



॥वसुधैव कुटुम्बकम्॥

# SYMBIOSIS LAW SCHOOL HYDERABAD

A Constituent of Symbiosis International  
(Deemed University), Pune



*presents*



# MOOT PROPOSITION

## **BACKGROUND**

1. The Republic of Liberty is a constitutional democracy with an 85% internet penetration rate and 1.4 billion citizens. Liberty has witnessed exponential growth in the ed-tech sector, with over 4,500 registered ed-tech platforms serving 200 million students. The government actively promotes digital education through government initiatives. To regulate data processing practices, the government enacted the Digital Personal Data Protection Act 2023 (“**DPDP Act**”) and the Digital Personal Data Protection Rules 2025 (“**DPDP Rules**”). Additionally, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 (“**Intermediary Guidelines**”), promulgated under the Information Technology Act 2000 (“**IT Act**”), impose obligations on intermediaries to moderate content and ensure compliance with local laws.

## **LEARNSPHERE’S EDUCATIONAL SERVICES**

2. LearnSphere, an ed-tech platform, provides online academic education to school-going children aged 13-18 years and offers curriculum-aligned academic courses, assessments, and learning support services through a digital platform.
3. Courses are designed by 47 full-time educators and 215 part-time subject experts aligned with Liberty Board of Secondary Education (**LBSE**) and State Board syllabi. LearnSphere issues course completion certificates and academic performance reports accepted by several schools as evidence of curricular coverage and continuous assessment for internal academic evaluation. A news report published in *Liberty Daily* (a local newspaper) described LearnSphere as being very similar to an “educational institution”, noting that its courses cover approximately 80–90% of the syllabi prescribed by the LBSE and major State Boards. LearnSphere has collaboration agreements with 340 LBSE- and State Board–affiliated schools across 18 states, under which its digital modules are integrated into school homework and revision schedules. Under these arrangements, LearnSphere’s digital modules are integrated into homework, revision schedules, and in some cases formative assessments assigned by schools. The content provided by LearnSphere forms a regular and structured part of students’ academic routines. Several school principals serve on LearnSphere's Academic Advisory Board without remuneration.

4. LearnSphere does not award statutory qualifications apart from certificate courses that is well-recognised in the education space. LearnSphere also provides structured learning pathways covering the entire academic year, and issues progress reports to students.
5. Users are required to create accounts by providing personal data including name, age, contact details, school affiliation, and academic preferences. The Terms and Conditions (“T&C”) of LearnSphere provides that *“any usage of this platform by children below the age of 18 will mean that parents of such users have given consent.”* However, LearnSphere requires parental email addresses or phone number at the time of sign up.
6. LearnSphere argues that requiring stringent verification would create barriers to access, particularly for students from rural areas or economically disadvantaged backgrounds where parents may not have email accounts or digital literacy.
7. Pursuant to the DPDP Act and DPDP Rules, LearnSphere has integrated with a registered Consent Manager for certain categories of data processing, including email communications and optional participation in platform research surveys. However, LearnSphere does not route consent for core educational data processing, behavioural analytics, or targeted course recommendations through the Consent Manager, stating that such processing is intrinsic to the delivery of educational services.

#### **LEARN SPHERE’S IN-APP FEATURES**

8. LearnSphere deploys an adaptive learning engine tracking: time spent on lessons and assessments, navigation paths, number of attempts in assessments, pause/rewind/exit points in lectures, questions marked for review or skipped, and performance trends across subjects and difficulty levels. LearnSphere states this data is processed to personalize learning paths, identify academic gaps, and improve educational outcomes. LearnSphere has published white papers demonstrating students using its adaptive system show 23% improvement in assessment scores compared to non-adaptive content. LearnSphere claims most analytics are processed in aggregated or de-identified form for platform improvement. Individual-level analysis is performed only for generating personalized study plans, progress reports, and learning recommendations. LearnSphere does not sell individual student data to third parties.

