

The Bhaktivedanta Book Trust India vs. Www. Friendwithbooks. Co

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Abstract

The case of “The Bhaktivedanta Book Trust India vs. Www. Friendwithbooks. Co.” centers around a legal dispute involving the copyrights of works authored by A.C. Bhaktivedanta Swami Prabhupada, the founder of the International Society for Krishna Consciousness (ISKCON), who had taken the vow of sanyasa, traditionally involving the renunciation of all worldly possessions. The Bhaktivedanta Book Trust India (BBT India), the plaintiff, claims ownership of these copyrights, arguing that despite Swami Prabhupada’s renunciation, he retained intellectual property rights which were legally assigned to BBT India, thus granting them the right to protect and enforce these copyrights. The defendant, Www. Friendwithbooks. Co., challenges this claim by questioning the validity of copyright ownership by a sanyasi, suggesting that his vow of renunciation precludes him from holding any material or intellectual property, and defending their distribution of his works under the principles of fair use or public domain. The court navigates the intersection of religious principles and legal doctrines, particularly examining whether spiritual vows affect the legal capacity to own and transfer intellectual property. The case’s outcome will significantly impact how copyrights are managed within religious contexts, potentially setting a precedent for future legal interpretations regarding the rights of religious figures who have taken vows of renunciation.

INTRODUCTION

The intersection of intellectual property rights (IPR) and religious renunciation presents a unique legal conundrum, particularly within the context of Hindu sanyasis (renunciates). Traditionally, a sanyasi renounces all worldly possessions, including material wealth and personal property, to live a life of spiritual asceticism. This renunciation raises complex questions when it comes to the ownership and transfer of intellectual property, especially copyrights, by individuals who have taken such vows.

Copyright law, governed by statutory provisions, grants authors and creators exclusive rights over their works, allowing them to control the use, distribution, and reproduction of their intellectual creations. These rights are considered a form of property, capable of being assigned, transferred, or licensed. However,

the unique position of a sanyasi, who ostensibly has renounced worldly attachments and possessions, complicates the application of these laws.

The key legal issue revolves around whether a sanyasi, having renounced worldly life, retains the capacity to own, manage, and transfer intellectual property rights. This issue gains further complexity considering the lack of explicit statutory or judicial guidelines specifically addressing the IPR of renunciates. The examination of this subject requires a careful balance between respecting religious practices and adhering to the principles of statutory law.

This discussion delves into the legal perspectives surrounding the ownership and transferability of copyrights by sanyasis, highlighting how courts navigate the delicate interplay between religious renunciation and intellectual property law. By exploring relevant case law and statutory interpretations, this analysis aims to shed light on how the legal system addresses the rights and capacities of those who have renounced the world, particularly in relation to their intellectual creations.

Sanyasa as Per Hinduism

Sannyasa, derived from the Vedic Sanskrit words for “Truth” and “Living,” embodies a profound spiritual journey within Hinduism. The first usage of the word is mentioned in the Sama Veda. It signifies a state of being where one lives in alignment with truth, devoid of attachments and driven by unconditional love. In Hindu scriptures, sanyasa is portrayed as a path to transcend the illusions of the material world and attain spiritual liberation.

While traditionally associated with renunciation and withdrawal from worldly affairs, the concept of sanyasa extends beyond formal monasticism. It emphasizes the renunciation of inner afflictions such as lust, anger, greed, infatuation, ego, and envy, known as Arishadvargas, to pursue the greater good and ultimate truth. The stages of life outlined in Hindu teachings – Baalya, Brahmacharya, Grihastha, Vanaprastha, and Sannyasa – highlight sanyasa as the pinnacle of spiritual evolution, achievable at any stage by those called and qualified.

In texts like ‘MathamanayMahanushasan,’ ‘Parivraj’ and ‘Sanyasi’ are not explicitly defined, but their essence can be understood through studies of

‘NaradParivrajakopnishad,’ ‘YatidharmSamuchhay,’ and ‘Manu Smriti,’ among others. The Mahabharata’s Shantiparva and various Puranas provide descriptions of ‘Sanyasi’ or ‘Sanyasashram’ dharma within the context of Varnashram Dharma. Adya Guru Shankaracharya’s works, particularly the ‘Brahmsutra Shankar Bhasya,’ further clarify the definition of a sanyasi.

