

# CONVERSATION WITH AN EXPERT: KIM TIGNOR

This article is part of the continuing series of interviews between Rajiv S. Khanna, principal of The Law Offices of Rajiv S. Khanna, PC, ([www.Immigration.Com](http://www.Immigration.Com)), and leading practitioners across the country, designed to provide personal and professional insights into various areas of the law.



**KIM TIGNOR** is the Founder and Executive Director of Take Creative Control (TCC) and Executive Director of TCC's sister organization, The Institute for Intellectual Property & Social Justice. Her areas of expertise include intellectual property, free expression, tech innovation, diversity in media, and economic justice. Throughout her career, Kim has focused on legal issues surrounding underprivileged persons and advancing the causes of equality and social justice. She is particularly well-versed in working across multicultural issues and topics of key interest to activists and artists of color. She seeks to empower the great storytellers of our time and endeavor to ensure that the creative contributions of all communities are protected. She received her JD from Georgetown University and an undergraduate degree in Economics and Information Technology from the College of William and Mary.

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## **Rajiv: Will you talk a little bit about your area of practice and what you do?**

**Kim:** I work with The Institute for Intellectual Property & Social Justice and in my capacity as executive director, I am in charge of, or focus a lot on, community outreach and our advocacy efforts on Capitol Hill. The way that those two areas work together is that I am working a lot with creative entrepreneurs. And when I say that, I'm talking about anyone whose business strategy or work is centered by human ingenuity or their intellectual property—anyone ranging from an activist to an artist. Those are the communities that we're focused on engaging and organizing around. And it's been a really lovely opportunity because we're able to hear directly from our creators as to the issues that they're navigating and the difficulties that they're having in being able to share, protect, and monetize their intellectual property.

To that end, we use the community outreach and what we learn from our creatives to inform our advocacy efforts on the Hill. So being able to flag any gaps that we see in legislation that is working its way through, or just flagging issues that our creators are having as they push through their duty for oversight over on the Hill. It's been a really great opportunity to learn directly from creatives to hear what they're navigating and then be able to work closely

with our champions on the Hill so that they're able to address and to be mindful of the issues that our creators of color are navigating.

## **Is your work primarily advocacy or lobbying rather than just providing assistance in intellectual property issues?**

I would say it's both.

## **So, you provide counseling as well as help with the filing of trademarks and other similar devices?**

Yes, that's correct.

## **Would there be no patents involved in something like this?**

We've reached out to and talk to a number of different businesses and creative entrepreneurs that are interested in filing patents. And we look forward to the opportunity to do that. We have a lot of amazing firms that have volunteered to do pro bono work in that space, but we haven't yet identified anyone who's ready to move forward with the patents as of yet.

## **How long has your organization been in existence?**

Off the top of my head, I want to say 11 years.

### **And how long have you been with them?**

For four years.

### **How did you fall into this area of intellectual property practice?**

Prior to working at the Institute, I worked for a non-profit called The Lawyers' Committee for Civil Rights Under Law, where I had the privilege of working on a number of traditional civil rights issues, ranging from voter protection to economic justice. Intellectual property was one of those issues that fell under my economic justice portfolio. What I found was that as things were getting increasingly politicized, one thing that was moving—and it was moving in a bipartisan way—were a couple of the issues that were in my intellectual property economic justice portfolio. With everything that's happening in tech innovation, especially for diverse creators of color, I really fell in love with the timeliness and the unique nature of the economic justice intellectual property issues, and really came to enjoy a number of the collaborations that I was able to do with the Institute. Ultimately, I ended up having the opportunity to move to the Institute for Intellectual Property & Social Justice.

### **Do you typically work with other intellectual property lawyers who are in charge of the processes, or do you actively help people draft their applications?**

No. We do a lot of work where we're actually coordinating. We've generated a really wonderful list of firms that are interested in doing pro bono work for our creators. Those relationships have been key in ensuring that we're able to help a number of creators. We also have had the opportunity to work with a number of offices at both the USPTO and the copyright office, just to help tap into resources that are already readily available to the public, and to be an active bridge between those creators and those offices as well.

