

Copyright Pricing in India: The Dialectics of Access, Incentive, and Educational Policy

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Abstract: The ever-increasing problems such as rampant shadows library, piracy, and deadweight loss in the contemporary world are suggesting towards an unfavorable copyright environment taking over our knowledge regime, and these problems shouldn't be confused with an isolative action-based problem rather a broader reasoning must be assigned. Price-capping of scholarly works is often suggested as a response to these distortions. Yet such intervention does not operate without consequence. It alters existing incentive structures and introduces its own set of trade-offs. This paper therefore does not treat price regulation as a standalone solution. Instead, it focuses on the underlying balance between the author's interest in making work accessible and the publisher's incentive-driven role in determining the price of copyrighted scholarly material.

Keywords: Copyright Pricing, Access to knowledge, one nation one subscription, Scholarly Publishing Oligopoly, Educational Institutions in India, moral rights and accessibility, fair dealing, shadow libraries, piracy.

1. Introduction

Copyright is a set of exclusive rights that functions as an instrument of regulating the relationship between the accessibility of the expressed work with the incentive aspired by the author. The privilege granted by law to those who create musical, theatrical, literary, and other types of works is known as a copyright. It typically indicates that only the creator has the authority to make copies of their own creations or that they have the right to forbid others from doing so. The main goal of such protection is to safeguard certain breakthrough¹. In a broad sense, copyright channelizes the flow of an idea or information through expressions with the objective of attaining intellectual efficacy in society. Therefore, ideas have been protected through the expressions for the holistic development of the polity. Furthermore, it aims at the disposal of pious basic right functionary vis-à-vis reinforcement of the essence of Article 27 of UDHRⁱ, which is to share scientific advancement and its benefits through minimally restrictive accessibility. Minimally restrictive accessibility is in the foreground of the balance of the conflicting interest of the owner of the copyright and the society at large. Any gross imbalance will not only deny reasonable accessibility but also affect the microeconomics of the nation-state concerned.

Copyright and Economics have strong existential interdependence, and in an era recognizing knowledge-intensive activities as the prime source of economic development, the concerned relationship can be reflected more clearly and pragmatically. Thus, there is a plethora of balancing standards (based on marginal cost and price relationship, the balance between social cost and private cost, etc.) so that the above-mentioned relationship can be appropriately regulated. There are adverse outcomes that may arise in case there is a departure from the balancing standards, which can be in the form of a high piracy rate, growth of shadow libraries like scihub, illicit Inter-library loan, deadweight loss to the economy, etc. As crime is an indispensable part of every society, so are these divergent.

Therefore, it is more of an imbalance between the dialectics (accessibility and individual incentive) which results in these oblique outcomes rather than an individual's isolated decisions. The infringer, more often than not, is motivated for the infringement due to adversity and scarcely due to modest enforcement. The copyright environment needs to be healthy for the coherent growth of copyright protection and economics. These anomalies can be best understood by the stimuli-response mechanism, as per which the level of stringency of copyright law and its enforcement will impact the societal order, and subsequently, the economics of the society will be affected based on the behavioral change of the subjects in society. The illegal duplicate of an original work for commercial gain without the owner's permission is known as piracy. The illegal use of content protected by copyright law in a way that infringes on one of the original copyright owner's exclusive rights, such as the right to reproduce, perform, or create derivative works, is known as copyright piracy (also known as copyright violation).ⁱⁱ

The problem of piracy is more prevalent in countries with less GDP per capita. Therefore it is a result of modest copyright enforcement mechanisms. Any reproduction of a product with a copyright that isn't done by the owner of the copyright or a party having his or her permission constitutes a copyright violation. Thus, copyright theft is similar to any other form of theft in the sense that it causes financial damage to the property's owners and is influenced by environmental factors. The other problems, like, shadow libraries and deadweight loss, is due to the maximization of Intellectual property protection. These two problems are the result of the maximization of autonomy to the publisher in pricing.

The cost of market inefficiency, which happens when supply and demand are out of balance, is known as a deadweight loss. A deadweight loss, a term mostly used in economics, refers to any deficit brought on by an ineffective resource allocation. Example- Usually, when books are priced beyond their marginal cost, fewer people buy them than if they were offered at a lower competitive price. For instance, some people who place a higher value on copies than their marginal costs choose to buy items instead. Copyright causes deadweight loss for society as a result of this restricted access to the content. The root of this problem is based on a novice understanding of copyright economics which is fixing arbitrary prices without knowing the marginal utility of the work. In this case, the stimuli of uninformed price lead to an adverse effect on the economy.

A Shadow library is an illicit collection or illicit aggregation of large-scale automated scholarly materials due to an unfair copyright environment, professional necessity, etc. In this case, the high threshold of discretion in the pricing of scholarly work leads to the unavailability of copyrighted work to a section of society, though in a holistic sense, the high price wouldn't lead to deadweight loss.ⁱⁱⁱ

Copyright pricing is the total accrued price of the copyrighted work based on the variables influencing it, basically which is the term of copyright in a country, the exclusiveness of right,

the assumption of price by the Author/publisher(degree of autonomy), the enforceability of copyright protection, cost of creating a new copyrightable document. Thus, Copyright pricing is directly proportional to the level of Intellectual Property protection and the cost incurred by society. As the terms of copyright, the enforceability of copyright protection, and exclusive rights held by the author are determined, the other factors like the degree of autonomy in price determination should also be reasonably determined in consonance with the cost of the work, and only reasonable benefit can only be claimed by the owner. Therefore, the author tends to come up with an optimal level of protection against the variable, which is “degree of autonomy.”

