
ORIGINALITY AFTER EASTERN BOOK COMPANY V. D.B. MODAK: HAS INDIA FOUND ITS OWN COPYRIGHT THRESHOLD

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ABSTRACT

Supreme Court's landmark ruling in *Eastern Book Company & Ors. v. D.B. Modak & Anr.* (2008) marked a fundamental change in Indian copyright laws, moving away from the classical "sweat of the brow" doctrine towards a slightly higher threshold for originality that takes into account the skill, judgment, and a very small amount of creativity involved.¹ This paper discusses the situation after the decision, asking whether India has an exclusive copyright threshold, which is legal and socio-economic context based, or whether it simply conforms to the standards set by the US, UK, and Canada. By tracing the change in copyright doctrines before and after the *Eastern Book* case and comparing it with the U.S. "modicum of creativity" standard from *Feist Publications v. Rural Telephone Service Co.* and the Canadian "skill and judgment" test from *CCH Canadian Ltd. v. Law Society of the Upper Canada*, the research shows how the Indian Supreme Court brought together these methods to only allow the protection of derivative works as well as compilations when they show a level of intellectual effort exceeding mere labor.²³ The hybrid approach was confirmed in cases like *Relx India Pvt. Ltd. v. Eastern Book Company* (2016) that came after 2008,⁴ as it was applied to various types of works such as databases, textbooks, game designs, etc. while public domain accessibility and Section 52 fair use of the Copyright Act, 1957 were highlighted. The critiques of the ruling, such as the vagueness of the term "flavor of creativity" and the risk of monopolies on public information, are discussed, along with the implications for the legal publishing sector, AI-generated content, and the dissemination of knowledge in a developing economy. In the end, the paper contends that India has really created its own limit—a realistic equilibrium of inventiveness and hard work that gives priority to accessibility and innovation, and it is thus different from the purely creativity-based models that are found in other places.⁵ This development raises the standard of copyright protection and at the same time

¹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

² *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

³ *CCH Canadian Ltd. v. Law Soc'y of Upper Canada*, 2004 SCC 13, [2004] 1 S.C.R. 339 (Can.).

⁴ *Relx India Pvt. Ltd. v. Eastern Book Co.*, (2016) 2 S.C.C. 1 (India).

⁵ The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

nourishes a legal system that is very much tuned to the characteristics of India's common law tradition and public interest requirements which are rooted in that tradition.

LITERATURE REVIEW

Legal Challenges in Enforcing Copyright Law in India – Deepali Khare & Megha Ghughnuskar

The current research about copyright enforcement in India shows how technological progress creates conflicts with established legal principles. The Copyright Act of 1957 provides civil and criminal remedies yet its enforcement systems fail to meet the needs of digital era because they were created to handle pre-digital violations and their handling of online piracy and platform operator responsibility does not work. Researchers identify the Information Technology Act of 2000 and Intermediary Guidelines of 2021 as the laws which determine safe-harbour liability and takedown processes. The judicial system has developed legal principles through its decisions which define intermediary responsibilities and authorize dynamic website piracy blockage methods. The US and EU comparative literature studies notice-and-takedown systems alongside proactive monitoring systems to evaluate their effectiveness as enforcement methods. The latest research investigates new issues which arise from AI-created content and international legal authority and excessive content restriction which impacts public expression. The available research shows that India needs to develop digital systems and increase its institutional resources while creating unified digital rules to improve its copyright enforcement abilities.⁶

Comparative Analysis of Indian Copyright Laws with International Digital Copyright Standards – Madhurima Datar

The existing research on digital copyright enforcement shows that current technological advancements create a growing gap between established copyright rules and existing copyright laws. The 1957 Copyright Act and its 2012 amendment which introduced digital rights management, together with enhanced author royalties, brought India into compliance with international standards, including the WIPO treaties. The problems of enforcement proceed

⁶ Khare, D. & Ghughnuskar, M., 'Legal Challenges in Enforcing Copyright Law in India: A Doctrinal and Policy Analysis in the Digital Era (2025 Update),' 13(11) International Journal of Creative Research Thoughts (2025).

