

Navigating the Legal Landscape: A Guide to Starting an Edtech Company in India

written by King Stubb & Kasiva | February 4, 2023



The education technology (edtech) industry in India is rapidly growing, with a projected market size of \$1.96 billion by 2021. The increasing availability of the internet and mobile devices, along with the government's push for digital education, has made it easier for edtech startups to reach a wider audience. However, starting an edtech company in India also comes with its own set of legal obligations and registration processes. This article provides an overview of the legal considerations for edtech startups in India, as well as the registration process for starting an edtech startup in India.

Legal Obligations for Edtech Startups in India

1. **Compliance with Data Protection Laws:** Edtech startups in India must comply with the data protection laws of the country, including the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, and the Personal Data Protection Bill, 2019. These laws require edtech startups to protect the personal data of their users, including information such as names, addresses, and contact details.
- **Compliance with Education Laws:** Edtech startups must also comply with the education laws of India, including the Right to Education Act, 2009, and the National Policy on Education, 1986. These laws outline the responsibilities of education providers, including the provision of quality education and the protection of student rights.
- **Compliance with Intellectual Property Laws:** Edtech startups in India must also comply with the intellectual property laws of the country, including the Copyright Act, 1957 and the Trademarks Act, 1999. These laws protect the

rights of creators and owners of original works, including educational materials, software, and other forms of content.

- **Compliance with Labor Laws:** Edtech startups in India must also comply with the labor laws of the country, including the Minimum Wages Act, 1948 and the Payment of Bonus Act, 1965. These laws outline the rights and responsibilities of employers and employees, including minimum wage requirements, overtime pay, and other forms of compensation.
- **Compliance with Competition Laws:** Edtech startups in India must also comply with the competition laws of the country, including the Competition Act, 2002. These laws prohibit anti-competitive practices such as price fixing, bid rigging, and other forms of collusion.

Registration Process

In order to launch an Edtech business in India, it is important to go through a series of legal steps and compliance measures. The first step is to incorporate the business as a Private Limited Company, Partnership firm, or Limited Liability Partnership. This process involves obtaining a Certificate of Incorporation/Partnership registration, PAN, and other necessary compliance requirements.

Once the business is incorporated, it must then be registered with Start-up India by creating a profile on the website and filling out the necessary forms. This registration grants access to various acceleration, incubator/mentorship projects, and other resources such as the Learning and Development Program, Government Schemes, State Policies for Start-ups, and pro-bono services.

After registering with Start-up India, the next step is to obtain Department for Promotion of Industry and Internal Trade (DPIIT) recognition. This recognition enables access to advantages such as high-quality intellectual property services and resources, relaxation of public procurement norms, self-certification under labour and environmental laws, easy company winding, access to Fund of Funds, tax exemption for three consecutive years, and tax exemption on investment above fair market value.

In order to obtain DPIIT recognition, the business must fill out the 'Start-up Recognition Form' and submit it along with necessary documents such as the Incorporation/Registration Certificate of the start-up, details of the Directors, proof of concept like pitch deck/website link/video, patent and trademark details, PAN Number.

Other areas to consider when launching an Edtech business in India include patents, trademarks, and/or design registration, funding, self-certification under employment and labour laws, and tax exemptions. By following these steps correctly, the launch of an Edtech business in India can be successful.

FAQs

What makes EdTech ideal for India?

India's large and young population, increasing internet and mobile penetration, government support, growing market, and diverse linguistic and cultural population make it an ideal market for EdTech companies. The country's National Policy on Education, the Right to Education Act, and the National Digital Library of India are also supportive of digital education. Additionally, EdTech can be cost-effective for students and institutions, making it more accessible to a wider audience.

How do I register my EdTech company?

To register an EdTech company in India, you must first incorporate it as a

Private Limited Company, Partnership firm, or Limited Liability Partnership. This process includes obtaining a Certificate of Incorporation/Partnership registration, PAN, and other necessary compliance requirements. Next, register your company with Start-up India by creating a profile on the website and filling out the necessary forms. Then, obtain DPIIT recognition by filling out the 'Start-up Recognition Form' and submitting it along with necessary documents such as Incorporation/Registration certificate, Director's details, proof of concept, PAN number etc. It's also important to comply with data protection laws, education laws, intellectual property laws, labor laws, and competition laws in order to ensure the success of your Edtech startup in India.

What qualifies as EdTech?

EdTech, or educational technology, refers to any technology or software that is used to enhance and support teaching and learning. This can include online learning platforms, educational games, adaptive learning systems, virtual and augmented reality, digital textbooks, and more. EdTech can be used in various settings, including K-12 schools, higher education institutions, and corporate training programs.