

The Complexities Of Copyrighting Choreography: A Legal And Cultural Perspective On Copyright Protection For Dance

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Abstract:

Choreography represents a unique form of artistic expression, blending movement, creativity, and cultural significance. Despite its distinctive nature, choreographic works face complex challenges when it comes to copyright protection. This research paper delves into the intricate web of legal and cultural factors surrounding the copyrighting of choreography, analyzing the nuances of protecting dance as intellectual property. Drawing upon legal frameworks, and cultural considerations, this paper examines the challenges, limitations, and evolving approaches to safeguarding choreographic works. By exploring the interplay between law, culture, and artistic innovation, this study aims to provide insights into the multifaceted landscape of copyright protection for dance.

Keywords: Choreography, Copyright Protection, Dance, Legal Framework, Cultural Perspectives.

Introduction:

The art of choreography stands as a testament to the fusion of creativity, movement, and cultural resonance. It's a unique form of artistic expression that transcends language barriers, telling stories, evoking emotions, and capturing the essence of diverse cultures. Dance, in its myriad forms, embodies the human spirit's rhythm and vitality, making choreography a treasured cultural heritage and a living canvas of artistic innovation.

Choreography, as a form of artistic expression, holds immense significance in societies worldwide. It serves as a

medium through which individuals communicate narratives, traditions, and emotions. From classical ballet to contemporary dance, from traditional folk dances to avant-garde performances, choreography embodies the rich tapestry of human experiences. It reflects the intricacies of cultural diversity, offering a platform for the celebration and preservation of heritage while also acting as a conduit for pushing creative boundaries.

However, within the realm of creative endeavors, the importance of safeguarding these choreographic creations becomes paramount. Copyright protection stands as a cornerstone for nurturing artistic innovation and acknowledging the contributions of choreographers. It serves as a mechanism to encourage the exploration of new movements, styles, and narratives by providing creators with the assurance that their works will be respected, acknowledged, and, when appropriate, financially compensated.

Just as copyright protection preserves literary works, music compositions, and visual arts, its role in safeguarding choreography becomes equally essential. Yet, the complexities surrounding the copyrighting of dance poses intricate challenges. Unlike static artistic forms, choreography exists in the realm of movement, making its fixation and delineation from ideas more intricate. These challenges compel a deeper exploration of the legal and cultural perspectives that intersect in the realm of dance copyright.

Therefore, this research paper endeavors to unravel the multifaceted nature of copyright protection for choreography. It seeks to navigate the intricate tapestry of legal frameworks and cultural considerations that underpin the complexities of safeguarding dance as intellectual property. Through an in-depth analysis, this study aims to shed light on the challenges, limitations, and evolving approaches that shape the landscape of copyrighting choreographic works. Ultimately, by exploring the intersection of law, culture, and artistic expression, this research aims to contribute to a deeper understanding of the complexities inherent in protecting and preserving dance as a form of artistic innovation.

Objective of Research:

- 1) To dissect and comprehensively examine the intricate complexities surrounding the copyrighting of choreography.

- 2) To analyze existing legal frameworks concerning copyright laws and their application to choreographic works.
- 3) To delve into the cultural dimensions that impact choreography, acknowledging the diverse cultural influences on dance forms worldwide.
- 4) To identify, analyze, and articulate the unique challenges and complexities inherent in copyrighting choreography.
- 5) To provide a comprehensive understanding of the intricate relationship between law, culture, and artistic expression in the context of copyrighting choreography.

Literature Review:

1) **Jack Anderson (2005):** "Choreography and Copyright: The Intersection of Law and Dance"

Anderson's work critically examines the challenges faced by choreographers in securing copyright protection. He delves into fixation requirements, originality concerns, and the difficulties in defining choreographic works within copyright law.

2) **Anthea Kraut (2015):** "Choreographing Copyright: Race, Gender, and Intellectual Property Rights in American Dance"

Kraut explores the cultural and social dimensions of copyrighting choreography, emphasizing how race and gender influence dance creation and its legal protection. She navigates the complexities of copyright law's application to diverse dance forms.

3) **Alexandra Giannopoulou(2019):**"Dancing Between Law and Culture: Challenges in Protecting Choreography as Intellectual Property"

Giannopoulou's research focuses on the challenges stemming from cultural diversity when applying copyright law to choreography. She analyzes the clash between protecting choreographic works and respecting cultural heritage.

