ACADEMIC ACCESS AND COPYRIGHT BOUNDARIES: A COMPARATIVE POLICY STUDY OF UPPSALA UNIVERSITY, HARVARD UNIVERSITY, AND IIT BOMBAY

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I. ABSTRACT

This paper undertakes a comparative study of institutional intellectual property (IP) policies at Harvard University, Uppsala University, and the Indian Institute of Technology Bombay (IIT Bombay), situating them within broader legal and policy frameworks. The analysis highlights how national legal traditions and socio-economic contexts shape institutional choices in balancing innovation, ownership, and public interest. Harvard's centralized and revenue-sharing model reflects the U.S. emphasis on commercialization and technology transfer, positioning universities as active stakeholders in the innovation economy. Uppsala, by contrast, embodies Sweden's "professor's privilege," privileging academic freedom and individual autonomy, while IIT Bombay adopts a hybrid framework aligned with India's transitional landscape, combining institutional oversight with strong creator incentives.

The paper extends this institutional comparison to copyright law, focusing on educational exceptions under the Indian Copyright Act, 1957. Judicial interpretations such as Rameshwari Photocopy Services illustrate India's expansive view of "fair dealing," consistent with global findings by the World Intellectual Property Organization (WIPO) that exceptions must remain flexible to support diverse educational practices. Parallel developments in India's patent ecosystem, where domestic filings have recently overtaken foreign ones, underscore the urgency of effective institutional IP governance in strengthening national innovation capacity.

Finally, the paper engages with emerging debates on generative artificial intelligence and copyright. By analysing recent U.S. jurisprudence and contrasting institutional preparedness, it argues that robust yet adaptive IP strategies are essential to reconcile innovation, rights protection, and public access. The study concludes that effective governance requires a three-way balance between incentivizing creators, safeguarding rights, and advancing the public good.

Keywords: Intellectual Property, Institutional Policies, Copyright Exceptions, Generative AI, Public Interest.

II. Introduction

Intellectual property law has emerged as a central concern in the knowledge economy, shaping the ways in which innovation, creativity, and education are produced, protected, and shared. From universities developing path-breaking research to global debates on the use of generative artificial intelligence, the governance of intellectual property reflects deeper tensions between private rights and public interest. On the one hand, institutions and creators seek recognition and economic incentives; on the other, society depends on broad access to knowledge for advancement, equity, and democratic participation.

Universities provide an especially rich lens through which to study these tensions, as they are simultaneously sites of innovation, commercialization, and public service. Policies adopted by leading institutions such as Harvard University, Uppsala University, and IIT Bombay illustrate distinct approaches shaped by differing legal systems, cultural traditions, and policy priorities. While Harvard emphasizes structured ownership and commercialization, Uppsala safeguards academic freedom through the Swedish "professor's privilege," and IIT Bombay adopts a hybrid framework balancing institutional control with creator incentives.

Beyond institutional practices, copyright law itself is undergoing rapid transformation. Long-standing debates over educational exceptions in India highlight the challenges of ensuring access without undermining authors' rights. More recently, the rise of generative artificial intelligence has unsettled foundational doctrines of authorship and originality, forcing courts, policymakers, and scholars to reconsider the very scope of copyright protection.

This paper examines these diverse yet interconnected developments in intellectual property governance. By comparing university IP policies across jurisdictions, analyzing copyright exceptions in Indian education, and engaging with the emerging debates on generative AI, it seeks to trace the evolving balance between innovation, ownership, and public good in the contemporary legal landscape.

III. Literature Review

Statement of Policy in regard to Intellectual Property– Harvard University, 2019

Harvard's 2019 IP policy reflects the institution's attempt to strike a balance between fostering public-interest-driven innovation and upholding the intellectual rights of inventors, authors,

and the university. Originally formulated in 1975 and amended multiple times, the policy is comprehensive and unified, addressing ownership, revenue sharing, software, copyrights, patents, and unpatented materials. A key theme is public benefit as a guiding principle, where the university prioritizes dissemination of knowledge and socially beneficial use of inventions over mere financial returns. However, financial incentives remain an integral part, with structured royalty sharing that allocates up to 35% to individual creators, thereby encouraging innovation. The policy distinguishes between Supported Inventions (developed with Harvard's support or facilities) and Incidental Inventions (developed with minimal university involvement), with the former usually owned by the university and the latter by the inventor, albeit with certain university usage rights. This demarcation ensures that contributors are fairly credited while safeguarding institutional interests. Importantly, the policy provides detailed guidelines for computer software and databases, recognizing their dual nature as both inventions and copyrightable works. It subjects Sponsored Software to stricter ownership and disclosure rules due to potential commercial value. Harvard's royalty-sharing model is notable for its multi-tiered distribution, involving the creator, their lab, department, school, and the central university, fostering a shared innovation ecosystem. The policy also includes appeal mechanisms and recognizes commissioned works and work-for-hire under U.S. Copyright law.

