

**Community Trade Mark Registration
No 1224831 OSHO in Classes 41 & 42
In the name of Osho International
Foundation ("OIF")
- and -
Application for Invalidity No 5063
thereto by Osho Lotus Commune e.V.
("Applicant")**

Witness Statement

I, Klaus Steeg of 410 Park Avenue, New York, NY 1022, USA do declare as follows:

1. I am a director and member of the Board of Osho International Foundation ("OIF") of Bahnhof Strasse, 52, 80010 Zurich, Switzerland. I have held this position since 1994 and have been directly involved with OIF or its predecessors in business since 1983 and am competent and authorised to make this statement. Since 1995 I have been President of American Multi Media Corporation trading as Osho International, responsible for developing international publishing programmes for OIF. From 1994 until 1997, I was a director of The Rebel Publishing House GmbH, a German publisher of works by the Indian philosopher Bhagwan Shree Rajneesh (later known as Osho and hereinafter referred to as "Osho").
2. I have personal knowledge of the history of OIF and its predecessors in business and have full access to its records. The statements made herein are made from my personal knowledge and the records of OIF. Where I have made a statement which is not from my own personal knowledge, I have stated the source of the statement and believe the statement and facts to be true.
3. I am also familiar with the Applicant's business because I worked at the Applicant's meditation centre in Cologne, Germany in 1983 and then in other Applicant businesses. Between 1981 and 1985 a group of companies grew around the Applicant's business which all went under the umbrella name 'Wioska Rajneesh'. In 1986, the communal ownership of these businesses ended and the different businesses were privatised. In 1986, I took over partial ownership of a discothèque business called Zorba the Buddha Rajneesh Discotheque which had grown into a chain of discothèques and restaurants throughout Europe and was Managing Director until 1991. From 1990 until 1998 I was Managing Director of Osho's Place, a restaurant, and meeting place in Cologne, Germany, associated with a company called Osho Uta Institute GmbH, a company owned by Osho Lotus Commune e.V. I have made further reference to my involvement with the Applicant's company and its group of companies below.

8

Summary

4.i. I have read the submissions dated 23 December 2010 which have been submitted into these proceedings by the Applicant's representatives, Jonas, and can say that the submissions are not only misleading and contain some wholly untrue statements of fact, but the evidence to the Exhibits consists mainly of OIF's own material and in some cases appears to have been doctored. The Applicant is a licensee of OIF through its related companies including Osho Verlag GmbH, Osho Uta Institute GmbH and Meditation & More GmbH. Moreover, the Applicant has recognised and publicly acknowledged for decades OSHO as being a trade mark of OIF. I am therefore, dismayed by the fact that one of OIF's own licensees has attacked its registered mark, and also because of the deceptive and untruthful nature of the submissions and evidence which gives no reference to the fact that the Applicant has been closely related to OIF for decades. On the contrary, the Applicant's submissions give the false impression that the Applicant has no connection with OIF, and more seriously, they have consciously attempted to hide information which proves the Applicant's relationship with OIF.

ii. Throughout its submissions, the Applicant falsely claims that services under the OSHO trade mark are not provided through one source and that there can be no monopoly in the word OSHO. However, through the wishes of Osho, OIF is the single source of OSHO meditations and related goods and services and it always has been (through its predecessors). It was never Osho's intention that his trade marks or works should be in the public domain, and registration of the OSHO trade mark protects OIF and its network of licensed users, who are the beneficiaries of the trade mark. Contrary to the Applicant's claim, through registered trade mark protection of OSHO and by providing supervision and guidance as to correct usage, OIF is able to include all those wishing to make legitimate use of the trade mark in its network of licensees.

iii. The Applicant's submissions give the false perception throughout that the mystic and philosopher born under the name of Chandra Mohan Jain was always known as Osho. This is not the case: he was known as Bhagwan Shree Rajneesh ("Rajneesh") throughout the 1970s and 1980s and changed his name to Osho only in 1989 shortly before he died. Even when he died he was known to the media and the public as Rajneesh. Although during his lifetime he was known as Rajneesh for all but the last few months, for consistency and clarification I will continue to refer to him as Osho in my statement.

iv. As I have mentioned, the Applicant is currently a licensee of OIF in relation to meditation services, and has been since the early eighties. Furthermore, the company director of the Applicant is a Mr Robert Doetsch, also known as Swami Ramateertha. I understand from the Witness Statement of Michael Byrne which has been submitted into these proceedings, that Robert Doetsch was asked by Osho to resign as a director and board member of Rajneesh

Foundation Europe, the former name of OIF, after serving on the board (see true copy of "Minutes of a special meeting of the Board of Trustees of Rajneesh Foundation International" at **Exhibit KS 1** appointing Mr Doetsch as a Director of Rajneesh Foundation International and copy of his resignation letter dated 28 June 1986 submitted with Michael Byrne's witness statement). He is currently the director of the Osho Uta Institute GmbH in Cologne, Germany, a commercial limited company offering OSHO meditation programs. He is also the founder and a director of the Applicant. The Applicant is the shareholding umbrella organisation of a number of German companies, amongst them Osho Verlag GmbH, a private limited commercial publishing company and licensee of OIF. I am at a loss, therefore, to understand why the Applicant has waited until this late date to attack the validity of the OSHO trade mark registration in the EU. This despite its acknowledgement of the trade mark right, under their license agreement which dates back over 20 years. The accompanying material will show that Robert Doetsch is very aware and has been aware for many years that the term OSHO is not in the public domain, but is a registered trade mark of OSHO International Foundation, replacing the former trademark RAJNEESH.

v. The Applicant has misleadingly attempted to show that the mark OSHO is being used by a number of third parties. However, virtually all of the evidence it has submitted in support of this claim is genuine use of OIF's mark by its licensees. Given the Applicant's knowledge of the fact that OSHO is OIF's trade mark, I can only conclude that the evidence of use of OSHO by OIF's licensees has been included in the hope that it would mislead the Examiner into believing that a number of parties unrelated to OIF are using the OSHO trade mark.

vi. The Applicant's misleading submissions also attempt to portray a false perception that Osho did not want to use the OSHO mark commercially, and that he was adverse to any type of business relationship. Again, this is entirely false and there is plenty of documentary evidence proving that Osho encouraged the registration and exploitation of IP rights and recognised the commercial value of trade marks and other IP (for example, see the witness statements of Michael Byrne and Philip Toelkes). Further, the Applicant has made much reference to ancient religion and religious leaders for comparison but such comparison is irrelevant because 'Osho' is not the name of a religion and Osho was a contemporary 20th century person and was not a religious leader. OSHO is a trade mark used in relation to "meditation and educational services related to meditation" and related goods and services. A more relevant comparison would be against the marks BIKRAM for yoga, IYENGAR for yoga and FELDENKRAIS for posture improvement methods.

Background

5. OIF is a non profit foundation and is the owner of the OSHO trade mark and other trade marks related to its business of meditation and related goods and services. Through an arm of its organisation - Osho Global Connections - it manages the trade mark licensing of the OSHO brand throughout the world in relation to meditation and information centres. OIF also

owns the copyright in all the published and unpublished works by Osho who adopted the name Osho only shortly before he died. OIF is represented to the international publishing world through Osho International, a licensing office based in New York. OIF also owns and maintains the original archive of 6500 audio discourse recordings, 1870 video recordings and approximately 600 original book publications of Osho's daily talks. Since 1985 OIF has been exclusively responsible for licensing and sub-licensing publication rights to the works in all media formats to related foundations, publishing houses, television stations, publishers and website operators around the world. More than 220 publishing houses in more than 80 countries have been granted publishing licenses by OIF. We have more than 2000 publishing contracts in a total of 53 languages around the world. Total annual sales of OSHO branded items are around 2 million, of which 1 million relate to sales in the EU alone. The list of international publishers include the world's largest and most influential publishing houses such as Random House (USA, Germany, Spain), St Martin's Press, Barnes & Noble, Mondadori and Bompiani, Grupo Planeta and Editorial Norma, SONY-Music, BMG and Penguin Publishing, Bertelsmann, Borders, and the world's largest and best known on-line book and music and video recording retailers such as Amazon, iTunes, Google, YouTube and Apple.

6. Not only has OIF archived all of Osho's works into a digital library which can be found on the website www.osho.com/library, but the works have also been published as printed books through OIF. A full set of Osho's complete works were placed in the library of India's National Parliament in New Delhi. These were presented by the former Osho Multiversity Chancellor, Satya Vedant, to Shri Shrivraj Patil, the Speaker of the Indian Parliament who accepted three hundred books by Osho in November 1994. These were placed in a special section of the library. I note that the Applicant refers to this library on page 12 of its submissions. The library archive is also discussed at **Exhibit KS 2** in the article 'India's greatest bookman' which featured in the LOGOS Journal of the World Book Community of 2001.

7. As is evidenced herein, OSHO is and always has been a trade mark of OIF in relation to meditation services and was adopted only shortly before Osho died. It was the brand that replaced RAJNEESH - the brand which had been used as OIF's "house-mark" since the 1970's. It is further evidenced herein that Rajneesh was aware that OSHO was in use as a trade mark and that he authorised the registration of OSHO in relation to meditation services as a trade mark and encouraged the use of OSHO as a brand name for his meditation techniques and related merchandise. Moreover, the Applicant itself - through its subsidiary companies - has signed trade mark license agreements in relation to the use of OSHO and has taken other actions which prove without doubt that the Applicant recognises the word OSHO as a trade mark of OIF in relation to meditation services. Further, a) Osho was adopted as Osho's name only a short while before he died, b) Osho had already recognised and encouraged the use of RAJNEESH as a trade mark and was actively involved in the re-

brand from RAJNEESH to OSHO, c) OIF took the RAJNEESH and then the OSHO name and turned them into highly valuable commercial brands, d) no third party other than those closely related to the current Applicant has ever challenged OIF's claim to ownership of OSHO as a trade mark in over 20 years and e) virtually all of the evidence of use of OSHO submitted by the Applicant is genuine use of OSHO by OIF through its licensees.

8. I believe it is significant that, since the mid-1970's Osho through OIF and its predecessors had adopted RAJNEESH as a trade mark and had built this brand up into a well-known brand in relation to meditation services amongst the mind, body and spirit sector of the public. In effect, RAJNEESH was the core trade mark or "house-mark" of OIF and its predecessors. An example of the fame of the RAJNEESH brand is easily demonstrated by the famous city in Oregon, USA which was renamed Rajneeshpuram (see below).

9. The reason I believe reference to the use of RAJNEESH as a trade mark is important background to this case is because RAJNEESH was also the name of the creator of the meditations and related works, and despite this, the Applicant did not at any time object to the entitlement of OIF or its predecessors as the owners of registrations of this trade mark. RAJNEESH was Osho's name throughout virtually his whole teaching life. Further, the fact that the Applicant did not dispute the validity of the RAJNEESH trade mark is significant because Osho changed his name to Osho for only the last months of his life.

10. At **Exhibit KS 3** I attach copies of extracts from a 1984 Meditation Program of Wioska Rajneesh clearly showing RAJNEESH in use as a trade mark by the Applicant who had in 1984 changed its name to Wioska Rajneesh Neo Sannyas Commune – this name change came directly from Osho and trade mark use for Rajneesh Programs was granted under license from RFE and a copy of the agreement dated 20 January 1985 is attached at **Exhibit KS 4**. The German words "*und Rajneesh sind Warenzeichen der Rajneesh Foundation International*" can be seen and these translate into "*Rajneesh is a trade mark of Rajneesh Foundation International*". The document at Exhibit KS 3 also shows a photograph of Robert Doetsch, the managing director of the Applicant company at that time. This effectively demonstrates that the Applicant accepted RAJNEESH as a trade mark in respect of meditation services and thus it follows that it also accepted OSHO as a trade mark, both RAJNEESH and OSHO being Osho's name. The same document shows clearly the branding of the meditation services with RAJNEESH.

