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Saving yoga from copyright-mongers

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Somebody in South Korea has filed a patent for 'baby yoga.' In this mind-numbingly brilliant innovation, the baby's legs will be moved in the direction of his ribs. Then the baby will be made to imitate the motion of pedalling a bicycle. It includes gathering the baby's legs and rotated them as if they were drawing a circle. At first, small circles; then bigger and bigger circles. And what's more, this patent will most likely be granted.

Of course, if you ask your grandmother, or for that matter, anybody's grandmother, she will tell you this baby leg rotation routine is hardly 'novel' — which quality happens to be an essential criteria for the granting of any patent. But then, when it comes to yoga-related patents, it would appear that the world has sacrificed common sense to expediency.

South Korea is, of course, a very minor offender compared with the US. A recent study conducted by Brain League IP Services, Bangalore, found that globally, there were 3,245 yoga-related patent applications granted and filed. Of these, 1,711 came from the US Patent & Copyright offices alone.

Bend it like Bikram

Speaking of yoga patents in the US, leading the pack there, strangely enough, is a Bengali man called Bikram Choudhury. He is Kolkata-born, and not surprisingly, has a highly advanced sense of modesty. He told the US magazine Business 2.0, "I'm a Superman" and "I have b***s like atom bombs, two of them, 100 megatons each. Nobody f***s with me." The all-new branded form of yoga he has invented is called (no prizes for guessing) Bikram Hot Yoga.

The 'Hot' in the title refers not to the physical attributes of the copyright owner but to the temperature at which the yoga is to be performed: above 40 degrees Celsius. Also referred to as McYoga or McBikram, it consists of a specific sequence of 26 asanas, performed with instructions, and two breathing exercises. You do them for 90 minutes in a heated room whose humidity is 50 per cent. You feel hot and sweat when you do it, hence the name 'Hot Yoga'. What's cool is Choudhury owns the copyright on this yoga. In all, he holds copyrights on eight books and a video on his brand of yoga. He has, more significantly, filed successful lawsuits against other studios that were teaching some form of yoga that allegedly resembled his own Hot Yoga, and shut them down.

When yoga teachers in India heard of Choudhury, they were furious at what they considered as a shameless filching of India's cultural heritage. But nobody paid them any attention. But today, they have a saviour: the [Council of Scientific and Industrial Research \(CSIR\)](#). The CSIR believes it has found a way to liberate yoga from the clutches of rampaging, obsessive compulsive patent filers. The [CSIR's Traditional Knowledge Digital Library \(TKDL\)](#) branch has compiled a database of 900 asanas. Not only that, it has videotaped many of them. And translated the various ancient Indian texts that list these asanas into five international languages: English, French, German, Spanish and Japanese. Not Korean though.

[Dr VK Gupta](#), head of [CSIR's TKDL](#), says, "The texts which prove that the yoga asanas already existed in India were in Sanskrit and other regional languages. Now that they have been translated, global patent offices can access these works, and disqualify attempts to patent yoga." [Gupta's](#) team of 35 has been working since 2008 on this project. Texts they have translated include the Bhagwad Gita and Patanjali's classic works on yoga.

Who owns it?

At the centre of the debate is the argument that yoga is for everyone and that no individual can be stopped from practicing it. "All this patenting is stopping the spread of yoga. With patents, commercial enterprises are being empowered to ask people not to perform yoga," [Dr Gupta](#) says.

In fact, in June 2002, Choudhury filed a lawsuit against one of his former students who, among other alleged violations, deviated from the regimen of Hot Yoga by not heating the room to the prescribed temperature and playing music during classes. The suit was settled out of court for an undisclosed sum, and Choudhury proclaimed victory.

Choudhury later issued cease and desist letters to yoga studios around the world, threatening them with litigation if they continued to "violate his copyright" by offering disguised copies of Bikram Yoga and calling it "their own". In response, yoga instructors and practitioners created a non-profit organisation called Open Source Yoga Unity (OSYU) to fight Choudhury's litigious threats.

The OSYU was headed by a yoga teacher who had learned the 26-pose McBikram sequence from her parents, without getting formal certification. According to OSYU, as mentioned in the lawsuit, "no form, style or routine of Yoga is proprietary and . . . Yoga cannot be owned, transferred, franchised, trademarked or copyrighted." The two parties, however, reached an out of court settlement in 2005. And Choudhury continues to make money from his copyrights.

Some, however, believe that [CSIR's](#) noble efforts may not be able to stop patents on yoga. Dr Kalyan C Kankanala, a visiting professor at Bangalore's National Law School, says, "It is good that [CSIR](#) has created a database of these asanas. But if you look at the patents and copyrights granted on yoga, you'll find that none has been granted on the asana itself. They've only been given to those that are performed in certain conditions and environment.

Therefore, no matter what [CSIR](#) does, if in the future claims are made over unique sequences or conditions, patents and copyrights will certainly be awarded." According to Vishal Jain, a senior Intellectual Property (IP) analyst, "A person seeking a patent can use traditional knowledge. But she has to use it in a novel way and adds her own inputs to it. Only then will patents and copyrights be granted." Jain and Kankanala point to how Choudhury has taken the traditional asanas and put them in a unique sequence, added his own instructions and specified the use of a sauna-like temperature. That's why he got a copyright, they explain. A study conducted a few years ago by [TKDL](#) found there to be 150 yoga-related copyrights, 134 patents on yoga accessories, and 2,315 yoga-related trademarks in the US. But experts point out that none of these are on the asanas themselves. Jain says, "Most of the copyrights are on books and videos, and many patents include accessories like mats and clo-thes. And trademarks have been issued only to protect the name of companies like Hot Yoga, etc."

Stretching it

Following its popularity abroad, Bikram Hot Yoga opened its first Indian outlet in Mumbai last year. One of its instructors, who refused to be named, is puzzled that people in India are crying foul and arguing against Choudhury's copyrights. "Yoga and its asanas, like musical notes, have always existed. But when you put these notes in a certain sequence, you make a unique music. Bikram Hot Yoga is that unique music," he says. Bhavin Thakkar is an instructor at Artistic Yoga, a yoga studio which possesses a trademark in its name, and combines ancient yogic techniques with modern cardiovascular-training and partner-stretches.

Thakkar claims that trademarks like theirs are necessary. "There are many unqualified people who teach what they call Artistic Yoga. Trademarks, then, become very important because apart from loss of business for us, unsuspecting people are being cheated and can hurt themselves."

However, [Dr Gupta](#) refuses to be drawn into these arguments. He is clear about one thing: "One should always remember: yoga is for everyone."

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