

Lessons to be Learned from Peter Yu

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To those of us who teach and write in intellectual property law, Peter Yu was an obvious choice for this special edition of the *University of Chicago Law Review*. Peter is one of the most-cited scholars in the field of intellectual property law. He has an enviable publication record, including numerous articles, book chapters, and entire books.¹ Moreover, he is (or at least, prior to COVID, was) extremely active on the conference scene, not only organizing conferences at his home institution but also presenting papers at numerous conferences both in the United States and abroad.² His scholarship has clearly had a tremendous impact on the development of intellectual property law, especially in the subareas of copyright and international intellectual property.³ Moreover, unlike most in the intellectual property law field, his

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¹ See generally, e.g., Peter K. Yu, *A Spatial Critique of Intellectual Property Law and Policy*, 74 WASH. & LEE L. REV. 2045 (2017); Peter K. Yu, *The Rise and Decline of the Intellectual Property Powers*, 34 CAMPBELL L. REV. 525 (2012); Peter K. Yu, *EU Economic Partnership Agreements and International Human Rights*, in EU BILATERAL TRADE AGREEMENTS AND INTELLECTUAL PROPERTY: FOR BETTER OR WORSE? 109 (Josef Drexl et al. eds., 2014) [hereinafter *EU Economic Partnership Agreements*]; Peter K. Yu, *The Global Governance of HIV/AIDS and the Rugged Road Ahead: An Epilogue*, in THE GLOBAL GOVERNANCE OF HIV/AIDS: INTELLECTUAL PROPERTY AND ACCESS TO ESSENTIAL MEDICINES 223 (Obijiofor Aginam et al. eds., 2013).

² See generally, e.g., Peter K. Yu, *Modalities, Challenges, and Possibilities: An Introduction to the Pharmaceutical Innovation Symposium*, 7 TEX. A&M J. PROP. L. 1 (2021); Peter K. Yu, *The Algorithmic Divide and Equality in the Age of Artificial Intelligence*, 72 FLA. L. REV. 331 (2020) [hereinafter *The Algorithmic Divide*]; *TAMU Celebrates Fifth Anniversary of IP Scholars Roundtable*, TEX. A&M UNIV. SCH. OF L. (Oct. 22, 2019), <https://perma.cc/2864-TPTA>; Peter K. Yu, *Thinking About the Trans-Pacific Partnership (and a Mega-Regional Agreement on Life Support)*, 20 SMU SCI. & TECH. L. REV. 97 (2017) [hereinafter *Thinking About the Trans-Pacific Partnership*]; *Drake Intellectual Property Law Roundtable to Bring Scholars from Around the World*, DRAKE UNIV. (Feb. 11, 2008), <https://perma.cc/6MA2-QXNZ>.

³ See generally, e.g., Peter K. Yu, *Currents and Crosscurrents in the International Intellectual Property Regime*, 38 LOY. L.A. L. REV. 323 (2004) [hereinafter *Currents and Crosscurrents*]; Peter K. Yu, *The Copyright Divide*, 25 CARDOZO L. REV. 331 (2003) [hereinafter *The Copyright Divide*]; Peter K. Yu, *From Pirates to Partners: Protecting Intellectual Property in China in the Twenty-First Century*, 50 AM. U. L. REV. 131 (2000) [hereinafter *From Pirates to Partners*].

influence is not limited to the United States but also extends to multiple other nations.⁴

Peter's reputation and influence are widely known among intellectual property scholars and need no further elaboration. But perhaps the more interesting question is why. What sets Peter's work apart from the work of others? What lessons can other scholars—especially junior scholars wanting to make a name for themselves—learn from Peter's career path?

The easiest way to explain Peter's influence is simply to point to his sheer number of publications. However, in this case, the easiest explanation is not the correct one. No matter how many articles someone publishes, he or she will not make a major impact unless those articles involve quality scholarship. And there is no doubt that Peter's work is uniformly of very high quality. Other scholars look to and cite Peter's work because it has proven to be consistently well-researched, carefully thought-out, and clearly and persuasively written.

On the other hand, those factors, while important, do not fully explain why Peter's work has had such influence. Other scholars also produce solid scholarship (although admittedly not as much), yet, in many cases, it goes largely unnoticed. Without in any way denigrating the importance of core quality, I would suggest that in the case of Peter's work, other factors have played an equally significant role in increasing the influence of the work. I will phrase these observations as a series of suggestions for those who would hope to emulate his academic career.

1) *Write on a wide array of topics.* Peter Yu is probably best known as a scholar who focuses on copyright and international intellectual property law. But his scholarship is by no means confined to that subarea. Numerous works show that he is equally adept at dealing with purely domestic intellectual property law issues, including both U.S. law and the domestic law of other nations.⁵ Peter also keeps up to date on important developments in

⁴ See generally, e.g., *EU Economic Partnership Agreements*, *supra* note 1; Peter K. Yu, *TRIPS Enforcement and Developing Countries*, 26 AM. U. INT'L L. REV. 727 (2011); Peter K. Yu, *Digital Copyright Reform and Legal Transplants in Hong Kong*, 48 U. LOUISVILLE L. REV. 693 (2010).

