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**DEFENDING THE RIGHTS OF ARTISTS:
Citizen Media Law Project joins The Right to Write Fund
in protecting creative artists from legal threats**

Cambridge, MA - The Berkman Center's Citizen Media Law Project (CMLP) announced today that it will work closely with newly launched nonprofit The Right to Write Fund, formed as an educational repository and clearinghouse for freedom of expression and "fair use" issues writers, filmmakers, professors, recording artists, and publishers encounter when moving among the worlds of print, Internet, film, the fine arts, and new media.

CMLP Director David Ardia will sit on The Right to Write Fund's board of directors, and CMLP will assist the fledgling nonprofit by providing access to its database of legal threats, which contains lawsuits, cease-and-desist letters, subpoenas and other legal threats directed at those who engage in online speech. CMLP will also offer general legal guidance on copyright and IP issues; advise the Fund on how to setup their own "clearinghouse" of legal threats; and use its network of media lawyers to help find legal assistance for creative artists facing legal action.

"We are seeing far too many important works being scuttled because of baseless legal threats directed at creative artists by copyright holders who object to the use or criticism of their work," David Ardia remarked. "The Right to Write Fund in conjunction with the Citizen Media Law Project will give creative artists a place to go for legal guidance and support. It's important that they know they have a place to turn."

A part of the Center for Ethics in Action, a public nonprofit 501(c)(3), The Right to Write Fund gives creative artists the resources they need to defend themselves against a growing tide of cease and desist letters from deep-pocketed plaintiffs who stop works from being published without legal basis. The launch of the Fund follows on the heels of a recent decision by a federal judge in New York that author Steve Vander Ark's *Harry Potter Lexicon* infringed the copyright in J.K. Rowling's *Harry Potter* series of books.

"Although the decision in the Rowling case is a disappointing setback for the *Lexicon's* author and publisher, there is some good news in the court's opinion for fair use

advocates,” Ardia commented. “The policy behind copyright law is not simply to protect the rights of large publishers. The Constitution expressly states that copyright is intended to promote the progress of science and useful arts. Because allowing copyright holders to enforce their copyrights in all cases would actually hamper this end, first the courts and then Congress adopted the fair use doctrine in order to permit uses of copyrighted materials considered beneficial to society, many of which are also entitled to First Amendment protection.”

The Berkman Center promotes a robust and creator-friendly interpretation of fair use through CMLP and related ventures, especially the Freedom to Teach project. Initiated this year by Berkman Fellow Lewis Hyde, the Freedom to Teach initiative is designed to develop a Statement of Best Practices regarding fair use for scholars and teachers in higher education.

About the Citizen Media Law Project

The Citizen Media Law Project, which is jointly affiliated with the Berkman Center for Internet & Society at Harvard University and the Center for Citizen Media, has five primary objectives: legal education and training; collection and analysis of legal threats; litigation referral, consultation, and representation; community building; and advocacy on behalf of citizen media. It was the recipient of a 2007 John S. and James L. Knight Foundation News Challenge grant. For more information, visit <http://www.citmedialaw.org>.

About the Berkman Center for Internet & Society

The Berkman Center for Internet & Society at Harvard University is proud to celebrate its tenth year as a research program founded to explore cyberspace, share in its study, and help pioneer its development. Founded at the Harvard Law School in 1997, through a generous gift from Jack N. and Lillian R. Berkman, the Center is now home to an ever-growing community of faculty, fellows, staff, and affiliates working on projects that span the broad range of intersections between cyberspace, technology, and society. More information can be found at <http://cyber.law.harvard.edu>.

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