Ordinarily, an ascetic (sanyasi) renounces the world, devoting themselves to spiritual pursuits, owning no property, having no fixed residence, and accepting sustenance from pious householders. When such an ascetic gathers disciples who renounce familial ties and wealth, a spiritual fraternity can form, often leading to the establishment of a Math (monastic institution), with succession determined within the spiritual family.

However, the lives of revered figures like Vyasa, Vishwamitra, and King Janaka exemplify diverse paths to realization, suggesting that formal renunciation is not a prerequisite for spiritual attainment. Sanyasa embodies a state of inner detachment and selfless service, whether within society or beyond, leading to the realization of the Ultimate Truth.

Vyasa, also known as Vedavyasa or Krishna Dvaipayana Vyasa, is credited with compiling the Vedas and composing the Mahabharata and the Puranas. Despite his monumental contributions, Vyasa experienced worldly life, having wives and children, illustrating that profound spiritual wisdom can coexist with familial responsibilities.

Vishwamitra’s journey from a powerful king named Kaushika to a brahmarishi showcases his spiritual transformation through intense austerities and penances. His story, including his relationship with Menaka and the birth of Shakuntala, highlights his evolution from worldly entanglements to spiritual enlightenment.

King Janaka, ruling Mithila during the Treta Yuga, is celebrated for his philosophical wisdom and spiritual depth. His dialogues with sages and his status as a realized soul challenge the notion that renunciation is essential for spiritual realization. Instead, Janaka’s life emphasizes inner detachment and wisdom in the pursuit of truth.

These figures – Vyasa, Vishwamitra, and King Janaka – demonstrate the multifaceted nature of spiritual evolution in Hinduism, underscoring that

inner wisdom and detachment can transcend worldly roles, leading to the realization of the Ultimate Truth.

The Bhaktivedanta Book Trust India v. www.Friendwithbooks.co

Background facts

The plaintiff trust and srilaprabhupada

The Bhaktivedanta Book Trust India (plaintiff Trust/ plaintiff) is a public charitable trust registered under the *Bombay Public Trusts Act, 1950*. It is dedicated to the printing, publishing, and distribution of books, writings, and speeches of His Divine Grace A.C. Bhaktivedanta Swami Prabhupada (SriLaPrabhupada), who is also the author and settlor of the plaintiff Trust. SriLaPrabhupada, renowned as a scholar, philosopher, and spiritual teacher, embraced sanyas (renunciation) in 1959 and later established the International Society for Krishna Consciousness (ISKCON) in 1965. ISKCON was formally registered in Bombay in 1971.

Establishment of the trust and assignment of copyright

SriLaPrabhupada established the plaintiff Trust by a deed of trust dated March 30, 1972, and assigned the publication rights of his writings to the trustees, who acknowledged holding these rights as trust property. This assignment was ratified by a deed of confirmation on January 15, 1975. SriLaPrabhupada passed away in November 1977. Subsequently, the Trust edited, formatted, and published his manuscripts, resulting in over 70 volumes that have achieved global recognition.

Infringement and legal action

In December 2020, during an anti-piracy sweep, the plaintiff discovered that certain websites, including the defendant's website (www.friendwithbooks.co), were hosting complete copies of their copyrighted books without authorization. Consequently, the plaintiff sought a permanent injunction against the defendant for copyright infringement under *Section 14 of the Copyright Act.*¹

Interim injunction and compliance

In February 2021, the court granted an ex parte
¹The Copy Right Act, 1957 (Act 14 of 1957), s. 14(a)

ad interim injunction restraining the defendant from reproducing, storing, or communicating the plaintiff's copyrighted works. The defendant subsequently complied, removing all references and content related to the plaintiff's books from their website.

Issues and Sub-Issues

Primary legal question

The central issue for consideration in this application is whether a sanyasi, like SriLaPrabhupada, is entitled to own copyright in literary works of his creation, given the traditional notion that renunciation entails relinquishing worldly possessions.

Sub-issues

- Whether SriLaPrabhupada's status as a sanyasi precluded him from holding property, including intellectual property.
- Whether the assignment of copyright by SriLaPrabhupada to the plaintiff Trust complied with the provisions of the Copyright Act.
- Whether the defendant has any remaining legal grounds to contest the plaintiff's claim, given the acceptance of the injunction and compliance with the court's orders.