In this paper, Part I deals with the inter-dependability of copyright with the economics for the creation of a robust copyright environment, Part II will deal with the moral rights of the author and the problem of accessibility, Part III deals with the behavioral theory to analyze the anomaly in copyright environment, Part IV deals with Free access movement and how much the present problem can be represented or solved through the multitudes employed, Part V deals with analysis, suggestion, and conclusion which will pen-ultimately portray the problem and the possible solution.

2. Review of literatures

2.1. One Nation One Subscription (ONOS): Mahanand and Naik (2025)^{iv} critically appraise ONOS as a national open-access policy, noting its promise to “reduce access disparities and enhance research productivity” across underfunded institutions, but also warning of dilemmas in “publisher negotiations, sustainability of funding, and the tension between centralized access and decentralized institutional autonomy”. Rastogi & Hankey (2025)^v similarly describe ONOS’s ambitious scope and highlight its goal of broadening e-journal access nationwide. They caution, however, that ONOS’s publisher-centric design may “over-look” the specific needs of researchers and that paying large publisher en-masse could sideline genuine open-access gains. Naik & Naik (2025)^{vi} provide a library-science perspective: ONOS “democratizes knowledge” by bulk-licensing major journal packages, potentially normalizing equitable access. They point out practical challenges such as digital infrastructure limits and copyright complexities. Lalita et al. (2025)^{vii} analyze ONOS within India’s broader science policy (“Atma Nirbhar Bharat” vision), quantifying India’s strong growth in open-access publishing (8.7% annual increase). Their study notes ONOS’s advantages and outlines remaining obstacles that must be addressed for ONOS to succeed. Koley & Lala (2024)^{viii} empirically chart India’s open-access trends and argue that ONOS’s subscription-only approach is “limiting its scope by considering only the option of subscription and disregarding open Access(OA) publishing options”. They show that as many Indian papers are already freely available through OA venues, an exclusive focus on costly licenses may be a “short-term gain” that ultimately increases dependence on commercial publishers and neglects building in-country publishing capacity.

These sources collectively contribute to understanding ONOS theoretically and empirically: they explain its design and objectives (e.g. negotiating national licenses to expand access) and identify how it interfaces with existing systems (library consortia, OA trends, publisher practices). This body of work connects directly to the main paper’s argument about balancing accessibility and incentives. For example, ONOS is a real-world experiment in setting prices for knowledge, exactly where the main paper locates the “dialectic” between authorial access and publisher profit. Critiques of ONOS’s potential pitfalls (reduced institutional autonomy, neglect of OA, etc.) highlight the trade-offs that the main paper also seeks to analyze in depth.

2.2. Copyright Economics: Several foundational works inform the economic analysis of copyright that underpins the paper. Posner & Richard (1989) argues that copyrighted works should be treated as impure public goods, because they often have substitutes and can be somewhat excludable, so market outcomes are not trapped in systematic underproduction. In his model, optimal pricing can involve price discrimination without harming overall welfare – meaning that simply capping prices does not necessarily align with maximized social benefit. The main paper builds on them by arguing for a “balance between access and incentive” rather than an unconditional price-cap. Posner & Richard (1989) similarly emphasize that price discrimination is often necessary for efficiency in copyright markets, reinforcing that policy interventions alter the incentive structure.

2.3. Piracy and Shadow Libraries: Scholars have documented how restrictive access fuels widespread unauthorized sharing. Gardnener et al. (2017) show that Sci-Hub provides access to nearly all paywalled articles, especially in fields like chemistry and biology. This empirically confirms that demand for knowledge far exceeds the reach of legal channels when content is costly.

Thus, piracy literature directly illustrates the consequences of pricing policies, reinforcing the need for nuanced solutions. It connects to the authors’ behavioral analysis by showing how “uninformed” high prices provoke infringement out of necessity, not vice versa, as the paper argues.

2.4. Open Access Movement: The global OA movement is the normative counterpart to these pricing dynamics. Foundational open-access literature including James Jack (2020) argues that free dissemination maximally serves scientific progress. This has underlie much of the ONOS debate: for example, Lalita et al. note that India’s open-access publications have grown at 8.7% annually, suggesting authors increasingly choose OA venues. Koley & Lala (2024) point out that many Indian researchers already enjoy free access via institutional repositories or open journals, implying that ONOS should not ignore these trends. Other sources document the spread of transformative agreements and OA mandates worldwide.

These collectively situate the main paper’s topic within a larger movement for accessibility. In effect, OA literature reinforces the moral rights theme and provides an alternative institutional response that the paper contrasts with subscription-based solutions like ONOS.

2.5. Research gap: The above literature establishes the foundation for the paper’s investigation. It shows what is known about ONOS-type policies, publishing economics, authors’ rights, piracy behaviors, and access movements, and thus shapes the paper’s central research objectives: to analyze *how copyright price regulation (e.g. ONOS) can harmonize authors’ incentive to create with society’s need for accessible knowledge*. The research problem is precisely this tension in the Indian educational context with academic publishers forming an oligopoly and public institutions underfunded, how can policy ensure affordable access without crippling author compensation?

The research gap is the lack of a comprehensive, behavioral-institutional analysis linking these elements; prior studies often focus on one aspect (e.g. ONOS logistics, or piracy statistics) but not the integrated “access–incentive dialectic”. This paper fills that gap by synthesizing these threads of economic theory, legal rights, global OA trends, and on-the-ground policy proposals to formulate a balanced perspective. In sum, the paper argues for multifaceted reforms rather than singular fixes.