⁵ See generally, e.g., Peter K. Yu, *China's Innovative Turn and the Changing Pharmaceutical Landscape*, 51 U. PAC. L. REV. 593 (2020); Peter K. Yu, *The Quest for a User-Friendly Copyright Regime in Hong Kong*, 32 AM. U. INT'L L. REV. 283 (2016); Peter K. Yu, *How Copyright Law May Affect Pop Music Without Our Knowing It*, 83 UMKC L. REV. 363 (2014) [hereinafter *How Copyright Law May Affect Pop Music*].

other nations. Moreover, Peter's work deals not only with copyright, but also covers issues in other subareas.⁶ In all these areas his work demonstrates the solid and consistent quality mentioned above.

My own experience working with Peter may illustrate this point. A few years ago, he and I (and two other scholars) jointly authored an intellectual property casebook.⁷ Of course, Peter bore responsibility for the copyright section. But he also contributed well-informed and extremely useful comments on the other chapters in the book. Peter clearly has a solid grasp of all areas of intellectual property, not only copyright.

By casting the net so widely, Peter has developed a reputation as an authority on virtually any intellectual property law topic. As a purely practical matter, this means that when reviewing a list of possible sources to consult, scholars will naturally turn first to Peter's work. While not exactly one-stop shopping, Peter's work is of use to scholars dealing with numerous different topics.

2) *Analyze topics from multiple perspectives.* One of the hallmarks of Peter's work is how he analyzes issues from different legal and nonlegal perspectives. Few know that Peter actually started out with a focus on human rights law. That human rights background continues to pervade many of his works. But Peter has also borrowed from other disciplines, including economics,⁸ religion,⁹ and literary and art theory.¹⁰

Again, my own experience with him is illustrative. In addition to the casebook discussed above, I have had the good fortune of coauthoring several book chapters and articles with Peter.¹¹ He

⁶ See generally, e.g., *The Algorithmic Divide*, supra note 2; Peter K. Yu, *Trade Secret Hacking, Online Data Breaches, and China's Cyberthreats*, 2015 CARDOZO L. REV. DE NOVO 130 (2015).

⁷ See generally JOHN T. CROSS, DORIS ESTELLE LONG, GREG R. VETTER & PETER K. YU, *INTELLECTUAL PROPERTY LAW* (2015).

⁸ See generally, e.g., Peter K. Yu, *Intellectual Property and Asian Values*, 16 MARQ. INTELL. PROP. L. REV. 329 (2012); Peter K. Yu, *The Political Economy of Data Protection*, 84 CHI.-KENT L. REV. 777 (2010).

⁹ See, e.g., *From Pirates to Partners*, supra note 3.

¹⁰ See generally, e.g., Peter K. Yu, *Piracy, Prejudice, and Perspectives: An Attempt to Use Shakespeare to Reconfigure the U.S.-China Intellectual Property Debate*, 19 B.U. INT'L L.J. 1 (2001).

¹¹ See generally, e.g., John T. Cross & Peter K. Yu, *The Copyright Holdout Problem and New Internet-Based Services*, in REMUNERATION OF COPYRIGHT OWNERS: REGULATORY CHALLENGES OF NEW BUSINESS MODELS 241 (Kung-Chung Liu & Reto M. Hilty eds., 2017); John T. Cross & Peter K. Yu, *Competition Law and Copyright Misuse*, 56 DRAKE L. REV. 427 (2008) [hereinafter *Competition Law and Copyright Misuse*].

asked me to collaborate on these works because of my background in economics and competition and monopoly law. (It also turns out that we write in much the same style, which makes collaboration much easier.) Most of our joint work has dealt with how competition or monopoly law considerations do—or should—affect intellectual property rights or the enforcement of those rights.¹²

When we write together, Peter will admittedly defer to me on the details of “my” areas. But that deference is by no means blind. Peter has developed an excellent command of the basic principles of economics, competition law, and monopoly law. He has been more than willing to offer very useful suggestions to help me formulate my portions of the article or book chapter. Peter strikes me as a quick learner, one who can learn and master perspectives from other fields well and understand how they inform legal analysis. While I have no personal knowledge of how well he knows some of the other perspectives he brings in, I imagine it is the same as my experience.

This use of different disciplines greatly strengthens Peter’s scholarship. It also makes it far more valuable to other scholars. Peter’s use of different disciplines to critique certain rules of intellectual property law helps others look beyond the boundaries of intellectual property law and make similar arguments to critique different rules.

