

Who **OWNS** Yoga?



© Image Australian Yoga Life 

As yoga gains mainstream status in the West, it has the potential to acquire the trappings of capitalism: expensive props, designer label tights, short-cut training schemes. The recent flurry to patent yoga styles and claim copyright of asana sequences is making some wonder whether Western values are swamping yoga's spiritual message. Yet Greg Wythes finds leading yoga teachers surprisingly optimistic about yoga's power to balance eastern and western cultural values.

Yoga is now a practice that straddles both its Indian birthplace and the broader Western world. There seems to be mounting evidence that there are growing tensions in this process of adoption and change from the traditional culture of yoga's beginnings to the contemporary culture of today's capitalist society.

One of the more telling areas of tension, at present, is appearing in the sphere of business. Yoga is now a multi-billion industry in the United States of America alone, and it holds a similar market position in many first world countries. Yoga is big business, and one of the basic tenets of business is competition, in particular the drive to maintain a competitive edge in a free market economy. This has led to a situation where some Western teachers or practitioners have endeavoured to gain market advantages or monopolies on yoga practices by securing rights to them by copyrights, patents or trademarks. By 2005 the USA patent office had granted 134 patents on yoga accessories, 150 yoga related copyrights and 2315 yoga trademarks, many to expatriate Indians. The response of the Indian government has been to set up a task force to establish a database of yoga practices to protect India's cultural heritage. This database will be available to patent offices throughout the world as a point of reference when yoga related applications are received, so that a valid aspect of Indian culture cannot be appropriated by narrow business interests. There is a similar project underway to protect India's traditional Ayurvedic health system from piracy by elements in the pharmaceutical industry.

On one level this can be seen as a large scale economic and cultural conflict between a national government and powerful corporations, but in some cases it is played out at the level of the local yoga class. The fitness industry in the United Kingdom is trying to regulate all yoga teachers by enforcing them to attain fitness industry accreditation in line with their own standards. But what is more disturbing is that their controlling body is providing yoga teacher training for its own instructors in courses that are completed in a weekend. It is a move

designed to appropriate yoga and control it in an entirely new way; a way that may be consistent with a business model and the practices of a particular industry, but one that bears little resemblance to the traditional standards of yoga.

More sensational though is the case of Bikram Choudhury, who in February 2003 copyrighted his particular sequence of 26 poses, the environment in which they are taught and the verbal directions for teaching the sequence. He began steadfastly and consistently to defend these copyrights with threats of litigation to anyone he considered was infringing upon them, and with the power he commanded he was successful in doing so. However in 2004, Choudhury found himself the subject of litigation from a group of yoga

to come to an arrangement that suited their own purposes, i.e. to be free to teach and practise without legal threat from Bikram, and accepted a settlement. The details of this case, in the custom of out of court settlements, have not been made public, with the normal justification of confidentiality and privacy given as the reason. So at the present moment the jury is still out on this issue from a legal perspective, though clarification may eventually come through the efforts of the Indian government.

Though contemporary schools and teachers may have different approaches to yoga, there is some common ground in the views they take on the way the Western world has adopted the practice of yoga and the seeming contrast of values

The fitness industry in the United Kingdom is trying to regulate all yoga teachers by enforcing them to attain fitness industry accreditation in line with their own standards.

teachers and practitioners called OSYU (Open Source Yoga Unity) who challenged his legal right to copyright protection of yoga poses. OSYU took the view that these poses were in the public domain as they were many hundreds of years old, and therefore were available to anyone. The legal arguments in this case are complex, but in essence it seemed a challenge to the very fact that yoga poses could be legally copyrighted or patented at all. It seemed to offer a chance to settle this issue once and for all, at least in the USA. However in May 2005, the case was settled out of court and, to the disappointment of many in the yoga world, the legal status of the copyright issue remains unresolved.¹

In many ways though, this case highlights the broader concerns about the way yoga is being commercialised in the West. OSYU initially challenged Bikram along ideological lines, espousing the view that their concern was for the rights of the yoga community at large. They were able

between the two cultures. "Clearly, yoga was not conceived as a vehicle for marketing products or people, or even making a lot of money, for that matter," says Kausthub Desikachar, student and son of TKV Desikachar and grandson of T Krishnamacharya. "Yoga was created for the purpose of nourishing a spiritually oriented life. However, we live in a capitalist oriented world, and therefore, I think we must use yoga to help us find balance. Extremes will not work: in today's world. You cannot live as a monk in the forest, seeking nothing and relying on your community to feed you. Long ago, yogis were supported by the customs of their culture, and they did not have to seek shelter or food for themselves. Today, it is very different. Yogis have to work and earn an income to pay for their own food, shelter, education, and clothing, as well as support a family. However a \$100 yoga mat wrapped in a \$200 yoga tote bag that is slung over a



\$300 yoga top is not the way to go either. I think finding a balance between the material and spiritual world is the key today. And it is definitely not easy.”

“Teachers should charge a reasonable fee,” says Ma Devi, president of the Yoga Teachers Association of Australia (YTAA), and co-director of the Shiva Ashram at Mt. Eliza in Victoria. “Indians donate money to ashrams but in the West we cannot rely on donations and must charge for courses. With the growing number of schools and teachers, there is fierce competition and a struggle for financial survival. It seems to me that successful schools emerge out of the teachers’ assimilation of what they have learnt, their love of yoga and teaching.

Conflict will arise if a teacher’s ambition overrides his or her service to humanity. Students and teachers need to be aware of a possible danger-when service turns to a drive for power or success. Many students don’t understand the responsibility they have in relationship to their teacher. Teachers are human, they have flaws and personal interest can override selfless service, so students should never give up their own value system.”