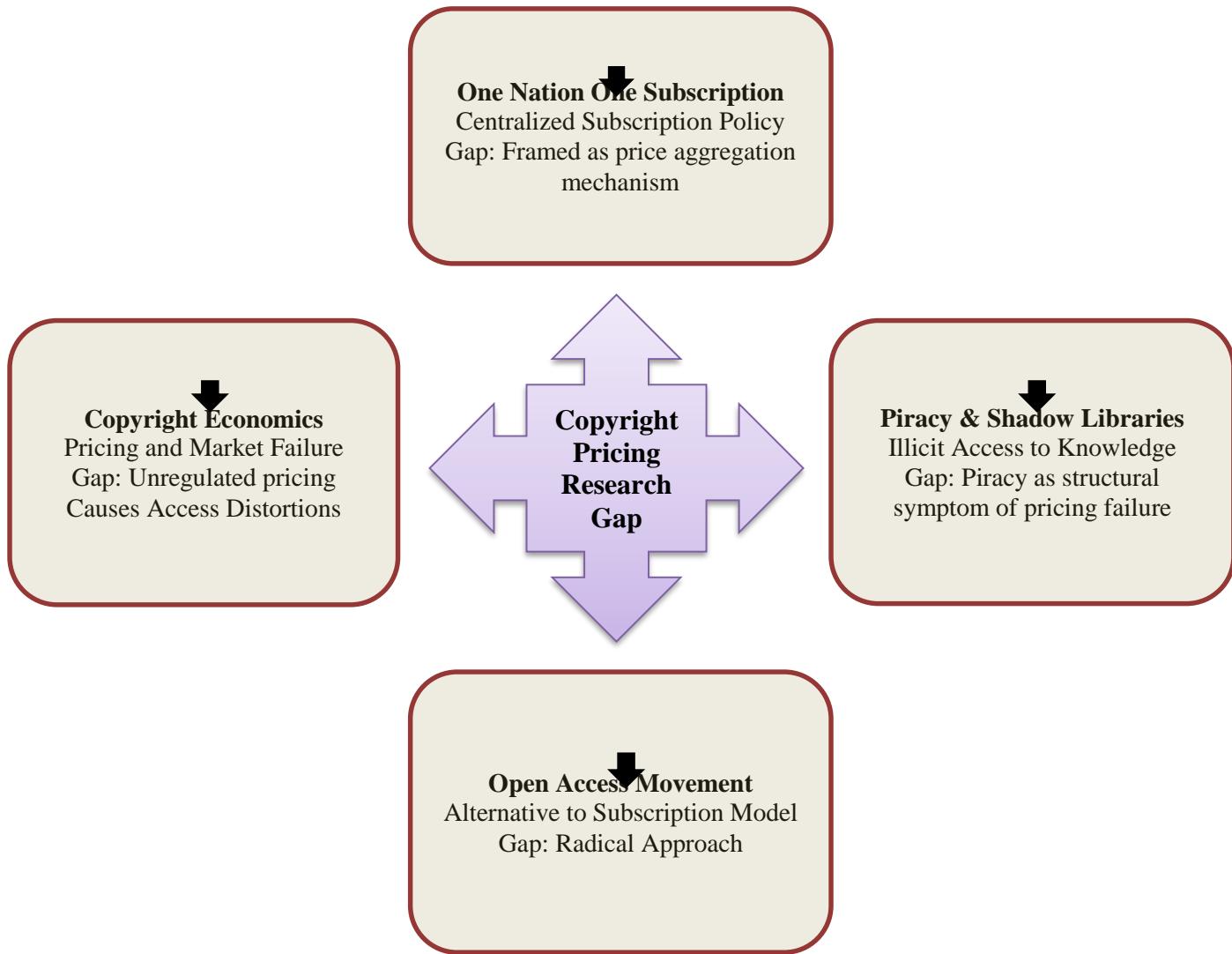


Fig.1. Thematic Literature Review and Research Gap

3. Research Objective, Research questions and Research methodology**Table 1: Research objective, Research Question and Research Methodology**

Research Objective	Research Question	Research Methodology
1. To examine how copyright pricing structures influence access to scholarly works within Indian educational institutions, and how policy, economic, and legal factors interact in shaping such access.	a. How does copyright pricing operate within the academic publishing ecosystem affecting Indian educational institutions?	This is a descriptive research question. It requires doctrinal and policy-oriented research to examine statutory provisions, licensing practices, subscription models, and institutional arrangements governing copyright pricing in India, particularly in the educational sector.
	b. What economic factors, including market concentration and incentive structures, shape copyright pricing for scholarly works in India?	This is an analytical research question. It involves doctrinal economic analysis supported by selective empirical literature on market concentration, pricing autonomy, and deadweight loss in academic publishing markets, with specific reference to the Indian context.
2. To analyse the conflict between access to knowledge and incentive structures in copyright pricing, and to examine behavioral and institutional responses to restrictive pricing regimes.	a. How are authors' moral and dissemination interests conceptualized under copyright law in relation to access to scholarly works?	This is a doctrinal research question. It involves analysis of statutory provisions, doctrinal writings, and international normative instruments to examine authors' non-economic interests, particularly moral rights and their relationship with accessibility.
	b. How does publisher-driven pricing interact with or undermine authors' interests in dissemination and educational access?	This is an analytical research question. The study employs doctrinal and economic analysis to examine the interaction between publisher-driven pricing autonomy and authors' dissemination interests. In addition to doctrinal sources, the analysis is supported by limited empirical evidence drawn from primary data from laboratory-level and institutional access environments at IIT Kharagpur (IIT KGP) through google questionnaire tool.
	c. How do piracy and shadow libraries function as behavioral responses to access restrictions created by copyright pricing?	This is a descriptive research question. It relies on qualitative analysis of empirical literature on piracy and shadow libraries to understand their role as informal substitutes for institutional access mechanisms.