OIF-related organisations (and former names of OIF)

11. At the outset, I feel it is important to explain the relationship between OIF (and its predecessors) with other OIF related organisations, and their relevance in respect of OIF's ownership of the OSHO trade mark, and the predecessor of the OSHO trade mark,

RAJNEESH. For ease of reference, I set out below a table of the company names of the predecessors and former names of OIF listed in chronological order.

Table A:

Date	Company Name / Individual Name	Reference	Action/Comments
Bhagwan Shree Rajneesh born under the name – Chandra Mohan Jain			
Bhagwan Shree Rajneesh was previously known as Acharya Shri Rajniishji			
26 April 1969	Bhagwan Shree Rajneesh (Known then as Acharya Shri Rajniishji)	Rajneesh	Name changes in India are more common than in Europe and can happen frequently.
26 April 1969	JEEVAN JAGRUTI KENDRAH	JJK	Formation of a charitable trust
23 October 1975	RAJNEESH FOUNDATION	RF	Name change
1978	CHIDVILLAS RAJNEESH MEDITATION CENTRE	CRMC	Formation of a charitable trust to cover US activity
1981	RAJNEESH FOUNDATION INTERNATIONAL	RFI	Name Change
1984	RAJNEESH FOUNDATION EUROPE	RFE	Formation of a charitable trust to cover EU activity
1988	NEO-SANNYAS INTERNATIONAL	NSI	Name Change
1989 – Bhagwan Shree Rajneesh changes name to Osho			
1990	OSHO INTERNATIONAL FOUNDATION	OIF	Name Change
1990 - Bhagwan Shree Rajneesh dies			

12.i. The Applicant that Osho did not want his works to be commercialised and wanted them to be free for general use is completely false and has been included without any relevant supporting evidence. There is no doubt that Osho wanted his works to be protected and used commercially, as is evidenced in copyright registrations throughout Osho's public life by Rajneesh Foundation, Rajneesh Foundation International and Osho International Foundation, as well as multiple agreements and assignments. In addition, I provide a statement by the video clip titled "Selling Bliss" available at http://www.youtube.com/watch?v=yRo_L1RiGWw. Stills of the video are attached at **Exhibit KS 5** together with a written dialogue. It is clear from this exhibit that Osho wanted to use the mark commercially. For example, when asked why it is important to sell 'bliss' Osho states that *'anything that is given away is never taken by anybody. The higher the cost, the better people will keep it, save it in their treasuries.'* Osho further confirms that if bliss were so widely available that it was free it would not hold the same value. His comments are supported by an extract from 'The Discipline of Transcendence, Vol. 4, # 10, in which Osho states *'you are ready to go to a movie and pay for it; why should you not pay for your meditation and the lecture if you want to hear it?'* and *'you pay for everything in life, why not for your meditation?'*. Osho realised the importance of protecting a brand. I also refer to the witness statements by Michael Byrne and Philip Toelkes submitted into these proceedings.

ii. It was in fact, Osho himself, who instructed the formation of the first charitable trust with the purpose of using and protecting his works and copyrighted material. This is evident by the fact that Osho was an advisor to the first charitable trust, JJK set up in 1969, with the intention of holding all his works. The fact that Osho was clearly aware of his intellectual property rights including his trade mark rights is evidenced by the many copyright and trade mark assignments and other legal documents he signed. These are many but include the following assignment documents which also correspond to the abovementioned table of predecessors of OIF.

Table B:

Date	Description of Document	Parties	Document Reference
26 April 1969	Deed of Trust for JEEVAN JAGRUTI KENDRAN	Settlers/Trustees: (1) Shri Himatlal Haribhbhai Joshi (2) Shri Iswaralal Naranji Shah On behalf of: (3) Bhagwan Shree Rajneesh (Known then as Acharya Shri Rajniishji)	Annex 1
28 July 1978	Deed of Assignment	Bhagwan Shree Rajneesh assigned his rights to Rajneesh Foundation (Formerly JJK) provides confirmation of name change from JJK to RF. A full version of this assignment document as submitted to the US Copyright Office is attached at Annex 2.	Annex 2
10 January 1979	General Power of Attorney	Bhagwan Shree Rajneesh in favour of Ma Yoga Laxi to act as a legal Power of Attorney.	Annex 3
30 January 1979	Certified confirmation of the abovementioned document by a Notary Public	Notary certification of 10 January 1979 Power of Attorney – Vinayak Achyut Phadke	Annex 3a
1 April 1981	Deed of Assignment	Bhagwan Shree Rajneesh assigns all rights to Chidvilas Rajneesh Meditation Centre	Annex 4
1 May 1982	General Power of Attorney	Bhagwan Shree Rajneesh in favour of Ma Anand Sheela to act as a legal Power of Attorney.	Annex 5
1 May 1982	Certified confirmation of the abovementioned document by a Notary Public	Notary certification of 01 May 1982 Power of Attorney – Notary Public for the State of Oregon (This document has also been stamped a true copy by Osho's lawyer Swami Prem Niren (Philip Toelkes))	Annex 5a
20 June 1982	Deed of Assignment	Rajneesh Foundation International assigns all Trademark rights to Rajneesh Foundation Europe	Annex 6
10 May 1983	Deed of Assignment	Ma Anand Sheela assigns all remaining rights to Rajneesh Foundation International. A copy of the certification document for the 10 May 1983 assignment deed is also attached at Annex 7.	Annex 7
23	Deed of Copyright Assignment	Rajneesh Foundation International	Annex 8

November 1985		assigns all rights to Rajneesh Foundation Europe. A full version of this assignment document as submitted to the US Copyright Office is attached at Annex 8.	
26 May 1985	Certified confirmation of the 1978 Assignment Agreement attached at Annex 2	Notary certification of 26 May 1985 – Notary Public for the State of Oregon	See Annex 2
18 August 1986	Deed of Copyright Assignment	Rajneesh Foundation International assigns additional rights to Rajneesh Foundation Europe	Annex 10
14 November 1989	General Power of Attorney	Bhagwan Shree Rajneesh in favour of Swami Prem Niren [Philip Toelkes] to act as a legal Power of Attorney.	Annex 11
1989 – Bhagwan Shree Rajneesh changes name to Osho			
1990 - Bhagwan Shree Rajneesh dies			
01 May 1997	Certificate of Copyright Recordation at US PTO	Osho International Foundation (formerly Rajneesh Foundation Europe)	See Annex 8

13. This history and title of the trade mark and works of Osho set out at Tables A and B above prove that the mark has always been the property of OIF and its predecessors and the Applicant's claim that Osho never intended his name to be a trade mark is unfounded and quite frankly ridiculous. The history of OIF's predecessors and their ownership of the IP rights can be summarised as follows:

1960 – 1970

14. In 1969, Bhagwan Shree Rajneesh, who was then known as Acharya Shri Rajniishji was involved with the creation of the charitable trust JJK. He himself insisted that the trust held all Intellectual Property rights and he therefore assigned all rights and powers to the trust as is evidenced by Annex 1 of Table B. This document also includes a reference to the activities of the trust extending to the whole of India and to such other parts of the world. This was the first reference to any Intellectual Property rights associated with Osho. It is clear from this Annex that it was the trust that promoted the works and name of Osho (Osho's former name) and initiated the opening of the first meditation centre. The by laws of a trust precluded that Osho could be a trustee of the trust and so he was named as a life-long advisor to the trust and was actively involved with the promotion of his works and name.

1970 – 1980

15.i. In 1975, JJK changed its name by court order to RF. In 1978, Osho assigned his IP to RF a public charity set up in India created to support his work. This assignment included the transfer of the trade mark RAJNEESH to RF. RF was the first organization to hold the rights in the RAJNEESH trade mark and copyright in all Osho's works. Thus, this is where the copyright and trade mark ownership stems from. With Osho's full knowledge, RF charged royalty payments to publishers around the world in return for the publishing rights. In 1974,

RF had purchased the property in Pune which is now home to the meditation resort operated by OIF, India (a separate Indian trust) under the name OSHO International Meditation Resort. It is evident that Osho authorized RF to use his image and name from the document at Annex 2 which consists of a true and accurate copy of an extract from a copyright assignment dated 28 July 1978 between Bhagwan Shree Rajneesh and RF by which Osho authorizes RF to use "his portraits, photographs, sketches, statues and other visual images, as well as his name". This is further proof that Osho was very much aware of the commerciality of trade marks and brand names, and in particular was aware of and actively encouraged his name RAJNEESH being used in a commercial manner as a brand name to identify meditation services and related goods and services as emanating from meditation centres that had been licensed to use RAJNEESH by OIF's predecessors in business.

ii. As early as the 1970's RAJNEESH was registered as a trade mark in many territories around the world and at **Exhibit KS 6** I attach copies of German Registration No 1000811 in the name of Rajneesh Foundation filed on 9 March 1979, US Registration Nos. 1215747 in the name of Rajneesh Foundation filed on 30 April 1979, US Registration No 1426898 filed on 9 September 1985 in the name of RFI and Australian Registration No A383409 in the name of Rajneesh Foundation International filed on 3 November 1982. In addition, I attach a copy of a Benelux Registration Certificate for No 705383 for the mark Zorba the Buddha RAJNEESH in the name of RFE. The existence of these registrations as far back as 1979 demonstrate that Osho accepted his name RAJNEESH as a trade mark.

iii. It was in the 1970's at the suggestion of Osho himself that centres be set up outside India as well as in India in order that the unique meditation techniques which he had created were available to followers throughout the world so that they had a place to meditate in the knowledge that they were practicing meditations devised by him. RF therefore started granting meditation centres the right to use RAJNEESH in relation to meditation services and this grew into the global network of licensees it is today, under the OSHO mark. By operating a licensing network and by continued maintenance and policing of its RAJNEESH and then OSHO trade mark, OIF had established a cohesiveness to the use of its trade marks by all the licensees which clearly always emanated from OIF.

1980 – 1989

16.i. In 1981 Osho moved from India to the USA. Prior to this move, Rajneesh Foundation International (originally Chidvilas Rajneesh Meditation Center) ("RFI") a US 501 C3 non-profit organization was set up in New Jersey as an independent organisation from RF in India. In 1981 all intellectual property was assigned from RF to this trust in the US and this is evidenced by a true and accurate copy of an additional support document dated 1 April 1981 signed by Osho himself which grants CRMC the owner of all his works. A copy of this document is attached hereto at Annex 4. Clause 13 of this document provides that, "The

Declaring hereby authorises Chidvilas Rajneesh Meditation Center to use his portraits, photographs, sketches, statues and other visual images, as well as his name; and he consents to such use by Chidvilas Rajneesh Meditation Center on any article, such as books, publications, tapes and any other object or product related to his person".

ii. In Oct 1981 RFI moved its activities out of New Jersey to Oregon where a Rajneesh Commune and Rajneesh Meditation University was set up. Osho's determination that RAJNEESH be seen as a brand name resulted not only in the meditation centre being branded RAJNEESH but ultimately an entire city. The city was renamed Rajneeshpuram ("City of Rajneesh") and the use of RAJNEESH expanded into all areas of city life and commerce. Further branding of the name appeared on jewellers, car rental services, an airline and hotels. Evidence of this use of a brand is attached at **Exhibit KS 7** and includes evidence from 1974 to 1989 consisting of various images of catalogues, newsletters, books, Rajneesh centres, signs, advertisements, newspaper articles, instruction manuals, workshop timetables, aeroplane livery, travel guides, hotel brochures (Rajneesh Hotel), music tape covers and tarot card packaging all of which feature the trade mark RAJNEESH. This proves beyond doubt that Osho was absolutely aware that his name was used as a brand. The mark RAJNEESH was applied to almost everything in the city and became a very powerful brand which has been the subject of many press articles on an international scale. The first five pages of this exhibit are extracts from a selection of books bearing the RAJNEESH trade mark, all of which provide a trade mark notice and identify the owner of the works as either RFE or RFI. Together with Annexes 2, 5 and 6 which are various assignment agreements and power of attorney forms regarding the trade mark RAJNEESH, I also attach at **Exhibit KS 8** a piece of correspondence from Rajneesh Licensing International which contains a copy of a trade mark registration for ZORBA THE BUDDHA RAJNEESH filed in the name of RFE.