Guidelines for Intellectual Property Created at Uppsala University – Uppsala University, 2022

These 2022 guidelines, approved by the Vice-Chancellor (UFV 2020/943), reflect Uppsala University's commitment to intellectual openness, academic freedom, and responsible innovation. They revise the earlier 2014 framework to provide greater clarity and institutional alignment with the European Commission's Code of Practice on IP. Unlike many U.S. universities, Uppsala adheres to Sweden's "professor's privilege", granting individual inventors, faculty and sometimes students to ensure ownership of intellectual property created through research. This core principle means the university generally does not claim ownership over patents or copyrights generated by employees or students, unless expressly agreed otherwise. However, the university retains cost-free rights of use to IP developed in the course of employment, under the "rule of thumb" doctrine. This includes limited rights to use, reproduce, and adapt works (such as teaching materials and computer programs) for its core functions, without transferring ownership. The guidelines explicitly state that IP ownership remains with the creator unless assigned voluntarily, reflecting an approach that maximizes

academic freedom. In contrast to Harvard's monetization-focused policy, Uppsala's framework prioritizes academic sharing, openness, and utility over institutional control or financial gain. Rights to use software or teaching materials are carefully balanced, and students' rights are preserved unless otherwise contracted, with special attention given to collaborative research, commercial partnerships, and third-party involvement. A major innovation in the 2022 revision is the formal inclusion of teaching materials, research infrastructures, and dispute resolution mechanisms, as well as clarification of roles for UU Innovation and the Legal Affairs Division. These additions aim to prevent IP conflicts while promoting responsible collaboration.

Revised Intellectual Property (IP) Policy – IIT Bombay, 2012

The 2012 Intellectual Property (IP) Policy of the Indian Institute of Technology Bombay (IIT Bombay) outlines the framework for ownership, protection, commercialization, and usage of intellectual property created within the institution. Designed to respond to emerging needs in research, innovation, and academic output, the policy builds upon its 2003 predecessor and reflects the institution's evolving approach to managing creative and inventive work. The policy distinguishes between two categories of IP: Inventions-related IP (patents, designs, trademarks, and related rights) and Expressions-related IP (copyrights, literary and artistic works). This dual structure allows the policy to address the distinct legal and functional aspects of each type. Ownership of IP typically resides with IIT Bombay when the creation is made using significant institutional resources or in the course of assigned duties. However, the policy outlines clear exemptions where creators may retain rights, such as in cases where no substantial institutional support was used or when the Institute chooses not to pursue protection or commercialization. These provisions are supported by formal disclosure and documentation processes involving the Institute's Industrial Research and Consultancy Centre (IRCC). The policy encourages timely disclosure of inventions and outlines detailed procedures for IP evaluation, licensing, and revenue sharing. Commercialization is primarily handled through non-exclusive licensing, though exclusive licenses are permitted based on factors such as market potential and development requirements. The revenue sharing model allocates 70% of net earnings to the creators, with the remainder going to the Institute, ensuring incentives for innovation. Regarding copyrightable materials, the policy states that while the Institute retains rights over certain administrative and official documents, authors generally own the content they create, including teaching materials and literary works. The Institute, however, secures a non-exclusive license for internal academic use. The policy also addresses issues such as

conflict of interest, external collaborations, thesis authorship, and material transfer agreements. Mechanisms for dispute resolution and jurisdiction are clearly defined, with the Director of IIT Bombay serving as the final authority in policy-related disputes. Overall, IIT Bombay's IP policy presents a structured and legally grounded approach to managing intellectual property, balancing institutional interests with the rights and incentives of individual creators. It promotes innovation, academic dissemination, and responsible commercialization within the framework of Indian law and institutional governance.

Copyright Exceptions for Educational Institutions under the Indian Copyright Act, 1957- Isha Wadhwa, 2020

This article, published in the International Journal of Law, explores the scope of copyright exceptions available to educational institutions under the Indian Copyright Act, 1957. Wadhwa emphasizes the central conflict between the exclusive rights of copyright owners and the public interest in access to knowledge, particularly in education and research. Sections 52 and 39 of the Act, which define "acts not constituting infringement," are analyzed in detail with respect to teaching, research, and reproduction of works. The study highlights Indian jurisprudence, including University of Oxford v. Narendra Publishing House and Rameshwari Photocopy Services, which interpret "fair dealing" in the educational context. The article underscores that fair dealing lacks a fixed definition and must be assessed case by case, borrowing principles from U.K. and U.S. law. Ultimately, the author argues that copyright law must be interpreted liberally to ensure that creativity and research are not stifled, reinforcing education as a public good.

