Poetic Justice

Scorned as a 'copyright troll,' a poet resorts to verse to fight her detractors

For it matters not, how much we own; the cars ... the house ... the cash.
What matters is how we live and love and how we spend our dash.

Like so many consumers of social media, Ilan Katz thought nothing of reposting an unattributed poem on his own website wall after he read it on a Facebook post.

"I had no idea who wrote the thing," recalls Katz, an electronics salesman in Orange County, Calif. He learned that Linda Ellis wrote The Dash when he received a letter from Ellis' representative claiming copyright infringement and demanding $7,500 along with a warning about statutory damages up to $150,000.

Ellis' actions have drawn the scorn of others who claim that her litigation threat is an empty one and have dubbed the poet nothing more than a "copyright troll." Seattle businesswoman April Brown, one of Ellis' most public detractors, says she received a similar threat from Ellis in 2011 after posting The Dash on her website.

Mineola, N.Y., attorney Oscar Michelen, who has counseled Dash demand recipients, says that $7,500 greatly exceeds a likely judgment for a minimal infringement. Unrepresented parties sometimes agree to excessive settlements because of high litigation costs, and "they are led to believe that their exposure is far greater than it really is," he says.

"In a civilized society, we should not demonize our opposition with names like 'troll,'" says Seattle attorney Timothy McCormack, who has been vilified for representing copyright plaintiffs. Ellis' initial settlement demand does not seem unreasonable, he says, given statutory damages of up to $30,000 for most infringements.

For her part, Ellis accuses her critics of a smear campaign, but she has lyrically embraced their insult in The Troll, a new poem: If protecting my rights in your eyes makes me a "troll," then I'll wear the budge proudly and keep fulfilling my role.

—William C. Smith