iii. RFI then registered more trade marks (see reference in paragraph 14.ii above to applications filed in 1982 – 1985) and this was under Osho's power of attorney which had been granted to his personal secretary, and president of RFI, Anand Sheela by "An Assignment and Amendment to Power of Attorney" dated 1 May 1982 and notarised. This bears Osho's signature (which was also registered as a trade mark during Osho's lifetime and became the subject of much art work, but which did not change when he changed his name). A true and accurate copy of this document is attached at **Annex 5**. By this document Osho grants power to Anand Sheela as follows: "To act with respect to my name, likeness, writings, copyrights, trademarks, tradenames and any other property, and any possessions, rights or other tangible or intangible things or chooses in action to which I am now legally entitled or shall become entitled in the future as if such things were her own – that is, to permit, prevent, control, transfer, license, sell, give away or otherwise keep or dispose of any such right or property".

iv. Further, by way of the assignment dated 20 June 1982 (see **Annex 6**), RFI assigned over all the trade mark rights in its name to RFE. As further confirmation that all rights were assigned by Anand Sheela under Osho's power of attorney, I refer to **Annex 7**, an Assignment Agreement of 10 May 1983, which confirms that Anand Sheela assigned any and all rights Osho held to RFI. Anand Sheela acted as Power of Attorney for Osho for the purposes of this assignment to ensure that all rights including, 'his name, likeness, utterances, writings, copyrights, trademarks and/or trade names and all real and personal property rights whatsoever and wheresoever' were assigned to RFI. In 1984, Rajneesh Foundation Europe (RFE) was set up as a foundation to cover RFI's activities in Europe, but it was also RFE that was to take over the world-wide copyright and trade mark matters for RFI, when Osho left the USA in 1985 and the intellectual property rights were assigned to this entity from RFI (also trading as Rajneesh Friends International). **Annexes 8 and 10** are copies of two assignments dated 1985 and 1986. The 1985 document is a "General Assignment of Copyright" dated 23 November 1985 between Rajneesh Friends International (the Assignor) and Rajneesh Foundation Europe (the Assignee) and it relates to specific works. The 1986 document is "An agreement re assignment of copyrights" dated 18 August 1986 between RFI and RFE (the Assignee) and is an agreement to assign all other copyright to OIF. In 1986 Osho moved back to India. The 1985 document is signed on behalf of OIF (then called Rajneesh Foundation Europe) by Swami Ramateertha, who is Mr Robert Doetsch, a director of Osho Lotus Commune e.V.

v. The Annexes to Table B establish that the trade mark rights and copyright are now held by OIF and include all material created by Osho. For example, the 23 November 1985 document at **Annex 8** makes reference to the RFI being incorporated under the name CRMC. The document further states that the RF (formerly JJK) assigned all works to the RFI in 1981, and that the RFI were responsible for overseeing the world-wide administration of all of Osho's works.


1989 – present: *Re-brand of trade mark from RAJNEESH to OSHO in 1989 and Use of OSHO trade mark*

17. In 1989, just shortly before his death in January 1990, Osho declared that he wanted to be known as Osho and that his work would be re-branded accordingly. Osho himself was the person that initiated OIF's prominent use of OSHO as a trade mark throughout the world. He specifically instructed the change of name from RAJNEESH to OSHO for all meditation processes, Osho Multiversity programs, businesses, restaurants, publications and meditation centers. In support of these arguments I refer to the Witness Statement of Michael Byrne. Osho personally directed RFE to change its name to OSHO FOUNDATION INTERNATIONAL, and to inform all centres offering meditations, instructions, books, sound

and video recordings under the name RAJNEESH to re-brand to OSHO so that all references to RAJNEESH were replaced by OSHO and that the word OSHO was placed at the front of all names. This implementation started in September/October 1989 and Osho was very involved in this re-branding process in conjunction with OIF. This is evidenced by the documents at **Exhibit KS 9** which consist of true copies of a selection of correspondence between Osho International / Global Connections / Osho's secretaries in Pune, India and meditation centres previously trading under the RAJNEESH name. These letters and computer network messages clearly refer to Osho's request that meditation centres are to change their name to Osho Meditation Center. For example, the letter dated 16. September 1989 to Osho Paki Meditation Center includes clear instructions to implement a new centre name and to list the centre in the local telephone directory as "Osho Paki Meditation Center". Also mentioned that a new name paper will follow. The letter dated 10 September 1990 to Kranti Dhamma, Saahasa, Uday says "regarding the name of your center, as Osho says that there was no need for special names for the new centres, that new meditation centers should be called "Osho Meditation Center", your name-paper simply says Osho Meditation Center". The letter dated 26 April 1990 to Osho Jaaved Meditation Center includes clear instructions not to use the Rajneesh name anymore. This correspondence at Exhibit KS 9 includes letters to and from meditation centres in UK, France, Italy and Germany. It is interesting to note that a number of the letters refer at the bottom of the page to Osho International's German address to be that of Osho Verlag GmbH in Cologne. This links the Applicant with OIF and demonstrates its acknowledgement of OSHO being a trade mark of OIF because the Applicant owns Osho Verlag.

18. In addition to the change of centre names, the centres were naturally requested to re-brand all of the promotional material including the meditation products. Thus, RAJNEESH DYNAMIC MEDITATION was replaced by OSHO DYNAMIC MEDITATION, RAJNEESH Kundalini Meditation became OSHO Kundalini Meditation, RAJNEESH Nataraj Meditation became OSHO Nataraj Meditation, RAJNEESH Nadabrahma Meditation became OSHO Nadabrahma Meditation, etc. and workshops provided under the name RAJNEESH REBALANCING were renamed OSHO REBALANCING. Other goods such as packets of RAJNEESH NEO TAROT cards were re-branded with the mark OSHO NEO TAROT.

19. The re-branding exercise was an enormous task because, in addition to all the letters that were written to the existing centres requesting that these changes be made, the change of trade marks had to be implemented on all publications including books and video recordings. OIF contacted individual licensees instructing them to change the name from RAJNEESH to OSHO. At the time of the re-brand, I was a part owner of ZORBA THE BUDDHA RAJNEESH DISCOTHEQUE and I clearly recall receiving a message requesting that we change the name of all the discotheques operating under this name to ZORBA THE BUDDHA OSHO DISCOTHEQUE.



20. At **Exhibit KS 10** I attach a copy of a response from Rajneesh Verlag GmbH – a company owned by the Applicant - acknowledging the request to replace RAJNEESH with OSHO and confirming that the amendment has been made and that they have changed their name to Osho Verlag together with a copy of the extract from the German Companies Names Register confirming that the name change was recorded on 12 December 1989.

21. I also refer to the document dated 16 October 1989 in Exhibit A 11 of Applicant's observations referred to as "Finding Osho in the Phone Directory". The Applicant says that this document supports the fact that "The only thing Osho did upon adoption of his name in 1989, was that he asked the centers to use "Osho" in their name so people would recognize them as meditation centres based upon his teachings and ideas". In fact, this is evidence of Osho's request that centres place the word OSHO at the beginning of their name so that they can be easily found in the telephone directories. For example, centres would often use a Sanskrit name followed by the word Rajneesh. By the request placed in this 16 October 1989 version of the Osho Times, Osho asked that OSHO appeared before the Sanskrit name.

22. I believe it is of great significance that Robert Doetsch, a former director of the Applicant, was working at a Rajneesh Center/Institute which was a licensee of the trademark RAJNEESH was fully aware of the change of brand name. The Applicant's submissions create the impression that the adoption of the OSHO trade mark happened individually on the personal initiatives of people and centres around the world without any central co-ordination or direction. The correspondence attached at **Exhibit KS 9** shows Osho International as the source of a coordinated re-branding. The Applicant's Institute in Cologne also changed name together with all other licensed centres at OIF's direction. All of its advertisements in the German edition of the OSHO Times and in the English international edition of the OSHO Times changed the branding from RAJNEESH to OSHO in the fall of 1989. He later provided correspondence on behalf of his own companies, which confirms that the re-branding exercise which effected all activities under the brand including meditation services was known to Robert Doetsch (see below for my statements relating to the Applicant and Robert Doetsch). This is evidenced by the material at **Exhibit KS 11** which shows true photocopies of the 15 September 1989 version of the RAJNEESH TIMES and the 1 October 1989 version of the Osho Times, demonstrating that the Applicant implemented the change of trade mark at exactly the same time as most, if not all, other centres.

23. It is evident that the name change to OSHO followed many years of use of RAJNEESH as a core mark or "house-mark" and which had by 1989 established itself as a brand in the EU and throughout the world in relation to meditation services and related goods and services. However, the Applicant would have the Examiner believe that the mark OSHO has always been used in relation to the services under the mark and has completely ignored the



history of the mark despite it being involved in, and having knowledge of, the background of the mark itself. It is OIF and its licensees that made OSHO the trade mark it is today. The adoption of OSHO was a clear move away from the mark RAJNEESH and was an example of OIF's intention to move away from the RAJNEESH brand. Thus, after Osho's death, all future book, audio, and video covers featured the OSHO mark prominently on their covers. This shows that it is the mark OSHO that has become known and it has not been reliant on the image of Osho.

24.i. The Applicant has misleadingly stated that the filing of the trade mark for OSHO in the EU did not happen until 10 years after the adoption of the OSHO mark in the EU. This is not true because as early as 1990, OIF embarked on the process of filing trade mark applications to register OSHO in several territories including two International Registrations for the marks OSHO and OSHO REBALANCING designating the EU territories of Germany, UK, Benelux, France, Spain and Italy. These were based on corresponding Swiss registrations dated 11 October 1990 and July 1991. At the time of the trade mark filing programme, OIF also filed the trade mark for Osho's signature in October 1991. This signature has become its own recognised piece of artwork, upon which many other pieces of artwork have been based.

Details of these marks are attached hereto at **Exhibit KS 12**. I am advised by Keltie that the CTM system did not come into force until 1996. It is a fact that the new OSHO trade mark was adopted in September 1989 and its implementation was by OIF. It was as this process was happening that Osho died. At this time, several board members of OIF left the organisation including personnel responsible for the trade mark matters. Understandably, it took some time to reorganise the trade mark matters.

ii. As further evidence that OIF was taking steps in that ten year period to protect its OSHO trade mark, I attach at **Exhibit KS 13** the following documents: a true copy of a power of attorney to Dr Walter H Meier signed on behalf of OIF dated 18 July 1989 and empowering Dr Meier to register trade marks, in Germany, US and Switzerland and a letter from OIF dated 16 September 1990 instructing Dr Meier to register OSHO amongst others in Switzerland, UK, Canada, USA and Australia. The fact that OIF filed trade mark applications for OSHO in the EU and other territories in conjunction with its ongoing and continuing trade mark licensing activities, confirms its continued claim to the ownership of OSHO as a trade mark. Further, the Applicant states that "It is obvious that at that time, the name Osho had broadly been used as a reference to his vision, teachings, meditations and lifework and goods and services inspired by him and his teachings in general, and that the latter goods and services had been produced independently by hundreds of individuals and meditation centres". This statement is not a true reflection of fact. Osho had not broadly been used at that time as a reference to his vision – it was a completely new phenomenon and the name OSHO had also been used to identify the meditation services and the goods related thereto as originating from one source – that is OIF, the exclusive assignees of all of Osho's IP - the organisation who had adopted



the OSHO mark as the brand name for such services and goods. The claim that "the latter goods and services had been produced independently by hundreds of individuals and meditation centres", is wholly untrue. All of the use of OSHO in relation to meditation and related goods and services was by OIF and its licensees and this is supported by the Applicant's own evidence submitted into these proceedings.

iii. The meditation services provided under the OSHO mark are part of a very specific unit with individual readings, music and instructions for each meditation. The provision of meditations that are 'inspired' by Osho's meditations do not form part of these units and cannot be considered genuine OSHO meditations as they do not fall within the required guidelines determined by OIF, they do not include the appropriate associated material with each specific meditation and they would mislead the public. As evidenced below, we have objected to any unauthorised use of meditations which are not approved by OIF. The centres to which the Applicant refers in its submissions are all or were all licensed to use the name OSHO by OIF as were parties using the mark for e.g. promotion of their centre, meditation services, and sale of books, magazines and audio-video publications. The Applicant itself through Osho Verlag has a current license from OIF to use the OSHO name in relation to the German issue of a magazine OSHO Times and OSHO-branded audio and video recordings.

iv. Attached at **Exhibit KS 14** is a copy of an 'Orientation Information for OSHO Centres' handbook, which is sent to all licensed Osho Meditation Centres and is also downloadable from OIF's Global Connection's website. These contain guidelines and include specific information and instructions on how to run an OSHO centre and offer the services correctly. The handbook also discusses the trade mark and copyright of OIF and makes clear beyond doubt that OSHO is a trade mark of OIF. I also attach at Exhibit KS 14 copies of some emails and application requests we have received over the years from people looking for genuine centres or requesting permission to set up an Osho Centre, which demonstrates that OSHO is perceived by the public as a trade mark of OIF. These include letters and emails from individuals requesting information on Osho Meditation Centres or requesting consent to open a centre. At **Exhibit KS 15** I attach an email from a consultant of Body in Balance TV, a UK based yoga, health and lifestyle TV channel which airs internationally in 13 countries. In the email they request a global license of the trade mark OSHO and make a specific reference to this as a 'brand'.