Generative Artificial Intelligence and Copyright Law – Congressional Research Service, U.S. Congress, 2025

Prepared for U.S. lawmakers, this Legal Sidebar examines the copyright challenges posed by generative AI tools such as ChatGPT, DALL·E, Midjourney, and Stable Diffusion. The report identifies two pressing issues:

(1) whether AI-generated works can be copyrighted, and

(2) whether the use of copyrighted materials for training AI systems constitutes infringement.

Citing Thaler v. Perlmutter (2025), the report affirms that U.S. law requires human authorship

for copyright protection, a stance reinforced by the Copyright Office's AI Guidance of 2023. Key registration refusals, such as Zarya of the Dawn and Théâtre D'opéra Spatial, illustrate the Office's insistence that AI-generated outputs are non-copyrightable unless significant human creativity is involved. The report also explores arguments likening AI to tools like cameras, but rejects this analogy on the ground that AI users lack sufficient control over the expressive outcome. By situating the debate within constitutional and statutory frameworks, the document provides a comprehensive policy-oriented overview of ongoing legal uncertainties in the U.S. approach to AI and copyright.

Copyright Regenerated: Harnessing GenAI to Measure Originality and Copyright Scope – Harvard Journal of Law & Technology, 2024

This article by Hacohen and Elkin-Koren proposes an innovative, interdisciplinary framework for addressing copyright disputes in the age of generative AI. The authors argue that generative AI's capacity to identify patterns and quantify "genericity" in creative works can help courts and policymakers evaluate originality more systematically. By applying machine learning methods, GenAI can distinguish between commonplace expressive elements (generic) and rare, distinctive ones (original), thereby informing decisions about copyright scope. The article situates this proposal within broader debates on originality, citing Warhol v. Goldsmith (2023) and current lawsuits against Stability AI and GitHub. The authors contend that existing doctrines like the "idea-expression dichotomy" and "scènes à faire" are vague and prone to overprotection, whereas computational originality measures could bring consistency and fairness. Policy implications include refined copyright registration, clearer licensing signals, and more balanced infringement adjudication. The work highlights both the disruptive impact of AI on copyright law and its potential role in solving the very problems it creates.

IV. Analysis

A study of the intellectual property policies of Harvard University (2019), Uppsala University (2022), and the Indian Institute of Technology Bombay (2012) reveals substantial differences rooted in the legal systems, cultural priorities, and institutional philosophies of the respective countries. Harvard University's policy represents a centralized and institution-owned model, where intellectual property created by faculty, staff, students, and even visitors, if supported significantly by university resources, is typically owned by the institution. The policy provides a structured revenue-sharing mechanism, allocating a fixed percentage to the creator(s), with

the remaining proceeds distributed among departments and the university. Harvard prioritizes not just the protection of IP, but also its commercial exploitation, with centralized licensing and monetization handled by dedicated university offices. The emphasis is on generating innovation with public benefit while simultaneously recovering institutional investments. In contrast, Uppsala University follows the Swedish "professor's privilege" legal doctrine, under which intellectual property generated in the course of academic research is owned by the individual inventor rather than the university. This principle applies to both employees and students unless separate agreements are made. The university claims no ownership over such IP but retains limited rights of use for teaching and internal purposes. The guidelines emphasize academic openness and individual autonomy, and while UU Innovation provides support services, the control of licensing and commercialization ultimately rests with the creator. Uppsala's model reflects a deep respect for academic freedom and a less commercialized view of institutional IP rights. IIT Bombay, on the other hand, adopts a hybrid model. Its 2012 policy asserts institutional ownership over IP created using "significant" institutional resources, while also providing specific exemptions where creators may retain full ownership such as in cases of minimal resource usage or institutional waiver. The policy separates invention-related IP (such as patents and designs) from expression-related IP (such as copyrighted materials and literary works), each governed by distinct sub-policies. Licensing is typically managed through the Industrial Research and Consultancy Centre (IRCC), with non-exclusive licensing preferred to maximize dissemination. A generous 70:30 revenue-sharing model (in favour of creators) is provided, and the Institute retains perpetual rights to use licensed works for educational and research purposes. IIT Bombay's policy demonstrates a pragmatic balance between commercialization and academic openness, shaped by its role as a public institution in a developing country context. These divergent models reflect different institutional approaches to reconciling public interest, academic freedom, and market incentives. While Harvard adopts a structured and commercially driven framework, Uppsala emphasizes decentralization and individual control, and IIT Bombay positions itself between the two offering institutional control with significant incentives and exemptions for creators. Understanding these variations is essential for evaluating best practices in intellectual property governance across jurisdictions and institutional types.