	d. How do open access movements and institutional adaptations respond to pricing-induced access barriers in scholarly publishing?	This is a descriptive and analytical research question. A literature review and qualitative assessment are conducted to examine open access models, institutional adaptations, and their limitations in addressing incentive and sustainability concerns.
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4. Copyright and Economics

Copyright is a set of exclusive rights that functions as an instrument of regulating the relationship between the accessibility of the expressed work with the incentive aspired by the author. It provides the author with certain alienable and inalienable rights, e.g., reproduction rights, distributary rights, adaptation rights, moral rights, etc. These rights were realized to incentivize the creator with something to recoup their investment, cost incurred, and opportunity cost forgone. This is the peculiar characteristic of copyright. Economics works as a yardstick for measuring the response of individuals based on the stringency of a law. If society has better economic efficacy, the lesser will be the problem of copyright violation and vice versa.

The public good nature of copyright is in the sense that it has a non-rivalrous and non-excludable consumption. Copyright is not immune from further reproduction from the purchased copy as the cost of reproduction is much cheaper than the cost of production. With the advent of digitalization, it is further easy for a person to reproduce the work. It asserted that the problem of the public good open market is that if the price of the copyrighted work is much higher than the marginal cost, then alternative reproductions find their existence in the face of piracy, while if the prices are close to the marginal cost, it will be harder for the owner to recoup the investment. The core idea behind copyright protection is to strike a balance between access and incentive and the autonomy of the owner in copyright pricing. The cost of the copyrighted product consists primarily of the author's time and effort plus the cost to the publisher of soliciting and editing the manuscript and setting it in type. We can call the sum of these costs the "cost of expression." It is contended that Copies of copyright will be made until the marginal cost becomes equal to the expected marginal revenue.^{ix}

Every modern-day commercial interaction, in common parlance, includes offer, acceptance, and consideration, which along with the capacity to contract and free consent of the parties, construct a contract, but the better-off party would always be with more information and subsequently pivoted negotiating power.

The environment in which a law is to be enforced also affects the output of such a law. Countries with stringent enforceability will always add on to the rights of the copyright owner in comparison to the milder one, ensuing the motivation for creating new works but in a more monopolistic market, the cost of creating new works would be substantially higher. The positive and negative externalities have a major role to play in anticipation of new work as marginal cost, private cost of the owner, public cost, production cost, etc., can be significantly affected. There can be three types of market power or market control monopoly, duopoly, or oligopoly. These are undesirable traits of a copyright environment, as the supply is under the control of a single or a few entities in the market. The prime counteract of this problem could be by the replacement of monopolies or kinds with competition through governmental or public policies or by control of prices of susceptibly monopolistic, duopolistic, or oligopolistic markets.

There are several economic rights that are associated with copyright protection as an incentive for scholarly authors, namely reproduction rights, distribution rights, distribution rights, adaptation rights, and publishing rights.

5.1. Copyright and Moral rights

Copyright is a collection of rights that are largely commercial in nature. What happens after you assign all or a portion of the copyright to your work to another party? Does this imply that you have lost all rights to the work you've made, or do you retain some form of ownership? The concept of 'Moral Rights' provides the solution to this situation. Even after ownership of the work has been transferred or assigned, you have the right to claim authorship and maintain the integrity of the work. The French term "Droit Moral" translates to "moral rights" in English. Copyright is distinct from moral rights. Copyright safeguards property rights, allowing authors to publish and profit economically from their published works. Moral rights, on the other hand, safeguard personal and reputational rights, enabling authors to defend both the integrity of their works and the use of their names. In areas where moral rights are legally recognized, authors have recourse against any distortion, misrepresentation, or interference with their works that could harm their reputation. Moral rights are frequently referred to as "inalienable."

The Right of Integrity allows the author of a work to avoid any conduct that may compromise the work's "integrity." That is, if the author has a reasonable belief that making certain changes to a creative work would compromise the author's creative intent, vision, reputation, or something similar, then the author can prevent that change from being made, regardless of any economic rights that another person may possess under a license or ownership of the copyright. As scholarly publishing is an oligarchic market^x, the pricing is open to the autonomy of the publisher, and as the nature of the copyrighted work is of "public good," there is a problem of illicit reproduction and piracy, which opens the gate for all type of unchecked or unqualified copies, and due to high pricing, it would be tough for the receipt of the spurious copy to cross-check its credibility.

Right of paternity is for determination of the true source of information irrespective of the fact that the ownership of the work is shifted from the author to the owner by assignment, licensing, or selling whatsoever. In the modern-day scholarly work system, the ultimate objective is to create an author's portfolio for recognition in a particular sphere.

Incentive in the sense of monetary benefit is not the only goal but also personalized attribute enhancement. It seldom clings to the incentive but can also work in isolation as a sole force behind the work. High paywalls or unreasonable pricing of scholarly work by publishers can act as a hurdle in the path of recognition of the author, as the extent of accessibility of work is totally dependent on the feasibility of work for the information seekers.