9. LearnSphere displays in-app promotional prompts offering premium courses, exam-specific preparation bundles, and platform-developed study tools. LearnSphere hosts third-party banner advertisements. All promotional content relates to LearnSphere's own educational offerings or those of verified educational partners including University Press Liberty, Dearson Education, and subject-specific coaching institutes. LearnSphere vets partner content for quality and curriculum alignment.
10. Timing and content of promotional prompts vary based on student engagement levels and assessment outcomes. LearnSphere argues this targeting is educational rather than commercial - showing struggling students - remedial resources and advanced students enrichment opportunities, representing sound pedagogical practice. LearnSphere notes 68% of students who enrolled in recommended remedial courses showed measurable improvement within 30 days.
11. Further, LearnSphere increasingly relies on AI-assisted tools to develop and update educational content, including auto-generated practice questions, explanatory summaries, and adaptive hints. These AI tools are trained on a combination of: (i) proprietary LearnSphere course material; (ii) licensed educational databases; and (iii) large corpora of publicly available academic content, including textbooks, solved examples, examination papers, and online educational resources. LearnSphere asserts that all AI-generated outputs are reviewed by human educators prior to deployment and are intended to be transformative, pedagogical, and non-replicative in nature.

#### **LEARNSPEHERE'S STUDYBUDDY MARKETPLACE**

12. In January 2025, LearnSphere launched "*StudyBuddy*", a peer-to-peer homework help marketplace integrated into its platform. StudyBuddy was developed in response to user feedback indicating students wanted real-time doubt resolution and peer learning opportunities beyond pre-recorded content.
13. StudyBuddy allows students to post specific academic doubts or homework questions. Other users—including older students, recent graduates, and verified teachers ("**Helpers**") can respond with explanations, solutions, or study guidance. To become a Helper, users must: (i) be at least 16 years old; (ii) complete a subject proficiency quiz with minimum 70% score; (iii) agree to community guidelines prohibiting inappropriate conduct.

14. No identity document verification is conducted. LearnSphere argues requiring extensive background verification would disqualify well-meaning student volunteers and create privacy concerns for young adult Helpers. 73% of Helpers are college students aged 18-22 who volunteer to help younger students. Helpers build reputation scores based on student ratings, response quality assessments, and participation frequency. High-reputation Helpers receive “Expert Helper” badges and are featured prominently in search results.

### **STUDYBUDDY’S PLATFORM FEATURES**

15. StudyBuddy uses an AI matching algorithm connecting student queries with suitable Helpers based on: Helper’s subject expertise and past response topics, student’s academic performance data from the core learning platform, Helper’s reputation score and availability status, and historical response time and satisfaction ratings. Students are not provided with any explanation as to why a particular Helper or Priority Help recommendation is shown. Further, while an AI model is already deployed and actively used on the platform, StudyBuddy continuously develops, tests, and refines new versions and beta iterations of its AI systems to improve matching accuracy, efficiency, and overall user experience.

16. The AI matching system prioritizes Helpers who successfully assisted students with similar academic profiles or learning gaps. When a student posts a query, the AI system automatically tags it by subject, difficulty level, and urgency, and sends push notifications to Helpers deemed most suitable. LearnSphere argues this matching improves response quality and speed matched queries receive responses 40% faster and student satisfaction ratings are 28% higher for AI-matched interactions.

17. StudyBuddy employs automated content moderation that: scans messages for profanity, sexual content, and contact information; blocks messages containing flagged keywords before delivery; and flags repeated violations for manual review. The AI moderation uses a proprietary natural language processing model trained on educational content and online safety datasets. The system blocks approximately 2,300 messages per month with an 8% false positive rate and 3% false negative rate.

18. Further, in addition to human Helper responses, StudyBuddy provides AI-assisted draft explanations and hints that Helpers may optionally use as reference while responding to

student queries. These AI-generated drafts are not shown directly to students unless a Helper explicitly incorporates them into their response. LearnSphere states that these AI drafts are dynamically generated and do not store or retrieve exact excerpts from copyrighted material. LearnSphere's T&C provide that copyright in user-generated content, including questions and responses on StudyBuddy, remains with the original creator, subject to a non-exclusive, royalty-free licence granted to LearnSphere for platform operation, quality assurance, and AI system improvement.