25. In 1989, Osho renamed his growth centre – offering groups from the Human Potential Movement and meditation service - to OSHO Multiversity. It was formed at the home centre in Pune and offered hundreds of growth, therapy and meditation services. The OSHO Multiversity had multiple faculties all trading under the OSHO name, such as 'Osho Center for Healing Arts. Osho himself, created the names of the OSHO Multiversity faculties under which programmes were offered. In January 1990, shortly before his death, Osho visited and

reviewed the new program presentations of the OSHO Multiversity and its faculties after the rebranding of all programs. This visit was recorded on video as well as being advertised in the OSHO Times. I attach stills from the video at **Exhibit KS 16**, in which Osho is reviewing the presentation of the programs. The video and advert informed the world of the OSHO Multiversity and included many references to the branded products such as, OSHO SCHOOL OF ZEN MARTIAL ARTS, OSHO SCHOOL FOR CENTERING, OSHO CENTER FOR TRANSFORMATION, OSHO INTERNATIONAL ACADEMY OF HEALING ARTS, OSHO SCHOOL OF CREATIVE ARTS, OSHO MYSTERY SCHOOL and OSHO FACULTY FOR LIBERATION. OSHO CO-DEPENDENCY GROUP, OSHO ACCUPUNCTURE TRAINING, OSHO MOVEMENT INTEGRATION, OSHO DIVINE HEALING. These are clearly advertised as different products under the brand OSHO.

26. Osho was the public persona presenting his work. He was also the author of its publications, but it was always and continues to be OIF who owned and owns the trade mark rights to OSHO. All of the use of the OSHO trade mark has always accrued, and continues to accrue, exclusively to the benefit of OIF. OIF has enjoyed the exclusive benefit of all goodwill and reputation resulting from OIF's use of the OSHO mark since 1989 whether this use has been directly by OIF or through a network of licensees throughout the world. During and after Osho's lifetime, it was always OIF who controlled the branding of merchandise and services under the OSHO trade mark. Further, if it had not been for OIF's substantial investment, the OSHO brand would not be known because Rajneesh did not adopt the name Osho until shortly before his death. Other examples of the type of investment into the brand by OIF is the forgiving of loans (e.g. see evidence at Exhibit KS 58 below relating to the release of Osho Verlag from a loan following the termination of the Silent Partnership Contract), and the granting of royalty-free licenses. This is all on top of the massive investment that OIF's publishing arm has made in the release and promotion of all Osho's works in the form of printed and audio/video media and the creation of archives and a library which holds all his works. I note the Applicant refers on page 12 of its submissions to the fact that all of the books of Osho are available in dozens of languages and have entered bestseller lists and are published by well-known publishing houses. I can verify that this is true. I can also verify that all of the books which the Applicant mentions here are published and translated under a license of OIF. It is also OIF that has managed the entire business of translating of all Osho's works and has promoted the OSHO-branded publications at book fairs throughout the world which has helped many Osho books to reach bestseller status in many international book markets.

27. In addition, OIF invested substantial sums in the opening of a gallery in London – Osho International Gallery - and the opening of an office in New York to operate the international publishing licensing business and development of the brand. Both of these projects attracted significant media exposure particularly in the architect and design press. The New York

offices won awards for its design, including *The Business Week /Architectural Record Award* for architecture in 1998. At **Exhibit KS 17** I attach true copies of a copy of the cover page and an article relating to the London Gallery in 'The Architects Journal' dated 25 May 1994, an article from 'Architectural Record' dated October 1998, and an article in 'Business Week' dated 2 November 1998 reporting the Award.

28. Further important media for the promotion of OIF's meditation services are its website at www.osho.com, its on-line newsletter, the Osho Times and its books and videos.


Internet/Digital Media – (The volume of people accessing digital media through OIF is approximately 1 million people a day.)

Website/ Internet Activity

29.i. The osho.com website has been in operation since 1995, although it was formally operated under the domain name osho.org. It currently consists of over 70,000 pages and OIF has invested over \$ 1 million in its creation, maintenance and development. This figure is in addition to the value of substantial voluntary input and services with regards to translations and other work for the website which equates to several million dollars. The website is available in thirteen different languages and attracts 13 million visitors annually. The website contains the full range of OSHO publications on the Shop page including books, audio recordings, e-books, newsletter and the Osho Times, as well as Osho tarot cards, web casts and library. In addition, it contains instructions on how to perform the OSHO Meditations and offers the visitor other instructive material relating to meditation, such as videos and a tool kit. Copies of pages from the www.osho.com website are attached hereto at **Exhibit KS 18** and include pages from the meditation section of the website, a screenshot of our weekly meditation advice page, a selection of pages showing products such as books, audio books, videos and a screenshot of our online shop. I have also attached copies of various interface pages available on our website such as the library archive page, the shop interface and the online newsletter subscription page. To further highlight that the OSHO mark is acknowledged and recognised as a trade mark of OIF, I can say that OIF has over 200,000 e-subscribers to its online publications and archives offered on their website.

Newsletter

ii. The OSHO newsletter is a periodic email publication which contains news about meditation, new osho.com features, meditation techniques, news from OSHO International Meditation Report, Pune, including OSHO Multiversity highlights, and information about new releases of books, audios and videos, etc. It is published in many languages and is available to subscribe to on osho.com/newsletters. Copies of a selection of the English version of the newsletters dating back to 2003 bearing the OSHO trade mark are attached hereto at **Exhibit KS 19**.



Facebook / YouTube

iii. OIF also operates multiple OSHO Facebook pages with more than 250,000 followers and our YouTube channel has a collection of 224 videos which have been viewed more than 17 million times. I note that videos which include the word "meditation" in their title as opposed to e.g. "laughter" have the highest number of hits thus emphasising the association of the OSHO trade mark with meditation services. The OSHO trade mark is prominently displayed at the beginning of each of the videos on YouTube and is a clear indicator that the video originates from OIF. A screenshot of one of the videos as it appears on the OSHO YouTube Channel is attached at **Exhibit KS 20** which clearly demonstrates use of OSHO as a trade mark and as part of OIF's name.

Osho Times

iv. The publication now known as the OSHO Times was first published in the USA back in 1982 under the name RAJNEESH Times. Today, it is licensed throughout the world and is issued in several languages. It has substantial financial support from OIF. The OSHO Times has always been a very important part of OIF's activities and was originally created as a platform for publishing Osho's work, and the meditation activities in licensed centres around the world. Before the use of the internet and electronic telecommunications, the magazine acted as OIF's mouthpiece and Rajneesh/Osho centres have always advertised in this publication. Every issue contained a list of new OSHO branded meditation centres which had joined the global network of licensees. As an example of this, I attach at **Exhibit KS 21** a copy of a page from a 1990 issue of OSHO Times listing the new OSHO Meditation Centres which opened during 1990. It is published globally throughout the world through a network of OIF licensees in all major languages – including English, German, Italian and Spanish. Details of OSHO Times can be found at osho.com and a copy of the page from the Osho.com website is attached at **Exhibit KS 22**. The OSHO Times was and is available in print form from newsagents around the world, or in electronic form from the osho.com website and local websites. The Applicant, through its company Osho Verlag, has the exclusive publishing rights from OIF to publish the German issue of OSHO Times.

Books

v. All of the licensees in relation to the publication of OSHO-branded books are obliged by OIF to include a page about Osho International Meditation Resort ("OIMR") and to provide details of the website at www.osho.com in reference to the OSHO Meditation Centers around the world. This therefore acts as an advertising campaign for OIF's meditation services. For example, I attach at **Exhibit KS 23** copies of pages from one of the OSHO-branded books which discusses and promotes the OIMR. This is the text used by our licensed publishers for all OSHO-branded books.



30.i. Within the EU, the meditation services under the OSHO trade mark are offered through centres which trade under the trade mark OSHO, for example as OSHO Meditation Centre or OSHO Information Centre, etc. Currently, there are over 400 OSHO meditation or information centres worldwide and approximately 240 of these are in the EU. A list of meditation and information centres which are currently trading under the OSHO name in the EU through a license from OIF is attached hereto at **Exhibit KS 24**. As I have mentioned OIF's OSHO-branded meditations are provided as individual units, always including a specific music and instructions devised by Osho. The meditation units have been carefully created by Osho and in some cases by members of the Osho Multiversity; the literature associated with them is important for an understanding of the technique and the meditations. It cannot be a genuine OSHO meditation without all these elements.

ii. At **Exhibit KS 25** are photocopies of packaging for some of the music CDs used for OSHO meditations. It is evident that the OSHO mark appears on each particular music CD which relates to an individual meditation. These CDs of OSHO Active Meditations are licensed to and published by New Earth Records, which has worked with OIF since 1990 under an exclusive music production license from OIF in relation to OSHO branded meditation recordings. All of these examples refer to the OSHO Meditations as complete units, consisting of instructions and specific music all of which highlights the importance of ensuring third parties under license are offering the OSHO Meditations correctly. Copies of Agreements and Renewal Agreements with New Earth Records are attached at **Exhibit KS 26**, demonstrating the original creation of the music CDs for the various OSHO Meditations.

31. At **Exhibit KS 27** I attach a page with copies of CD covers for the music for use in conjunction with the OSHO Active Meditations, together with a presentation for OSHO Active Meditations by a German Licensee. Each time a licensee presents one of the group of OSHO Active Meditations, OIF requests the licensee specifically to refer to it as an OSHO Active Meditation as well as their specific brand name. This makes this group of meditations very specific to OIF. As an indication of the popularity and public exposure and recognition of the OSHO Active Meditations I attach at **Exhibit KS 28** a copy of the first ten pages of hits revealed in a search using the Google search engine for the words "osho active meditation". At the top of the first page, under the search term box, the number of this is revealed as "about 34,500". In contrast, I enclose a copy of a Google search I conducted for "osho active meditations" back in 2004 which revealed only 954 hits, thus demonstrating how much the OSHO brand has grown in the past six years.


