

Peter DiCola

Northwestern Pritzker School of Law
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Academic Appointments

NORTHWESTERN PRITZKER SCHOOL OF LAW

Professor, Sept. 2015–present
Associate Professor, Sept. 2011–August 2015
Assistant Professor, Sept. 2008–August 2011

UNIVERSITY OF MICHIGAN LAW SCHOOL

Visiting Assistant Professor, Jan.–Apr. 2012

Education

UNIVERSITY OF MICHIGAN LAW SCHOOL

J.D., magna cum laude, 2005
Executive Articles Editor, *Michigan Law Review*, Volume 103

UNIVERSITY OF MICHIGAN

Ph.D. (Economics), 2009
M.A. (Economics), 2003
Dissertation: *Essays on Regulation of Media, Entertainment, and Telecommunications*

PRINCETON UNIVERSITY

A.B. (Economics), cum laude, 1998

Judicial Clerkship

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Law Clerk to the Honorable Thomas L. Ambro, September 2007–August 2008

Academic Publications

Books

Creative License: The Law and Culture of Digital Sampling (with Kembrew McLeod), 2011, Duke University Press.

- Chapter 7 partially excerpted as “Non-Infringing Uses in Digital Sampling: The Role of Fair Use and the De Minimis Threshold in Sample Clearance Reform,” 17 *Deakin Law Review* 321 (2012)
- Translated into Spanish as *Criminales del Copyright* (Hoja de Lata, 2013)

Journal Articles

“How to Build a More Open Justice System,” (with Adam R. Pah, Sarath Sanga, David L. Schwartz, Zachary D. Clopton, Rachel Davis Mersey, Charlotte S. Alexander, Kristian J. Hammond, and Luís A. Nunes Amaral), 369 *Science* 134 (2020)

- Based on the Systematic Content Analysis of Litigation EventS Open Knowledge Network (“SCALES OKN”), which is supported by National Science Foundation Convergence Accelerator Grants of \$1 million in 2019 and \$5 million in 2020

“Existential Copyright and Professional Photography,” 95 *Notre Dame Law Review* 263 (2019)

- Supported by grant of \$10,000 received from Case Western Reserve University School of Law’s Spangenberg Center in 2016

“Against Value and Balance” (Review Essay on Abraham Drassinower's *What's Wrong with Copying?*), 29 *Intellectual Property Journal* 121 (2016).

“Valuing Control,” 113 *Michigan Law Review* 663 (2015).

“Licensing in the Shadow of Copyright” (with David Touve), 17 *Stanford Technology Law Review* 397 (2014).

“Copyright Equality: Free Speech, Efficiency, and Regulatory Parity in Distribution,” 93 *Boston University Law Review* 1837 (2013).

“Money from Music: Survey Evidence on Musicians’ Revenue and Lessons About Copyright Incentives,” 55 *Arizona Law Review* 301 (2013)

- Covered in the *Financial Times*, *The Atlantic* online, *Digital Music News*, and several other music and technology blogs
- Downloaded over 4,000 times on SSRN

“An Information-Gathering Approach to Copyright Policy” (with Matthew Sag), 34 *Cardozo Law Review* 173 (2012).

Note, “Choosing Between the Necessity and Public Interest Standards in FCC Review of Media Ownership Rules,” 106 *Michigan Law Review* 101 (2007).

Book Chapters

“Music Copyright,” in *Handbook on the Law & Economics of Intellectual Property*, Vol. II (Peter S. Menell & David L. Schwartz eds., 2019).

“Digitization and Copyright,” in *Handbook of the Digital Creative Economy* (Ruth Towse & Christian Handke, eds.), 2014, Edward Elgar.

“An Economic View of Legal Restrictions on Musical Borrowing and Appropriation,” in *Making and Unmaking Intellectual Property* (Mario Biagioli, Peter Jaszi, and Martha Woodmansee, eds.), 2011, University of Chicago Press.

“Employment and Wage Effects of Radio Consolidation,” in *Media Diversity and Localism: Meaning and Metrics* (Philip Napoli ed.), 2006, Lawrence Erlbaum & Associates.

Unpublished Works

Sequential Musical Innovation and Sample Licensing [draft available on SSRN]

FCC Regulation and Increased Concentration in the Radio Industry [draft available on SSRN]

Policy White Papers Submitted in FCC Proceedings

False Premises, False Promises: A Quantitative History of Ownership Consolidation in the Radio Industry, available at <http://www.futureofmusic.org/images/FMCradiostudy06.pdf> (2006).

Radio Deregulation: Has It Served Citizens and Musicians? (with Kristin Thomson), available at <http://www.futureofmusic.org/images/FMCradiostudy.pdf> (2002), cited in *Prometheus Radio Project v. FCC*, 373 F.3d 372, 423 (3d. Cir 2004).