because intermediaries have no defined liability and legal processes take too long to complete. The U.S. DMCA and the EU Digital Single Market Directive comparisons show that structured notice-and-takedown systems together with proactive monitoring duties create strong enforcement systems. The court decisions establish safe-harbour protection standards which require intermediaries to respond to legitimate notices while they retain the right to express themselves freely. Current research examines new challenges which include AI-generated content, international piracy, and excessive restriction of valid material. The scholars agree that India requires explicit rules for intermediaries together with enforcement technologies, specialized courts and international collaboration to establish correct rights balance between creators and public access during digital times.⁷

Challenges of Copyright Protection in the Contemporary Age: The Indian Perspective – Chahat Bhatia & Rishiraj Sharma

Researchers study how copyright laws face new difficulties because of digital changes in India. The Copyright Act from 1957 offers civil and criminal law remedies according to scholars yet technology developments have made it harder to enforce copyright laws through peer-to-peer file sharing and digital piracy and plagiarism and counterfeiting. Section 52 establishes fair dealing principles which allow public access to works while protecting authorship rights yet educational and online users practice the fair dealing rule excessively which leads to publisher-user conflicts. Research shows that there is uncertainty about intermediary and ISP liability, insufficient regulations for AI-based copyright material and competing court decisions about whether Section 63 violations should be treated as criminal offenses. The existing system fails to provide adequate safeguards for traditional knowledge and digital content that travels between international boundaries. The existing legal framework needs better definitions with improved enforcement systems and needed technological protections and necessary policy changes to achieve better results for creators and public needs in today's digital world.⁸

INTRODUCTION

Copyright law creates an area where free access to knowledge can exist alongside the exclusive rights which creators possess. The threshold for originality determines whether a work receives

⁷ Madhurima Datar, Comparative Analysis of Indian Copyright Laws with International Digital Copyright Standards, 4 *Indian J. Integrated Res. L.*, Issue V (2024).

⁸ Chahat Bhatia & Rishiraj Sharma, Challenges of Copyright Protection in the Contemporary Age: The Indian Perspective, 1 *IPR J. Maharashtra Nat'l L. Univ.*, Nagpur 123 (2023).

copyright protection because it serves as the central point of this equilibrium between creative output and intellectual property rights. Copyright law protects an author's work because it fulfills the requirements established by the particular jurisdiction, which differs from patent law that requires new inventions to obtain protection. The key standard of innovation in India has undergone transformation according to the present introduction.⁹ The study follows international influences through case analysis and post-2008 development tracking to determine whether India established a distinct copyright standard.

The standard of originality is different from country to country. The United Kingdom became the first nation to implement the "Sweat Of The Brow" (SOTB) approach which gave recognition to an author's effort and expertise and a compiler's work even when their output involved no original thinking.¹⁰ The labor-based theory from which facts existed needed for public domain use subsequently created obstacles because it achieved its goals. The United States shifted to a "Modicum of Creativity" (MOC) standard which prohibited SOTB in *Feist Publications, Inc. v. Rural Telephone Service Co.* 499 U.S. 340 (1991) because it demanded a minimum creative element for copyright protection especially in compilations.¹¹ Facts remain outside copyright protection because they exist as common knowledge which people can freely access.¹²

The Indian legal system operated under the Copyright Act of 1957 which established SOTB as the primary standard until the *EBC v. Modak* decision.¹³ Indian courts protected compilations based on the amount of labor and capital invested thus correlating with India's developing economy that was rewarding investment.¹⁴ The *EBC v. Modak* dispute emerged between the Eastern Book Company (EBC) and the Court Cases journal which published Supreme Court judgments that EBC had edited through its addition of new paragraphs and cross-references and headnotes and corrections. EBC initiated legal proceedings against the defendants because they had copied Supreme Court judgments into their CD-ROM products. The lower court decisions showed different results but the Supreme Court accepted part of EBC's claims while establishing a new definition for originality. The Court ruled that SOTB should not serve as the basis for copyright acquisition because SOTB required both intellectual effort and

⁹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

¹⁰ *Univ. of London Press, Ltd. v. Univ. Tutorial Press, Ltd.*, [1916] 2 Ch. 601 (Eng.).

¹¹ *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

¹² *CCH Canadian Ltd. v. Law Soc'y of Upper Can.*, 2004 SCC 13, [2004] 1 S.C.R. 339 (Can.).

¹³ The Copyright Act, No. 14 of 1957, Acts of Parliament, 1957 (India).

