

YOGA, INTELLECTUAL PROPERTY, AND TRADITIONAL KNOWLEDGE IN INDIA: LEGAL AND ETHICAL PERSPECTIVES

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Abstract

Yoga, a significant aspect of Indian culture, has transcended its origins to establish itself as a universally embraced practice. This widespread acceptance, however, brings forth important legal and ethical dilemmas surrounding ownership, cultural appropriation, and the safeguarding of traditional wisdom. India's Intellectual Property Rights (IPR) framework, which draws upon national laws and international agreements, aims to protect these invaluable cultural traditions (WIPO., 2018).

This article delves into the integration of yoga—representing a collective manifestation of traditional knowledge—within India's intellectual property legal structure. It analyzes the contributions of the Traditional Knowledge Digital Library (TKDL) and highlights judicial rulings that recognize yoga as part of the public domain (CSIR-TKDL., 2021). Moreover, it discusses the ethical concerns surrounding the commercialization of spiritual practices.

By synthesizing legal, philosophical, and ethical viewpoints, this paper underscores the necessity for IPR policies that are attuned to cultural sensitivities. Such mechanisms are essential for preserving India's rich heritage and fostering fair collaboration on the global stage.

Keywords Yoga, Intellectual Property Rights, Traditional Knowledge, TKDL, Legal Protection, Ethics, India

INTRODUCTION

Yoga, rooted in the Sanskrit term 'yuj,' meaning union, is a complex interplay of philosophy, discipline, and science. For thousands of years, yoga has been passed down through oral and written means, serving as a comprehensive system for promoting physical, mental, and spiritual well-being (Feuerstein, 2011). In the context of globalization, yoga has transformed into a multi-billion-dollar industry that includes wellness programs, teacher training, and various branded styles (Singleton, 2010). While this commercialization increases accessibility, it also raises critical concerns regarding the misappropriation of intellectual property. The appropriation of asanas, pranayama practices, and Sanskrit terminology by external organizations has prompted India to create legal frameworks aimed at safeguarding its cultural heritage (Kumar, 2016). Therefore, exploring the relationship between yoga and intellectual property in India is vital to ensure that this ancient tradition remains both accessible and ethically protected.

Historical and Philosophical Framework of Yoga as Traditional Knowledge:

Yoga's origins date back more than 5,000 years, with its presence noted in the Rigveda and further elaborated upon in the Upanishads, the Bhagavad Gita, Patanjali's Yoga Sutras, and traditional Hatha Yoga texts such as Hatha Yoga Pradipika and Gheranda Samhita (www.yogajournal.com/yoga-101/history-of-yoga, 2025). Traditionally, the transmission of yoga knowledge occurred through the guru–shishya parampara, or teacher-disciple lineage, which prioritized experiential learning over ownership (Sri131). In contrast to contemporary intellectual property concepts, traditional knowledge exists within a collective and dynamic framework. In 2016, UNESCO included yoga in its Representative List of the Intangible Cultural Heritage of Humanity, acknowledging its status as a living tradition (UNESCO, 2016). This recognition reinforces the communal essence of yoga and highlights India's imperative to protect it from commercialization. The concept of intellectual property as a collection of individual rights stands in stark contrast to yoga's collective epistemology, presenting challenges but underscoring the necessity of legal protection for this cherished tradition.

Legal Foundations of Intellectual Property in India

India's framework for intellectual property rights (IPR) effectively seeks to balance the promotion of innovation with the preservation of cultural heritage. Key legislative instruments in this realm include the Patents Act of 1970, the Copyright Act of 1957, the Trademarks Act of 1999, the Geographical Indications of Goods Act of

1999, and the Biological Diversity Act of 2002 (Government of India., 2002). Furthermore, India's commitment to the TRIPS Agreement of 1995 and its active involvement in initiatives by the World Intellectual Property Organization (WIPO) have played a crucial role in aligning domestic legislation with international standards. However, it is noteworthy that these laws were initially designed with a focus on modern inventions, often overlooking the collective nature of traditional knowledge systems (Sharma, 2017). In response to this gap, India has taken significant strides by developing the Traditional Knowledge Digital Library (TKDL), which documents over 200,000 traditional formulations derived from Ayurvedic, Unani, Siddha, and Yoga practices (Mukherjee, 2020). The TKDL has successfully challenged several foreign patent claims related to yoga postures and herbal formulations, thus protecting India's intellectual sovereignty. Consequently, India's IPR regime exemplifies a progressive integration of legal advancement and cultural preservation.