### **STUDYBUDDY'S PRIORITY HELP FEATURE**

19. StudyBuddy operates on a freemium model: students can post up to 5 free queries per month; unlimited queries require premium subscription (₹299/month); Helpers can offer “**Priority Help**” sessions (₹50–₹200 per session) with guaranteed 30-minute response time. LearnSphere retains 30% platform fee from Priority Help sessions. Premium subscriptions and Priority Help sessions account for 18% of LearnSphere's total revenue.
20. When matching students with Helpers for Priority Help sessions, the AI system shares with Helpers: student's academic performance category (e.g., “needs improvement in Mathematics”), student's recent platform activity (e.g., “struggling with quadratic equations”), and student's learning pace (e.g., “prefers step-by-step explanations”).
21. LearnSphere argues this data sharing is necessary for personalized tutoring and improves educational outcomes. Shared information is limited to academic performance indicators and does not include student's full name, school name, location, or contact details.
22. This data sharing practice is mentioned in Learn Sphere's privacy policy under “How We Use Your Data to Improve Learning” and states: “*We may share your learning progress and academic performance indicators with tutors and educational partners to provide personalized support.*”
23. All StudyBuddy conversations are retained on LearnSphere's servers for minimum three years for quality assurance and dispute resolution purposes. Parents are not separately notified when children create StudyBuddy accounts or engage with Helpers. LearnSphere argues StudyBuddy is an integrated feature covered by initial consent. Separate notifications would create notification fatigue.

### DCC'S INVESTIGATION AND FINDINGS

24. The Digital Consumers Collective (“DCC”) is a non-governmental organisation engaged in advocacy and research relating to digital rights, online advertising practices, and platform accountability. DCC’s work spans a range of sectors and is not limited exclusively to issues concerning children or minors. One of DCC’s core members also serves on the board of a commercial entity that operates in a market segment competing with LearnSphere.
25. Between February and April 2025, DCC conducted an observational study using ordinary user accounts without bypassing technical safeguards. DCC created test accounts for fictional students aged 14–17 years with varying academic performance profiles.
26. DCC observed: academically struggling students received 4.2 paid course prompts per week compared to 1.8 for high-performing students; promotional content appeared within 30 seconds of completing quizzes with failing scores; 68% of queries from struggling students generated Priority Help recommendations compared to 19% from high-performing students.

### DCC DOCUMENTED THREE CONCERNING INCIDENTS

27. **Incident A (March 2025):** A Helper (ProTutor\_Raj) responded to a 15-year-old’s geometry question, then sent: "You seem to need regular help with math. I can offer private tutoring outside this platform—better rates and flexible timing. DM me your WhatsApp number." The message was not blocked by automated moderation. The student reported on March 12. LearnSphere sent a warning on March 15. After a second violation on March 26, ProTutor\_Raj was suspended on March 28 for 30 days.
28. **Incident B (March 2025):** A 14-year-old (ChemFanatic) consistently received Priority Help recommendations despite adequate free responses. Over three weeks, ChemFanatic purchased five Priority Help sessions (₹375 total), all with the same Helper. The Helper's explanations were nearly identical to freely available solutions.
29. **Incident C (April 2025):** A Helper (TeacherMentor, 4.8/5.0 reputation) frequently messaged students late at night (10 PM–12 AM) using overly familiar language: “Hey

champ”, “You're doing great, keep it up!”, and “I'm really proud of your progress.” While no explicitly inappropriate content was identified, DCC raised concerns about boundary-inappropriate communication and lack of supervision during non-business hours.

