



by United States Patent and Trademark Office (USPTO), an agency of the United States Government, based in Chicago, has established that Osho and His works cannot be trademarked. It stated that, "Osho's name is used to describe the teachings and meditation techniques of the mystic Osho and the spiritual and meditative movement that grew up around him. Since "Osho" does not identify only one Osho group as the source, it cannot serve as a trade mark owned by Osho International Foundation. As a result defendant OIF cannot stop others from utilising the term OSHO." The Board has cancelled all trademark registrations and applications filed by the Zurich entity.

'Osho' is a general word

Some noteworthy rulings by the USPTO Board included "Based upon the testimony and evidence of record, we find that the primary significance of OSHO is as a religious or meditative movement, and not as a source identifier for goods or services...this term is generic and should be freely available for use by competitors. ... And that, "As a result, defendant (Zurich Foundation) cannot appropriate the term OSHO to identify the source of its goods and services related to such teachings."

DLA Piper represented Osho Friends International. states in its press release, "We are extremely pleased with the Board's decision that Osho International Foundation cannot appropriate the term 'OSHO' or foreclose others from utilizing the term," said Mark Feldman, lead counsel and partner in DLA Piper's Intellectual Property and Technology practice in the Chicago office.

The press release issued by DLA Piper further stated, "Osho was previously known as Rajneesh and had been a professor of philosophy in India. Osho travelled throughout India giving lectures, engaging attendees in public debate, and introducing his meditation techniques. Many people in the United States and around the world were attracted to his discourses and meditation techniques and, with Osho's encouragement, they opened meditation centres and camps where they shared his discourses and practiced his meditation techniques. During his lifetime, Osho gave each center a name as a gift and certificate bearing such name. However, Osho neither controlled nor created a hierarchy to supervise these centers. The centers operated independently and separate from one another, without coordination by any

single source.

"In 1989, upon adoption of the name OSHO, he requested that the centers use Osho in their names so people would recognize them as meditation centers based upon his teachings and ideas. Most centers immediately complied with this request. Many of the centers have also begun operating Web sites related to the same teachings. Osho never owned or used OSHO as a trademark."

"The Board made it clear that no one can usurp control of religious teachings or a religious movement by claiming to own the name of the religious teacher. The Board stated, "Because the evidence of record shows that people identify the term OSHO with a series of meditative and religious teachings, defendant (Zurich entity) cannot monopolize such teachings by asserting trademark rights ."

States Swami Tathagat, former administration-in-charge of Osho Commune and now the founder of a sprawling commune in Dharmasala, "During all his life, Osho was always very explicit that all sannyasins and all centres remain completely independent. The connection was always considered to be directly between Osho and individuals. Sannyasins and other lovers of Osho have always been a group of individuals engaged in their own individual understandings of religiousness rather than becoming followers of another organized religion. This decision makes it clear that no one can usurp control of religious teachings or a religious movement by claiming to own the name of the religious leader. We are glad that the Zurich entity cannot monopolise such teachings by asserting trademark rights."

Adds Keerti, who is also the editor of Osho World magazine, "Osho had repeatedly pointed out that His work was not His, but simply truth. No control of the people doing work in His name was necessary or desired." Clarifying on the need to have the trade marks cancelled and keep spirituality free for humanity he added "In fact, control was to be avoided at all costs. All centers were to be free of outside control forever. The current decision is a step in that direction."

Ma Prem Naina of Osho Friends informed that "disciples and friends all over the world are celebrating this verdict by USPTO. Osho wanted His meditation techniques made available to as many people as possible, and Osho's people took those techniques and spread them around the world. The trade marks were a hindrance for the free spread of

How about a copyright on stupidity then?

"Maharishi Mahesh Yogi has copyrighted transcendental meditation and just underneath in a small circle you will find written TM – that means trademark!

For ten thousand years the East has been meditating and nobody has put trademarks upon meditations. And above all, that transcendental meditation is neither transcendental nor meditation...just a trademark.

I told [my secretary] to reply to these people, "You don't understand what meditation is.

It is nobody's belonging, possession. You cannot have any copyright. Perhaps if your country gives you trademarks and copyrights on things like meditation, then it will be good to have a copyright on stupidity. That will help the whole world to be relieved...Only you will be stupid and nobody else can be stupid; it will be illegal.

In addition, plaintiff has made of record a published statement in which Osho indicated that he neither authorized nor expected a single entity to serve as a source for his teachings and ideas:

But nobody is my follower.

Nobody is going to be my successor.

Each sannyasin is my representative.

When I am dead, you all – individually – will have to represent me to the world. There is not going to be any pope. There is not going to be any shankaracharya. Each sannyasin, in his own capacity, has to represent me.

- Osho

meditation. Now it will be possible to benefit from Osho's meditations in USA..

Osho Commune to appeal?

Ma Amrit Sadhana, core member of the management team of the Pune Commune stated that the decision is "appealable in the American Courts." The present verdict she says puts Osho on the level of "tissue paper and computer" which is not acceptable by the management.

The press statement released by her states, "For more than 40 years both during his life and afterwards the Osho Foundations have always acted on Osho's request to protect his name, his copyright and his work and will continue to do so. As part of this work Osho is now a protected trademark in more than 40 other countries around the world.

"Recently the Patent and Trademark office in the US decided, in a trademark dispute brought against the Osho Foundation by a group of so called "Friends of Osho," that the name Osho is generic and cannot be registered as a trademark in the United States.

Generic means that Osho is now in the same category as computers and tissues. It is interesting to note that the same group, Friends of Osho, that brought the US action, and who today claims victory in the US action, is the same group applying to register "Osho" as a trademark in India for their personal business.

"Osho Foundation's main reason for applying for the Osho trademark is to ensure that Osho's name would be used as a way of identifying his work. If this decision stands this will no longer be the case.

As the decision now stands anyone in the United States can use the name Osho in any manner they may choose. They may create their own meditations and call them Osho Meditations or even change any of Osho's meditations as they wish. They may create and sell "Osho paintings" even if they are painted by someone else, or any manner of such things.

"It is strange that the Foundation's success in making Osho's proposal available, including in the United States, was the source of the board's view that Osho, in the United States, is considered generic."