32. Different forms of meditations are offered under different names but always in conjunction with the OSHO trade mark. For example, OSHO Dynamic Meditation, OSHO Kundalini Meditation, OSHO Nataraj Meditation, OSHO Nadabrahma Meditation, OSHO Devavani Meditation, OSHO Gourishankar Meditation, OSHO Mandala Meditation, OSHO Whirling

Meditation and OSHO No Dimensions Meditation. Centres may offer the entire range of meditations or a selection of meditations. The very fact that each meditation is performed as a unit, with precise music and timings and under specific instruction, is exactly why a trade mark registration is crucial as any deviations from this unit or 'inspired' teachings will not be within the set guidelines created by OIF. It will not therefore meet the strict use requirements applied by OIF and the mark would be misleading if applied to unauthorised products. I attach at **Exhibit KS 29** a selection of screenshots of videos from YouTube, other video websites and blogs which show the OSHO Dynamic Meditation and OSHO Kundalini Meditation being performed.

Another category of OSHO branded meditation processes are the OSHO Meditative Therapies: OSHO Mystic Rose, OSHO No-Mind, OSHO Born Again and OSHO Reminding Yourself of the Forgotten Language of Talking to Your Body and Mind. All of these are meditation processes with specific instructions. At **Exhibit KS 30** I attach copies of pages from www.osho.com and from www.oshouta.de providing details of these OSHO-branded meditation services and products.

33. Together with the centre in Pune, India, all organisations and individuals offering meditation services under the OSHO trade mark are licensees of OIF. All of OIF's licensees must comply with the Orientation Information guidelines mentioned at Exhibit KS 13. In addition to these guidelines, OIF also provide qualified Centre Facilitators and introduction programmes to assist with the setting up of a centre. As examples of trade mark licenses currently active in the EU, at **Exhibit KS 31** I attach copies of a selection of Letters of Understanding and Agreements with OSHO Meditation Centres in the UK, Germany, Italy and Spain. These are representative of the trade mark license agreements we have in place with all the other centres legitimately using the OSHO trade mark in relation to meditation services.

34. As OIF is a non profit charitable organisation and centres have royalty free licenses, the sales revenue generated from the provision of meditation services under the OSHO trade mark by our licensees throughout the EU is retained by those licensees. I do not therefore have direct access to the details of the sales turnover from all of our EU licensees although this must be substantial given how many centres provide OSHO meditation services, and bearing in mind centres, will in most instances - charge a fee for attending meditation groups and programmes. As an example, I attach at **Exhibit KS 32** copies of some pages from the websites of licensees which provide prices for some OSHO branded meditation products. Given that centres will typically offer meditations, group sessions, one-to-one sessions, courses and programmes throughout the year, the total revenue generated from the OSHO branded meditations in the EU is on a substantial scale. The Applicant has submitted evidence of further use of OSHO by licensees in its evidence and this includes its evidence at Exhibits A28 to A30.



35. It is because of OIF's enormous investment in the promotion of the OSHO trade mark since 1989 that OSHO has become the most well-known trade mark in the EU in relation to meditation services in the field of mind, body and spirit. I refer to the Witness Statement of Ronald Tanner submitted into these proceedings demonstrating that in the first year following the re-branding the annual turnover from book and audio video royalties alone from OSHO branded publications was only €24,000. By 2010, this had increased to over €820,000 a year. The single reason for this substantial increase in turnover is the significant investment into the brand by OIF. The Applicant's claim that OSHO is not a trade mark in relation to meditation services is blatantly unfounded and contrary to the facts and evidence. The mark has been continually referred to as a trade mark of OIF by the licensees of OIF, who have clearly accepted and acknowledged OIF as owner of the OSHO trade mark. This is demonstrated by copies of website pages of licensees attached at Exhibit KS 32. This includes the Applicant who had placed trade mark notices relating to OSHO in its own literature (see below).

36. In addition to the provision of meditation services, sales of OSHO-branded products all relating to meditation in the EU over the past 20 one years have been substantial, in particular the magazines, books and videos. For example, there are currently over 600 book titles for sale under the OSHO brand in the EU, either directly from OIF or through its licensees. The complete list of books can be found on the multi language shopping pages of OIF's website at www.osho.com/shop. There are currently over 1870 video recordings and 6500 audio recordings branded with the OSHO trade mark for sale throughout the world. Many of these titles are available to purchase from www.osho.com/shop, www.amazon.com, www.amazon.de, www.amazon.co.uk, www.amazon.fr, and www.amazon.it, and other on-line shopping facilities as well as from main bookshops throughout the world including throughout the EU. In the UK, for example, the books are available from Waterstones, WH Smith, Books etc and many more general and specialist bookshops. In Germany, the publications are available from, e.g. Buchhandling Lichtgarten, Meditation and More, Ludwig (Leipzig Hbf Buchhandlung), English Bookshop Mainz and Midheaven Bookshop. In Spain, the books and DVDs are sold by e.g. El Corte Ingles, FNAC stores, La Casa del Libro, Art House Movies (Spanish internet shop) and at newsstands and kiosks throughout Spain. These publications are heavily promoted by OIF's licensed publishers throughout the EU and as an example of such promotional activities, I attach at **Exhibit KS 33** copies of material evidencing promotional activities by UK, German, Italian and Spanish publishers. The English language version of the materials attached hereto are used throughout the EU and not just the UK.

37. Since the majority of books and videos have meditation as their subject matter they also act to promote the meditation centres provided under the OSHO mark. Copies of pages from the abovementioned Amazon websites are attached hereto at **Exhibit KS 34**. We also attach

at Exhibit KS 34 a selection of photographs of book covers which show that it is the OSHO mark that is the prominent feature which makes the books identifiable products of OIF.

38. OIF's meditation services and related services and publications attract significant exposure through word of mouth and through the promotion of OSHO services and goods by its network of licensees as well as through the sales of books and videos. In addition, OIF has invested millions of dollars since 1989 in the promotion of the OSHO name through its website, YouTube channel and Facebook pages, as well as publishing promotion events. Evidence of the substantial volume of followers and views received with regards to our YouTube and Facebook accounts is discussed at Paragraph 29.

39. OIF and its licensees regularly exhibit at conventions, exhibitions and conferences relating to the mind, body, spirit industry. These have included the US shows Whole Life Expo and the Mind, Body, Spirit Retailer Trade Show. Since 1989, OIF has been represented at all the major international book fairs where it exhibits its OSHO-branded publications relating to meditation. In the EU, these include, for example, the London Book Fair, Frankfurt Book Fair, Milan Book Fair and Madrid Book Fair. Attached as **Exhibit KS 35** are samples which evidence attendance and exhibiting at fairs which colleagues and I have attended on behalf of OIF, namely the Frankfurt Book Fair (1989), Singapore Book Fair 1992, London Book Fair (5-7 March 2006), Frankfurter Buchmesse (15 – 19 October 2008), Frankfurter International Book Fair (2004), London Book Fair (2004), London Book Fair (2009).

40. Since it was incorporated in 1984, OIF has worked continuously and tirelessly to monitor, police and control the use of its trade marks and this work has continued in relation to use of the OSHO trade mark on meditation centres and instruction, and on books and sound and video recordings relating to meditation. This has been possible through a network of licenses and the implementation of a strategy for preventing unauthorised third party use of the OSHO trade mark. A few examples of our policing letters which we have sent to third parties making unauthorised use of OSHO over the years are attached at **Exhibit KS 36**. The evidence included in this exhibit clearly shows that OIF and its predecessors have continually monitored the types of meditation offered to ensure that they are within the guidelines required to be an OSHO meditation, ensured that OSHO centres are offering the correct techniques and instructions and exercised good quality control practices. This has resulted in all licensees using the trade mark OSHO and the techniques correctly. For example, at **Exhibit KS 37** I attach a print out of a page from www.osho.com describing how the music is designed to support the OSHO Dynamic Meditation.

41. Moreover, OIF has been diligent in its identifying the OSHO mark as its trade mark. A trade mark statement appears on every single one of the OSHO branded publications and products and services. I attach at **Exhibit KS 38** examples of the trade mark statement being



applied on books. Trade mark and copyright statements also appear on the website at www.osho.com, on other media websites, such as e.g. Facebook, and on promotional literature of the OSHO branded meditation centres. By way of example, I attach at **Exhibit KS 39** copies of relevant pages from OIF's website which gives the clear message that OSHO is a trade mark of OIF and www.facebook.com.

42. In relation to the meditation services, the licensees make reference to the fact that OSHO is a trade mark of OIF on their literature and websites. Evidence of this is produced at **Exhibit KS 40** in the form of copies of pages from the websites of a selection of OSHO Meditation Centres.

43. OIF's activities in the granting of licenses has meant that meditation services under the OSHO trade mark are only provided under license by organisations and individuals who are qualified to do so and who have attended trainings in the instruction of OSHO meditations or enough personal experiences to facilitate these meditations. This has protected the integrity of the specific meditations created by Osho and prevented the rights in the brand from being diluted by use of the name in relation to meditation services by unauthorised parties who are not fully familiar with OSHO meditation techniques or who wish to deviate from a genuine OSHO branded meditation.

44. In 1990, OIF released the first version of the handbook referred to at Exhibit KS 14 above which contained guidelines in relation to operating an OSHO Meditation Centre. In this respect, at **Exhibit KS 41** I attach a copy of a letter which was sent to all licensees informing them that we were in the process of creating an information handbook for the OSHO Meditation Centres and a copy of the 'Guidelines for Meditation Centers'. These guidelines are also available at the www.osho.com/globalconnections website. These guidelines alone show the amount of work OIF has done in ensuring that the meditation techniques of OIF and Osho are preserved in their correct form. If the Examiner decides this case in favour of the Applicant, the hundreds of licensees currently using the trade mark in accordance with correct guidelines will be adversely affected because of false competition offered under the OSHO brand and because they will not be able to guarantee OIF as the source of origin. The public will also be adversely affected because of the confusion that arises when they will not be able to distinguish between genuine OSHO meditation services and such services invented and offered under the OSHO brand. Therefore, such a decision will be detrimental not only to the brand that has become OSHO but to those offering and selling genuine OSHO meditations. Such an outcome would go against the expressed intentions of Osho who assigned his ownership and the responsibility of protecting his work to his foundation.

45. At **Exhibit KS 42** I attach copies of a selection of further correspondence with OSHO meditation centres in the EU over the years since 1990. This correspondence demonstrates

that OIF monitors the use of the OSHO name by their licensees. Also in Exhibit KS 42, I have included some copies of letters whereby OIF gives new licensees a name which is required for all our centres. The correspondence includes letters in which OIF gives names to the centres, confirms Osho's request to change the names of all centres to OSHO, and requests the centres to send copies of their programmes and centre information. This all shows that the OSHO mark is very well monitored by OIF and that it takes ownership of its trade mark very seriously. When a centre is closed, this certificate is returned to the OIF. A selection of Centre Name Certificates are attached at **Exhibit KS 43**.

46. Between 1990 and the launch of the website in 1995, OIF had access to its entire licensee network through an electronic network which connected most if not all of the OSHO Centres. This network was personally named OSHO Computer Network by Osho himself as evidenced by the copy of a page from Osho Times 5 March 1990 with an excerpt from the article attached at **Exhibit KS 44**. This article explains how Osho requested that the new Computer Network be named OSHO Computer Network.

47. I have also found on OIF's records, a copy of an email dated 27 August 1990 which is a message from OIF to Anando Masta, a licensee using OSHO in relation to meditation services, in response to her request to use OSHO for Tao Pulsation. This message clearly demonstrates OIF's active supervision of the use of the OSHO trade mark by a licensee and contains clear instructions and guidance relating to the use of the trade mark. It also documents Osho's direct involvement in this ongoing re-branding process. Centres are advised to implement the new brand name in the same way the changes are implemented at the Pune centre and the OSHO Multiversity. A true copy of this email is attached at **Exhibit KS 45**. I also attach at Exhibit KS 45 a copy of a letter sent to an Osho Meditation Centre and an email from OIF discussing the Osho Computer Network. OIF also informed the centre of the correct naming of the centre and how the mark OSHO should be used. OIF and its predecessors also provided and provide a Centre Name Certificate as recognition of being an authorised OSHO Centre.

