

The BLIP Experience

The Brooklyn Law Incubator & Policy (“BLIP”) Clinic was established to train a new generation of lawyers well-versed across the spectrum of issues and skills needed to represent emerging tech, Internet, communications and new media companies. Students learn the intricacies of representing startups in emerging businesses where few, if any, laws were designed to accommodate new ideas. Students also advocate on behalf of causes and businesses, whose interests and concepts have not been represented in the various legislative, regulatory and judicial arenas.

BLIP grew out of the recognition that the Internet and digital technology are forcing law and policy beyond traditional legal structures/strictures. 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 advocate who understands both the nature of political and regulatory processes, but also appreciates 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.
- In fact, 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.

Students pursue two parallel paths through BLIP in order to become well-rounded technology, business and policy savvy attorneys equipped to represent clients in the emerging Web 2.0 World.

With regard to providing transactional and other business law support, students do the following:

- Identify venture ideas capable of evolving into *bona fide* businesses
- Think creatively about how to take traditional business and legal concepts and apply them to new business ideas
- Determine and resolve legal and policy hurdles
- Design business and management structures
- Seek and secure financing for clients
- Manage early stage legal work for startups
- Connect and build relations between clients, financiers and entrepreneurs
- Work with business and tech schools and industry-based networks

On the policy advocacy and litigation fronts, students do the following:

- Find clients or causes that are currently unrepresented or under-represented
- Determine where and how laws and regulations are insufficient to foster innovation, economic growth, and social good in the Internet Age
- Design advocacy, lobbying and political strategy
- Draft pleadings, testimony, proposed rules to advance new media and new technology and Internet-based entrepreneurship
- Interface with state, Federal, and foreign agencies, legislative bodies, and tribunals
- Support the work of industry-based associations, standards bodies and self-governance entities
- Research the state of laws and regulations affecting technology, Internet users, innovators and entrepreneurs

BLIP has a diverse client portfolio that includes more than fifty (50) clients, offering varying legal, business and policy challenges across the spectrum of technology, Internet, media and telecommunications issues that would confront a 21st Century technology-oriented law firm.

The students in the Clinics handle a broad array of transactional, policy and litigation issues. Among some of the more high-profile matters, are the following:

- guiding the creators of a parody of the New York Times, a few hundred thousand copies of which were distributed throughout NYC, LA, Chicago and SF, and which appears for posterity online (many press accounts around the globe regarding this parody)
- representing a client who was sued by Apple for violating Apple's EULA and IP, by taking the Mac OS and repurposing it on other hardware. BLIP students are attempting to turn the suit into an antitrust challenge against Apple for control over the Mac OS. (many accounts of this case across the blogosphere and the tech press)
- challenging a Florida "Anti-Spoofing" Statute that could preclude the deployment of some worthwhile Internet-based communications applications (a couple articles in the Miami Herald)

Other matters that the students have handled to date include the following:

- advising on corporate structure and governance issues, including
 - incorporation and document preparation
 - state-by-state review in anticipation of incorporation
 - international corporate structure options
 - exploration of using the newly-established Vermont "Virtual" corporation as a corporate structure for Internet-based startups
- advising telecommunications, Internet, broadcast and other media companies about their regulatory obligations
- exploring interstate and international distinctions to advise clients on rollout/deployment strategies
- advising on various intellectual property issues, including
 - copyright counseling
 - trademark filings
 - patent filings and counseling
- guiding clients through the complexities surrounding such issues as defamation, indecency, Internet gaming, domain name control
- working with clients on projects to promote government transparency, civic participation and better information flow between government and citizens
- drafting of corporate documents, including the following:
 - partnership agreements
 - consulting agreements
 - NDAs
 - equity agreements
- drafting of Web documents, including
 - Terms of Service
 - Privacy Policies
- Challenging statutes and regulations that would tend to limit technological advancement.
- advocating before FCC and other government entities on matters involving regulation reform to accommodate new Internet-based technologies and services
- counseling client in anticipation of possible antitrust lawsuit
- researching foreign ownership rules in anticipation of client acquisition of broadcast licenses
- Working with clients on early-stage business and financing issues