

**By courier**

OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
Avenida de Europa, 4  
03080 Alicante  
SPAIN

JONAS Rechtsanwaltsgesellschaft mbH  
Hohenstaufenring 62  
50674 Cologne, Germany  
P. O. Box 26 01 20  
50514 Cologne, Germany  
Telephone +49 (0)221 27758-0  
Direct Line +49 (0)221 27758-294  
Facsimile +49 (0)221 27758-1  
viefhues@jonas-lawyers.com  
www.jonas-lawyers.com  
Amtsgericht Köln HRB 59300

Our Ref. 3636/10 MV-JE (please always quote)

31 January 2014

**Cancellation No.:** 5064 C  
**Contested CTM:** 1 224 831 "OSHO"  
**CTM Owner:** Osho International Foundation  
**Applicant:** Osho Lotus Commune e.V.

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Attorneys-at-Law:

**Kay Uwe Jonas †**  
Certified Specialist in  
Intellectual Property Law

**Dr. Martin Viefhues \***  
Certified Specialist in  
Intellectual Property Law

**Karl Hamacher \***  
Certified Specialist in  
Intellectual Property Law

**Dr. Nils Weber \***  
Certified Specialist in  
Intellectual Property Law

**Katja Grabienski**  
Certified Specialist in  
Intellectual Property Law

**Dr. Markus Robak**  
Certified Specialist in  
Copyright and Media Law

**Hanna Karin Held**  
Certified Specialist in  
Intellectual Property Law

**Dr. Torben Düsing**

**Christian Giersdorf, LL.M.**

**Linda Thiel**

\* Managing Director

In addition to our written submissions of 10 September 2013 and 3 December 2013 we hereby submit as

**Exhibit A 94**

a signature analysis ("Schriftvergleichsgutachten") of 8 November 2013 of the graphologist Dr. Michael Rieß, Eitorf, Germany, on the Last Will of Osho of 15 October 1989.

An English translation of the signature analysis ("Expert Opinion – Handwriting Comparison") is submitted as

**Exhibit A 95.**

In his report, Dr. Rieß comes to the following conclusion (subject to the necessary methodological reservations):

*"5. Assessment of the Findings*

*The high degree of overlay congruence is compelling evidence that at least one of the documents bearing the signatures X 1K and V 1K cannot exist as an original with the content apparent in the reproductions, and thus must be a forgery. However, it is not possible to say which of the two documents that is.*

*This high degree of overlay congruence is very strong evidence that dominates the conclusion in the assessment of the findings.*

*It can thus be stated with probability bordering on certainty that one of the signatures, either 1K or X 1K, cannot exist as an original in the*

*presented form or in the form that would seem to be indicated by the reproduction.”*

It should be mentioned that this stamp on the first page of the “Last Will” is not a notarization or other attestation or certificate that the document submitted by the CTM Owner as Exhibit 4 of the Second Supplemental Witness Statement of Mr. Toelkes (Annex PT 3) is the certified copy of an original “Last Will”. In so far we submit as

**Exhibit A 96**

the declaration of the Indian advocate Mr. Abishekk Malhotra, who had reviewed the exhibit and observes:

- “a) The document has not been attested/city 5 by any legal agency approved by law and India. The document in question does not bear any evidence of it having been notarized by a Notary Public.*
- b) The document has been prepared on what seems to be in Indian Stamp paper of Rs.10/-denomination.*
- c) The first page of the document bears the stamp of stamp vendor/seller, as was the name of the person/advocate in whose name, stamp paper seems to have been purchased: It is not stamp of any legal authority certifying that the copy is a true copy of the original ‘Will’.*
- ...*
- f) As per Indian law each page of the Will is to be signed by the testator and the witnesses along with executor. In this document while the first page is purportedly signed by the person claimed to have made the will, he has not signed the second page and the persons who have signed the second page have not signed the first page.*
- g) The registration of the will with the concerned authority constitutes prima facie proof of its validity. However, in this document, there is no proof of registration. Hence, it does not constitute even prima facie proof of its validity.”*

This suggests that it is Exhibit 4 of the Second Supplemental Witness Statement of Mr. Toelkes (Annex PT 3) and not the document provided for comparison which Dr. Rieß has identified as the forgery.

Further, it appears that the CTM owner is not able to provide the original of Exhibit 4 of the Second Supplemental Witness Statement of Mr. Toelkes. Insofar, we refer to the letter of the Indian advocate Mr. N. K. Joshi, submitted as

**Exhibit A 97**

regarding the civil suit related to the Last Will according to which the defendants in the matter have not produced the alleged original will of Osho before the court.

As

**Exhibit A 98**

we submit an article of the journal “The Time of India” with the headline “*Tussle over Will – Cops summon Osho administrator*” from which it can be taken that the police is looking for the original of the forged will.

As

**Exhibit A 99**

we submit an article of the journal "Mid-Day" with the headline "Police inaction will help the forgers leave the country". It states that on December 8, a case was registered on the India Penal Code, following which the police issued a notice to trustees asking them to produce the will. Obviously it is not possible to provide an original.

The controversy is summarized in a separate box within the article which identifies the persons involved as those whom we know from various witness statements submitted by The CTM Owner in this proceeding.

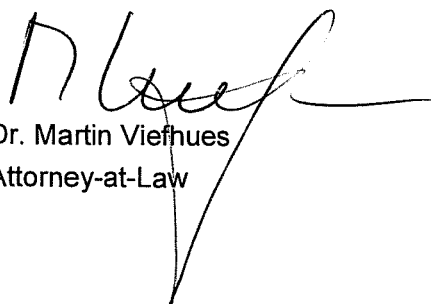
**THE CONTROVERSY**

Spiritual leader Osho also known as Bhagwan Shree Rajneesh died in Pune on January 19, 1990. However, there was no mention of any will left behind by him in the press conferences held by the Osho trustees following his death. But, 23 years after his demise, a document was presented as Osho's will by the trustees during court proceedings in the European Union. The typed will dated 'Poona in 1989' bearing Osho's signature states that he is bequeathing all properties in his name, including ownership and publishing rights to Neo Sannyas International Foundation. Osho's followers in India were alerted to this development in June, last year. Pune-based Osho Friends Foundation led by Yogesh Thakkar alias Swami Premgeet filed an FIR against six administrators — Michael Byrne (O'Byrne) alias Swami Anand Jayesh, D'Arcy O'Byrne alias Swami Yogendra, Philip Toelkes alias Prem Niren, John Andrews alias Swami Amrita, Mukesh Sarla alias Swami Mukesh Bharti and Klaus Steeg alias Pramod — alleging forgery.

The attempt of the CTM Owner to withdrawal the Exhibit from the proceeding and to have it disregarded is not only inadmissible and a cheap trick. In the first place it shows that the CTM Owner himself does not believe in the authenticity of the Last Will as otherwise the CTM Owner would have produced the original or a notarized copy.

The fact that the CTM Owner presented an alleged will that four experts have found involves an attempt at forgery is relevant to this case, in that the CTM Owner relies heavily on the testimony of Mr. Toelkes, whose credibility as a witness is thrown into doubt by his testimony about the Last Will document and his signature of it. Therefore, the Last Will should not – as requested by the CTM Owner in the letter of 2 January 2014 - be withdrawn from evidence in this proceeding.

We wonder whether the submission in an OHIM proceeding of a document which appears to be most likely a forgery may constitute a conduct that is not only relevant under the procedural rules of the OHIM but may even be relevant also under the applicable criminal law. We leave it to the Office to consider this in the appropriate way.

  
 Dr. Martin Viefhues  
 Attorney-at-Law