

Tracy Reilly

NCR Distinguished Professor of Law & Technology
University of Dayton School of Law, OH
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ACADEMIC EXPERIENCE

UNIVERSITY OF DAYTON SCHOOL OF LAW, OH **2006-Present**
Assistant Professor 2006 to 2009; Associate Professor 2009 to 2012; Full Professor and Tenure since 2012; Director of the Program in Law & Technology 2014-2022.

Courses taught: Real Property I & II, Intellectual Property Law, Copyright Law, Trademarks & Unfair Competition Law, Trademark Prosecution & Practice, Digital Music Sampling & Copyright Infringement.

Directorship Duties: Planned and organized an annual, full-day CLE program, bi-annual scholarly symposia and other events on current topics in intellectual property, technology, cyberlaw, entertainment law, and data privacy protection; oversaw all aspects of the Program in Law & Technology, including hiring, curricular development, adjunct participation, student organizations, fundraising, and alumnae and community affairs; collaborated and planned diverse cross-campus university events.

Visiting Professor of Law **Summers 2010 & 2011**
DEPAUL UNIVERSITY COLLEGE OF LAW, CHICAGO, IL—STUDY ABROAD PROGRAM
Prepared and taught International Entertainment Law in Prague, Czech Republic.

Adjunct Professor **2001-2006**
VALPARAISO UNIVERSITY SCHOOL OF LAW, IN
Developed and taught Entertainment Law Drafting.

Adjunct Professor **1997-2000**
LEWIS UNIVERSITY, ROMEOVILLE, IL, - DEPT. OF CRIMINAL & SOCIAL JUSTICE,
Developed and instructed two graduate courses entitled Police Civil Liabilities and Environmental Law & Justice.

EDUCATION

University of Dayton, Ohio
Master of Arts, Literary & Cultural Studies, Spring 2022

Valparaiso University School of Law, IndianaJuris Doctor, **Summa Cum Laude**, December 1995 • Class Rank: 4/151CALI Awards (highest exam score): Torts II · Criminal Law II · Evidence**Cambridge, England Summer Law Program, 1994**

Instructed by the Honorable Ruth Bader Ginsburg

Northern Illinois University, DeKalbBachelor of Arts, **Cum Laude**, 1990Double Major: Radio/TV/Film Communications & Honors EnglishHonors Thesis: *John Milton and John Keats: The Condition of Humanity*

Department of Communications Outstanding Scholar Award

Golden Key National Honor Society

Illinois State Senate Certificate of Honor

St. Ignatius College Preparatory, Chicago, IL**1982-1986****PRACTICE EXPERIENCE & CLERKSHIPS**

Associate**2000-2004****Partner****2004-2006***KIRKLAND & ELLIS LLP, CHICAGO, IL – INTELLECTUAL PROPERTY LAW DEPARTMENT*

Practiced in the areas of intellectual property, entertainment, advertising, and corporate law. Focused on contract negotiation/drafting, counseling, brand name and artistic rights licensing, co-branding, trademark clearance and prosecution, development of intellectual property holding companies, and IP aspects of mergers/acquisitions, with some litigation experience.

Associate**1998-2000***THE ENTERTAINMENT & INTELLECTUAL PROPERTY GROUP, CHICAGO, IL*

Practiced in the areas of intellectual property, entertainment, internet technology, and sweepstakes/advertising law. Counseled clients in the areas of trademark, copyright, rights of publicity/privacy, and media law. Negotiated and drafted advertising agreements, sponsorship and co-promotion agreements, trademark and copyright licenses, software licenses, website development agreements, theater/TV/film agreements for actors, choreographers, directors, producers and writers, and book publishing, music publishing, recording and distribution agreements. Assisted on complex copyright infringement lawsuit alleging unauthorized digital music sampling.

Judicial Clerkships

The Honorable Anne M. Burke

1997-1998*APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, THIRD DIVISION*

The Honorable Wayne R. Andersen

1996-1997*U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION*

Business & Legal Affairs**1996***S.O.S. RECORDS, INC., BROOKFIELD, IL (INDEPENDENT RECORD LABEL)*

Negotiated/prepared domestic and international music license agreements, mechanical licenses, synchronization licenses, sampling clearances, artist/producer agreements and music publishing agreements. Assisted in preparation of royalty statements and managing tour support for musicians.

PUBLICATIONShttp://works.bepress.com/tracy_reilly/

Imagining Evil: Iris Murdoch's Occult Solution to the "Dryness" of Cancel Culture (M.A. Thesis, article forthcoming).