48. When OIF becomes aware of the use of the OSHO mark in relation to meditation services by unlicensed parties, OIF, usually through Osho Global Connections, contacts the party demanding that it ceases use or otherwise becomes a licensee and complies with the guidelines. Licensees will often bring such unauthorised use to our attention - although such instances of unauthorised use are relatively rare because of our efforts in educating our licensees and making it clear to the public that OSHO is a trade mark. I recall one matter in Germany which was brought to our attention by Robert Doetsch of Osho Lotus Commune e.V. in 1998 and which related to an advertisement in a German publication called Connection. The advertisement was one offering meditation services under the mark OSHO. We sent letters before action and succeeded in preventing this party's further use. I refer to

f

the witness statement of Klaus-Peter Creutzfeldt which has been submitted into these proceedings.

49. As a further example of OIF's trade mark policing activities, I refer to the witness statement of Ursula Hoess ("Vatayana") of OSHO Global Connections in which she explains that she visits centres in Europe trading under the OSHO brand name to ensure that they are acting in a manner which accords with OIF guidelines. At **Exhibit KS 46** I attach a copy of a letter from OIF to the proprietor of London-Meditation, who we found to be offering OSHO Meditations without a license. Following our letter, the proprietor of London-Meditation changed its website to refer to the marks as trade marks.

50. Osho changed his name from Rajneesh shortly before he died, and significantly, when he died, he was referred to as Rajneesh in the international press which fact is significant because he was known as Rajneesh even after the meditations were re-branded as OSHO. Whilst alive, Osho was perceived as a mystic and philosopher but since his death OIF built up the OSHO name to become a well-known brand name for meditations and related goods and services. Furthermore, Osho's signature remained unchanged, even after the name change from Rajneesh to Osho. This emphasises the fact that Osho himself knew that the name change was initiated as a re-branding project and not for the purposes of a simple name change. It is only by virtue of the actions, extensive promotional activities and significant investment into the OSHO brand by OIF that has resulted in OSHO becoming the well-known brand it is today. Such activities and investment includes the handling of the re-branding of all the meditation and information centres around the world, the replacement of RAJNEESH with OSHO on all publications and sound and video recordings, the licensing network and policing activities and promotional and advertising of meditation services and related goods under the brand. Given that RAJNEESH had acquired such world wide renown by 1989 and was such a well-known trade mark in the mind, body, spirit field of meditation, the change of Rajneesh's name to OSHO left OIF in the unenviable position of having to start from scratch with the building of a brand.


Applicant

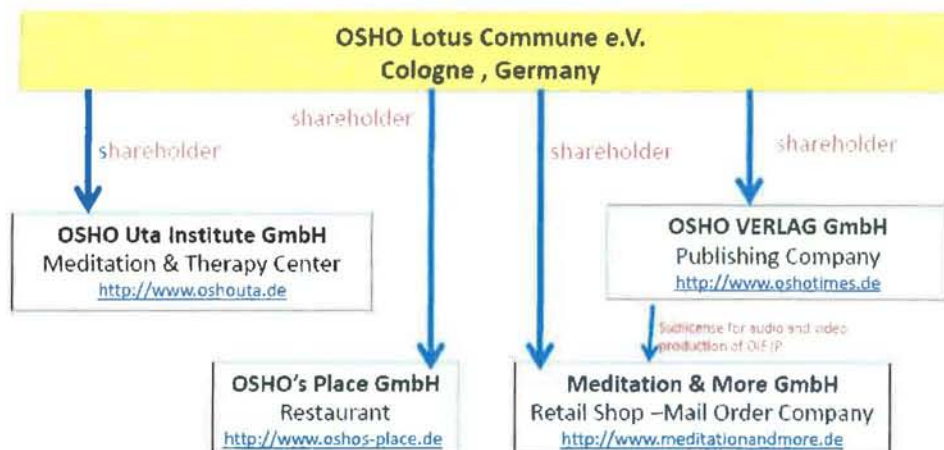
51. At this point, I believe it is necessary to provide some details about the Applicant in order to give a full picture and to put this Application for Invalidity into context. This is because, it appears that one person behind the Applicant organisation, Robert Doetsch, is attempting to create a perception that a number of different meditation organisations exist under the OSHO name and thus OSHO is in use by parties other than OIF and its licensees. This is highly misleading and deceptive. In its submissions, the Applicant has referred to Osho Verlag and Osho Uta Institute as separate entities, but in fact they are owned by Osho Lotus Commune. These Applicant organisations are licensees of OIF in relation to the use of the trade mark OSHO either for meditation services or publications (OSHO Times, Audio,

Video). In addition all the centres and organisations or individuals that use OSHO legitimately in relation to meditation services are licensees of OIF. The Applicant organisation, now known as Osho Uta Institute, was formerly named under the Rajneesh brand as Uta Rajneesh but changed its name following instruction from the then RFE. The Applicant organisation, was connected with the RF community in Pune as far back as 1981, and in 1989 acted as a European booking centre in Germany for the Rajneesh centre in Pune. I attach at **Exhibit KS 47** an extract from the 1989 RAJNEESH TIMES, which shows that Uta Rajneesh was listed as a European contact of Pune and the RF. There can be no doubt in my mind that the Applicant is aware of OIF's and its predecessors' rightful ownership of all trade marks, copyright and names.

52.i. The Applicant company, Osho Lotus Commune e.V. was originally called Anand Sagar Rajneesh Meditations Zentrum and after various name changes, changed its name from Osho Uta Lotus Commune e.V. to Osho Lotus Commune e.V. on 28 April 1997 and this is evidenced by a true and accurate copy of an extract from the German Vereinsregister (Register of Associations) at **Exhibit KS 48** hereto. Robert Doetsch is identified as the sole director. Today Osho Lotus Commune e.V. is the main shareholder of all of these businesses including Osho's Place GmbH, Osho Uta Institute GmbH formerly Wioska Rajneesh/ Uta Rajneesh, and referred to in this statement as Osho Uta Institute, Osho Verlag GmbH, formerly Rajneesh Verlag GmbH (a publishing entity and publisher of the Osho Times – formerly Rajneesh Times), and Meditation & More GmbH selling, under license from OIF, all of the merchandise relating to OSHO meditation including books, musical CDs and videos.

ii. The diagram below shows the company structure of Osho Lotus Commune. Further evidence of this association is attached at **Exhibit KS 49**. This includes extracts from the German Companies Names Register and websites of Osho Uta Institute and Osho's Place confirming that Osho Lotus Commune is the main shareholder. The history of these companies is explained in more detail at paragraph 53(iii) and Exhibit 51 through the article "30 Years Osho Uta" from Osho Uta Program 2011.





53.i. As explained in my opening paragraphs, one of the Applicant businesses I was involved in was a business called "Osho's Place" of which I was an owner of equal share with Robert Doetsch from 1990 to 1998. However, in 1994 I was also appointed director of OIF. Subsequently, Robert Doetsch re-allocated his shares of Osho's Place to Osho Lotus to re-create a single holding entity for all Osho businesses under his control. After much turmoil and personal attacks on me by Doetsch I decided to give up my shares without personal gain and assigned them to Osho Lotus Commune e.V. Also at that time of the creation of this business I was very clear that Osho's Place was part of the Institute and recognised the Osho trade mark.

ii. The documents at **Exhibit KS 50**, further identify Robert Doetsch as a director of all of these companies. Robert Doetsch's involvement in OSHO matters is highly significant because in the past he was also a director of OIF (at the time, RFE). He signed licenses and agreements as licensee for example as OSHO Uta Institute and OSHO Verlag GmbH consenting to use the trade mark OSHO in relation to meditation services and publishing activities. He also actively encouraged OIF to take action against the unauthorised use of OSHO in relation to meditation services (refer to paragraph 48 above). However, through his 'umbrella' company Osho Lotus Commune e.V., he is now seeking to challenge the validity of a trade mark which his company had enjoyed the benefits of through a license from OIF for almost twenty two years.

iii. The copy of the article from the Osho Uta 2011 programme attached to **Exhibit 51** together with its English translation, gives Osho Uta's version of its history. This article confirms the connections between Robert Doetsch ("Ramateertha") and Osho Commune Lotus e.V. However, the article contains some blatant anomalies. For example, the article states that, Anand Sagar Rajneesh Meditations Zentrum (Anand Sagar Rajneesh Meditation Center) was renamed to Wioska Neo Sannyas Commune but this is incorrect: it was renamed

to Wioska Rajneesh Neo Sannyas Commune e.v. on 20 June 1985 (having changed it name to Wioska Rajneesh Meditations und Therapie Zentrum in October 1984). The correct change of name chain is evidenced by the true copy from the German Names Register at Exhibit KS 48. The text under '30 March 1983' claims that from 1995 onwards the Rajneesh Times will appear as Osho Times but this is blatantly wrong because as demonstrated above, the Rajneesh Times was rebranded to the Osho Times in 1989 and this is proven by Exhibit KS 11. The text under '1984' refers to a change of name to Osho Institute for Spiritual Therapy and Meditation, but according to the official German Names Register, the Applicant was never called Osho Institute for Spiritual Therapy and Meditation and, moreover, the name Osho was not adopted until 1989. Again, the text under 'February 1986' refers to the name of the centre as Osho Uta Institute, but this cannot be the case given that the use of Osho was not adopted until 1989. Finally, the text under 'Today' confirms the connection between Robert Doetsch and Osho Commune Lotus e.V. and confirms the evidence submitted in my statement that Osho Uta, Osho's Place, Meditation & More and Osho Verlag operate under the umbrella of the Applicant organisation.

55.i. As evidence of the Applicant using OSHO as a trade mark and recognising it as such, I attach at **Exhibit KS 52** copies of pages from the German OSHO Times publications for August 1998, January 1999 and January 2000 all of which feature the same trade mark and copyright notice, namely, "OSHO, Osho's, signature, the Swan-symbol as well as all Osho photos, original drawings and quotations from Osho are under copyright of Osho International Foundation. Use and reproduction only with written permission from: Osho International Foundation, Rennweg 34, 8001 Zurich, Switzerland". It should be noted that these publications all set out correct copyright and trade mark notices, which precedes the signing of the formal licensing agreement with OIF in January 1999. These are relevant because the German language version of OSHO TIMES is published under license by Osho Verlag.

ii. I also refer to the screen shot from the website at www.oshouta.de at Exhibit KS 30 referred to above showing use of OSHO with the ® symbol which is evidence that the Applicant, through its company Osho Uta Institute recognised OSHO as a trade mark in relation to meditation services.

56. As evidence that Robert Doetsch accepted OIF's entitlement to ownership of various trade marks including RAJNEESH, I have found several documents on OIF's files which have been signed on behalf of OIF by Robert Doetsch. For example, at **Exhibit KS 53** I attach a true and accurate copy of a "Power of attorney for Rajneesh Licensing International BV" by which Rajneesh Foundation Europe appoints Rajneesh Licensing International BV to act on its behalf in relation to register the trade mark Zorba the Buddha and the symbol of two birds flying. This power of attorney is dated 7 November 1984 and is signed on behalf of OIF by

Robert Doetsch. The final registration was for 'Zorba the Buddha Rajneesh" (see **Exhibit KS 8**). At **Exhibit KS 54** I attach a true and accurate copy of a letter dated 2 December 1986 from Rajneesh Foundation Europe to Rajneesh Service Corporation which bears Robert Doetsch's signature.

57. Robert Doetsch was appointed to the board of directors of OIF between 1985 to 1986 and signed a number of documents regarding the earlier trade marks of OIF and their predecessors and was present at various board meetings of RFE discussing the earlier trade mark. Evidence in support of our abovementioned submissions is attached at **Exhibit KS 55**, which is a copy of a letter from OIF to the Applicant company (under one of its former names – Wioska Rajneesh) dated 10 October 1985 and attaching a minutes of meeting document of the Board of Directors of RFE with a copy of a notarised English translation of the minutes. These minutes list Robert Doetsch as being one of the directors of OIF being present at the meeting. The fact that Robert Doetsch signed documents on behalf of RFE shows how close he was to the legal matters of RFE.