### **PUBLIC REPORT AND RESPONSES**

30. DCC published a report on May 1, 2025, titled *Exploiting Trust: How Ed-Tech Platforms Fail Children's Privacy and Safety*, documenting inadequate parental consent mechanisms, behavioural monitoring for commercial targeting, child safety risks in peer-to-peer features, and lack of transparency in AI-driven recommendations. The report received significant media coverage. 247 parents contacted DCC between May 1-15 expressing concerns. No individual child or parent filed a complaint before the Data Protection Board of Liberty.
31. LearnSphere issued a statement on May 18, 2025, asserting full compliance with applicable laws, commitment to child safety, operation as neutral intermediary for user-generated educational content, and industry-leading privacy practices. LearnSphere announced formation of an independent Child Safety Advisory Council to review safety practices and issue public recommendations by September 2025. LearnSphere made no immediate changes to its consent mechanisms, data processing practices, or StudyBuddy operations.
32. Also, DCC alleges that LearnSphere has not publicly disclosed the sources used for training its AI systems and argues that the ingestion of copyrighted textbooks, question banks, and teacher-created solutions without explicit authorisation amounts to copyright infringement, particularly where AI-generated explanations closely resemble standard guidebooks used by students. LearnSphere contends that any such use falls within permissible limits of fair dealing for purposes of education, research, and technological development, and that no verbatim reproduction of copyrighted works is made available to users.
33. DCC argues that AI-assisted responses on StudyBuddy often mirror solutions found in popular copyrighted guidebooks and coaching materials, raising concerns of indirect reproduction and commercial exploitation of copyrighted educational works, especially where Priority Help sessions are monetised. LearnSphere responds that the AI system generates original explanations using probabilistic models and does not reproduce protected expression, and that the monetisation relates to tutoring services and platform facilitation rather than sale of copyrighted content.

34. DCC also challenges LearnSphere's T&C clause that provides LearnSphere non-exclusive, royalty-free licence to utilize user-generated content for AI system improvement. DCC argues that it enables LearnSphere to commercially benefit from student-created content for AI training without meaningful consent or compensation.

35. Further, DCC argues that LearnSphere's selective use of a Consent Manager undermines the purpose of granular, informed, and revocable consent under the DPDP framework, particularly for children, and that parents are deprived of a unified dashboard to view, manage, or withdraw consent for different data uses.

### **PUBLIC INTEREST LITIGATION**

36. On June 1, 2025, DCC filed a Public Interest Litigation under Article 32 before the Supreme Court of Liberty alleging violation of children's fundamental right to privacy under Article 21 of the Constitution of Liberty.

37. DCC seeks:

- (i) declaration that LearnSphere's practices violate Article 21 of the Constitution of Liberty and the DPDP Act;
- (ii) directions to implement verifiable parental consent mechanisms;
- (iii) directions to cease behavioural monitoring and targeted advertising directed at children;
- (iv) directions to regulate peer-to-peer features to ensure child safety; and
- (v) guidelines for ed-tech platforms processing children's data.

### **ISSUES FOR CONSIDERATION**

1. Whether the Public Interest Litigation filed under Article 32 is maintainable against LearnSphere?
2. Whether LearnSphere is in violation of Right to Privacy under Article 21 of the Constitution of Liberty and LearnSphere's obligations under the DPDP Act?
3. Whether LearnSphere qualifies as an "intermediary" under Section 2(1)(w) of the Information Technology Act 2000 with respect to StudyBuddy, and whether it is entitled to safe harbour protection under Section 79 of the IT Act?

4. Whether LearnSphere's use of AI systems for content generation, personalised recommendations, and StudyBuddy assistance infringes copyright in underlying educational works, and whether such use is protected under fair dealing or other permissible exceptions under applicable copyright law?
5. Whether LearnSphere's partial integration with a Consent Manager satisfies its obligations under the DPDP Act and DPDP Rules, particularly in relation to children's data, behavioural profiling, and AI-driven processing activities?



**IMPORTANT NOTE**

1. For the purposes of this problem, the laws of Laws of Liberty are *pari materia* to the Republic of India.
2. For the purposes of this problem, assume that the DPDP Act and the DPDP Rules have come into force and are in effect.
3. This Moot Proposition has been created for the sole purpose of 10<sup>th</sup> Moot Court Competition, 2026 organised by Symbiosis Law School, Hyderabad. The contents of the proposition are purely imaginary and fictitious. The facts, names, locations, dates bear no resemblance to any person, event, or happening. Any resemblance found, if any, is purely coincidental.
4. Any unauthorised use or reproduction of this proposition, or the creation of a substantially similar proposition without the prior written permission of the Moot Court Association, Symbiosis Law School, Hyderabad is strictly prohibited.

