

Testimony of Prof. Jonathan Askin,
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Before the New York City Council Committee on Technology in Government, Committee on
Economic Development, Technology Community, Entrepreneurs, and Developers

Public Hearing on Tech Start-Ups, their Benefits to NYC, and Methods to Encourage Digital
Entrepreneurship

Wednesday, December 16, 2009 at 10 AM

Thank you for this opportunity to share some ideas on ways to encourage digital
entrepreneurship in New York City.

I am Jonathan Askin. I am a professor at Brooklyn Law School. In August, 2008, I launched the Brooklyn Law Incubator & Policy (BLIP) Clinic. BLIP functions as a law firm, staffed by one faculty member and about 25 law students, and represents entrepreneurs and innovators working on New York-based, early-stage, pre-seed, Internet, new media, and other ventures, with an eye towards turning the clients' ideas into sustainable businesses. BLIP grew out of the recognition that New York is filled with a fertile population of creative innovators and would-be tech entrepreneurs without the resources and legal expertise to turn their innovative ideas into viable businesses.

For this reason, I have been thrilled to see the City Council, the Mayor's Office and the NYC Economic Development Corporation take such initiative in attempting to promote New York City as a center for innovation and entrepreneurship.

The purpose of my testimony is simply to ensure that City officials and would-be entrepreneurs are aware of BLIP's existence and our mission to provide *pro bono* legal support for early-stage tech startups.

BLIP provides both routine and first-impression legal support and business guidance to startups, including incorporations, contract drafting, web documentation, IP protection, and government regulatory, legislative advocacy and litigation support. There is a particularly profound need for dedicated and quality legal support for early stage startups. The Internet and digital technology are forcing law and policy beyond traditional legal structures. BLIP is an effort to confront the following concerns:

- No templates exist to help navigate the confused business, legal and regulatory quagmire confronting would-be innovators and emerging firms, whose business models were never contemplated by existing laws and regulations.

- There is a profound need for a new generation of advocates who both understand the nature of political and regulatory processes and appreciate the needs of entrepreneurs whose ideas might be stifled by existing law and policy.
- Most would-be entrepreneurs and innovators are oblivious to the legal, political, policy, and business obstacles standing between the *vision* of their business and the *realization* of their business.
- Many existing laws and policies were not designed to enable many new business ideas, particularly those that harness the Internet and digital technology in ways not conceived by legislators and policymakers writing laws for a pre-Internet-enabled, analog world.
- Innovative businesses and concepts need creative representation before legislative, regulatory, and standards bodies so that law and policy evolve in a way that will accommodate emerging businesses.

BLIP has represented about 100 clients since its birth in August, 2008. BLIP takes on clients who otherwise do not have access to financial and legal support, and whose ventures could not be realized without the free, routine, and creative legal support of BLIP. Clients are accepted based on the extent to which the client's vision and the issues implicated would advance the digital economy or deploy innovative technology and ideas to advance the public good.

BLIP intends to build on its foundation to create a greatly expanded program dedicated to working on small business development and sustainable technology particularly targeted at New York's underserved neighborhoods. New York is ripe to be a leader in tech innovation and entrepreneurship, provided that the would-be innovators and entrepreneurs have access to the necessary routine and creative legal support.

In the course of representing a wide range of individuals, groups and entities, BLIP serves to train the next generation of well round tech lawyers who can address all aspects of an entrepreneurial venture. For example, BLIP incorporates entities, provides IP protection, assists with financial transactions, negotiates terms and agreements, drafts contracts, develops business documents, and employs other legal instruments necessary to advance clients' objectives. BLIP also interfaces with government and other relevant decision-makers and entities on behalf of clients, who otherwise do not have the resources and skills necessary to advance their goals. This experience will be a catalyst for future involvement, and will help students leverage these skills in both professional and volunteer endeavors.

BLIP also works with government legislators, policymakers and jurists in order to ensure that the law might evolve to better serve the needs of ever-evolving technology innovators and entrepreneurs, whose potential business models were never envisioned by legacy laws and regulation.

Thank you for your time. I hope that, together, we can ensure that New York City will emerge and thrive as a recognized hub for technology innovation and entrepreneurship.