¹⁴ *Burlington Home Shopping (P) Ltd. v. Rajnish Chibber*, 1995 PTC 278 (Del. HC) (India).

additional labor or capital investment. The court used a hybrid method which included both elements from Feist and CCH as its reasoning process: The creation of new character through the process of edited judgments requires “skill and judgment” which creates a “Flavor of Minimum Creativity” for the resulting character. The court regarded the mere doing of basic corrections as trivial edits that did not receive protection; however, those edits that were made through legal discernment were acknowledged as qualifying.

The raw judgments remained in public domain according to Section 52(1)(q)(iv) which enabled access to justice that served as the primary concern while headnotes and specific edits received copyright protection.¹⁵ The more rigorous standard established in 2008 resulted in particular outcomes for the case of *Relx India Pvt. Ltd. v. Eastern Book Business* (2016) which refused protection to databases that lacked creative content and other textbook and design cases because they showed both value addition and idea-expression separation. Critics have pointed out that the terms “flavor of creativity” are vague and that there is a risk of monopolizing legal information.¹⁶

The Indian standard which combines skill and judgment with minimal creativity assessment presents an easy path for workers to enter the U.S. MOC system. The U.K. SOTB system presents greater challenges to worker acceptance which makes the Indian standard more difficult to achieve. The public interest in accessibility combined with India’s common law traditions creates a practical boundary system that supports both access and innovative development.

ANALYSIS ON EASTERN BOOK COMPANY V. D.B. MODAK’S JUDGMENT

The Supreme Court’s judgment in *Eastern Book Company & Ors. v. D.B. Modak & Anr.* (2008) 1 SCC 1 transformed Indian copyright laws as it ended the exercise of the UK-based “sweat of the brow” (SOTB) doctrine. The traditional approach of copyright regulation granted rights to works which obtained safety because their creators invested both hard work and innovative ability and monetary resources, even when they produced no significant unique content. Earlier Indian cases, such as *Burlington Home Shopping Pvt. Ltd. v. Rajnish Chibber* (1995) PTC 278 (Del), mounted this labor-based standard because it protected compiled works

¹⁵ The Copyright Act, No. 14 of 1957, § 52(1)(q)(iv), Acts of Parliament, 1957 (India).

¹⁶ *Relx India Pvt. Ltd. v. Eastern Book Co.*, (2016) 2 S.C.C. 1 (India).

which required only effort, without demanding any original thought or creative expression.¹⁷ The SOTB doctrine established its foundation through English case law which includes *University of London Press Ltd. v. University Tutorial Press Ltd.* [1916] 2 Ch 601¹⁸ and *Ladbroke (Football) Ltd. v. William Hill (Football) Ltd.* [1964] 1 WLR 273,¹⁹ because it sought to protect authors against theft of their labor while maintaining compliance with India's Copyright Act of 1957 which designates compilations and databases as literary works through Sections 2(o) and 13.

The main legal conflict in *EBC v. Modak* emerged from Eastern Book Company's (EBC) distribution of their Supreme Court Cases (SCC) journal which contained Supreme Court judgments that had been modified through copy-editing and added elements which included headnotes and footnotes and editorial notes and paragraph numbering and regrouping and cross-references and grammatical and citation error corrections and formatting improvements and margin headings and indications of concurring or dissenting opinions and quote verification and overall readability enhancements.²⁰ The editing process required EBC to acquire basic Supreme Court Registry judgments which they transformed into accessible legal materials through their editorial work. D.B. Modak and his business partners through Spectrum Business Support Ltd. which operated "Grand Jurix" and Regent Data Tech Pvt. Ltd. which operated "The Laws" created unauthorized CD-ROM editions of these edited judgments which resulted in EBC filing copyright infringement claims under Sections 13, 14(a)(i) and 51 of the Copyright Act 1957.²¹ The Delhi High Court granted partial relief by prohibiting all reproduction of the edited texts except for headnotes and footnotes and editorial notes which they later modified through an appeal that led the Supreme Court to combine and evaluate the entire case.

The Supreme Court, in a bench comprising B.N. Agrawal and P.P. Naolekar JJ., rejected the pure SOTB standard, ruling that originality below Section 13 of the Copyright Act, 1957, demands more than mere trivial or mechanical labor. The Court used international cases as its foundation for decision-making, which incorporates the U.S. Supreme Court's *Feist Publications, Inc. v. Rural Telephone Service Co.* 499 U.S. 340 (1991) that calls for a

¹⁷ *Burlington Home Shopping (P) Ltd. v. Rajnish Chibber*, 1995 PTC 278 (Del. HC) (India).

