



29 June 2006

## Yoga copyright raises questions of ownership

Updated 6/29/2006 1:31 AM ET



Jeanne Orzano gets a helping hand on a pose from Bikram Choudhury in a class of about 300 students in Los Angeles.

Bikram says he wants legal protection for his yoga moves, practiced here at the L.A. class, because "it's the American way."

**By Mindy Fetterman, USA TODAY**

India seems to be willing to go to the mat over yoga.

That's because Bikram Choudhury, the self-proclaimed Hollywood "yoga teacher to the stars," incensed his native country by getting a U.S. copyright on his style of yoga four years ago.

In response, India has put 100 historians and scientists to work cataloging 1,500 yoga poses recorded in ancient texts written in Sanskrit, Urdu and Persian. India will use the catalogue to try to block anyone from cornering the market on the 5,000-year-old discipline of stretching, breathing and meditating.

Bikram, who goes by one name like Bono and Beyoncé, says he sought legal protection for his yoga because "it's the American way."

"You cannot drive the car if you do not have a driver's license," he explains. "You cannot do brain surgery if you are not a brain surgeon. You cannot even do a massage if you don't have a license." And, he says, you shouldn't be able to teach his Bikram Yoga unless you pay him for a license.

India's counterattack goes way beyond Bikram.

The government wants to thwart anyone who tries to profit from the nation's so-called "traditional knowledge," from yoga to 150,000 ancient medical remedies. India already has successfully challenged one U.S. patent granted to two Indian-born Americans who used the spice turmeric in a wound-healing product. That patent was revoked by the U.S. Patent and Trademark Office.

"Practically every Indian housewife knows (turmeric) and uses it to heal wounds," says **V.K. Gupta** of India's National Institute of Science Communication and Information Resources, which is developing the **Traditional Knowledge Digital Library**.

When completed, perhaps as soon as December, the digital library will be translated into English, French, Spanish, German and Japanese and sent to patent, copyright and trademark offices around the world.

That way, when someone such as Bikram tries to get a copyright on yoga moves or patents on ancient medicinal cures, those offices could say: "No, that's not original. They've been doing it in India for thousands of years."

Typically, patents are given only to those who invent or discover something new. In general, copyrights go on written works; trademarks go on company and product names.

The digital library will "prevent the grant of bad patents," Gupta says. He calls such patents a "misappropriation of traditional knowledge."

India has no plans to challenge Bikram in court, Gupta says. But it hopes the digital library will stop others from following him.

Some of Bikram's fellow yoga teachers are skeptical of India's efforts to protect yoga.

"It's a little late in the game," says Beth Shaw, president of YogaFit in Hermosa Beach, Calif., which developed a yoga program for health clubs. "They should have done it 30 years ago."

In the world of yoga, Bikram, 60, is something of a star. A collector of Bentleys and Rolls-Royces, he teaches his classes of up to 100 students with flamboyant style. He began teaching yoga in the 1970s after immigrating to America. Bikram obtained his first U.S. copyright in 1979 for a book he wrote, *Bikram's Beginning Yoga Class*. He also got a trademark for the name of his company, Bikram's Yoga College of India.

In 2002, he succeeded in extending that copyright to his style of yoga — 26 poses and two breathing exercises performed in a specific order. He teaches in a room heated to 105 degrees. The saunalike atmosphere keeps "the body from overheating (contrary to popular misconception)" and helps "reorganize the lipids (fat) in the muscular structure," according to his website, bikramyoga.com.

When others began using his methods, he became outraged.

"I asked the Justice Department what to do, and they said: 'Welcome to America. When in Rome, do what Romans do. Make your yoga copyrighted, protect your intellectual property.' "

So he did, sending cease-and-desist letters to yoga teachers who he thought were copying his style.

"One student was mixing my yoga up with other kinds, and I said, 'No, you cannot do that.' You cannot put calamari in the sushi and call it sushi," Bikram says.

"She said: 'But yoga is free!' And I said: 'Of course yoga free. But when you make a song a melody, it's a copyright.'

"It's like what my student Quincy Jones does."

In 2003, a group of yoga teachers sued Bikram, saying he couldn't copyright yoga. He fought back. "We didn't want what happened to pilates to happen to Bikram," says his lawyer on the case, Susan Hollander of Manatt Phelps & Phillips in Palo Alto, Calif. (Joseph Pilates, a former boxer, developed a style of stretching and balancing exercises in the early 1900s.)

"Now, anyone can teach pilates; the name has no protection," Hollander says.

A federal judge ruled in April 2005 that Bikram's copyright was legitimate and enforceable. According to Judge Phyllis Hamilton's ruling, you can get a copyright on a "compilation" of information that's in the public domain, as long as it's "assembled in a sufficiently creative fashion." Both parties settled out of court before the case went to trial. No details were released.

Hollander says Bikram's yoga is "like ballet. It's had *pas de deux* and *plies* for centuries, but *Swan Lake* is unique."

Having a copyright protects Bikram's style and, more significantly, the income he derives from the global yoga empire he's built. He's trained 4,000 teachers around the world, he says.

Developing countries are keeping an eye on what India is doing.

As corporations and researchers scour the globe for medical cures from plants or animals, or materials to use for genetic engineering, countries are beginning to try to protect their traditional knowledge. They want a new definition of the term "intellectual property" to be sure they'll profit from any uses of their knowledge and resources.

"Our system of patents is designed for Western knowledge — the 'Eureka! I've discovered it!' model," says Francis Gurry, deputy director general of the World Intellectual Property Organization (WIPO), a U.N. agency based in Geneva. "But how do you protect the knowledge generated by the collectivity of people and maintained over generations with no known starting point?"

The WIPO administers and negotiates international treaties involving patents and can mediate disputes. Most challenges are made to the patent offices of individual countries and are decided through its courts.

