

December 3, 2012

Dear Yoga to the People Students and Teachers,

On behalf of Yoga to the People, I am pleased to announce a settlement has been reached with Bikram Choudhury, Rajashree Choudhury, and Bikram's Yoga College of India after they sued us for, most specifically, copyright infringement. While the case did not run its full course, we feel victorious in that the US Copyright Office issued their first official position on yoga, submitted into the record of the US Library of Congress on June 22, 2012, which states that yoga compilations and sequences are not copyrightable. In regards to copyrights issued prior, it further clarifies, "In retrospect, and in light of the Office's closer analysis of legislative intent, the Copyright Office finds that such registrations were issued in error."

<https://www.federalregister.gov/articles/2012/06/22/2012-15235/registration-of-claims-to-copyright#p-3>

Their statement detailed that the Copyright Office will not revisit all of their past errors—they will be handled in the courts. However, their guidance was clear, citing Bikram Yoga, "Choudhury claims that he arranged the asanas in a manner that was both aesthetically pleasing and in a way that he believes is best designed to improve the practitioner's health. While such a functional system or process may be aesthetically appealing, it is nevertheless uncopyrightable subject matter." This ruling is huge for the yoga community at large, and is in line with YTTP's mission statement that asserts, "...This yoga is for everyone...This power is for everyone." And we are now fully confident that the sacred and traditional knowledge explored through yoga remains in the public domain, truly accessible to everyone.

Bikram's suit with us began just over a year ago when he claimed, and continues to claim, that he owns a particular sequence of poses described in his book and taught at many yoga studios bearing his name—analogous to an author who writes a cookbook, claiming that no one has the right to make a dish using the sequence of ingredients described in a recipe. I find the idea of anyone claiming ownership of yoga asanas, or sequences, counterintuitive to the essence of yoga. I believe that this sacred and traditional knowledge is a gift to all mankind, and thus beyond claims of ownership and copyright.

Understanding that the legal endeavor was going to be incredibly expensive as well as mentally and emotionally exhaustive, I still felt compelled to fight. My primary objective wasn't that Yoga to the People would be free to teach a particular sequence. My wholehearted objection was to the concept of copyrighting yoga sequences, which I felt had to be prevented. Yoga is meant to be accessible to the masses as much as the air we breathe, the water we drink. I felt the scope of this issue reached far beyond Bikram Yoga and Yoga to the People. This, in my eyes, was a fight for the future freedom of yoga for all.

Throughout this litigation I have received a tremendous amount of commentary—much of it supportive and some of it accusatory. Often, those voices of support had an angry "lets destroy" kind of attitude. And the accusatory opinions painted me as a villain trying to steal something that belonged to another simply to make a buck. Both of those

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assessments and judgments are off point; the reality is I have been very conflicted during this entire period of lawsuits and litigation. I struggled with and didn't take any joy in being at odds with Bikram. My first experience with yoga came with Bikram. He was my initial influence and primary teacher. Regardless of his personal feelings for me, I still have an incredible amount of gratitude in my heart for the impact that the crossing of our two paths has had on my life. There was a time when I considered him not just my teacher but also a dear friend. He shared yoga with me, we broke bread in each other's homes, and he opened his family to me. However, there are times when we can disagree with those we respect, love, or feel indebted to—that is the case here.

Now that the lawsuit is settled, I want to be crystal clear about how and why we made the decision to resolve the legal matter and our commitment and enthusiasm moving forward. After a year of lawyers and fighting and deposing, I started to feel very dirty, tired, and ultimately enlightened. Unless you have been in a significant lawsuit that burns at the center of your heart, you have no idea how deeply you become consumed by it. I didn't like the way I had to think, strategize, and behave in order to protect myself, YTTP, and what I believed in from the onslaught of litigation. In the end, there were three major factors that contributed to my decision in agreeing to settle the dispute.

The biggest turning point in the case for YTTP and myself came about when the U.S. Copyright Office issued their first official position on yoga. As aforementioned, for me, this was an important victory. What this victory lacked, however, was closure to the case. While the U.S. Copyright Office's statement provides more than substantial doubt that Bikram's copyright, "issued in error," will be upheld in court, it doesn't automatically win or dismiss the case. Court proceedings are necessary, and are standard procedure, to judicially determine and declare that the copyright is invalid.

And as the case continued, a second and most surprising dynamic arose, influencing my decision to settle. My reference to Rajashree that follows is difficult to share. This is personal, but to leave out one of the major factors of my decision-making wouldn't be authentic. It had a profound impact on my choice to settle the case. I had always thought (maybe even counted on) that Rajashree would one day lead the Bikram community to a renewed place of honor, respect, and understanding. However, during her deposition, I was blindsided by the realization that she had no intention of rising to this occasion for her community. During the course of the 7-hour deposition, it became abundantly clear that the Choudhury's are entirely united in the determination to own the sequence or postures known as Bikram Yoga. This saddened me on a personal level that's not easily expressed. It played the "tipping point" for me internally in realizing that it was time for me to step away, to let go completely, in order to create distance from the past and emerge newly from this lawsuit.

Reading the book *Hell Bent* by Benjamin Lorr, served as the third major influence to my thought process in regards to how to proceed with the suit. Benjamin wrote a balanced book that was thought provoking and insightful. Reading it forced me to consider deeply why I continue to maintain an association with Bikram the man and Bikram the

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yoga sequence—even if from a distance. There is so much good yoga to be explored, played with, and created! Why have a connection with someone with whom I disagree with on so many levels? Others have faced a similar conflict. Tony Sanchez has always been considered Bikram's foremost student, and he was confronted with a situation years ago when he refused to compromise his morals or his integrity and choose to leave Bikram. He has created a beautiful system of yoga, the essence of which is grounded in dedication, listening, and unassuming mastery. I have a remarkable amount of respect for what he and his wife, Sandy, have created for themselves and others. In many ways they humble me. <http://tonysanchezyoga.com>. Even more recently, Jimmy Barkin was at a similar crossroads and walked away. He too has been successful in sharing, teaching, and exploring yoga apart from Bikram. <http://barkanmethod.com>.

Intuitively, I no longer felt the need to be entangled in the Bikram battle. I feel complete in the job I set for myself which was to free yoga from the destructive threat of copyright custody and ownership. What becomes of the 26-posture sequence commonly known as Bikram Yoga, and Bikram's uninformed copyright claim to it, is now in the hands of the studio owners and teachers who practice it. I have decided it's time for a new journey and a continuation of YTTP's commitment to make yoga accessible to everyone. My teachers agree; I talked at length with about 30 teachers at a recent company retreat in the mountains and shared with them as I am now sharing with you. They wholeheartedly understood the circumstances and gave their support for letting go. We have been excited and energized ever since! We celebrated with the grand opening of Yoga to the People II in New York City this past weekend. And we look forward to our new donation-based Vinyasa studio opening in Phoenix in the first of the year. Thank you for all of your support ~ All Bodies Rise!