The WIPO review of copyright limitations and exceptions for education underscores that these institutional strategies cannot be divorced from broader legal and policy environments. Across 189 member states, exceptions such as private use, quotation, and educational reproductions

are central to balancing creators' rights with society's interest in education.

India's legal trajectory, reflected in landmark cases such as University of Oxford v. Rameshwari Photocopy Service[1], demonstrates a judicial tendency to interpret "fair dealing" expansively in educational contexts, aligning with the WIPO finding that exceptions must be sufficiently flexible to adapt to diverse teaching and learning practices, including online distance education.[2]

Recent developments in India's patent landscape highlight the urgency of institutional IP strategies. For the first time, Indian-origin patent filings surpassed foreign filings, accounting for over 50% of applications[3]. Universities like IIT Bombay and IISc have emerged as significant contributors, demonstrating how institutional IP frameworks directly influence national innovation capacity. Yet, as the article notes, India's average time for grant of patents remains lengthy, and the ecosystem still faces structural hurdles in scaling early-stage innovation. This reveals a critical tension: while institutional policies may incentivize disclosure and commercialization, systemic inefficiencies risk undermining their effectiveness.

Intellectual property frameworks continue to evolve as stakeholders navigate the complexities of authorship and ownership in the digital age, especially with the advent of generative AI technologies that blur traditional boundaries and present new legal and practical challenges for measuring originality and copyright scope. At the same time, comparative research into higher education institutions' IP policies[4] reveals marked differences between countries like India and their global counterparts, particularly regarding commercialization strategies, revenue sharing, and policy alignment. It is apparent that sustainable and equitable intellectual property governance now depends on an effective interplay between technological advances and ongoing policy adaptation within both institutional and national contexts.

The debates around generative AI and fair use provide a forward-looking dimension to this

[1] *University of Oxford v Rameshwari Photocopy Services* [2016] 160 DRJ 716 (Del HC).
[2] Daniel Seng, *Copyright Limitations and Exceptions for Educational Activities: Executive Summary* (WIPO, October 2016).
[3] Twincle Halder and Vindhya Soundarajan, 'India's Patent Landscape: Universities as Changemakers' *The Hindu* (18 August 2025).
[4] Vijay Sattiraju, Virendra S Ligade, Pradeep Muragundi, Ravi Pandey and Manthan D Janodia, 'National and Higher Education Institutions (HEIs) IP Policies: Comparison of Indian HEIs' IP Policies from a Global Perspective' (2023) *Journal of the Knowledge Economy*.

analysis. U.S. cases such as Anthropic[5] and Meta[6] have recognized the "transformative" nature of using copyrighted works for training AI, reinforcing fair use as a doctrine that balances innovation with rights protection. Harvard's policy, with its detailed approach to software and databases, appears well-positioned to adapt to such challenges by anticipating dual IP categories. In contrast, Uppsala's privileging of individual ownership might raise concerns about fragmentation in managing AI-related IP, though it preserves academic freedom. IIT Bombay's hybrid framework, if coupled with India's expansive interpretation of educational exceptions, may provide a pragmatic middle ground for integrating AI into research and teaching without exacerbating copyright conflicts.

Taken together, these strands suggest that effective IP governance must navigate a three-way balance: incentivizing innovation, protecting rights, and safeguarding public interest. Institutional policies operate not in isolation, but as nodes within broader legal, technological, and policy landscapes. For India in particular, strengthening university IP ecosystems while maintaining strong educational exceptions and fair use doctrines will be crucial to realizing its ambition of becoming not just a consumer but also a global creator of technology and knowledge.

Conclusion

Intellectual property governance today must be seen not as a rigid legal framework but as a dynamic ecosystem that shapes how societies innovate, learn, and share knowledge. The comparative lessons from Harvard, Uppsala, and IIT Bombay reveal that universities occupy a pivotal position in bridging national innovation goals with global debates on education and technology. For India, where higher education institutions are emerging as engines of patent filings and knowledge creation, the challenge lies in striking a careful balance: incentivizing innovation without constraining educational access, and preparing for disruptive technologies like generative AI without stifling academic freedom. This requires policies that are flexible, context-sensitive, and grounded in both global best practices and local realities. By fostering cross-jurisdictional learning, streamlining patent processes, protecting educational exceptions, and proactively addressing AI-driven authorship and ownership dilemmas, universities and policymakers can together build a more inclusive, forward-looking IP regime. Ultimately,

[5] *Bartz v Anthropic PBC* No 3:24-cv-05417 (N.D. Cal. 23 June 2025).
[6] *Kadrey et al v Meta Platforms, Inc.* No 3:23-cv-03417 (N.D. Cal. 25 June 2025).

intellectual property governance should not be framed as a zero-sum contest between creators and the public but as a collaborative responsibility that sustains innovation, safeguards education, and strengthens India's role as a global hub of knowledge production.

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