Judicial Recognition of Yoga as Traditional Knowledge:

Indian judiciary bodies have consistently recognized yoga as part of the public domain and as traditional knowledge belonging to the collective heritage of humanity (Kumar R. , 2019). This legal perspective is supported by significant precedents established in notable cases, such as those involving the revocation of foreign patents on turmeric and neem, where India effectively demonstrated the existence of prior art through its documentation of traditional knowledge. While these cases did not directly address yoga, they contributed to a legal framework that acknowledges the communal essence of indigenous wisdom (Gupta, 2015). The interventions of the TKDL at international patent offices have successfully thwarted attempts to privatize numerous claims related to yoga. For example, several patents filed in the U.S. and Europe that sought to copyright or trademark yoga asanas were rejected after India presented evidence of their ancient textual roots (CSIR-TKDL., 2021). These legal triumphs highlight the judiciary's pivotal role in ensuring that yoga remains an open-source heritage accessible to all while maintaining its distinct Indian identity.

Policy Implications and Ethical Considerations

The convergence of yoga and intellectual property raises significant ethical discussions. While the forces of innovation and commercialization contribute to economic development, they risk undermining the sanctity of spiritual practices (Srinivas, 2013). Ethical commercialization should honor cultural authenticity and refrain from simplistic interpretations of yoga as solely a form of physical exercise. Policymakers are tasked with the delicate duty of balancing cultural preservation with the need for creative evolution. Institutions such as the Ministry of AYUSH, CSIR, and WIPO are actively investigating frameworks that encompass bioethics, cultural rights, and sustainable practices. Fostering international collaboration, alongside education and awareness initiatives, is essential to safeguard against misappropriation (Mukherjee, 2020). Ultimately, the protection of yoga calls for not only robust legal frameworks but also a heightened global ethical awareness that acknowledges and respects India's rich cultural heritage.

CONCLUSION

Yoga's transition from its roots in ancient India to its presence in the modern world serves as a compelling example of the interplay between tradition and globalization. India's intellectual property framework, bolstered by attentive judicial oversight and innovative policy measures, illustrates a proactive stance in protecting yoga as a form of traditional knowledge (Sharma, 2017). Nonetheless, to navigate the challenges that arise in this evolving landscape, it is essential to pursue continuous legal reform, digital documentation, and ethical guidelines. Protecting yoga should not be viewed solely as a legal obligation; rather, it embodies a moral duty to honor our collective heritage. By embracing a balanced strategy that prioritizes access, authenticity, and recognition, we can ensure that yoga remains a source of inspiration for holistic well-being around the globe while preserving its profound philosophical roots.

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REFERENCES.

1. CSIR-TKDL. (2021). Traditional Knowledge Digital Library: Annual Report. Council of Scientific and Industrial Research, Government of India.
2. Feuerstein, G. (2011). The Yoga Tradition: Its History, Literature, Philosophy, and Practice. . Hohm Press.
3. Government of India. (2002). The Biological Diversity Act, 2002. Ministry of Environment and Forests.
4. Gupta, A. &. (2015). Traditional Knowledge and Patent Challenges: The Indian Experience. . Journal of Intellectual Property Rights, 20(4), 239–247.
5. Kumar, R. (2019). Traditional Knowledge and Public Domain in India: Legal Perspectives. . Indian Journal of Law and Technology, 15(2), 55–70.
6. Kumar, S. &. (2016). Yoga, Globalization, and Intellectual Property: Cultural Challenges. Indian Journal of Cultural Studies, 10(3), 45–58.
7. Mukherjee, S. (2020). Protection of Traditional Knowledge: Lessons from the TKDL Initiative. . WIPO Journal, 12(1), 17–29.

8. Sharma, D. (2017). Traditional Knowledge and Intellectual Property in India: Balancing Innovation and Heritage. *Journal of Law and Society*, 44(3), 411–429.
9. Singleton, M. .. (2010). *Yoga Body: The Origins of Modern Posture Practice*. Oxford University Press.
10. Srinivas, T. (2013). The Yoga of Globalization: Cultural Flows and Identity. . *Cultural Dynamics*, 25(2), 173–193.
11. UNESCO. (2016). *Yoga Inscribed in the Representative List of the Intangible Cultural Heritage of Humanity*. United Nations Educational, Scientific and Cultural Organization.
12. WIPO. (2018). *Intellectual Property and Traditional Knowledge: Booklet No. 2*. World Intellectual Property Organization.
13. www.yogajournal.com/yoga-101/history-of-yoga. (2025). Retrieved from www.yogajournal.com/yoga-101/history-of-yoga: www.yogajournal.com/yoga-101/history-of-yoga