It can be further asserted that a person between the age group of 25-35 has a comparatively high number of paper publication than any other age group, where Self-satisfaction with the work plays a more pivotal role than any other foreseeable possibility. Thus, they are keener towards self-satisfaction than any negotiation in terms of publication.

Monopolistic Market \propto High pricing \propto 1/accessibility \propto less recognition of author

Questions	VIP Lab	MRL Lab	Seal Lab	Cnerg Lab
No Ph.D. students IIT KGP (having at least one paper published as on June 2024)	3	5	3	6
Exclusive Assignment of Copyright	Yes	Yes	Yes	Yes
Any negotiation offered by the publisher	No	No	No	No
Any economic incentive through a publisher	No	No	No	Mostly No
Publisher	Mostly Elsevier, IEEE, Springer, Allied			

Fig 2: PHD students pivoted towards self-satisfaction

5.2. The moral right of the author and the accessibility problem

One of the cherished moral rights of the author is the “right to make his/her work accessible to the public at large, but due to oligopoly (9 most abundant publisher published 70% of total work), paywall and high pricing, the aforementioned right is being diluted. In a fair market, no monopoly exists and subsequently, no arbitrary pricing should exist. If no monopoly exists, the problem of “autonomy in the price of work” or “autonomy of paywall wall price will not exist”. Rather the equilibrium of demand and supply will decide the pricing. There are very little instances by digital publishers exercising their discretion to ask from other publishers for inter library loan, which would lessen the burden over the educational institutions to subscribe various publication.

There need to be balance between the author’s moral right and publisher’s economic right while determining the paywall or price of copyrighted work. From discussion of scihub data analysis, it can be asserted that scihub is mostly used for accessing documents which has high pay walled and 32% of document accessed were of last two years of publication, suggesting that more authentic and latest works are high priced, which constrict the knowledge progression.

5.3. Publisher limited rights overwhelm the author’s original right

It is the natural right of the author to enjoy the fruit of his/her work. In the present scenario of oligopoly, there is information asymmetric, and the nature of the contract for assignment or agreement is a standard form of the contract without any negotiating power. The publisher’s bargaining power is much higher than the scholarly author creating an inherent imbalance between the parties of the contract. The unequal bargaining power, more often than not, along with less informed action, in the present scenario, devoid the author of the economic benefit which was supposed to be used to recoup the cost of creation. Another point to emphasize would be the inclusion of exclusive right transfer with regard to publish, reproduce, distribution and

right to sue in case of alleged violation in the standard form of a contract of Elsevier and Springer. This unequivocally usurps all the financial rights of the author.

The leftover rights, moral rights, are also get diluted when high pricing is allocated to the work, leaving the author's right as a whole in jeopardy.

5.4. Fair use/Fair dealing without accessibility

Fair use/Fair dealing is a legal notion that permits certain copying of a copyrighted work without judging the copier as an offender, even if the copying was not permitted by the copyright owners. Purpose and nature of the use, the nature of the copyrighted work, the amount and substitutability of the portion used, and the effect on the potential market for the copyrighted work is considered, but their relative importance and how they are used to determine whether a use is fair are not specified. It can be seen as leniency towards the dissemination of information, but if the paywall costs are too high, the fair use doctrine will be just a myth. Thus, to actualize fair use, the pricing of work needs to be reasonable.

5.5. Monopoly containment

Throughout the 20th century, the academic publishing market has undergone a profound transformation. Formerly inhabited by university presses and educational publishers, the market is today a worldwide, highly successful sector dominated by commercial publishers 1. This phenomenon is attributed to many factors, including the difficulty of libraries in fighting price hikes, the inactivity of scholars who do not directly face the costs, and the consolidation of publishing businesses, which has resulted in an oligopoly. In reaction to these changes and rising subscription prices, the Open Access movement began to reclaim the academic publishing process. There are four ways through which the monopoly of the publisher be diminished:

- Creating scope for competition law enforceability in IP.
- Governmental price control.
- Incentivizing new players in the publishing market.
- Actualize Inter-Library Loans in digital libraries.

6. Behavioral theory

The economic outlook is used as a variable outcome of the stimuli-response mechanism between the individual and the social system. The social system will have some bearing upon the individual, and the response is to be understood in the form of a change in economic behavior. The problem of piracy, shadows library, deadweight loss, and the illicit interlibrary loan is also the outcome of such stimuli response relationship. Crime is an expression of a society that can't be uprooted in-toto, but a significant increase or decrease in criminal instances can be inferred as a response to changes in the social system. Changes in the social system could be a change in the public policy system, legal system, government system, market system, social welfare system, etc. The same is the case with copyright violation which is ensued by the unfavorable copyright environment.

6.1. Piracy

The illegal duplicate of an original work for commercial gain without the owner's permission is known as piracy. The illegal use of content protected by copyright law in a way that infringes on one of the original copyright owner's exclusive rights, such as the right to reproduce,

perform, or create derivative works, is known as copyright piracy (also known as copyright violation). The problem of piracy is more prevalent in countries with less GDP per capita, therefore it is a result of modest copyright enforcement mechanisms. Any reproduction of a product with a copyright that isn't done by the owner of the copyright or a party having his or her permission constitutes a copyright violation. The problem of piracy is due to modest copyright protection in a society, the punishment of copyright infringement is not enough, or, though there is sufficient copyright protection, the enforceability is of low threshold due to technological barriers, lack of skill in enforcement personnel, etc.