¹⁸ *Univ. of London Press, Ltd. v. Univ. Tutorial Press, Ltd.*, [1916] 2 Ch. 601 (Eng.).

¹⁹ *Ladbroke (Football) Ltd. v. William Hill (Football) Ltd.*, [1964] 1 W.L.R. 273 (H.L.) (Eng.).

²⁰ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

²¹ The Copyright Act, No. 14 of 1957, §§ 13, 14(a)(i), 51, Acts of Parliament, 1957 (India).

“modicum of creativity” to protect compilations beyond authentic aggregation,²² and the Canadian Supreme Court’s *CCH Canadian Ltd. v. Law Society of Upper Canada* [2004] 1 SCR 339, which emphasizes “skill and judgment” in the exercise of non-trivial intellectual effort.²³ The Court developed an Indian-specific test requiring that derivative works must show a “flavour of minimum creativity” which rises above mere mechanical work but need not satisfy the higher creativity bar of the U.S. model.

The Court’s decision confirmed that court decisions qualify as “government works” according to Sections 2(k) and 17(d) of the Copyright Act,²⁴ with Section 52(1)(q)(iv) permitting their reproduction in the public interest.²⁵ The process of making clerical corrections and fixing syntax and adding mechanical elements through basic punctuation and abbreviation expansion and hyphenation and indentation and routine quote verification without discernment results in work that lacks originality.^{26,27}

The Court established its legal framework by using international case law which included the U.S. Supreme Court’s *Feist Publications, Inc. v. Rural Telephone Service Co.* 499 U.S. 340 (1991)²⁸ and the Canadian Supreme Court’s *CCH Canadian Ltd. v. Law Society of the Upper Canada* [2004] 1 SCR 339 which required legal professionals to employ their skills and judgment during their work.²⁹ The Court created an Indian-specific hybrid test explaining that derivative works, such as edited judgments, would only receive protection if the creator used essential skills in judgment to create a work which contains at least minimal original content that differs from all existing public domain works.³⁰

The Court established its central ruling through its determination that raw court judgments qualify as “government works” under Sections 2(k) and 17(d) of the Copyright Act,³¹ which function as public domain materials according to Section 52(1)(q)(iv).³² The process of making basic clerical corrections and fixing sentence structure and creating mechanical elements

²² *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991).

²³ *CCH Canadian Ltd. v. Law Soc'y of Upper Can.*, 2004 SCC 13, [2004] 1 S.C.R. 339 (Can.).

²⁴ The Copyright Act, No. 14 of 1957, §§ 2(k), 17(d), Acts of Parliament, 1957 (India).

²⁵ The Copyright Act, No. 14 of 1957, § 52(1)(q)(iv), Acts of Parliament, 1957 (India).

²⁶ The Copyright Act, No. 14 of 1957, §§ 13, 14(a)(i), 51, Acts of Parliament, 1957 (India).

²⁷ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 46–48 (India).

²⁸ *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345–47 (1991).

²⁹ *CCH Canadian Ltd. v. Law Soc'y of Upper Can.*, 2004 SCC 13, ¶¶ 16–26, [2004] 1 S.C.R. 339 (Can.).

³⁰ *Eastern Book Co.*, (2008) 1 S.C.C. 1, ¶¶ 53–57 (India).

³¹ The Copyright Act, No. 14 of 1957, §§ 2(k), 17(d), Acts of Parliament, 1957 (India).

³² The Copyright Act, No. 14 of 1957, § 52(1)(q)(iv), Acts of Parliament, 1957 (India).

without distinction does not qualify for copyright protection because it produces standard factual content without any creative work.³³ The original elements emerge from intellectual content enabling legally required decision-making through headnotes, editorial notes, analytical summaries, cross-references, and paragraph selection.