### **What is your geographical range of services? Do you work in a specific area or do you provide national support?**

We work at the national level. We focus on a city or a state. We go in and partner with a number of different organizations and creatives already doing really important work in community outreach and helping creative entrepreneurs. And we partner with them to create programming that's informed by their experiences and the challenges that they're facing. We're then able to plug them into our networks of advocates interested in helping them.

### **Would it be fair to say that your work involves lobbying and advocacy?**

It would be completely accurate to say that it does include advocacy. Advocacy is a huge part of the work that we do. We work a lot with members of Congress to help them understand the unique way in which creators of color are impacted by a number of the legislative solutions that are making their way down the pipe. It's just really important for them to be made aware of the unique way in which different things that are happening—on online platforms, in the different administrative offices, a number of the policies coming down—impact historically marginalized communities that are trying to share, protect, and monetize their intellectual property.

### **Do you have any examples you can cite of problems you encountered and solutions you created?**

Right off the top of my head, one that I remember very clearly is in the midst of the pandemic when we saw members of Congress very quickly come together and get a relief package to help small businesses and entrepreneurs navigate the pandemic. What we saw is that some of the requirements or requisites that were put in there did not have creative entrepreneurs or small businesses with unique business structures in mind and a lot of our creators were unable to tap into those resources. Just to have something that requires a preexisting relationship with a bank—you can only imagine that's going to have a disparate impact on BIPOC small businesses and entrepreneurs. We were able to flag that very quickly for our members of Congress, to make sure that they are actively thinking about ways to make sure that our most vulnerable communities are

thought of when they are trying to create and generate these resources.

**Would you say that the most difficult part of your job is the liaison with Congress or liaison with the community? What presents the most challenges?**

I strongly believe and have seen that there's a programming that has happened within historically marginalized communities where they do not feel that their creative works are worthy of even the term "intellectual property" or deserve legal protections—not once it goes viral, not once someone is trying to steal it, but indeed at its inception. That has been a major challenge for us. It's a really wonderful thing when you're in the community and you see that moment in which a light bulb goes off in someone attending our events or participating in one of our webinars.

One of the things that we like to offer at our events is a one-on-one session with a lawyer to talk about anything that they're navigating. You can just have a very informal one-on-one conversation with an intellectual property attorney. Sometimes it's difficult to get our creators to even want to have that conversation. I think that there's a lot of self-selecting out where they think, "I have an idea, but I'm not ready to sit down and talk to a lawyer. Maybe next time." But over the course of our panels and our outreach and the education piece, that light bulb ends up going off and they realize, "I should sit down with an attorney. I should have that conversation. I should be building my business strategy to integrate these protections that are already available to me at the inception of my creative work."

**Have you had any challenges coordinating with the bar? Have you been able to find plenty of willing hands?**

I would say that we have been very fortunate in finding willing hands, but we can always use more.

**Your community outreach is through social media—how exactly do you do it?**

We do it through a number of ways. We have a monthly newsletter that comes out. We do a lot of social media and then we do activations. We've not been able to do one over the pandemic, but we're actually preparing to do our first in-person activation in DC in September. Traditionally, we bring together 300 to 400 creators of color for panels, one-on-one legal sessions, networking, and fellowship. We've also integrated, over the course of the pandemic, smaller creator roundtables for a cohort of 12 to 14 creators in a specific industry. And we connect them with pro bono representation, with members of Congress, with representatives from the copyright office, as well as policy stakeholders just so that they're able to have a very deep conversation around the challenges that they're navigating. Something we picked up over the pandemic was that between the in-person and the virtual, the depth of the conversation that we were able to have by being so specific with who we filled the room with made for a really rich experience on both sides—for us to learn what our creators are navigating and for them to then be able to ask a number of stakeholders about the challenges that they're navigating.