58. Osho Uta Institute is a licensee of OIF in relation to the provision of meditation services, and as evidence of this at **Exhibit KS 56**, I attach a true copy of a letter of understanding dated 19 September 1998 between OIF (through its Osho Global Connections Department) and Osho Uta Institute, together with a true and accurate English translation. The letter has been signed on behalf of Osho Uta Institute by three directors, amongst them Robert Doetsch.

59. Other businesses owned by the Applicant Company have current licenses or past licenses with OIF. For example, as already mentioned, the Applicant through its affiliate Osho Verlag has a publishing license in relation to the use of OSHO. In fact, OIF was from 1989 until 1999 a silent shareholder of Osho Verlag, providing financial support. The silent partnership was ended and they signed a formal license to the use of copyright content for the OSHO Times magazine and trade marks and use of OSHO as company names. Attached hereto at **Exhibit KS 57** is a true copy of a "Silent Partnership Contract" dated 15 November 1989 between Rajneesh Verlag and OIF (under its former name of Neo-Sannyas International), together with an English translation.

60. At **Exhibit KS 58** I attach a copy of a letter from OIF to Osho Verlag serving to formally terminate the Silent Partnership Contract of 15 November 1989. The termination of the Silent Partnership Contract also terminated the financial support which OIF had been providing to Osho Verlag since 1989.

61.i. A copy of the "Non Exclusive Trademark and Copyright Licensing Agreement" between OIF and Osho Verlag dated 14 January 1999 is attached at **Exhibit KS 59**. By this



Agreement, Osho Verlag – a company belonging to Osho Lotus Commune e.V. - acknowledged that OSHO is a trade mark belonging to OIF. This agreement is signed by Osho Verlag's Managing Director Hansjoerg Sieberer, a lawyer. **Exhibit KS 60** contains photocopies of the mastheads of the German versions of the Osho Times for the years 1998, 1999 and 2000 from which it can be seen Osho Verlag has applied the ™ and (R) symbol next to the word OSHO in each case.

ii. At **Exhibit KS 61**, I attach copies of pages from the English language version of the Osho Times dated 16 December 1991, 16 December 1992 and 1 December all of which list Osho Verlag as a German distributor of OSHO-branded books, audiotapes and videotapes, and of photographs of Osho. All samples have proper identification of copyright and trademarks

62. At **Exhibit KS 62** are copies of Publishing Agreements between OIF and Osho Verlag dated 1 January 2000, 20 April 2001 and 1 March 2002 by which Osho Verlag acknowledges OSHO as a trade mark belonging to OIF (see for example paragraphs 2.0 Warranties of the Agreements). Today, Osho Verlag – a company owned by the Applicant, continues to publish the German OSHO Times and video and audio recordings under license from OIF. This demonstrates their continued relationship with OIF since the re-brand to OSHO. **Exhibit KS 63** consists of a copies of a publishing agreement between OIF and Verlagsgruppe Random House GmbH, a small selection of various other publishing agreements and a sample renewal agreement used for renewing the terms of a publishing agreement.

63. At **Exhibit KS 64** are copies of various website screen shots demonstrating that Osho Uta Institute had in the past accepted that OSHO is a trade mark of OIF in relation to meditation services. In particular, I refer to page 1 of this exhibit which shows the Applicant as a shareholder in Osho Uta, page 2 which is a print out from a 2009 brochure acknowledging OIF as the copyright owner, page 3 acknowledging OIF as the copyright owner, page 4 which bears the ® symbol next to OSHO on the OSHO UTA INSTITUTE icon to the left hand side of the page from www.oshouta.de, pages 5, 6 and 6A which are photographs of an advertisement for Osho Uta Institute placed in a 1999 issue of the Osho Times showing use of the ® symbol next to the word OSHO and page 7 which contains photographs of an advertisement placed in the English version of the Osho Times by Osho Uta Institute for an OSHO massage course and bearing the ® symbol next to the word OSHO and bearing the statement "Osho® is a registered trademark of Osho International Foundation used under license". In 1999 Robert Doetsch was a director of Osho Uta Institute and this is shown in the German Company file documents at Exhibits KS 48, 49 and 50.

64. Robert Doetsch has offered his own therapy groups and programmes for meditations through his company Osho Uta Institute under OIF's trade mark and this is evident from the copy of a page from a programme for an event called "The Millennium Celebration Meditation

Intensiv 2000" running from 31 December to 2 January at **Exhibit KS 65** (I have not included an English translation as the purpose of this exhibit is to demonstrate the Applicant's use of the OSHO trade mark). Not only is he using the name OSHO but he also uses it in a virtually identical style as OIF's mark.

65. In 2002, Robert Doetsch and Dr Joerg Sieberer (also known as Simant) were involved in an organisation called Osho Friends Europe and Osho World, the later being an Indian organisation which was formed by a few disgruntled members of the Osho community who left to form a business after a disagreement with OIF which serves to attack OIF and pirate OIF's intellectual properties. Osho Friends Europe was set up for the sole purpose of destroying the trade mark OSHO and seeking support from the public to bring Osho's copyright works and trade marks into the free domain. A copy of a print out from the website archive site www.archive.org is attached at **Exhibit KS 66** and this describes the reason behind the setting up of Osho Friends Europe and names Robert Doetsch (Ramateertha) as a representative. It seemed that their attempt to attack Osho's copyrights and destroy the registered trade mark rights in the OSHO marks failed because the organisation was dissolved in January 2005 as a result of lack of support. This lack of support for this cause is evidenced by a true and accurate copy of an email shown here at **Exhibit KS 67** which is dated 12 January 2005 and sent by the then Chairman of Osho Lotus Commune e.V., Simant. At no time in the past did the Applicant or any parties associated with the Applicant challenge the validity of RAJNEESH as a trade mark. Further, they have left it until now, 22 years after the fact, to challenge the CTM registration for OSHO despite having acquiesced to its existence for all these years.

66. Robert Doetsch has also sought support from licensees by way of an email, a copy of which is attached hereto at **Exhibit KS 68**, together with an English translation. This email seeks support and help in the funding of the CTM proceedings. I also refer to Ursula Hoess' witness statement submitted into these proceedings and in particular to her reference to Robert Doetsch's request for support from centre leaders to a legal dispute relating to the OIF's trade mark in Europe. I have to conclude that the dispute to which Robert Doetsch refers is the current CTM invalidation proceedings as this is the only 'case' which is ongoing in the EU in relation to the OSHO trade mark.

67. The Applicant through its wholly owned or associated organisations continues to use OSHO as a trade mark in relation to meditation services of OIF. OIF had never limited the obligations under the license to Osho Verlag and Osho Uta Institute who had until 2010 used OSHO in relation to meditation services under a royalty-free license from OIF. It was only in 2010, after approximately 22 years of taking the benefit of the OSHO trade mark in the EU, that the Applicant started to challenge the validity of the CTM. This is despite the fact that it

had blatantly, publicly and continuously recognised OSHO as a trade mark in relation to meditation services in the past and continues to do so through Osho Verlag.

Applicants submissions and evidence

68. Not only are the Applicant's submissions misleading and factually untrue, but virtually all of the material submitted by the Applicant in support of its application for invalidation constitutes evidence of use of the trade mark OSHO by OIF and OIF's licenses including the Applicant's companies.

69. On page 4 at paragraph 3.2, the Applicant makes reference to Osho's art and unique signature. Osho's signature is subject of copyright and trade mark registrations. However, the Applicant, through Osho Verlag itself entered into a licence agreement in relation to its use of "Osho's signature which was subject of trade mark registrations and copyright belonging to OIF. A copy of a letter dated 16 September 1996 from Osho Verlag to Osho International and "License Agreement for Art" dated 12 September 1996 between OIF and Osho Verlag is attached at **Exhibit KS 69** together with true copies of the front covers of the German version of the OSHO times published (under license) Osho Verlag.

70. The copies of the publication entitled OSHO Times – Germany at Exhibit A8 is evidence of use of OSHO by Osho Verlag which is subject of a publishing and trade mark license from OIF. The Applicant includes the front covers of the OSHO TIMES of 1 June 1992 and 1 August 1992 and claims that the use of the word OSHO merely describes a topic. However, the Applicant has omitted to submit the following page of these publications which I know happens to include a formal legal notice. This notice states that the name OSHO, his signature, all photos and words are copyright of OIF. This copyright notice also states that permission is required to use the mark. The failure to include this page of the publications is misleading. I attach at **Exhibit KS 70** true copies of these pages showing the legal notice.

71. Exhibit A9 is a page from OIF's own website which lists centres in the EU licensed by OIF to use OSHO.

72. The seven websites referred to at Exhibit A10 on page 10 of the Applicant's submissions are all, without exception, current or past licensees of OIF. The first of these relates to Osho Uta Institute as referred to above. The businesses at www.oshomanijusha.de, www.oshostadt.de, www.osho-mahabodhi-meditatin.de, www.parimal.de and www.oshophotos.com are all current licenses. The business at www.oshofreiburg.de was a license but the website is no longer active. Copies of letter of understanding between these companies and various others were attached at Exhibit KS 31. A copy of the license between OIF and Osho Freiburg in the form of a letter of understanding dated 4 July 2005 is attached

hereto at **Exhibit KS 71**. Also included in this Exhibit are copies of similar documents in relation to the other websites excluding Osho Uta Institute.

73. The Applicant's claim that these centres operate "*without coordination by any single source of hierarchy..*" and the claim that "*there is no controlling instance which would influence the offerings and standards or the use of the name OSHO*" is blatantly incorrect because all of the use of the OSHO is under license and is supervised by OIF. In any case, Osho himself supervised the use of OSHO as a trade mark, as evidenced above.

74.i. The Applicant's further claim that the centres operated independently and separately from one another and that none is affiliated with the proprietor of the contested CTM is true. The licensed OSHO centres are independent organisations, companies, foundations, individuals, etc. and have no financial or legal dependence on OIF. However, they are all providing meditation and related goods and services under license, instruction and guidelines specifically set up by Osho and OIF. I have clearly shown that third parties operate under license from OIF, and that OIF provides assistance and guidance to OSHO Meditation Centres wishing to provide the teachings and techniques of Osho.

ii. Further, at Exhibit A10, the Applicant refers to the text in a published dissertation in which the author claims that Osho 'has no successor'. It is true that Osho did not select a successor: he felt no need for a successor because he had written hundreds of books and made thousands of discourses and knew that his teachings would be kept alive by the efforts of the OIF. It seems that the Applicant is attempting to argue that, because Osho had no successor, all of his works automatically passed to the public domain. However, all of Osho's works and the OSHO trade mark were already owned by OIF during Osho's lifetime. This fact is clearly established by my evidence.

iii. This dissertation features a collection of interviews from individuals associated with the Applicant and Robert Doetsch themselves and so is a subjective view and not one supported by evidence. Moreover, the author, Dr Joachim Suss wrote to OIF prior to publishing this dissertation seeking OIF's permission to use a photograph protected by copyright belonging to OIF. A copy of this letter which is dated 4 April 1994 and a true and accurate English translation is attached at **Exhibit KS 72** together with a copy of a reply from OIF granting permission to use of one of the photographs of Osho.

75. At paragraph 1.2.3 on page 12 of the Applicant's submissions, the Applicant refers to 'hundreds of books credited to Osho' which are renderings of his taped discourses, and to the fact that his books are available in dozens of languages. I do not dispute this as it is in fact, OIF who govern and prepare these transcripts, who own the copyright to the transcripts and who have created the largest archive for Osho's original works. The Applicant includes in its

Exhibit A 16 a reference to the books 'Was Kann Ich Tun? – What can I do?' and 'Das Buch der Geheimnisse'. However, these books are published by Random House GmbH, who operate under license with OIF. A copy of their publishing agreement is attached at Exhibit KS 58 referred to above. It can be noted that this agreement makes a specific reference to copyright and trade mark use. The attachment 'Das Buch der Männer' also included at Exhibit A16 of the Applicant's submissions is published originally by Heyne, and now published by Ullstein who are licensed by OIF. Details of their publishing agreement are also attached at Exhibit KS 63 referred to above.