The Court granted EBC's appeal in part because it prohibited the respondents from using any of the protected editorial components which included headnotes and footnotes and editorial notes and paragraph numbering and cross-references and opinion indicators in their CD-ROM products.^{34,35} Legal publishers gained incentive to create high-quality value-added content through this hybrid system which protected public access to judicial decisions while preventing monopolies on public domain materials and enabling competitors to develop original content through their independent work. The ruling established a requirement for proving originality through objective evidence which demonstrates that multiple non-trivial elements exist in compilations, databases and digital reproductions, thus demonstrating how India has developed its own unique system for applying international standards.³⁶

APPLICATION OF THE HYBRID STANDARD AND POST-2008 DEVELOPMENTS

The Indian court system uses the hybrid "skill and judgment with a flavour of minimum creativity" standard since the Supreme Court established it in *Eastern Book Company & Ors. v. D.B. Modak & Anr.* (2008) 1 SCC 1.³⁷ The courts discovered that originality requirements for copyright claims demand more than mere work effort while protecting factual collections from copyright protection because they require special intellectual effort. The legal system after 2008 established copyright protection only for artistic works which include personal creative elements and protect against unprotected facts together with mechanical data collection.³⁸ The change affected multiple types of works which include legal reports and databases and educational materials and digital designs because courts required proof that their selection and arrangement and coordination processes created new value which showed only basic artistic effort. The subsequent rulings confirmed this method because it creates a fair equilibrium between copyright protection for creators and the legitimate use rights which

³³ *R.G. Anand v. Delux Films*, (1978) 4 S.C.C. 118 (India).

³⁴ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 72–74 (India).

³⁵ *Relx India Pvt. Ltd. v. Eastern Book Co.*, (2016) 2 S.C.C. 1, ¶¶ 15–22 (India).

³⁶ *Eastern Book Co.*, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

³⁷ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

³⁸ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

Section 52 of the Copyright Act 1957 provides for research and review and criticism and private study purposes.³⁹

The Supreme Court examined LexisNexis database products to assess Supreme Court judgments which EBC had developed. The Court sustained the temporary injunction issued by the Allahabad High Court to stop LexisNexis from disseminating EBC protected content which included headnotes and editorial notes and footnotes and formatting enhancements.⁴⁰ The EBC v. Modak test requires databases and compilations to demonstrate their creative development process through required intellectual effort which extends beyond simple element integration from existing sources.⁴¹ The public domain status under Section 52(1)(q)(iv) permits access to judicial decisions while legal judgment with minor originality receives protection through value-added expressions.⁴² The Court rejected LexisNexis' fair dealing defenses because it found that copying editorial content without permission constituted copyright infringement, whereas users could freely access raw judgments.⁴³ The ruling protected public legal information from monopolistic control through its hybrid threshold while it granted credit for innovative legal publishing work to editorial teams.

The hybrid standard has been used to assess textbooks and educational resources through the Chancellor, Masters & Scholars of the University of Oxford v. Narendra Publishing House case which involved Oxford school textbooks. The plaintiffs alleged that Narendra's guidebooks infringed their rights because the guidebooks duplicated examination questions and provided solutions.⁴⁴ The Court implemented the EBC v. Modak test because basic mathematical problems failed to meet the necessary threshold which required original expression through mathematical elements. The doctrine of merger was applied to show that students needed to complete syllabus questions through their ability to gather information. The Court determined that Narendra's use qualified as fair dealing under Section 52(1)(a)(ii) for review and educational purposes because the Court recognized public interest in accessible educational materials.⁴⁵

The Delhi High Court used hybrid threshold testing when it decided *Mattel, Inc. v. Jayant*

³⁹ The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

⁴⁰ *Relx India Pvt. Ltd. v. Eastern Book Co.*, (2016) 2 S.C.C. 1, ¶¶ 15–22, 31–36 (India).

⁴¹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

⁴² The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

⁴³ *Relx India Pvt. Ltd. v. Eastern Book Co.*, (2016) 2 S.C.C. 1, ¶¶ 15–22, 31–36 (India).

⁴⁴ *Relx India Pvt. Ltd.*, (2016) 2 S.C.C. 1, ¶¶ 31–36 (India).

⁴⁵ The Copyright Act, No. 14 of 1957, §§ 2(k), 17(d), 52(1)(q)(iv), Acts of Parliament, 1957 (India).

Agarwalla (2008) 38 PTC 416 (Del) because Mattel lost its copyright case against the online version of Scrabble which it claimed protected elements of its board game.⁴⁶ Mattel maintained that the board design which included its layout and color scheme and tile arrangement and game rules established actual artistic works. The Court used *EBC v. Modak* to determine that standard grid designs and color-coded premium square designs lacked any basic creativity because these designs served as essential functions that combined their original ideas with their finished designs.⁴⁷ The Copyright Act Section 15(2) provided protection denial because the board used for industrial production had exceeded the 50 reproduction limit which required design registration under the Designs Act 2000.^{48,49} The Court denied copyright protection but issued a trademark injunction against “Scrabulous” because it engaged in passing off, demonstrating how the hybrid standard functioned to separate original creative works from their non-protectable functional components in interactive design.