Arguments

Arguments on behalf of the plaintiff

Legal prohibition on property ownership by sanyasis

Counsel for the plaintiff, Mr. Saikrishna Rajagopal, argued that there is no legal prohibition, whether statutory or judge-made, that prevents a sanyasi from holding private property, including intellectual property. He contended that the concept of 'civil death,' as suggested by the defendant, is relevant only in situations of intestate succession where there is no legal successor. He noted the absence of any statutory reference that contemplates the legal position of a renunciate concerning property ownership.

Precedents supporting property ownership by sanyasis

Mr. Rajagopal cited the decision in *Swami Dr.*



*Kishore Dass Ji v. State and Anr.*², where it was held that a sanyasi can own property and make a will, supported by the Supreme Court's ruling in *Math Sauna v. Kedar Nath alias Uma Shankar*³. These precedents establish that there is no bar to a swami or sanyasi owning properties or bequeathing them through a will.

Copyright as statutory right

Further, Mr. Rajagopal referenced *Sulamangalam R. Jayalakshmi and Anr. v. Meta Musicals & Ors*⁴, where the Madras High Court held that the copyright in music compositions created by a swami was not extinguished by his renunciation. This decision underscored that copyright, being a statutory right, should be governed solely by the provisions of the Copyright Act, 1957, irrespective of the author's status as a renunciate.

Assignment of copyright

He pointed out that SrilaPrabhupada had assigned his copyrights to the plaintiff Trust during his lifetime, in compliance with *Sections 18 and 19 of the Copyright Act*.⁵ This assignment was documented and ratified through the trust deed and a subsequent deed of confirmation, making the plaintiff Trust the legal owner of the copyrights.

Arguments on behalf of the defendant

Counsel for the defendant argued that SrilaPrabhupada's situation differed from a swami in a monastic order, implying that the principles allowing property ownership by a sanyasi should not apply. However, he conceded that there was no statutory bar explicitly stating that a sanyasi cannot own property after renunciation.

Judicial Analysis and Reasoning

Final decision

The court, therefore, found merit in the plaintiff's application for a summary judgment. Given that the defendant had accepted the injunction and there were no disputes regarding the facts or the legal ownership of the copyrights, the suit was decreed

in favor of the plaintiff Trust. The court ordered the Registry to draw up the Decree Sheet accordingly and disposed of the suit, rendering any pending applications infructuous

Reasoning

Justice Anish Dayal emphasized that the issue must be assessed within a legal framework rather than through broad, unsubstantiated beliefs about the rights of a renunciate. He noted that there is no law precluding a renunciate from holding tangible or intangible property, necessitating judicial determination.

Justice Dayal highlighted that relinquishment of copyright is governed by *Section 21 of the Copyright Act*,⁶ which requires a formal notice to the Registrar of Copyrights. Since there was no evidence of SrilaPrabhupada relinquishing his copyrights, the copyrights remained intact and were lawfully assigned to the plaintiff Trust.

The court examined several judicial precedents. The Supreme Court in *Math Sauna* recognized that certain sects of sanyasis could acquire and hold personal property. This principle was affirmed in *Swami Dr. Kishore Dass Ji*,⁷ where it was held that there is no legal prohibition against a sanyasi owning property or making a will. Additionally, in *Sulamangalam*, the Madras High Court confirmed that the copyright in a work created by a saint or ascetic remains valid and can be assigned.

Justice Dayal clarified that the concept of civil death, associated with renunciation, breaks the normal line of succession but does not affect a sanyasi's capacity to hold property. This was reiterated in *Shri Krishna Singh v. Mathura Ahir*,⁸ where the Supreme Court noted that entrance into a religious order and civil death do not inhibit the acquisition or holding of property by a renunciate.

The principle of moral rights might play a significant role in this context. Moral rights, which protect the personal and reputational value of a work to its author, persist regardless of the author's economic rights. These rights might be argued to exist independently of the sanyasi's material renunciation, thereby allowing for the continued

⁶The Copy Right Act, 1957 (Act 14 of 1957), s. 21

⁷*Id.* at 2

⁸1980 AIR 707

²2012 SCC OnLine Del 3903

³1982 (1) SCR 659.

⁴2001 (1) Raj.150.

⁵The Copy Right Act, 1957, ss. 18,19.

protection and enforcement of intellectual property even after the vow of sanyasa. This could potentially provide a pathway for BBT India to claim and enforce the copyrights on behalf of Swami Prabhupada, given that moral rights do not necessarily transfer with economic rights and can exist concurrently.

