise in the real world. Through the combination of digital learning and well-established offline coaching centers, BYJU'S' acquisition of Aakash Educational Services demonstrated the strategic growth of the EdTech sector. The study examined the possible hegemony of significant firms such as BYJU'S, highlighting issues about competition in the EdTech space and the necessity of close examination.

Apart from this, The Researcher would also like to provide certain **RECOMMENDATIONS** for the growth of the EdTech industry:-

EdTech companies must teach their employees on the value of intellectual property and the unique difficulties facing the EdTech sector should be a top priority for these companies. This entails being aware of the subtle differences between trade secrets, patents, trademarks, and copyrights. Moreover, in the EdTech industry, it is essential to have well-defined and exhaustive contracts and license agreements, particularly for joint ventures and partnerships. Legal disputes can be avoided by being clear about ownership, usage rights, and dispute resolution procedures.

Apart from this, as there are many EdTech companies that operate internationally, it is important to understand the intellectual property regulations and jurisdictional concerns. Complying with and comprehending various legal systems and cultural norms is essential for efficient worldwide intellectual property protection.

Lastly, EdTech companies ought to give priority to responsible innovation, making sure that breakthroughs comply with regulatory requirements. This entails upholding fair use guidelines and actively monitoring content to stop copyright violations.

Hence, EdTech businesses may preserve their intellectual property, promote a culture of responsible innovation, and support the industry's long-term expansion by implementing these suggestions.

⁹ The Competition Act, 2002 § 4.

¹⁰ *Meru Travels Solutions (P) Ltd. v. CCI, 2022 SCC OnLine NCLAT 37*

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