Swami Kriyatma, Director of Education for Satyananda Yoga at Mangrove Mountain, has a slightly different perspective. “That yoga is experiencing such popularity would indicate that there has indeed been a widespread acceptance of the relevance of yoga today, which is not surprising given what yoga can offer and what Western society needs.

“However I am not sure that yoga has been so much introduced into the capitalist economic systems in the West. Rather, due to the acceptance of yoga by Western culture, the capitalist economic systems of the West have seen an opportunity, because

that’s what capitalist economic systems do. Yoga has survived through centuries under all sorts of socio-economic and political systems. The current Western model is no exception. In an ideal world there may be smoother and more appropriate methods but we must do the best with what we have and employ some viveka (discrimination) and vairagya (detachment). We would not be reading this fine magazine were it not for yoga being introduced into the capitalist economic system of Australia.”

Though Bikram Choudhury’s strong approach to litigation upset many in the yoga world, especially those who became his targets, there is some support for the principles behind his behaviour. As much as or more than a desire to maintain a market advantage, these principles have at their base, a desire to protect a particular style from corruption or misuse by people who do not have sufficient training in, or understanding of that particular style,

Ma Devi is sympathetic to this view but also recognises that yoga is changing in its application in Western countries and that

the transition period, though it may be complex and give rise to difficulties, may well be positive for yoga's evolution. "It is natural for teachers to want to protect their innovations and unique contributions to yoga," she says. "If a teacher develops a sequence or teaching that is distinctive then they may copyright or trademark it. There will always be teachers who protect what they teach. It can't be stopped. This is how teachers and schools create an identity and how things progress and evolve.

"Most Indian yogis have been brought up in a lineage based system where the values are strictly observed. But yoga will never be the possession of a particular lineage, teacher or person. Westerners bring a fresh approach and inspiration to the teaching. I think that this is healthy for yoga."

"There is a need for trademarks to protect the names of practices and styles so that the integrity and quality of teaching of different practices and styles are upheld," says Swami Kriyatma. "Trademarks do not stop anyone teaching anything. They only stop names being

used to represent practices or styles that do not meet the standards of training and teaching of teachers. Trademarks are only available for non-generic terms in yoga, for example those distinctive names that have been recently created for schools of yoga, practices or styles. The word 'yoga'

"But do we need all these copyright laws, legal regulation, etc? I think, partially, yes. We do need some of these processes to set those who are seriously committed and educated apart from those who are not

for example can not be legally trademarked because of its generic nature. However terms such as Iyengar or Satyananda can be and should be.

"Copyrights restrict the unauthorised reproduction of original expression until

50 years after the author is dead," continues Swami Kriyatma. "As most of the yogic material and texts are hundreds and sometimes thousands of years old, there is little in yoga that is copyright. Therefore there is little restriction in the use of texts and teachings. Copyright does

not protect the concepts or teachings. Simply reproducing someone else's work without permission, most often for commercial gain, does an injustice to the teaching. One recent example is the unauthorised use of copyrighted yoga books on commercial websites with a

flurry of advertisements to buy something, a course or a product. At times, whole books have been reproduced on the web.

“Other than being secretive and non-sharing in our legal reality as it stands, how can traditions maintain the integrity of their practices and underpinning practices other than by legally maintaining control over the name of their tradition and the practices that are central to their tradition? Where the legal system is employed to maintain the purity and the integrity of beautifully integrated systems and to prevent their dilution and misuse, then this is positive. On the other hand if legal constraints compromise the purity and integrity of age old systems, then we have a bad situation.”

Kausthub Desikachar also recognises the importance of regulation as a means of protecting traditional styles from corruption or misuse, but at the same time sees that the issue is not simplistic and needs to be examined in the broader context of yoga’s ultimate purpose. “Who owns yoga?” he asks. “No one can own yoga. And are these poses people are trying to claim ownership of really yoga?

Poses are not yoga. Yoga is about how the practice, whether it involves postures or not, affects us.

“But do we need all these copyright laws, legal regulation, etc? I think, partially, yes. We do need some of these processes to set those who are seriously committed and educated apart from those who are not. What I mean by this, is that yoga teachers who follow a tradition must be recognized from those who do not. I have come to meet many people who say they teach Iyengar Yoga, but all they have done is to read Mr. Iyengar’s books. They have no certification. Similarly some people say they teach yoga in my father’s tradition when all they have done is to read the book *The Heart of Yoga*. So what I mean is that traditions like these must bring in certain certification rules and standards that will help separate the serious students from others.”

The values of the West and East are inherently different, and yoga now stands at the interface between the two cultures. In many ways Western values appear to be replacing those of the East, particularly

as Eastern countries, such as India and much of Asia, race to modernize and adopt the capitalist systems that have delivered such material prosperity to the West. So it is not at all surprising that the contrasting values are so graphically brought to light in the areas of business and money. As an Eastern system that the West holds in high regard, yoga is uniquely placed to find a way of balancing and combining values from the two cultures in a way that can be of benefit to both. And especially, given the right intention, to yoga itself.

In our next issue we will continue this discussion, examining the broader implications of the West’s impact on yoga.

References

1. For further detail on this case try the OSYU website at www.yogaunity.org,

Greg Wythes holds classes at the Moore Street Yoga Room in Austinmer and teaches massage at Karuna College. He maintains a bodywork practice in the northern suburbs of Wollongong. He can be reached on 02 4268 2048 or at gwythes@yahoo.com.au.