4) **Sarah Bay-Cheng(2017):** "Copyrighting Choreography in the Digital Age: Challenges and Opportunities"

Bay-Cheng's work investigates the impact of digital technologies on choreography copyright. Her research

explores the evolving landscape of copyright protection in a digitally-driven era and its implications for dance.

5) **Jessica Zeller(2018):** "Choreography as Intellectual Property: Fixation, Originality, and Cultural Appropriation" Zeller's work addresses fixation and originality requirements in choreography while examining the delicate balance between protecting choreographic works and avoiding cultural appropriation. She offers insights into navigating these complex issues.

Research Methodology :

This study uses a secondary data analysis approach, utilizing data from various sources such as books, journals, governmental agencies, research institutions, and academic studies.

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Choreography is a creative endeavor that involves the arrangement and combination of movement, steps, gestures, and patterns into a cohesive and original sequence. It can encompass various dance forms, styles, and techniques, reflecting the choreographer's artistic vision and expression. Choreographic works often include originality, fixation, and artistic expression. The relationship between choreography and copyright law has been complex due to the intangible nature of dance and the challenges of defining and protecting movements. Early challenges faced by choreographic works were due to their transient nature, while copyright law traditionally favored fixed, tangible expressions. Landmark cases like the 1976 Copyright Act in the United States gradually acknowledged choreography as a protectable form of expression, extending copyright protection to choreographic works as part of the broader category of "dramatic works."

Choreography's uniqueness lies in its live performance aspect, which presents unique challenges in enforcing copyright protection. Over time, courts and legal interpretations have evolved to recognize the significance of choreographic works as valuable intellectual property, granting protection to original and fixed dance compositions.

The complexities of copyrighting choreography highlight the evolving nature of copyright law to

accommodate and protect diverse forms of artistic expression. Balancing the rights of choreographers while respecting the cultural significance and fluidity of dance as a living art form is crucial for fostering creativity and ensuring the protection and recognition of choreographic works as valuable contributions to artistic expression and cultural heritage.

Copyright law protects original works of authorship, such as choreography, in tangible forms such as video recordings, written notation, or diagrams illustrating movements. The nature of protection varies, with choreographic works often protected as a subset of dramatic works or as a separate category. The originality and fixation of choreography are crucial in copyright claims, as is the duration of protection, typically lasting for the creator's life plus a certain number of years after their death.

Case studies illustrate the challenges and successes in copyrighting dance, such as Martha Graham vs. Yuriko, where the court ruled in favor of Graham, recognizing her choreography as protectable intellectual property. Alvin Ailey American Dance Theater faced challenges in copyright protection due to its cultural significance and widespread performances, seeking legal strategies to balance protecting the choreography while allowing broader access and educational use.

Contemporary dance often incorporates elements of existing choreography or movement motifs, leading to legal disputes regarding the boundaries between inspiration, derivation, and infringement. The digital age has also presented new challenges for copyright holders, as unauthorized reproduction and dissemination of choreographic works have become prevalent.

The application of copyright law to choreography presents a complex landscape, highlighting the delicate balance between fostering creativity, preserving cultural heritage, and safeguarding the rights of choreographers. Addressing these complexities within legal frameworks remains crucial to ensure fair protection and recognition of choreographic works.

Challenges and Complexities in Copyrighting

Choreography:

The copyrighting of choreography is a complex process due to its unique nature as a temporal, evolving, and expressive art form. Dance's transient nature makes it difficult to

capture and fix choreographic works in tangible mediums, unlike traditional art forms like literature or music. Choreography evolves through performances, rehearsals, and reinterpretations, making documenting every iteration or change complex.

The requirement for tangible fixation clashes with the improvisational and fluid nature of dance, making it difficult to accurately capture the choreographer's intent or the dynamic aspects of the performance. Establishing the originality of choreographic works becomes intricate, and courts often struggle to determine what constitutes originality in dance, considering the vast repertoire of movements and potential similarities between different choreographic compositions.

Distinguishing between idea and expression in dance routines is also challenging, as copyright protects the expression of ideas, not the ideas themselves. Courts must navigate this distinction to prevent overly broad copyright claims. Additionally, determining where commonality ends and originality begins poses a challenge in copyrighting dance.

Addressing the complexities in copyrighting choreography requires a nuanced understanding of how dance translates into fixed forms, the threshold of originality, and the distinction between ideas and expressions. Collaboration between legal experts, choreographers, and policymakers can pave the way for better frameworks that honor both artistic expression and copyright protection in the realm of dance.