Piracy is a long-lasting problem that is growing in scope and magnitude. The concerns with regard to piracy are:

- The negative impact that they have on creativity.
- The threat they pose to the welfare of the consumer.
- Brand value and firm reputation are hampering.

6.2. Deadweight loss

The cost of market inefficiency, which happens when supply and demand are out of balance, is known as a deadweight loss. A deadweight loss, a term mostly used in economics, refers to any deficit brought on by an ineffective resource allocation. Example- Usually, when books are priced beyond their marginal cost, fewer people buy them than if they were offered at a lower competitive price. For instance, some people who place a higher value on copies than their marginal costs choose to buy items instead. Copyright causes deadweight loss for society as a result of this restricted access to the content. The root of this problem is based on a novice understanding of copyright economics which is fixing arbitrary prices without knowing the marginal utility of the work. In this case, the stimuli of uninformed price lead to an adverse effect on the economy.

The behavioral approach to deadweight loss:

- A deadweight loss is produced when supply and demand are out of balance, resulting in market inefficiencies.
- Inefficient allocation of resources, caused by interventions like price limits, price floors, monopolies, and levies, is the primary cause of deadweight losses.
- These circumstances cause the price of a product to be inaccurately portrayed, resulting in either overpriced or underpriced items.
- If a product's price is not adequately displayed, consumer and producer behavior changes, which often has a negative effect on the economy.

6.3. Shadows library

A Shadow library is an illicit collection or illicit aggregation of large-scale automated scholarly materials due to an unfair copyright environment, professional necessity, etc. In this case, the high threshold of discretion in the pricing of scholarly work leads to the unavailability of copyrighted work to a section of society, though in holistic sense, the high price or too low price wouldn't lead to deadweight loss because the dominance of these collections are limited for a particular sphere/purpose and not for accruing benefits. It is necessary to differentiate between shadow libraries and illicit inter-library loans. Interlibrary loan allows you to borrow library materials, such as books, journals, reports, standards, etc., from one library to another, but only for a short time. You must return such materials to the lending library after the expiration of the borrowing term.^{xi}Ex. In the case of Scihub, scihub worked as both shadow library and Inter-

library loan, while library genesis worked as a true shadow library, providing access to its storage to scihub.

The behavioral approach to shadow libraries:

- The high pricing of scholarly works leads to the stagnancy of ideas in students of developing and underdeveloped countries, which in turn incited the growth of shadow libraries.
- This result in loss to the big monopolistic publishers not only due to illicit sharing of documents but also due to non-reporting of data of no of access to a document. Without the use of figures, it is difficult for libraries to comprehend the demands of their research community, which may result in the library not subscribing to important publications or terminating subscriptions to journals that may be advantageous.^{xii} Subsequently, Elsevier filed a case on Scihub.
- Scihub lost all cases, but the enforceability cannot be executed as the operation was through the internet.
- In 2017, the owner of scihub blocked access to the Russian research department due to some conflict; in response, the Russian researcher pleaded to continue the service. This shows that even a developed country like Russia is dependent upon such shadow libraries, showcasing that knowledge is power in the 21st century, and the high pricing of scholarly work is a rampant problem.
- Further, it illustrates the disruptive nature of these shadow libraries in the market.
- Since scihub and Libgen, several new shadow libraries have come and are still coming. The solution to the problem of shadow libraries doesn't lie in blocking domains, shutting an organization, etc., but by dealing with the core problem, which is an "unregulated degree of autonomy in the publishing industry."

7. Open access movement

The high pricing problem is what we are now accustomed to, which is a very recent development. This price problem is in response to the realization that the service sector is the key towards a global economy which further requires a robust knowledge economy. Prior to the 1950s, the majority of scientific publications did not function on a commercial basis. That is, until the middle of the 20th century, academic publishing embraced methods that are now only dreams articulated by the Open Access movement. After decades of unsuccessful attempts to eliminate cost barriers, it is believed that academic publishing is in a state of crisis, as indicated by selective boycotts and large-scale cancellations of journal subscriptions that are no longer feasible for even the richest colleges.^{xiii} The open-access movement is based on the presumption that coherent growth can only take place if there is uniformity in the accessibility of information. It is further contended that the source of information for the paywalled research is society itself. Thus, costing society for knowledge extracted from itself will lead to an unjust premise. The proponents of this movement also exaggerated that the cost for access prior to the internet can be understood as the cost of binding and stitching but now that the reproduction of scholarly work is cost-effective, even though the unreasonable pricing suggests of unfair copyright environment and oligopoly.

7.1. Guerilla Open Access

This movement was one of its kind to recommend civil disobedience as a way to revolt against the high pricing of knowledge.^{xiv} Civil disobedience, which has come ubiquitously to be regarded as a right of citizens, may be defined as a willfully unauthorized yet principled act of dissent that seeks to alter a perceived unfair status quo, including particular policy or legal,

statutory law, with no willingness of questioning the rule of law in general. In this way, civil disobedience differs from self-serving crime since it is the expression of principles meant to benefit the greater good. In addition, although civil disobedience may violate a law, the legislation that is violated is often not the one that is the subject of the protest. Swartz, in his manifesto, came up with an idea of solving the pricing problem, which is by adding a clause in the agreement of publishing that the document can be accessed by anyone.^{xv}

7.2. Scihub as a Civil Disobedience

It has been argued by scholars that what scihub is doing is not morally wrong but a long-felt necessity because what is inherently wrong is restricting the free flow of information and restricting a lower economic stratum from availing their natural right. France being a right-centric polity, doesn't discourage the use of platforms like scihub. Open access doesn't define its endeavors in light of illegal acts. Thus it hardly associates itself with the functionary of scihub, though the ends are the same. It is further contended that the document accessed through scihub are mostly the work that cannot be fully accessed and in relation to contemporary solutions. Therefore, the shadow library is successful in disseminating relevant information, which the self-claimed open-access revolution cannot do.