3) *A body of scholarship should be like a high-quality zoom lens.* Some scholars focus mainly on narrow and highly technical issues in their field. Others spend their time mainly (or, in some cases, exclusively) on big picture policy issues. Peter, by contrast, does it all. His scholarship shows that he is equally comfortable dealing with a narrow issue in domestic law as he is dealing with the basic justifications for providing intellectual property protection. Moreover—and the reason for the lens metaphor—his work is of equally high quality regardless of how narrowly or broadly he focuses.

Like the prior two suggestions, this facet of Peter’s work makes it more influential. It has allowed him to develop a reputation as both an adept technician and a broad thinker. Regardless of whether they are writing on a narrow issue or an overarching one, scholars naturally turn to Peter’s work as a useful source.¹³

¹² See generally, e.g., *Competition Law and Copyright Misuse*, supra note 11.

¹³ See, e.g., Jerome H. Reichman, *Intellectual Property in the Twenty-First Century: Will the Developing Countries Lead or Follow*, 46 Hous. L. Rev. 1115, 1118 (2009) (citing

4) *Try to come at an issue from a new angle.* Another powerful feature of Peter's work is its originality. In most cases, he tries to approach a legal issue from a previously untried angle. This originality serves as a sort of hook, as it catches the reader's attention. But it is far more than an attention grabber. Because he consistently approaches issues from a unique perspective, other scholars come to realize that his scholarship will cast a different light on the issue, which can be immensely helpful.¹⁴

5) *Provide the reader a full background.* The prior comments deal mainly with choice of legal topics and modes of analysis. However, one of the most useful aspects of Peter's scholarship involves forensics. I have already commented on how Peter's work is consistently well-researched. Equally importantly, he shares that background work with the reader in the final publication. Peter always carefully sets the stage when presenting an issue. He discusses why the issue exists, and how other scholars, legislatures, and courts have dealt with the issue before.¹⁵

Taking the time to set the stage makes Peter's work tremendously valuable. It allows readers to get a solid grasp on the basic parameters of the question directly from Peter's writings, without the need to spend an inordinate amount of time figuring it out for themselves. That, in turn, means that scholars develop the habit of looking to Peter's work early in the research process, as they

Peter K. Yu, *Intellectual Property, Economic Development, and the China Puzzle*, in INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT 173, 195 (Daniel J. Gervais ed., 2007); Margaret Chon, *Intellectual Property and the Development Divide*, 27 CARDOZO L. REV. 2821, 2840, 2852 (2006) (citing Peter K. Yu, *TRIPS and Its Discontents*, 10 MARQ. INTELL. PROP. L. REV. 369, 371–79 (2006); *Currents and Crosscurrents*, supra note 3; Peter K. Yu, *Toward a Nonzero-Sum Approach to Resolving Global Intellectual Property Disputes: What We Can Learn from Mediators, Business Strategists, and International Relations Theorists*, 70 U. CIN. L. REV. 569 (2002) [hereinafter *Toward a Nonzero-Sum Approach*]); Robert C. Bird, *Defending Intellectual Property Rights in the BRIC Economies*, 43 AM. BUS. L.J. 317, 326, 336, 342 (2006) (citing *From Pirates to Partners*, supra note 3, at 139 n.37 (2000); *Toward a Nonzero-Sum Approach*, supra at 579; *The Copyright Divide*, supra note 3, at 359–60).

¹⁴ See generally, e.g., Peter K. Yu, *Intellectual Property and Human Rights 2.0*, 53 U. RICH. L. REV. 1375 (2019); Peter K. Yu, *Three Questions That Will Make You Rethink the U.S.-China Intellectual Property Debate*, 7 J. MARSHALL REV. INTELL. PROP. L. 412 (2008); Peter K. Yu, *The Harmonization Game: What Basketball Can Teach About Intellectual Property and International Trade*, 26 FORDHAM INT'L L.J. 218 (2003).

¹⁵ See, e.g., *Thinking About the Trans-Pacific Partnership*, supra note 2, at 97–110; *How Copyright Law May Affect Pop Music*, supra note 5, at 366–70, 372–75, 379–84; *Competition Law and Copyright Misuse*, supra note 11, at 428–32; Peter K. Yu, *Ten Common Questions About Intellectual Property and Human Rights*, 23 GA. ST. U. L. REV. 709, 709–13 (2007).

know it will provide a concise—but always accurate—synopsis of the basic question. Not only does this mean Peter’s work will be cited, but it also means that his arguments may have greater influence.

In closing, I congratulate the *University of Chicago Law Review* for selecting Peter Yu as one of the scholars to honor in this edition. The honor is undoubtedly well-deserved. Peter has had an indelible impact on the intellectual property law debate for many years, and his work will continue to have an impact far into the future. Other scholars would do well to try to follow his example by producing a high-quality body of diverse scholarship presented in a careful and compelling fashion. While doing so will not be easy—indeed, it is almost impossible to produce a body of work as large as Peter’s—it is a goal worth pursuing. With any luck, the suggestions set out in this essay will provide a starting point for anyone who wants to try.