

Swiss Government Reinstates Board of Directors of Osho International Foundation

All accusations against the board of directors proven to be false. Swiss government and administration clear directors of all charges and confirm that foundation is doing its work according to Osho's intentions.

Zurich, 13th September 2014: The Swiss government authorities (EDI) in a strongly and decisively worded written decision of 12th September 2014 reversed an earlier order which had temporarily suspended the board of directors of Osho International Foundation after accusations made by Robert Doetsch aka "Swami Ramateertha" proved to be totally false and baseless. (We had informed you in a mailing in June about the decision of the European Trademark case, decided in favor of the Zurich foundation, and the new attack by Ramateertha which had taken place at the time.)

As a result of this 12th September decision the five directors of the foundation have been reinstated by the Swiss government with full control of all day-to-day activities of OIF, including all publishing and international licensing activities of Osho's works around the world.

What follows is a translation of some relevant excerpts of the decision of the Swiss authorities.

"As became apparent shortly after the initiation of the above-mentioned Order and once the administrator had commenced his work, the allegations raised in the regulatory complaint regarding improper use, or even illegal appropriation of Foundation funds by bodies of the Foundation, could not be substantiated [...] In particular, there was no evidence whatsoever of any conduct by the Foundation's bodies that would be of relevance as far as criminal law is concerned, as had been repeatedly indicated by the complainant...."

"The investigations of the EDI [*Federal Department of Home Affairs*], the extensive work of the administrator, and the disclosure of internal relationships by the respondents themselves, have showed that the Osho International Foundation thoroughly fulfills its purpose of spreading the teachings and messages of Osho, both directly through "Publishing Agreements" with publishers as well as indirectly via the Osho International Foundation in India, which in turn has entered into agreements with Indian publishers."

"The central allegation by the complainant, that a purposive, global, confusing network of companies was established in order to thereby be able to siphon off assets in favor of the respondents, has proved to have no substance whatsoever."

While the official Zurich complaint was filed by Ramateertha in his personal name, two other complainants had asked government authorities to keep their names anonymous in the official papers but later claimed publicly, on the internet, to have been part of this action. The Swiss government came to understand in the course of this legal case that Ramateertha was not acting alone in this endeavor, but was in fact fronting for a group of

people who have been attacking the intellectual properties of Osho's work (copyright and trademark) for over 14 years.

The response to Ramateertha's attack by the directors of Osho International Foundation was supported by several submissions, some from highly reputable law firms, giving the Swiss government valuable insights into the background of Doetsch's methods, history and involvement in attacks against the foundation over more than a decade.

"Since the year 2000, the complainant [Ramateertha] and closely related parties attempted to take legal action against Respondent 1 [OIF] in different countries, with the aim to "bring down" the trademarks and copyrights of Osho International Foundation. The complainant himself apparently conducts lucrative business affairs under the name Osho through various enterprises. The EDI was unaware of this background; the supervisory complaint of May 20, 2014, in its section "motivation and legitimacy of the complainant" makes no mention of this, so the impression was created that the complainant was acting as an individual and not as a representative of interested parties or of actual competitors of respondent 1."

As actual evidence responding to the accusation was submitted, the Swiss authorities became more and more aware in these proceedings that Ramateertha had provided, not only misleading and false information in his complaint against the board of directors, he had also withheld important information about his past involvement of orchestrating legal attacks against the foundation and Osho's work. By way of example Ramateertha failed to inform the Swiss authorities that he was behind the recent legal action of attacking the foundation's European trademark and that he had earlier tried to attack the legal and international copyright protection of Osho's work that was personally put in place by Osho. These "omissions" changed now the course of this legal action.

"The August 12, 2014 response to the complaint does not only invalidate the raised accusations and allegations against respondents 2-6; the corresponding statements additionally place the complainant himself in an unfavorable light."

While the Swiss government was initially obliged by law to take every complaint seriously, it quickly became obvious to everybody involved that the allegations were false and had been filed without any proof, and were moreover intended to damage the foundation and the reputation of the members of the board. As a result of the omissions the Government will also re-evaluate the legitimacy from the very outset of Ramateertha's complaint. In other words whether Ramateertha should have been given the standing to even file this action at all.

"In the June 2, 2014 Order this legitimacy within this framework regarding the complainant was confirmed. Due to the current file situation, however, this question appears to be open again [...]. The re-evaluation of the legitimacy of the complainant shall be reserved for the final decision in the present complaint...."

The Swiss authorities also had strong support in their decision from the administrator, Mr. Andreas Keller, who was appointed by the Swiss government to oversee the workings of the foundation during the time of temporarily suspension of the board. Over the last three months Mr. Keller supported the ongoing publishing and licensing operation and activities of the foundation to prevent additional damage to the foundation.

“In his September 8, 2014 opinion statement, the administrator also concludes that the complainant’s allegations, in particular with respect to any self-enrichment by respondents 2-6, are invalid. The administrator points out that respondents 2-6 have given detailed comments regarding every complaint that was raised, and that in his view the respective explanations are credible. This especially applies as far as the developed corporate structure is concerned [...] which was primarily created for tax reasons. The Osho International Foundation itself, however, is not a tax free entity; it has never submitted an application for tax exemption to the concerned cantonal tax authority. It is thus in no way true that Osho International Foundation’s tax exemption was revoked, as has been repeatedly, and partially also publicly, claimed by the complainant (e.g., in a report dated August 28, 2014 in Oshonews Online Magazine¹).”

¹For your information, the mentioned OSHOnews.com web site is an entity under the control of a group “Osho World” which also calls themselves “Friends of Osho.” The site pretends to be an independent news site, but is in fact used to put out distorted information, often diametrically opposed to Osho’s guidance and requests, and with specific focus on attacking the Zurich and Pune Osho International Foundations. In the current case this site/newsletter published Doetsch’s slanderous accusation and distorted presentations to which the Swiss government refers to in the paragraph above.

Ramateertha not only accused the board members of stealing money, he also, using bogus royalty calculations, accused the foundation of not making enough money from Osho’s works. The foundation has since many years issued licensing agreements to publishers all over the world. It has done so at attractive and reasonable financial terms so that Osho’s works could be available in as many countries and languages and as quickly as possible. Ramateertha claimed that the foundation should make more money from Osho’s works. The Swiss government addressed this claim in the following way:

“The fact that Osho International Foundation realizes only marginal revenues through the copyrights of the works of Osho is accounted for by the purpose of the Foundation and by the Founder’s wishes, in accordance with which the works of the master are to be sold at affordable prices. Thus, economic success is to be subordinated to the widest possible dissemination of the Works.”

The Swiss government ends their detailed analysis and reasoning of their decision:

“On these grounds it is ordered:

The suspension of the complete Board of Directors of the Osho International Foundation, ordered by the June 2, 2014 Decree of the EDI, is revoked. The following persons are reinstated in their offices and functions [...]

Michael O’Byrne (since 2013: Michael Byrne), President of the Board; John Andrews, Vice President; D’Arcy O’Byrne, Board Member; Klaus Steeg, Board Member; Rudolf Kocher, Board Member

The prohibition for the Board of Directors to have availability of the assets of the Osho International Foundations, imposed on them through the June 2, 2014 Order, is revoked.”

It should be noted that this decision by the Swiss Authorities is subject to appeal up to the 13th of October of this year. Based on what we have seen to date from Ramateertha and his group and his unrelenting attack on what Osho put into place to protect his work, this decision will in all likelihood be appealed, as Ramateertha has done already with the European trademark decision.

Love,
The Inner Circle