The dynamics of the use of this platform depend primarily on population sizes, gross domestic product, and the number of Internet users in a country. It is often visualized as a loss to the publisher, but with a simple re-examination of the statement, it can be claimed that it benefits more to the public and society more than the loss incurred by the publisher. Scihub can be reinforced as civil disobedience as it is protest against discrepancies in the present copyright system, though through fist, but the broader goal is to promote healthy consumption of information by the public.^{xvi}

7.3. Plan S

The recent announcement of Plan S, which is widely supported by European research funders and others, exemplifies the increasing sense of desperation that is prevalent in recent developments. Plan S intends, among other proposed limits, to compel both funders and publishers to adopt publication fee caps. However, this “radical” Plan has attracted widespread criticism, including concerns that it threatens academic freedom by restricting author choice of publication outlet, threatens the quality of science by ignoring differences in editorial rigor between journals, and fails to differentiate between for-profit and nonprofit publishers to the great detriment of the latter.

In addition to the French, British, and Dutch funders, national agencies and research councils from Austria, Ireland, Luxembourg, Norway, Poland, and Slovenia have also joined. “Paywalls impede not only the scientific enterprise but also the public’s access to research results,” says Marc Schiltz, head of Science Europe, a Brussels-based advocacy organization that represents European research agencies and which formally announced the policy.

There are now two predominant scientific publication models: subscription-based and open-access (OA). When scientists submit their articles to a journal, the journal will assess their work and publish it as a paper after conducting an editorial review. A subscription-based publication will place its content behind a paywall and charge those who wish to read it. Most OA journals either choose the ‘green’ path, publishing the paper and enabling the author to self-archive a freely accessible copy elsewhere or the ‘gold’ option, charging the authors of the work an article-processing charge (APC) and making the published material publicly accessible. Plan S was envisioned by its proponents as a partnership between those who support scientific research and those who publish that research for the advantage of those who wish to access that

knowledge. If a research funder joins Plan S, it will demand, among other things, that the research it finances is freely accessible and that any publishing costs are “commensurate with the publication services provided and the structure of such payments is made visible.”

7.4. India's alternatives to S Plan

The Indian open-access (OA) movement has historically been driven by government sponsorship of research and by efforts to overcome severe disparities in access to scholarly literature. In the early 2000s Indian institutions began to join international movements such as the Budapest Open Access Initiative and to establish institutional repositories, but progress was uneven and dissemination remained largely in subscription journals. The government's Science, Technology and Innovation Policy (STIP) 2020 proposed a “One Nation, One Subscription” (ONOS) scheme, under which the government would negotiate nationwide licences with commercial publishers and provide free access for all researchers. ONOS is described as a pricing-aggregation mechanism rather than a comprehensive access solution. Critiques of ONOS and the case for open access Scholars have expressed concern that ONOS entrenches subscription payments and ignores the global trend towards OA. The growing share of Indian articles is available through OA channels and caution that “a blanket subscription might lead to unnecessary expenditures” Lalita et al.,(2025)^{xvii}. Koley & Lala (2024) argue that ONOS could undermine existing library consortia and reduce institutional autonomy by centralizing decisions about collection development. They note that many research outputs are already freely available and that India should strengthen its domestic OA publishing infrastructure rather than “rely solely on commercial publishers”. Naik & Naik (2025) questions whether a subscription-centric scheme is financially prudent given the rapid growth of OA journals and suggests that a national policy should prioritize green OA repositories and preprint servers. It can further highlight operational risks: a single national licence could erode the ability of diverse institutions to curate collections tailored to their disciplines and could weaken library consortia that have improved access over two decades. Open-access policies and outcomes. Despite these concerns, the ONOS debate has stimulated a deeper discussion about OA in India. One policy proposal sometimes called “S-Plan” calls for the government to adopt green OA as the national default, therefore, researchers would deposit manuscripts in open repositories, and preprints would be recognized for institutional assessment. This approach would address concerns that publicly funded research remains behind paywalls and would reduce dependence on commercial publishers. These findings justify the research objective of exploring how copyright pricing, national subscription policies and moral rights intersect to shape access to scholarly knowledge. The evidence demonstrates that unregulated pricing by publishers leads to high subscription costs and deadweight losses and that ONOS, by centralising payments, may perpetuate these distortions without addressing the underlying problem. At the same time, the literature shows that authors' moral rights to dissemination can be protected through green OA and preprint policies, which make publicly funded research freely accessible while maintaining peer-review standards.

The integration of green OA repositories, recognition of preprints for evaluation, and development of domestic OA journals emerge as key alternatives to a subscription-only model. By critically examining the ONOS papers, this study aims to provide evidence-based recommendations for policymakers on balancing cost reduction, dissemination of publicly funded research and respect for authors' rights.