Cancel [©copyright] Culture: A Legal Analysis of George Orwell's Nineteen-Eighty Four, 21 CHI.-KENT J. INTELL. PROP. 23 (2021).

"'Sad But True': Why Metallica's Fans Continue to Fail Them (and Not Vice Versa) Twenty Years After the Napster Lawsuit," *Popular Culture Review*, Vol. 31, No. 1, Spring 2020.

Copyright and a Synergistic Society, 18 MINN. J.L. SCI. & TECH. 575 (2017).

Copyright and the Tragedy of the Common, 55 IDEA 105 (2014).

Betty Boop Almost Lost Her "Bling-Bling": Fleischer Studios v. A.V.E.L.A. I and the Re-Emergence of Aesthetic Functionality in Trademark Merchandising Cases, 94 J. PAT. & TRADEMARK OFF. SOC'Y 95 (2012).

Good Fences Make Good Neighboring Rights: The German Federal Supreme Court Rules on the Digital Sampling of Sound Recordings in Metall auf Metall, 13 MINN. J.L. SCI. & TECH. 153 (2012).

Marks of Mayhem & Murder: When a Few Bad "Mongols" Spoil the Bunch, Should the Government Seize a Motorcycle Association's Registered Trademark?, 7 BUFF. INTELL. PROP. L. J. 1 (2009).

- 2220 full-text downloads from bepress SelectedWorks site since date of posting.

The "Spiritual Temperature" of Contemporary Popular Music: An Alternative to the Legal Regulation of Death-Metal and Gangsta-Rap Lyrics, 11 VAND. J. ENT. & TECH. L. 335 (2009).

Debunking the Top Three Myths of Digital Sampling: An Endorsement of the Bridgeport Music Court's Attempt to Afford "Sound" Copyright Protection to Sound Recordings, 31 COLUM. J. L. & ARTS 355 (2008).

- Cited in Appellant's Brief in *Saregama India Ltd. v. Timothy Mosley, et al.*, 2011 U.S. App. LEXIS 6211 *14 (11th Cir. 2011).

- Cited in Creative License: The Law and Culture of Digital Sampling by Kembrew McLeod & Peter DiCola (Duke Univ. Press 2011).
- Cited in Trena Stewart v. Kayne West, No. CV 13-02449 BRO (JCx), 2014 WL 12591933 (C.D. Cal. Aug. 14, 2014).

MEDIA INTERVIEWS

- Guest Expert, Knowledge@Wharton, **SiriusXM Radio** channel 111, segment on music licensing & Olympic figure skating, Feb. 21, 2018.
- Interview, “UD Law Program Puts Students in Front of Businesses,” *Dayton Business Journal*, Jan. 14, 2016.
- Segment on Cyberhacking, **WKEF-ABC 22 News** - Dayton, OH, June 5, 2015.
- “Area Bars Sued for Lack of Music Licenses,” *Dayton Daily News*, Oct. 31, 2012

CONTRIBUTIONS

Contributing Editor **2000-2006**

STRUCTURING VENTURE CAPITAL, PRIVATE EQUITY, AND ENTREPRENEURIAL

TRANSACTIONS by Jack S. Levin, Kirkland & Ellis LLP

Researched, drafted, and updated intellectual property law sections of J. Levin’s legal treatise (co-authored by Martin D. Ginsburg, Georgetown University Law Center).

Practicing Contributor **2001**

BLACK’S LAW DICTIONARY - Bryan A. Garner, Editor in Chief

Reviewed and edited intellectual property definitions for B. Garner’s legal dictionary.

PRESENTATIONS

“*Iris Murdoch’s Enchanters and the Evil of Cancel Culture*,” **The Tenth International Iris Murdoch Conference, University of Chichester, England**, June 24, 2022.

“*Sad But True*”: *Why Metallica’s Fans Failed Them (and Not Vice Versa) in the Wake of the Napster Lawsuit*,” **4th Biennial International Society of Metal Music Studies Conference: “Locating Heavy Metal Music and Culture,” Nantes, France**, June 19, 2019.

The “Count”-Less Faces of Dracula: Who Owns the Copyright in the Creature?, **Second Annual International Vampire Arts & Film Festival, Sighisoara, Transylvania, Romania**, May 26, 2017.

Heavy Metal in the Courtroom, Metal in Strange Places: Aural, Emotional, Tactile, Visual Conference, University of Dayton, October 20, 2016.

Copyright Developments: The Year of the Content Owner, The 17th Annual Symposium on Intellectual Property Law and Policy, University of Akron School of Law—[CLE presentation](#), March 9, 2015.