Teaching Experience

Northwestern Pritzker School of Law, 2008–present

- *Copyright Law*: Spring 2010, Fall 2010, Fall 2012, Fall 2013, Spring 2015, Fall 2015, Spring 2017, Fall 2017, Fall 2018, Fall 2019, Spring 2021
- *Property*: Spring 2017, Spring 2019, Spring 2020, Summer 2020 (LLMK program), Fall 2020
- *Intellectual Property Fundamentals* [Master of Science in Law Program]: Fall 2014, Fall 2015, Fall 2017, Fall 2018, Spring 2019 [online], Fall 2019, Spring 2020 [online], Fall 2020, Spring 2021 [online]
- *Entertainment Law and Business Seminar* (with Prof. Matthew Spitzer): Spring 2020, Spring 2021
- *Philosophy of Intellectual Property* (with Prof. Andrew Koppelman): Spring 2016
- *Torts*: Spring 2009, Fall 2009, Summer 2010, Fall 2011, Fall 2013, Fall 2014, Fall 2015
- *Regulation of Technology and Telecommunications* [Master of Science in Law Program]: Spring 2015
- *Law and the Creative Industries*: Fall 2008, Fall 2009, Fall 2010

University of Michigan Law School, Visiting Assistant Professor, 2012

- *Communications Law*: Winter 2012
- *Music, Law, and Technology*: Winter 2012

Northwestern McCormick School of Engineering, 2012–present

- *The Law of Information Technology*: Winter 2012, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2016, Fall 2017, Fall 2018, Fall 2019, Fall 2020

Practicing Law Institute, 2013–2019 (every June)

- *Copyright Basics* (part of one-day *Fundamentals of Copyright Law in the Data Era*)

University of Michigan, Graduate Student Instructor [teaching assistant], 2001–2005

- For Prof. Frank Thompson:
 - *History of Economic Thought*: Fall 2002, Winter 2004, and Winter 2005
 - *Philosophy and Economics*: Winter 2003 and Fall 2004
 - *Economics of Development*: Fall 2003
- For Prof. Miles Kimball:
 - *Business Cycles*: Fall 2001

Awards, Honors, Fellowships, and Scholarships

- MSL Residential Program Teaching Award, Northwestern Pritzker School of Law, 2020–2021
 - *Selected by the student body*
- Robert Childres Award, Northwestern Pritzker School of Law, 2015–2016
 - *Selected by the student body as the year’s most outstanding teacher*
- Dean’s Teaching Award, Northwestern Pritzker School of Law, 2009–2010
 - *Based on student course evaluations*
- Henry M. Bates Memorial Scholarship Award, University of Michigan Law School, 2005
 - *Presented annually to outstanding seniors in the Law School, with account taken of scholarship in legal studies, personality, character, extracurricular interests, and promise of a distinguished career*
- Clarence Darrow Scholar, University of Michigan Law School, 2001–2002, 2003–2005
 - *Awarded to approximately fourteen members of each entering class selected by the faculty in reflection of the recipient’s outstanding scholastic achievements*
- Rackham Graduate School Summer Interdisciplinary Institute, University of Michigan (with John DiNardo, Justin McCrary and Jane Dokko), 2004
- Regents Fellowship, University of Michigan, 2000–2001

Grants

- National Science Foundation Convergence Accelerator Program, team member of the Systematic Content Analysis of Litigation EventS Open Knowledge Network (“SCALES OKN”), \$5 million, 2020
- National Science Foundation Convergence Accelerator Program, team member of the Northwestern Open Access to Court Records Initiative (“NOACRI”), \$1 million, 2019
- Case Western Reserve University School of Law, Spangenberg Center, with Jessica Silbey and Eva Subotnik, \$10,000, 2016

Academic Presentations

Northwestern Law and Technology Initiative, November 2019

American Bar Foundation, November 2017

Boston University School of Law, April 2017

DePaul University School of Law, January 2017
Intellectual Property Scholars Conference, August 2016
University of Indiana-Maurer School of Law, September 2015
The Future of Digital Comm. Tech. and the Law (symposium), John Marshall, April 2015
Innovation in Content Conference (paper presentation), University of Colorado, March 2015
Intellectual Property Law Seminar, University of California-Berkeley Law School, Nov. 2014
Big Ten Junior Scholars Conference, August 2014
Intellectual Property Scholars Conference, August 2014
U.S. Patent & Trademark Office conference on copyright reform, December 2013
American Law and Economics Association, May 2013
University of Chicago Law School, April 2013
George Washington University Law School, April 2013
National Bureau of Economic Research Conference: Economics of Digitization, March 2013
Notre Dame Law School, February 2013
The John Marshall Law School, February 2012
DePaul University, February 2012
University of Michigan Law School, February 2012
Intellectual Property Scholars Conference, August 2011
University of Iowa, April 2011
Binghamton University, April 2011
Drexel University, April 2011
Temple University, April 2011
American University/Copyright Society, April 2011
University of Michigan, April 2011
Washington University Law School, March 2011
Tribeca Flashpoint Academy, December 2010
Conference on Empirical Legal Studies, November 2010
Intellectual Property Scholars Conference, August 2010
American Law and Economics Association, May 2010
Chicago-Kent College of Law/Loyola University Chicago School of Law, January 2010
DePaul University College of Law, November 2009
University of Illinois Law School, February 2009
Intellectual Property Law Seminar, University of California-Berkeley Law School, Oct. 2008
University of Michigan Summer Economics Seminar, May 2007
Con/texts of Invention Conference, Case Western Reserve University, May 2006
Intellectual Property Law & Economics Workshop, University of Michigan, February 2006
Public Finance Workshop, University of Michigan, March 2004
Media Diversity and Localism Conference, McGannon Center, Fordham University, Dec. 2003