76. At Exhibit A17, the Applicant refers to Osho's entire works being placed in the Library of India's National Parliament. OIF provided the complete set of works to the Indian Library as a gift. OIF created the complete archive of all works and, as we have established, own all rights within those works. Exhibits A18 and A19 make similar reference to music and recording archives of Osho's works. Again, OIF own all rights within these works and in fact issued a license to the associated company of the Applicant Osho Verlag to use these works. The Applicant refers to a page on OIF's own website at www.osho.com to confirm that Osho's works are extensive. A copy of a press release confirming this statement is attached at **Exhibit 73**. Exhibit A 18 includes a clear reference to the guidance notes on that web page for anyone wishing to use any works and state that permission must be sought from OIF. This also clearly identifies Osho International New York as the international publication headquarters of all of Osho's works. The Applicant itself has therefore shown beyond doubt that OIF is the owner of all works and that the publication of any work is governed by a license. No works by Osho were ever published without clearly identifying OIF (or its predecessors) as the copyright owner.

77. The first three pages of Exhibit A19 of the Applicant's submissions are printouts from the web page www.lastfm.de, listing musical recordings created in the 'presence' of Osho by various artists. This exhibit also includes web pages of a licensee of the OIF, www.osho.be. and also includes pages from OIF's exclusive licensee, New Earth Records (see Exhibits KS 25 and 26 above). A link to New Earth Records is also available on the web pages taken from www.lastfm.be. The CD entitled 'Basho's Pond' listed on the pages from the www.amazon.de website is in fact a CD created under license by OIF. The remaining pages in this exhibit are illegible but appear to be a copy of the OSHO Times, showing advertisements for OIF's own CD's and musical recordings. Examples of music reproduction agreements can be found at Exhibit KS 26.

78. Exhibit A20 consists of a copy of OIF's OSHO Times featuring an article relating to a three year project transferring and making the completed recorded work of Osho, known as 'OSHO Talks', available through OIF's website. This exhibit clearly includes a trade mark statement and specifically states that OSHO is a registered trade mark of OIF, used under license. This

entire project was completed and paid for by OIF. Again, this evidence is evidence of OIF's own use of OSHO.

79. There is not one shred of evidence that any third parties are using OSHO in relation to meditation services. On the contrary, the majority of the evidence provides that OSHO is a trade mark of OIF. Exhibits A27 to A29, consist of part-extract and incomplete and misleading documents. All of these – without exception - refer to events that have been hosted by OIF's licensees or otherwise by one of the Applicant's organisations. The Applicant has attempted to list these to try and show the 'hundreds of centres' using the OSHO mark. I have reviewed each of these events and can confirm and verify that each event that is not named as being in Cologne, is an event related to a licensee of OIF. The others, which are listed as being from Cologne, are in fact events of the Applicant itself or one of the companies owned by the Applicant and licensed by OIF, and thus, the Applicant cannot claim that there are 'hundreds of centres' out there using the mark OSHO. If this was the case, the Applicant would surely be able to provide evidence which does not refer to that of our licensees. Furthermore, in all instances the Applicant has provided incomplete references to the 'third party' use in an attempt to mislead the Examiner. In order to provide the complete picture, I have provided a selection of the full 'third party' articles of use, details of the publication in which they appear and details of the authorised licensee to whom the 'third party' articles relate. Many of the extracts provided by the Applicant have been taken from the OSHO Times publications. As discussed above, the OSHO Times publications contain a copyright and trade mark notice in the inside cover, which identifies OIF as the rights holder. The Applicant has clearly not provided the full details of the publication in order to avoid providing the copyright and trade mark notice. My comments in respect of the list of 'third party' use submitted by the Applicant are as follows:

- *Osho Photo Project*: This financed by OIF to archive the thousands of pictures of Osho and are all copyright of OIF. Full details of the publication in which this article appears, including a reference to the copyright and trade mark notice are provided at **Exhibit KS 74**.
- *Osho Dance Meditation*: This is a meditation created and offered by the OSHO Multiversity. This is a publication in OIF's own English version of the OSHO Times. Full details of the publication in which this article appears, including a reference to the copyright and trade mark notice are provided at **Exhibit KS 75**.
- *Osho Full Moon Camp*: This is an advertisement in OIF's own publication, and was authorised by OI. The details of this advertisement are attached at **Exhibit KS 76**.
- *Osho's Delight*: This is another program created by the OSHO Multiversity / OSHO Humaniversity, which has always operated under a license. Again, this advertisement was authorised by OIF and featured in our own publication. I also attach at **Exhibit KS**

77 the Letter of Understanding between OIF/Global and OSHO Multiversity / OSHO Humaniversity.

- *Osho Sufi Gathering, Osho Sufi Camp*: This was published in OIF's version of the OSHO TIMES and was an advertisement for a former teacher at the OSHO Multiversity. Again, this advertisement was authorised by OIF and a full version is attached at **Exhibit KS 78**.

- *Osho Ocean party*,: This is operated by Wellenreiter Travel Agency which is owned by a friend of Osho. Use of OSHO by Wellenreiter Travel Agency is not use by a third party and the advertisement which the Applicant refers to is a fully authorised advertisement and used in a licensed German OSHO Times. In any event, Wellenreiter Travel Agency do not use the brand name OSHO. I attach at **Exhibit KS 79** sample of their adverts.

- *Osho Festival/Freiburg/Germany*: This event was fully authorised use of the mark by OIF which featured in the German OSHO Times in April 1998. The party involved had contacted Osho Global Communications asking for permission to open an Osho Meditation Centre. Details of this article and the associated letter of understanding are attached at **Exhibit KS 80**.

- *European Osho Festival*: This is a festival organised by the Applicant's associated parties, Osho Uta Institute and Osho's Place and has happened since 1999 under a license with OIF. Having reviewed the list, the majority of festivals are related to Osho Uta Institute and Osho's place and are therefore authorised instances of use.

- *OSHO Love Explosion*: These are organised under license by OSHO Miasto. A copy of the license with OIF is attached at **Exhibit KS 81**.

- *Osho Celebration 2005 and Festival Osho Soleluna*: This also operates under license from OIF and a copy of letter of understanding is attached at **Exhibit KS 82**.

- *Osho Meditation Weekend*: This event is provided under license with Erbach and details of their letter of understanding are attached at **Exhibit KS 83**.

- *Osho psychic Massage Training: Svagito and Sagarpriya*: Both of these are Osho Multiversity therapists offering their programs with permission. This work was later integrated into 'Conscious Living'. A true copy of this Agreement is attached at **Exhibit KS 84**.

- *Osho Shangri La: Czech meditation center*: – This is subject of a signed agreement attached at **Exhibit KS 85**.

- *WOW Osho Humaniversity*: – This is the same licensee as advertised in the Osho Times of July 1, 1992 –. It relates to OSHO Aum which is a meditation process developed by Veeresh, a famous OSHO therapist from the Netherlands. The license agreement for the OSHO Humaniversity is attached at **Exhibit KS 86**.

- *Osho Therapist Training*: Original Training from OSHO Multiversity in Pune – offered at Osho Uta Institute under license from OIF. Rafia, Vasumati and Turiya are Osho Multiversity Therapists.

- *Osho Meditation Camp*: Offered by licensed Centre TAO OSHO Center Munich. TAO is an old center from the 'Rajneesh' period but has been closed since 2000.
- *Osho Conscious Living*: Already covered in same Exhibit A 28 Osho Times May 1998: Conscious Living has permission to use OSHO by OIF.
- *OSHO Karate*: This is a program offered by Osho Uta Institute (a licensed center). The person offering this also has a license for the 'Osho Zen Karate Institute'. Details of this are attached at **Exhibit KS 87**.
- *Osho Divine Healing*: This is offered by a licensed center. This is a program of special body exercises was developed in Pune and was also offered in many OSHO Centers.
- *Osho Hara Awareness Massage*: This program was offered at Osho Uta Institute and OSHO Parimal – both licensed centers. The program was developed by Anando Würzburger. As a result of correspondence from OIF, Ms Würzburger no longer uses the OSHO trade mark and offers her meditation services under a different mark, Hara Awareness (<http://www.hara-awareness.eu/>). This is an example of unauthorised used which was prevented by OIF's actions.
- *Osho Diamond Breath*: This was offered by Osho Multiversity, Pune therapists offering their programs, namely Devapath and Dwari. This program is offered at OSHO Miasto and OSHO Afroz in Greece – both have permission and have signed letters of understanding which are attached at **Exhibit KS 88**.
- *Osho Co Dependency*: This was run by a travelling therapist who is a licensee of OIF. The agreement is attached at **Exhibit KS 89**.
- *Osho Tibetan Pulsing Yoga*: This is another example of a method deriving from the OSHO Multiversity. Shantam Dheeraj was a therapist from the OSHO Multiversity in Pune and was fully licensed to use OSHO.
- *Osho Risk Therapist Training*: This is a programme offered by a fully licensed centre. The letter of understanding is attached at **Exhibit KS 90**.
- *Osho Ayu Lee Restaurant*: This should in fact read, Osho Ayu Lee, a Restaurant which is associated with OSHO Information Centre in Hamburg which operates under a letter of understanding. A copy of this is attached at **Exhibit KS 91**.
- *Osho Madhur Meditation Centre Program*: This is a fully licensed centre and was originally a Rajneesh Meditation Centre but is now closed. In accordance with OIF practice, they returned their centre name certification upon closing. A copy of their letter of understanding and a copy of the returned certificate is attached at **Exhibit KS 92**.
- *Osho Celebration etc*: Osho Parimal is a licensed centre offering branded programs and a copy of their signed letter of understanding is attached at **Exhibit KS 93**.
- *Osho Management Training*: This advertisement was published in OIF's own English language edition of the OSHO Times with full permission. The OIF have

licensed video footage to Osho Management Training for use at their events. A full copy of their advertisement is attached at **Exhibit KS 94**.

- *Leben und Osho in Buddhafeld Dresden*: This is authorised use of the mark under a license by OIF with Osho Manjusha Meditation Centre. Details of the letter of understanding are attached at **Exhibit KS 95**.
- *Osho Body Wisdom*: OIF objected to the use of OSHO BODY WISDOM and we understand that Osho Body Wisdom no longer exists as a result of our objection. A selection of web pages showing that internet searches for Osho Body Wisdom does not return any associated hits is attached at **Exhibit KS 96**.

80. Exhibits A 30 consists of copies of advertisements for OSHO Uta – the Applicant's own company.

81. It is clear beyond doubt that all use listed by the Applicant is use either by our licensees or by the Applicant themselves and thus the Applicant has not submitted any evidence whatsoever of unauthorised use of OSHO as a trade mark in relation to meditation services by third parties (other than use which OIF has stopped through its policing activities).

82. I note that Exhibit A27 contains a copy of the front cover of OIF's English language publication of OSHO Times dated March 16, 1995 attached to an 'inside' page purporting to be part of the same publication. However, the inside page is actually from the German edition of OSHO TIMES and, moreover, relates to an event held on 16-18 January 1998 by Pakhi OMC. In any case, Pakhi OMC is and was in 1998 a licensed centre of OIF.

83. The OSHO trade mark is a trade mark of OIF, it is used by OIF and via a network of licensees in relation to meditation services and is recognised as a trade mark of OIF in relation to "meditation services and education relating to meditation". The Applicant has been and is through its related companies a licensee of OIF and has publicly accepted in the past that OSHO is a trade mark of OIF in relation to meditation services and education relating to meditation. Further, through the actions of OIF, OSHO has acquired a massive reputation and goodwill in relation to meditation services and is one of the most well-known brand names within the spirit, mind and body sector.

AND I MAKE THIS WITNESS STATEMENT BELIEVING ALL THE FACTS TO BE TRUE.



Klaus Steeg

6th July 2011

[Click here to view the Exhibits.](#)

[Click here to view the Annexe.](#)