First Annual Akron Law IP Scholars Forum, Moderator, September 19, 2014.
Copyright and the Tragedy of the Common, Dayton Intellectual Property Law Association—[CLE presentation](#), November 14, 2014.

Trademark Law Developments: The Year of “Zombies” and “Hogs,” The 16th Annual Richard C. Sughrue Symposium on Intellectual Property Law and Policy, University of Akron School of Law—[CLE presentation](#), March 10, 2014.

Trademark (Dys)Functionality, University of Dayton School of Law Program in Law & Technology Symposium (panel member), April 4, 2012.

Current Intellectual Property Law Issues in Music & Marketing, University of Dayton Spotlight on Technology, Arts, Research & Scholarship (STARS) Program, November 30, 2011

- Chosen by the law school Dean and university Provost to represent the law school in an annual event showcasing exciting advances in research and scholarship and fostering collaboration among university faculty, staff, and research professionals.

Good Fences Make Good Neighboring Rights: The German Federal Supreme Court Rules on the Digital Sampling of Sound Recordings in “Metall Auf Metall,”

- **The Eleventh Annual Intellectual Property Scholars Conference, DePaul College of Law**, August 2011.
- **Dayton Intellectual Property Law Association—[CLE presentation](#)**, January 2011.

Marks of Mayhem: Should the Government Seize a Motorcycle Association’s Registered Trademark?, **Dayton Intellectual Property Law Association – [CLE presentation](#)**, November 2009.

Digital Music Sampling & Copyright Infringement: The Basics, Valparaiso University School of Law, Sports & Entertainment Law Association Presentation, April 2009.

Issues in Digital Sampling & Copyright Infringement, Cincinnati Intellectual Property Law Association – [CLE presentation](#), March 2009.

The Elusive Trademark Clearance & Registration Process, Dayton Intellectual Property Law Association – [CLE presentation](#), February 2008.

Licensing Music in Advertising, Dayton Intellectual Property Law Association – [CLE presentation](#), January 2007.

Viacom v. YouTube & Google and the Future of Entertainment Licenses, Cincinnati Intellectual Property Law Association, [CLE presentation](#), March 2008.

Advertising Law & Licensing: A Primer, presentation sponsored by **Kirkland & Ellis, LLP's Advertising & Trademark Law Seminar**, 2005.

Making Your Trade (Mark) in the World, presentation sponsored by **Kirkland & Ellis, LLP's Advertising & Trademark Law Seminar**, 2003.

"Let's Make a Deal": Advertising-Related Agreements, presentation sponsored by **Kirkland & Ellis, LLP's Advertising Law Seminar**, 2002.

The Children's Online Privacy Protection Act, presentation sponsored by **Kirkland & Ellis, LLP's Advertising Law Seminar**, 2001.

Sweepstakes, Skill Contests and the New Federal Promotions Law, presentation sponsored by **Kirkland & Ellis, LLP's Advertising Law Seminar**, 2000.

Using Third-Party Properties in Advertising, presentation sponsored by **Kirkland & Ellis, LLP's Advertising Law Seminar**, 2000.

SERVICE

Law School Service

Faculty Recruitment & Development Committee, 2006-10, 2012-2017; Chair (2016-17, 2018-19)
 Academic Affairs Committee, 2008-09, 2011-2016
 Program in Law & Technology Development Committee, 2006-present
 Dean's Faculty Advisory Committee (elected by faculty), 2011-12, 2013-14
 Art & Science Client Committee, 2011-12
 Faculty Colloquium Committee, 2009-12
 Promotion, Retention & Tenure Committee, 2012-present
 Appeals Committee, 2018-present
 Library Committee, 2010-12

University Service

Law School Dean Search Committee, 2009-2010
 Research Council (nominated by Dean in 2015)
 Faculty Board, Law School Representative (elected by faculty), 2013-present
 Faculty Board Salary Subcommittee, 2013-2016
 Undergraduate Outreach Presentations

- *Intellectual Property Law for the Graphic Designer*, Spring 2010
- *Copyright Law for the Modern Musician*, Spring 2011
- *Digital Music Sampling & Copyright Infringement*, Fall 2013

BAR CERTIFICATION/ORGANIZATIONS

Colorado State Bar, 1998 (inactive)

American Bar Association, Member

Dayton Intellectual Property Law Association, Member

The International Society for Metal Music Studies, Member

Michigan City, Indiana YMCA, Volunteer (Aqua Aerobics Instructor)