Current database protection rights provide security only for original methods of combination and selection which have been established through court rulings since 2008 when courts found that basic data collection techniques do not fulfill protective requirements. The Delhi High Court denied copyright to a mere compilation of business addresses and contact details in *Tech Plus Media Pvt. Ltd. v. Jyoti Janda* (2014) 211 DLT 296.⁵⁰ The Court rejected pure “sweat of the brow” in *EBC v. Modak* because customer lists needed to meet the test of minimal creativity through creative design yet stayed unprotected as ordinary facts.⁵¹ The case of *PhonePe Pvt. Ltd. v. Ezy Services* (2021) established standard protection for digital databases which extended to proprietary algorithms and special categorization methods.⁵² The Section 52 fair dealing provisions enable existing database protections which allow research and personal use extractions from databases that benefit public access to India’s knowledge economy without creating excessive monopolies.⁵³

CRITICISM ON THE HYBRID APPROACH

The hybrid “skill and judgment with a flavour of minimum creativity” standard which Eastern

⁴⁶ *Mattel, Inc. v. Jayant Agarwalla*, 2008 (38) PTC 416 (Del. HC) (India).

⁴⁷ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 53–57 (India).

⁴⁸ The Copyright Act, No. 14 of 1957, § 15(2), Acts of Parliament, 1957 (India).

⁴⁹ The Designs Act, No. 16 of 2000, Acts of Parliament, 2000 (India).

⁵⁰ *Tech Plus Media Pvt. Ltd. v. Jyoti Janda*, 211 (2014) DLT 296 (Del. HC) (India).

⁵¹ *Eastern Book Co.*, (2008) 1 S.C.C. 1, ¶¶ 46–48 (India).

⁵² *PhonePe Pvt. Ltd. v. Ezy Services*, 2021 SCC Online Del 2630 (Del. HC) (India).

⁵³ The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

Book Company & Ors. v. D.B. Modak & Anr. (2008) 1 SCC 1 established presents severe problems because its lack of clarity creates difficulties for judges to apply it consistently in their court decisions.⁵⁴ Critics argue that the phrase “flavour of minimum creativity” lacks a precise definition, which results in an unclear standard that operates between the “sweat of the brow” doctrine and strict creativity requirements, which creates subjective determination of original work.⁵⁵ The legal system faces challenges because this particular requirement creates multiple ways to be understood beyond its existing definition, and the succeeding studies demonstrate how the requirement for minimal creativity fails to show what level of intellectual work becomes essential compared to basic effort.⁵⁶ The Supreme Court attempted to create a balance between labor and creativity through its examination of U.S. and Canadian legal precedents, but the hybrid system creates a danger of random assessments that will decrease trajectory prediction in copyright conflicts about compilations and derivative works.⁵⁷

The critique targets the potential for public information to become monopolized especially through legal documents which would create greater protection for editorial changes that would prevent access to vital court rulings thus violating access-to-justice requirements established by Section 52(1)(q)(iv) of the Copyright Act.⁵⁸ The ruling protects raw judgments as public domain material but the copyright assignment to headnotes and cross-references has raised doubts about its potential to grant publishers excessive power over legal knowledge distribution in developing countries where cheap access to law reports is essential. The decision creates unintentional obstacles for competitors and users according to scholarly studies which demonstrate how the decision restricts public domain content while providing advantages for minor content improvements.

The hybrid method receives criticism since it blends international standards together with the Canadian “skill and judgment” test from *CCH Canadian Ltd. v. Law Society of the Upper Canada*⁵⁹ while using the “modicum of creativity” standard from *Feist Publications, Inc. v. Rural Telephone Service Co.*⁶⁰ The synthesis aims to establish a standard that fits India’s common law system yet critics argue that it generates a basic requirement which fails to meet

⁵⁴ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 53–57 (India).

⁵⁵ *Eastern Book Co.*, (2008) 1 S.C.C. 1, ¶¶ 46–48 (India).

⁵⁶ *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345–47 (1991).

⁵⁷ *CCH Canadian Ltd. v. Law Soc'y of Upper Can.*, 2004 SCC 13, ¶¶ 16–26, [2004] 1 S.C.R. 339 (Can.).