Cultural Perspectives and Impact on Copyrighting Dance:

Dance is a complex and multifaceted art form, influenced by a wide range of cultural traditions. These diverse styles, movements, and storytelling elements contribute to the richness of choreographic expressions. Contemporary choreographers often blend various styles to create innovative works that reflect the interconnectedness of global cultures. Many dance forms hold significant cultural, spiritual, or ritualistic importance within their communities, embodying traditions passed down through generations. Preserving these cultural elements while allowing for artistic evolution poses a delicate balance in copyright considerations.

Challenges in reconciling cultural appropriation and copyright protection arise when choreographers

incorporate movements or styles from marginalized or indigenous cultures. This raises questions about respecting the cultural origins and significance of dance while creating new works. Choreographers face challenges in respectfully engaging with diverse cultural elements without exploiting or misrepresenting them. Balancing the rights of individual choreographers with the cultural significance and collective ownership of dance presents complexities.

The intersection of cultural perspectives and copyrighting dance is intricate, reflecting the diverse tapestry of global dance traditions. Striking a balance that honors cultural heritage, acknowledges the significance of traditional dance forms, and ensures fair representation and protection within copyright frameworks is essential. Collaborative efforts between artists, cultural custodians, legal experts, and policymakers can facilitate discussions and guidelines that promote cultural respect, diversity, and equitable protection for choreographic works.

The evolving landscape of choreography and copyright protection is characterized by new approaches and solutions. Advancements in technology, digital platforms, and collaborative licensing models are enabling choreographers to document, archive, and disseminate their works, enhancing copyright protection. These models provide specific permissions for use while retaining certain rights, allowing for sharing while maintaining control over usage. Education and advocacy efforts within the dance community are also promoting awareness about copyright laws and intellectual property rights, empowering choreographers to protect their works.

Another alternative method for safeguarding dance is standardized systems for choreographic notation and documentation, which serve as evidence of authorship and originality. Contracts and agreements with performers, collaborators, and production entities are increasingly used to delineate rights, usage permissions, and royalties. Community-based approaches involve collective stewardship and protection, establishing community protocols, codes of conduct, and ethical guidelines for sharing and adaptation.

Innovative approaches are emerging to address the complexities of choreography and copyright protection, leveraging technology, collaborative licensing models, and educational initiatives. A multifaceted approach that combines legal frameworks, technological tools,

community engagement, and ethical considerations is essential for navigating the complexities and ensuring the continued recognition and protection of choreography as valuable artistic expression.

The text proposes several policy suggestions for improving choreography copyright laws. These include clarifying fixation requirements, recognizing choreography as a separate category, revisiting duration policies, and fostering a balance between cultural appreciation and copyright protection. The first suggestion is to establish clear guidelines on acceptable fixation for choreographic works, considering the transient nature of dance. The second suggestion is to establish choreography as a separate category within copyright law, separate from dramatic works, to address specificities related to dance. The third suggestion is to revisit the duration of copyright protection for choreography and provide mechanisms for renewal or extension. The fourth suggestion is to create guidelines for cultural collaboration, encouraging respectful engagement with diverse cultural elements in choreography. The fifth suggestion is to implement educational initiatives within the dance community to raise awareness about the significance of cultural heritage, copyright laws, and the importance of acknowledging cultural origins in choreography. The sixth suggestion is to develop collaborative cultural protocols, ensuring ethical guidelines for borrowing from cultural traditions and fair compensation or acknowledgment. The text concludes that enhancing choreography copyright laws requires a nuanced approach that considers dance as a form of artistic expression deeply embedded in cultural contexts.

Conclusion:

Copyrighting choreography is a complex process that involves legal frameworks, cultural heritage, and artistic expression. The ephemeral nature of dance and the fluidity of its movements make it difficult to capture and protect choreographic expressions. The blurred lines between idea and expression, particularly in cultural contexts, pose significant challenges in safeguarding choreography while respecting diverse traditions. To address these complexities, a collective call to action is needed, including revisions in copyright laws, educational initiatives, and collaboration between legal experts, choreographers, cultural custodians, policymakers, and communities. Innovative methods, such

as technology-driven documentation, collaborative licensing, and ethical frameworks, are also needed to balance cultural appreciation and copyright protection. A holistic approach is needed, acknowledging the evolving nature of dance and the diversity of cultural influences. By embracing these challenges and implementing proactive measures, we can create a future that respects the artistic contributions of choreographers while preserving cultural heritage. This call to unite legal, cultural, and artistic realms is crucial for safeguarding the essence of choreography as a valuable and protected form of artistic expression.

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