



A Big Stretch

I grew up watching my father stand on his head every morning. He was doing sirsasana, a yoga pose that accounts for his youthful looks well into his 60s. Now he might have to pay a royalty to an American patent holder if he teaches the secrets of his good health to others. The United States Patent and Trademark Office has issued 150 yoga-related copyrights, 134 patents on yoga accessories and 2,315 yoga trademarks. There's big money in those pretzel twists and contortions, \$3 billion a year in America alone.

It's a mystery to most Indians that anybody can make that much money from the teaching of a knowledge that is not supposed to be bought or sold like sausages. Should an Indian, in retaliation, patent the Heimlich maneuver, so that he can collect every time a waiter saves a customer from choking on a fishbone?

The Indian government is not laughing. It has set up a task force that is cataloging traditional knowledge, including ayurvedic remedies and hundreds of yoga poses, to protect them from being pirated and copyrighted by foreign hucksters. The data will be translated from ancient Sanskrit and Tamil texts, stored digitally and available in five international languages, so that patent offices in other countries can see that yoga didn't originate in a San Francisco commune.

It is worth noting that the people in the forefront of the patenting of traditional Indian wisdom are Indians, mostly overseas. We know a business opportunity when we see one and have exported generations of gurus skilled in peddling enlightenment for a buck. The two scientists in Mississippi who patented the medicinal use of turmeric, a traditional Indian spice, are Indians. So is the strapping Bikram Choudhury, founder of Bikram Yoga, who has copyrighted his method of teaching yoga - a sequence of 26 poses in an overheated room – and whose lawyers sent out threatening notices to small yoga studios that they claimed violated his copyright.

But as an Indian, he ought to know that the very idea of patenting knowledge is a gross violation of the tradition of yoga. In Sanskrit, “yoga” means “union.” Indians believe in a universal mind - Brahman – of which we are all a part, and which ponders eternally. Everyone has access to this knowledge. There is a line in the Hindu scriptures: “Let good knowledge come to us from all sides.” There is no follow-up that adds, “And let us pay royalties for it.”

Knowledge in ancient India was protected by caste lines, not legal or economic ones. The term “intellectual property” was an oxymoron: the intellect could not be anybody’s property. You did not pay your guru in coin; you herded his cows and married his daughter, and passed on the knowledge to others when you were sufficiently steeped

in it. This tradition continues today, most notably in Indian classical music, none of whose melodies have been copyrighted.

Perhaps it is for this reason that Indians do not feel obligated to pay for knowledge. Pirated copies of my book are openly sold on the Bombay streets, for a fourth of its official price. Many of the plots and the music in Bollywood movies are lifted wholesale from Hollywood. I have sat in on Bollywood script meetings where we viewed American films and decided that replication was the sincerest form of flattery.

Still, Indians get upset every time they hear reports – often overblown – of Westerners’ stealing their age-old wisdom, through the mechanism of copyright law. They were outraged by a story last year of some Americans trying to copyright the sacred syllable “om” – which would be like trade-marking “amen.”

The fears may be exaggerated, but they are widespread and reflect India’s mixed experience with globalization. Western pharmaceutical companies make billions on drugs that are often first discovered in developing countries – but herbal remedies like bitter gourd or turmeric, which are known to be effective against everything from diabetes to piles, earn nothing for the country whose sages first isolated their virtues. The Indian government estimates that worldwide, 2000 patents are issued a year based on traditional Indian medicines.

Drugs and Hatha yoga have the same aim: to help us lead healthier lives. India has given the world yoga for free. No wonder so many in the country feel that the world should return the favor by making lifesaving drugs available at reduced prices, or at least letting Indian companies make cheap generics. If padmasana – aka the lotus position – belongs to all mankind, so should the formula for Gleevec, the leukemia drug over whose patent a Swiss pharmaceutical company is suing the Indian government. But the drug companies are playing rough. Abbott, based in Chicago, has decided to sell no new medicines in Thailand, in retaliation for that country’s producing generic versions of three lifesaving drugs.

For decades, Indian law allowed its pharmaceutical companies to replicate Western-patented drugs and sell them at a lower price to countries too poor to afford them otherwise. In this way, India supplied half of the drugs used by H.I.V. positive people in the developing world. But in March 2005, the Indian Parliament, under pressure to bring the country into compliance with the World Trade Organization’s regulations on intellectual property, passed a bill declaring it illegal to make generic copies of patented drugs.

This has put life-saving antiretroviral medications out of reach of many of the nearly 6 million Indians who have AIDS. And yet, the very international drug companies that so fiercely protect their patents oppose India’s attempts to amend World Trade Organization rules to protect its traditional remedies.

There’s more at stake than just the money involved in the commercial exploitation of traditional knowledge. There is also the perception that the world trading system is unfair, that the deck is stacked against developing countries. Unless the World Trade Organization and developed countries correct this, the entire project of globalization is at risk.

If the copying of Western drugs is illegal, so should be the patenting of yoga. It is also intellectual piracy, stood on its head.

Published in “The New York Times” May 7, 2007. Written by Suketu Mehta.