⁵⁸ The Copyright Act, No. 14 of 1957, § 52(1)(q)(iv), Acts of Parliament, 1957 (India).

⁵⁹ *CCH Canadian Ltd. v. Law Soc'y of Upper Can.*, 2004 SCC 13, ¶¶ 16–26, [2004] 1 S.C.R. 339 (Can.).

⁶⁰ *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345–47 (1991).

either of the two standards used in copyright enforcement because it does not meet the labor needs of the UK historical model or the creativity requirements of the US version. The innovative approach of this system leads to problems with consistent use across international legal cases which results from post-decision studies that examine its suitability according to changing worldwide legal standards.

LEGAL IMPLICATIONS ON PUBLISHING AI GENERATED CONTENT AND KNOWLEDGE DISSEMINATION

The post-Eastern Book Company & Ors. v. D.B. Modak & Anr. (2008) 1 SCC 1 threshold has deeply transformed India's legal publishing industry because it now rewards publishers who produce higher quality work through their editorial improvements which require skilled judgment and basic creativeness.⁶¹ Eastern Book Company (EBC) now enables publishers to protect specific components which add value to their content through analytical headnotes and discerning cross-references and selective paragraphing and editorial commentary instead of exercising broad copyright over unedited judicial documents.⁶² The requirement for competitors to develop their unique intellectual property which results in marketable products drives legal reporting innovation. The 2016–2017 affirmation in Relx India Pvt. Ltd. v. Eastern Book Company established this legal shift because the Supreme Court maintained EBC copyright protection through its editorial content under LexisNexis databases which need to acquire protection through special coordination methods which require personal cognitive capacity beyond basic content collection.⁶³ Legal publishing companies now use sustainable business models because their investment in top-notch improvements from better document comprehension to advanced analytical solutions results in enforceable rights while raw judgments remain public to defend against monopolization and ensure justice accessibility.

The hybrid standard for AI-generated content creates major difficulties because algorithm-based results lack the necessary human expertise and judgment which requires a minimum level of creativity to achieve copyright protection. The Copyright Act of 1957 through Section 13 requires Indian copyright law to establish that work must be independently created through intellectual effort while machine-generated texts and compilations without human input must

⁶¹ Eastern Book Co. v. D.B. Modak, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

⁶² Eastern Book Co. v. D.B. Modak, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

⁶³ Relx India Pvt. Ltd. v. Eastern Book Co., (2016) 2 S.C.C. 1, ¶¶ 15–22, 31–36 (India).

prove their work because human authorship is essential for creation.⁶⁴ Recent legal and academic debates which examine Delhi High Court rulings and doctrinal analyses demonstrate that AI-assisted works become eligible for protection when users provide essential prompts and make essential edits while human contribution meets originality requirements, yet fully autonomous systems produce generative content which leaves authorship questions unexplained under Section 2(d), which assigns ownership of computer-generated works to their creators, yet requires that they meet originality standards.⁶⁵ India's focus on making information accessible and establishing public domain rights creates a situation where AI content creation tools face funding challenges because unprotected outputs can be freely used by others which creates demand for legal solutions that will establish special rights to protect innovation while enabling knowledge sharing in today's digital world.

The post-2008 economic development approach of this developing economy enables public access to essential legal materials and educational resources and data at low cost while it still provides benefits for valuable intellectual work. The standard blocks access to justice and education by handling copyright protection through its refusal to accept pure "sweat of the brow" protection and its protection of public domain materials which include government works and Section 52(1)(q)(iv) judgments.⁶⁶ Section 52 fair dealing provisions further temper protections because they allow research activities to use educational materials for research purposes.⁶⁷ The equilibrium between India's common law traditions and its development priorities exists because access-to-knowledge discussions show that fair innovation regulations should prevent public information monopolies while rewarding businesses that create new worth. The hybrid legal threshold creates a system which supports India's legal requirements by providing creators with financial rewards while making knowledge available to people in the digital age.

CONCLUSION

The originality threshold established by India's *Eastern Book Company & Ors. v. D.B. Modak & Anr.* (2008) 1 SCC 1 case creates an original copyright standard which exists as a unique legal standard that needs to be understood according to its specific cultural background.⁶⁸ The

⁶⁴ The Copyright Act, No. 14 of 1957, § 13, Acts of Parliament, 1957 (India).

⁶⁵ The Copyright Act, No. 14 of 1957, § 2(d)(vi), Acts of Parliament, 1957 (India).