**You have a lot of experience at the intersection of policy and the practice of law. What would be your recommendation for a young lawyer or somebody looking to enter the field? How best to achieve this goal of practicing in this area?**

To be honest with you, I think that for early attorneys, there are so many wonderful organizations that are looking to help and work with creators and are thinking about ways in which they can be supported. From working with members of Congress on the Senate Judiciary or House Judiciary committees, working with the copyright office or USPTO, or working at WALA (Washington Area Lawyers for the Arts) or The Institute for Intellectual Property, there's just so many different options and wonderful paths to be able to step into the space where we are helping to promote and level the fields in the intellectual property space.

**What would you say is the best part and what is the most challenging part of your job?**

I would say the best part of our job is to be able to intervene early on in the growth of so many tremendous creators of color and seeing how these early-on interventions can really propel and change the projectile of their business development and growth as creators and creative entrepreneurs. I would say the most challenging part would be that the work never ends, that there's just always something more that we can be doing. The beautiful thing about the introduction of technology into this space and its continued integration is that it changes every day and the promise changes every day as do the perils that our creators are facing. It is an education at all times, and to be able to remain plugged in with our creators to make sure that our recommendations remain creator-focused and creator-informed is critically important. It's been a real joy to be able to lift up what I believe to be some of the great storytellers of our time.

**Are your typical cooperating partners smaller law firms, sole practitioners, or are they larger firms?**

I would say it's the medium to larger firms. We try to be really respectful of everyone's capacity. We tend to lean on smaller firms and solo practitioners for the in-person activations and bring them in as well. But our medium to larger firms have been really wonderful partners also in those in-person activations and for the pro bono representation.

**What do you do in your spare time? What are your hobbies?**

I would say that my most recent hobby, and something that I've become really passionate about, is trying to bring art into my life and into my home in a very meaningful way, much more intentionally than I have previously. It has been a complete joy working to get to know a lot of the artists that are in my community. I think that it's important to get to know and be able to meet and understand artists that you then want to support. I really do believe that we, as consumers of art and consumers of creative works,

need to do a better job of supporting our creators and thinking about what we can do to lift them up so that they have the space to create so many of the things that we've come to enjoy, be it the visual arts, be it music, be it creative works that have been such an important part of our lives and culture. That was just highlighted for us, especially during the pandemic and the wonderful way in which the creative community really helped a number of us heal and see the beauty and bright spots and lines of life. Now it is upon us to ensure that we are giving back—not just consuming creative works, but taking care of those that are creating. That is something that I'm really trying to be intentional about as we start to peek our heads out in this post-vaccine world.

**What are your criteria for bringing art into your life, into your home? What do you look for? What art forms and genres?**

I'm pretty open to any genre. I try to actively invest in creators of color. As a woman and as a mother of two daughters, I'm always excited about women of color. And I really try to have conversations with them. I think it's important to know the artists and understand, or at least start to understand, their creative process and what they were thinking as they were creating these works. It's a very intimate and important relationship that we have with the works that we bring into our home and then become a protector of that piece. I try to do anything that I can to learn as much as I can about artists that I decide to invest in and then to follow and support them throughout the rest of their careers.

**Are you also interested in indigenous art forms outside our immediate vicinity, for instance in the Caribbean, or in Native American or African art forms?**

Absolutely yes. I am at the beginning of my journey of trying to bring a level of intention to my art collection, but I'm excited about a number of different regions of the world and bringing all of that into our homes and into our lives.

**What would be your advice as a lawyer to young lawyers who are just beginning to look for areas that they want to work in or specialize?**

Early on in your career, I think that getting the litigation practice is so important. From there, you are able to spread your wings in a number of different ways, but that foundation that you can get working with a really wonderful seasoned attorney, at a smaller firm, larger firm, or a solo practitioner is tremendous. 🍀