Also, the court examined that the Comparative law offers valuable perspectives. In jurisdictions where, religious figures hold significant influence and produce extensive intellectual work, courts have occasionally addressed the balance between religious vows and legal rights. For instance, cases involving Buddhist monks in countries like Thailand or Japan, where the renunciation of material possessions is also a significant practice, may provide useful analogies, although the specific legal frameworks differ.

Consequences

Several legal doctrines and precedents may offer insight into this issue. For example, the concept of “legal personality” is crucial in determining whether a sanyasi, who renounces personal ownership of material goods, still possesses the capacity to hold and transfer intellectual property rights. Historically, courts have grappled with similar issues in different contexts. For instance, in the case of *Warner Bros. Inc. v. Dae Rim Trading, Inc.*⁹ the New York court addressed the ability of an entity to hold and enforce copyrights, emphasizing the importance of legal personality in copyright ownership and enforcement. While not directly analogous, such precedents highlight the necessity for a clear legal entity capable of holding rights.

A ruling in favor of BBT India could affirm the legal standing of intellectual property rights for religious figures, even in the face of traditional vows of renunciation, thus providing a framework for religious organizations to safeguard and utilize the works of their spiritual leaders. Conversely, a ruling in favor of *Www. Friendwithbooks. Co.* could challenge the notion of intellectual property rights in such contexts, potentially opening the door to broader interpretations of public domain and fair use for religious texts.

Hence, the reasoning of the court emphasized upon the need for a nuanced understanding of 9(1988)677 F.Supp. 740

how spiritual and legal principles intersect and the importance of creating legal frameworks that respect and accommodate the unique circumstances of religious practices. The outcome will not only influence the parties involved but also set a significant precedent for future cases involving intellectual property and religious figures, potentially shaping the landscape of religious copyrights for years to come

Intersection of religious vows of renunciation and legal rights of copyright

The intersection of religious vows of renunciation and legal rights of copyright presents a complex and intriguing legal dilemma, particularly in the context of intellectual property held by religious figures who have vowed to relinquish all worldly possessions. In Hinduism, the vow of sanyasa involves a complete renunciation of material wealth, personal belongings, and societal ties, focusing entirely on spiritual enlightenment and liberation (moksha). This spiritual dedication raises significant questions about whether such individuals can legally hold or transfer copyrights to their intellectual works, and if so, how these rights are managed and enforced within the framework of secular law.

In the present case, the central issue revolves around whether A.C. Bhaktivedanta Swami Prabhupada, a sanyasi, retained the legal capacity to hold and assign copyrights for his literary works to The Bhaktivedanta Book Trust India (BBT India). This case necessitates an analysis of the legal principles surrounding copyright ownership and the impact of religious vows on such rights. Copyright law typically confers exclusive rights to authors over their creations, including the right to reproduce, distribute, and perform their works. These rights can be transferred or assigned, providing the author retains the legal capacity to do so. The question here is whether the spiritual renunciation embodied in the vow of sanyasa affects this capacity.

CONCLUSION

The intersection of religious vows of renunciation and legal rights of copyright presents a unique challenge. This case reaffirms that statutory rights, such as copyright, are governed by the provisions

of relevant laws and not overridden by religious or spiritual beliefs. The judgment underscores the legal principle that rights in intellectual property, once vested, can only be relinquished or transferred through recognized legal processes, irrespective of the author's religious status. This case commentary provides an in-depth analysis of the judicial reasoning, reinforcing the robust legal framework that protects intellectual property rights even in the context of renunciation.

In conclusion, the interplay between religious vows of renunciation and legal rights of copyright involves a nuanced analysis of legal capacity, moral rights, and the broader implications for intellectual property law. The case of "The Bhaktivedanta Book Trust India vs. Wwww. Friendwithbooks. Co." highlights the need for a clear understanding of how spiritual practices intersect with secular legal rights, potentially setting significant precedents for future cases involving religious figures and their intellectual creations. The court's decision will likely influence not only the management of copyrights

within religious contexts but also the broader interpretation of intellectual property law in relation to spiritual renunciation.

SUGGESTIONS

Develop Clear Legal Guidelines

The judiciary and legislative bodies should consider developing explicit guidelines and statutory provisions addressing the ownership and transfer of intellectual property rights by individuals who have taken vows of renunciation. This would provide clarity and prevent legal ambiguities in future cases.

Legislative Amendment

Legislative bodies should consider amendments to copyright laws that specifically address the status and management of intellectual property rights held by renunciates. Such amendments should include provisions for the formal relinquishment of copyrights and the protection of moral rights.