⁶⁶ The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

⁶⁷ The Copyright Act, No. 14 of 1957, § 52, Acts of Parliament, 1957 (India).

⁶⁸ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 53–57, 61–64 (India).

Supreme Court established a new legal test for intellectual property rights when it rejected the pure “sweat of the brow” (SOTB) doctrine which had ruled Indian courts since they used *University of London Press Ltd. v. University Tutorial Press Ltd.* as their main legal reference.⁶⁹ The new standard demands that artists create their work through original thinking which produces actual artistic creation even if the result stays at a minimum level. The court decision protects public domain rights because it enables people to access government materials which include court rulings that fall under Section 52(1)(q)(iv) of the Copyright Act 1957.⁷⁰ The ruling brings essential factual information into the public domain to help people access legal resources and acquire knowledge.

The authentic balance which exists between present-day conditions and past Indian common law practices which adopted English labor traditions together with public interest demands of a developing nation with major economic differences and essential public information requirements creates this sustainable equilibrium.⁷¹ The “modicum of creativity” standard from US law which *Feist Publications* established through its 1991 *Rural Telephone Service Co.* decision (499 U.S. 340) protects artistic work only because it contains aesthetic value whereas India permits protective rights to exist when creators need to exhibit their skills but lack artistic expression.⁷² The historical UK SOTB doctrine which protected labor-based work through its strict industrial requirements without requiring any creative tasks to be executed by workers stands apart from this practice because the Indian Supreme Court chose to reject it in order to stop companies from creating excessive control over public domain resources.⁷³

The “skill and judgment” test from *CCH Canadian Ltd. v. Law Society of the Upper Canada* 2004 1 S.C.R. 339 establishes its requirements through non-trivial intellectual work which needs to show creative output.⁷⁴ The Indian hybrid model requires creators to develop their protected works through minimum creative work which must result in distinct character that needs to be beyond normal identification. The combination of Canadian practical approaches and American creative protection methods establishes a balanced solution which permits the development of derivative works through compilations databases and edited judgments only

⁶⁹ *Univ. of London Press, Ltd. v. Univ. Tutorial Press, Ltd.*, [1916] 2 Ch. 601 (Eng.).

⁷⁰ The Copyright Act, No. 14 of 1957, § 52(1)(q)(iv), Acts of Parliament, 1957 (India).

⁷¹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1, ¶¶ 46–48 (India).

⁷² *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345–47 (1991).

⁷³ *Univ. of London Press, Ltd. v. Univ. Tutorial Press, Ltd.*, [1916] 2 Ch. 601 (Eng.).

⁷⁴ *Ladbroke (Football) Ltd. v. William Hill (Football) Ltd.*, [1964] 1 W.L.R. 273 (H.L.) (Eng.).

⁷⁵ *CCH Canadian Ltd. v. Law Soc'y of Upper Canada*, 2004 SCC 13, [2004] 1 S.C.R. 339 (Can.).

when they show substantial creative input through their analytical summaries and legal judgment cross-references.⁷⁶ The system does not protect simple or automatic enhancements which include basic formatting and syntax corrections and paragraph numbering because these elements do not require special knowledge. This system protects the public domain because it decreases the chances of information control which creates hidden obstacles to accessing public domain materials.

India's post-EBC v. Modak approach establishes higher standards for copyright eligibility because it rejects claims that require minimal work while it supports actual innovative work and improves access to information.⁷⁷ The current system functions effectively, especially in developing nations which operate knowledge-based economies because copyright needs to fulfill two functions. Copyright should create incentives for investment in legal reporting and educational resources while also allowing public access to essential materials which include judicial decisions and research data and learning resources.⁷⁸ The threshold requires knowledge sharing which protects public access to knowledge resources because copyright functions as a universal form of economic protection that permits creators to control their work while upholding India's constitutional principles about free expression and judicial access and social development. The hybrid standard functions as a specific worldwide copyright framework because it reflects India's social and legal conditions while protecting public rights.⁷⁹

⁷⁶ Relx India Pvt. Ltd. v. Eastern Book Co., (2016) 2 S.C.C. 1 (India).

⁷⁷ Eastern Book Co. v. D.B. Modak, (2008) 1 S.C.C. 1 (India).

⁷⁸ Relx India Pvt. Ltd. v. Eastern Book Co., (2016) 2 S.C.C. 1 (India).

⁷⁹ Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).