

Copyright Registration of Choreography and Pantomime

This circular provides general information about registering choreography and pantomime with the U.S. Copyright Office.

It covers

- Works published before January 1, 1978
- Fixation
- Categories of dance and movement not protected by copyright
- Compilations
- Derivative works

For more specific information, see **chapter 800**, sections 805 and 806, of the *Compendium of U.S. Copyright Office Practices*.

The Copyright Act provides in section 102(a)(4) for copyright protection in “pantomimes and choreographic works” created after January 1, 1978, and fixed in some tangible medium of expression.¹ Choreography is the composition and arrangement of a related series of dance movements and patterns organized into a coherent whole. Pantomime is the art of imitating, presenting, or acting out situations, characters, or events through the use of physical gestures and bodily movements. Choreography and pantomimes consisting of ordinary motor activities, social dances, commonplace movements or gestures, or athletic movements may lack a sufficient amount of authorship to qualify for copyright protection.

Elements of Choreography and Pantomime

A choreographic work or pantomime typically contain one or more of the elements described below, although the presence or absence of a given element does not determine whether a particular work constitutes choreography or a pantomime.

Common elements of choreography include

- Rhythmic movements of one or more dancers’ bodies in a defined sequence and a defined spatial environment, such as a stage
- A series of dance movements or patterns organized into an integrated, coherent, and expressive compositional whole
- A story, theme, or abstract composition conveyed through movement
- A presentation before an audience
- A performance by skilled individuals
- Musical or textual accompaniment

Common elements of pantomime include

- Direction of a performer’s movements, gestures, and facial expressions in a defined sequence and a defined spatial environment, such as a stage
- A related series of movements, gestures, and facial expressions organized into an integrated, coherent, and expressive compositional whole
- Silent action, performed without dialog, although sound effects or a musical accompaniment may accentuate the performer’s actions or complement the work as a whole
- A story, theme, or abstract composition conveyed through movement
- A presentation before an audience

NOTE: Even though a performer may accentuate the performance of choreography or a pantomime with sound effects or a musical accompaniment, a claim in “choreography” or “pantomime” will not extend to any sounds or music, although it may be possible to claim these elements separately.

Publication Before January 1, 1978

The copyright law in effect before 1978 did not mention choreography or pantomimes as works protected by copyright. It may be possible to register dance movements published prior to January 1, 1978, if they qualify as a “dramatic work.” That means a work must tell a story, develop a character, or express a theme or emotion by means of specific dance movements and physical actions. For choreography and pantomimes created or first published after January 1, 1978, a choreographic work may present a story, or it may be an abstract composition. For more information on registering choreographic and dramatic works published before January 1, 1978, see **chapter 2100**, section 2122.3, of the third edition of the *Compendium of U.S. Copyright Office Practices*.

Fixation

To qualify for registration, a choreographic work or pantomime must be fixed in a tangible medium of expression in such a way that reveals the movements in sufficient detail to permit the work to be performed in a consistent and uniform manner. Acceptable formats of fixation for choreographic works and pantomimes include

- Dance notation such as Labanotation and Benesh Dance Notation
- Video recordings of a performance
- Textual descriptions, photographs, or drawings

Categories of Dance and Movement Not Protected By Copyright

Some categories of dance and nondance movements, such as sports activities and performance art, do not fall within the subject matter protected under the Copyright Act even though they may be unique.

Commonplace Movements or Gestures

Individual movements or dance steps by themselves are not copyrightable, such as the basic waltz step, the hustle step, the grapevine, or the second position in classical ballet. The U.S. Copyright Office cannot register short dance routines consisting of only a few movements or steps with minor linear or spatial variations, even if a routine is novel or distinctive.

Examples of commonplace movements or gestures that do not qualify for registration as choreographic works or pantomimes include

- A set of movements whereby a group of people spell out letters with their arms
- Yoga positions
- A celebratory end zone dance move or athletic victory gesture

Social Dances

For copyright purposes, choreographic works are a subset of dance and are not synonymous with dance. The drafters of the copyright law also made clear that choreographic works do not include social dance steps and simple routines. Registrable choreographic works are typically intended to be executed by skilled performers before an audience. By contrast, uncopyrightable social dances are generally intended to be performed by members of the public for the enjoyment of the dancers themselves. Social dances, simple routines, and other uncopyrightable movements cannot be registered as separate and distinct works of authorship, even if they contain a substantial amount of creative expression.

Examples of social dances not protected by copyright include

- Ballroom dances
- Folk dances
- Line dances
- Square dances
- Swing dances

Ordinary Motor Activities and Athletic Movements

Functional physical movements, feats of physical skill or dexterity, and ordinary motor activities—in and of themselves—are not eligible for registration as choreography because these movements do not represent the type of authorship that Congress intended to protect as choreography.

Examples of ordinary motor activities not registrable as choreographic works or pantomimes include

- General exercise routines
- Athletic activities, such as a new tennis swing, a golf swing, or a unique slam-dunk maneuver
- Feats of physical skill or dexterity
- Skateboarding or snowboarding tricks
- Yoga poses and sequences
- A compilation of any of the above types of movements

Routines Not Performed by Humans

Choreographic works and pantomimes must be intended for execution by humans. Dances, routines, or other organized forms of movement intended to be performed by animals, machines, or other animate or inanimate objects are not copyrightable as choreography or pantomime and cannot be registered with the U.S. Copyright Office.

Examples of works not protectable as choreography or pantomimes that fall into this category include

- Dressage routines
- Skits and routines for trained animals to perform
- Movement routines created for robots, machines, or other inanimate objects to perform
- Installation art or sculptures incorporating moving parts

Compilations

To be copyrightable, a compilation of movements or steps must fall within one or more of the categories of copyrightable subject matter under section 102(a) of the Copyright Act. A compilation of social dances, simple routines, or other uncopyrightable movements may not qualify as a compilation if the author's selection, coordination, or arrangement of steps or movements does not result in an expressive compositional whole that constitutes copyrightable subject matter under the Copyright Act.

Examples of compilations that are not copyrightable as choreography or pantomimes include

- A series of aerobic exercises
- A yoga sequence
- A complicated routine consisting of classical ballet positions or other types of dance movements intended for use in a fitness class

Derivative Choreographies and Pantomimes

A derivative choreographic work is a work that is based on or derived from one or more preexisting works, regardless of whether the preexisting work is a choreographic work, a pantomime, or any other type of work listed in section 102(a) of the Copyright Act. Typically, derivative choreography is a new version of a preexisting choreographic work or an entirely new work that combines preexisting choreography with a substantial amount of new material.

To be registrable, the *new material* that the choreographer contributed to the work must be independently created and it must contain a sufficient amount of creativity. Simply making minor changes or trivial additions to a preexisting choreographic work, or adding movements to a social dance would not satisfy this requirement.

NOTE

1. This circular is intended as an introduction to the U.S. Copyright Office's practices and procedures for registering choreographies and pantomimes. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Outreach and Education Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