8. Suggestions

- In the case of a monopolistic, oligopoly market, there is a need to create a balance between the author's moral right of accessibility of work and the economic incentives of the publisher as a price cap.
- Public right to accessibility is not to be hindered by unreasonable pricing, which can be through the creation of a healthy copyright environment.
- Accessibility is necessitated for fair dealing/fair use. Thus, reasonable pricing or open accessibility is sine qua non for exercising fair use exception effectively.
- The exclusive assignment of rights of author work to the publisher should be substituted with a sole proprietor license so that an intrinsic limit on pricing can be created.
- **Adopt a National Green/Diamond Open-Access Framework** and ONOS should be complemented, or even partially replaced, by a national green-open-access strategy.

9. Conclusion

The expansion of the copyright system due to the arrival of the internet and virtual marketplace created the publishing sector new avenues of opportunity to reduce the cost of publishing work. The globalization of scholarly articles through a cost-effective platform is all that an open access movement aspirer ever thought of. Unfortunately, this opportunity was wasted for the lucrative though proximate goal of creating a bulwark between the access of information and the public at large through paywalls. Since then, the monopoly of the then publishers has been thickening to the extent that the accessibility of information is construed as an exception and economic benefit out of the copyrighted work as a rule. The aftermath of the commercialization of knowledge for being knowledge is comprehended by a social structure where the knowledge from society is not available to society. The unfair copyright environment is the outcome of prioritizing economics over what is just. There are a few passive and a few active protests regarding the feasible accessibility of knowledge.

India's One Nation One Subscription policy is a bold attempt to mitigate the country's long-standing access inequities by negotiating a centralised, nationwide licence. The literature surveyed reveals, however, that the scholarly publishing landscape has already shifted toward open access, raising doubts about the long-term sustainability of a subscription-only strategy. ONOS risks overpaying for content that may be freely available and may perpetuate dependence on commercial publishers. Therefore, in this paper, the authors aims to a behavioral analysis of the problem and proposes an intrinsic solution.

ⁱ United Nations. Universal Declaration of Human Rights Adopted December 10, 1948. Article 27.

ⁱⁱ Stojkov, Aleksandar, et al. "Economics of Copyright: Challenges and Perspectives." *Mizan Law Review* 7, no. 1 (2014): 126–38.

ⁱⁱⁱ Gardner, Gabriel J., et al. "Shadow Libraries and You: Sci-Hub Usage and the Future of ILL." Paper presented at the Association of College & Research Libraries Conference, 2017.

^{iv} Mahanand, Prabhat Kishor, and Abhishek Naik. "One Nation One Subscription: The Future of Open Access for Indian Academia." *International Journal on Science and Technology (IJSAT)* (year of publication).

^v Rastogi, Sanjeev, and Alex Hankey. "One Nation One Subscription: Questions about Its Generalizability—

What It Portends for the Traditional Health Care System in the Country?" Annals of Ayurvedic Medicine 14, no. 1–2 (2025).<https://doi.org/10.5455/AAM.235171>.

^{vi} Naik, Gopal Anand, and Ramashanti Anand Naik. "Evaluating the One Nation One Subscription Initiative: Implications for Access to Scholarly Resources in India." Journal of Environmental Nanotechnology (2025): 202–207.

^{vii} Lalita, Narendra Kumar, and R. K. Bhatt. "One Nation One Subscription: An Illusion or a Reality?" The Serials Librarian 86, no. 3–4 (2025): 178–189.<https://doi.org/10.1080/0361526X.2025.2520267>.

^{viii} Koley, Moumita, and Kanchan Lala. "Limitations of the 'Indian One Nation, One Subscription' Policy Proposal and a Way Forward." Journal of Librarianship and Information Science 56, no. 4 (2024): 477–489.

<https://doi.org/10.1177/09610006221146771>.

^{ix} Posner, A. Richard, and William M. Landes. "An Economic Analysis of Copyright Law." The Journal of Legal Studies 18, no. 2 (1989): 325–363.

^x Greshake, Bastian. "Looking into Pandora's Box: The Content of Sci-Hub and Its Usage." F1000Research 6 (2017): 541. <https://doi.org/10.12688/f1000research.11366.1>.

^{xi} Kehnemuyi, Kaitlin, and Sylvie C. Larsen. "Shadow ILL Services: How Scholarly Pirate Websites and Hacking Affect ILL." Journal of Interlibrary Loan, Document Delivery & Electronic Reserve 28, no. 5 (2019): 139–149.

^{xii} Baich, Tina. "Diminishing the Perceived Need for Black Open Access." Paper presented at the Interlending and Document Supply Conference, Paris, October 4–6, 2017.

^{xiii} James, Jack. "Pirate Open Access as Electronic Civil Disobedience: Is It Ethical to Breach the Paywalls of Monetized Academic Publishing?" Journal of the Association for Information Science and Technology 71, no. 12 (2020): 1500–1504.

^{xiv} Swartz, Aaron. "Guerilla Open Access Manifesto." 2008

<http://archive.org/details/GuerillaOpenAccessManifesto>.

^{xv} Gardner, C. C., and Gabriel J. Gardner. "Fast and Furious." College & Research Libraries 78, no. 2 (2017): 131–149.

^{xvi} Nicholas, David, C. Boukacem-Zeghmouri, Jie Xu, Eti Herman, David Clark, Abdullah Abrizah, and Marzena Świgon. "Sci-Hub: The New and Ultimate Disruptor? View from the Front." Learned Publishing 31, no. 3 (2018): 263–271. <https://doi.org/10.1002/leap.1206>.