Other Presentations and Panel Appearances

Discussant, Chicagoland Junior Scholars Conference, October 2020
National Science Foundation Convergence Accelerator Conference, February 2020
Discussant, Chicagoland Junior Scholars Conference, September 2019
University of Michigan Problem Solving Initiative Course, February 2019
Case Western Reserve University School of Law (roundtable for grantees), May 2017

Northwestern Journal of Technology and Intellectual Property Symposium, March 2016
Discussant, Notre Dame Book Roundtable on Abraham Drassinower's *What's Wrong With Copying*, Oct. 2015
Moderator, Bridges not Barriers, Northwestern University, June 2015
Panelist, University of Illinois College of Law, April 2015
Panelist, Chicago-Kent College of Law, April 2015
Northwestern Journal of Technology and Intellectual Property Symposium, March 2015
Panelist, Innovation in Content Conference, University of Colorado, March 2015
Discussant, Notre Dame Book Roundtable on Jessica Silbey's *The Eureka Myth*, Nov. 2014
Discussant, NYU Empirical IP Conference, Oct. 2014
Discussant, Empirical IP Roundtable, Chicago-Kent, Sept. 2014
Northwestern Journal of Technology and Intellectual Property Symposium, Feb. 2014
Discussant, Empirical IP Roundtable, Chicago-Kent, Oct. 2013
Discussant, Empirical Patent Law Conference, University of Illinois, Sept. 2013
Northwestern Journal of Technology and Intellectual Property Symposium, Feb. 2012
Future of Music Coalition Policy Summit, Oct. 2011
Discussant, Conference on Empirical Legal Studies, Nov. 2010
Future of Music Coalition Policy Summit, Oct. 2010
Future of Music Coalition Policy Summit, Oct. 2009
WCBN Guest Lecture, 2003
FCC Field Hearing on Minority Media Ownership, 2003
South by Southwest Music Conference, 2003
Future of Music Coalition Policy Summit, 2003
Philadelphia Music Conference, 2001

Non-Profit Research and Service

Future of Music Coalition, Washington, DC
Board of Directors, 2007–2015 (Chair, 2014–2015)
Research Director, 2005–2006
Researcher, 2000–2004

Faculty Service

Faculty Advisory Committee, 2020-2021
Co-organizer, Racial Justice Virtual Teach-In, 2020
Clerkships Committee, 2009–2012, 2018–2020
Faculty Advisor, *Journal of Technology and Intellectual Property*, 2016–
Concentration Director, Technology, Innovation, and Entrepreneurship, 2016–
Personnel Committee, 2017–2018, 2019-2020
Law and Technology Committee, 2017–2019
Search Committee, Director of Diversity and Inclusion, 2018
Subcommittees of Personnel Committee, 2015–2016, 2017–2018, 2019–2020
Search Committee, Director of Academic and Professional Excellence, 2017
Dissertation Committee for Erik Hovenkamp, Economics (defended 2017)
Dissertation Committee for Stephanie Didwania, Kellogg (defended 2016)

Curriculum Development Committee, 2012–2013, 2015–2016
Steering Committee, Law and Technology Conference, 2015
Coordinator, Junior Faculty Workshop, 2014
Economics Working Group of Strategic Planning Process, 2013–2014
Patents Subcommittee of Personnel Committee, 2011
Named Lectures Committee, 2008–2011
Communications Task Force, 2008–2009

Professional Service and Memberships

Editorial Board, *Law and Social Inquiry*, 2018–
Member, Intellectual Property Lawyers Association of Chicago, 2015–
Steering Committee, World IP Day – Chicago, 2014–2015
Co-Organizer, Searle Center Roundtable on the Economics of Digital Markets, 2011–2017
Referee for National Academies of Science report, *The Impact of Copyright on Innovation in the Digital Era*, 2012
Steering Committee, Social Science Research Council, Necessary Knowledge for the Public Sphere, 2005–2006
Referee reports for various journals in law, law and economics, and other fields