In 2005, India's National Institute randomly selected 762 U.S. patents that had been granted for medicinal products using plants; it found that 49% were based on traditional Indian knowledge. Gupta estimates about 2,000 patents each year based on India's traditional medicine are taken out somewhere in the world.

Negotiations are underway at the WIPO on ways to protect traditional knowledge. But there's no consensus yet, Gurry says, on whether there should be a worldwide treaty and binding regulations, or merely guidelines.

"Around the world, there's a recognition that we have undervalued traditional knowledge, that historically speaking, indigenous peoples have not been well-treated," Gurry says. "There's a consciousness of a disrespect to their cultures."

As its popularity has exploded, yoga has become a big business, with licensing and certification from yoga schools, consolidation and takeovers.

As a result, yoga copyrights and trademarks are sure to increase, says Stephen Russell, president of the Yoga Alliance, which registers training programs for yoga schools. That's because there needs to be a "barrier to entry" in the business, Russell says, so people can "protect their niche."

Americans spend about \$3 billion a year on yoga classes and products, including clothes, vacations, DVDs and books, according to *Yoga Journal* magazine. The magazine's 2004 poll of 4,700 Americans estimated that 16.5 million people practice yoga. That's an increase of 43% from 2002. An additional 25 million said they intend to try yoga.

The popularity of yoga in the USA is part of a "wellness" trend that includes everything from Whole Foods grocery stores, which sell organic foods along with wine and gourmet cheeses, to corporate fitness programs that aim to lower company health care costs, says Rob Wrubel of Yoga Works, with 14 studios in California and New York. It plans to expand nationally.

As the baby boomers age, Wrubel says, yoga will continue to grow, replacing the hectic workouts of health clubs and gyms.

Yoga's stretching and breathing routines will appeal to "all the guys in their 40s who are running out of options to stay healthy," says Wrubel, who co-founded the Internet search engine Ask Jeeves before joining Yoga Works in 2003.

Bikram's move, though, isn't sitting well with everyone in the yoga world.

Copyrighting yoga? "Insane!" is Wrubel's response. "The idea that something as individualized as yoga could be protected is crazy," Wrubel says. "It restricts yoga."

But Shaw of Yoga Fit backs Bikram's move. She says she's "put a trademark on everything I've ever done since day one." Right now, she's involved in a couple of litigation cases with former employees who are teaching her style of yoga, she says.

Why legal protection?

"This is an industry of rip-off people," she says. "There's not a lot of integrity in the fitness business."

Bikram says his copyright is essential to protecting his business, which he predicts — with his usual flair for the dramatic — to be the answer to all of America's woes: bad health from too much smoking, too much drinking, too much stress.

"I guarantee you, yoga will compete with computers, music, sports, automobiles, the drug industry," Bikram says. "Yoga will take over the world!"

The Hatha Yoga Project seeks to draw on these two untapped sources, haá'ha yogaâ€™s textual corpus and its current ascetic practitioners, in order to reconstruct the history of its practice. Its central questions will be: - What were haá'ha yogaâ€™s practices at the time of its formalisation? - Why was it formalised when it was? - By whom and for whom were its texts written? What the Bikram Copyright Rejection Means for Yoga. Bikram Choudhuryâ€™s sequence of 26 yoga poses and two breathing exercises is not entitled to copyright protection, an appellate court affirmed last week. Authorâ€™ "Because copyright protection is limited to the expression of ideas, and does not extend to the ideas themselves, the Bikram Yoga Sequence is not a proper subject of copyright protection," Judge Kim McLane Wardlaw wrote on behalf of the three-judge panel. See also Study Finds Bikram Yoga Raises Body Temps to 103+ Degrees. The Backstory on the Bikram Copyright Lawsuit. The legal saga began in 2011, when Mark Drost, co-founder of Evolation Yoga, received a complaint from Choudhury accusing him of copyright infringement among other allegations. 2003 ("In yoga's development through antiquity, no one ever claimed ownership in it."), available at [http://www.yogajournal.com/views/143\\_1.cfm](http://www.yogajournal.com/views/143_1.cfm).â€™ 38 In his press release, Reinbolt claimed, the United States Copyright Office acknowledges Bikram's exclusive right to the series of postures and breathing exercises that comprise the Bikram Yoga sequence. In obtaining copyright protection, Bikram made it clear that he would not tolerate any infringement of the sequence.â€™ 54 As yoga grows in popularity and new schools of yoga continue to emerge, OSYU's lawsuit raises a critical fundamental issue as to whether yoga is copyrightable.â€™ The fundamental question regarding its copyrightability is whether it is a system of utility or a creative expression. This also means that Modi claiming ownership of Yoga for India (this is factual of course) immediately transforms Indiaâ€™s image from a nation asking for UN Security Council permanence for over 3 decades in to a country (read Ancient land) that is rightfully the Teacher to the World! For the last decade as western yoga teachers found it less important to connect to India, Modi has delivered a timely statement of intent â€™ stressing that Yoga originated in India and is her gift to the World! SHARE. Share on Facebook Share on Twitter Share on Google+ Share on LinkedIn. Total Yoga. Total Yoga is a Review and cite YOGA protocol, troubleshooting and other methodology information | Contact experts in YOGA to get answers.â€™ Yoga - Science topic. A major orthodox system of Hindu philosophy based on Sankhya (metaphysical dualism) but differing from it in being theistic and characterized by the teaching of raja-yoga as a practical method of liberating the self. It includes a system of exercises for attaining bodily or mental control and well-being with liberation of the self and union with the universal spirit.â€™ Your quality discussion raises the quality of the questions I have asked and I am very grateful to you for this. I believe that the common text will be useful to many, and who suffer from headaches and those who deal with her treatment. View.