

THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF RISK MANAGEMENT

Dance, Social Media, & Copyright: Are Choreographers Being Sold Short?

KARA ASHLEY MANUUD
SPRING 2022

A thesis
submitted in partial fulfillment
of the requirements
for a baccalaureate degree
in Corporate Innovation and Entrepreneurship
with honors in Legal Environment of Business

Reviewed and approved* by the following:

Daniel R. Cahoy
Professor of Business Law
Thesis Supervisor

Fiona Greaves
Clinical Assistant Professor of Business Law
Honors Adviser

* Electronic approvals are on file.

ABSTRACT

Choreography has become a matter of increasing importance. With technological advancement, the means of sharing such works are greater than ever. Social media is a major channel for performing arts and the public has been gravitating towards it exponentially. However, this makes it even more difficult to determine what copyright means in the world of dance and choreography. As public figures on sites like Instagram, YouTube, and TikTok are being monetized for their virtual dance performances, unfrequented choreographers are not being credited for those exact routines performed. How do choreographers obtain their rights in the age of social media? This overarching theme calls for a change in the framework of choreography copyrightability. The current statute is outdated, and revisions must be made to fit the technology and prominence of choreography today. A firm definition for “choreographic work” needs to be put in place within the statute of the Copyright Act of 1976, as one does not exist today. Moreover, the statute needs to discuss social media and its impact on copyright, especially in terms of choreographic works. This thesis argues for such revisions in the existing model of copyright law.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iv
Chapter 1 Introduction	1
Chapter 2 Copyrightability is Uncertain without a Proper Definition	3
Step 1: Define Choreographic Work	4
Step 2: Fix it in a Tangible Medium	7
Personal Experience	9
Putting the Pieces Together	10
Chapter 3 Copyright Protection for Choreography is Illusive	12
Direct Copying and Copying that Constitutes Improper Appropriation	12
Registering before Filing	13
History of Choreography Infringement	15
Personal Experience: A Hypothetical Scenario	18
Chapter 4 Defenses Remain Unclear in terms of Choreography Infringement	20
The Purpose and Character of the Use	20
The Nature of the Copyrighted Work	23
Substantiality of the Portion Used in Relation to the Copyrighted Work as a Whole	24
The Effect on the Potential Market for or Value of the Copyrighted Work	26
Issues with Fair Use	27
Chapter 5 Social Media has Major Effects on Choreography Infringement	29
Digital Millennium Copyright Act	30

	iii
Instagram and Copyright	31
YouTube and Copyright	33
TikTok and Copyright	34
Social Media and Choreography	38
Chapter 6 Proposal	40
Define Choreographic Work	40
Define the Parameters of Fair Use	42
Assess Choreography in the Framework of Social Media	45
Conclusion	46
Appendix A.....	47
BIBLIOGRAPHY.....	48

ACKNOWLEDGEMENTS

I would like to thank my mom and dad for constantly believing in me and pushing me to be the best version of myself. Without their wisdom and encouragement, I would not be the student, dancer, or person I am today. My thesis is not only a reflection of my four years here, but also a reflection of them and their support that guided me along the way.

A big thank you to my thesis supervisor, Daniel Cahoy, for his diligent guidance and commitment to my piece. I am beyond grateful to have had someone on board that showed a genuine interest in my topic and helped catapult my career in law.

I would like to thank my honors adviser, Fiona Greaves, for agreeing to work with me on this project and advocating for my writing.

A special thanks to my teammates on the Penn State Lionettes Dance Team for inspiring this piece and being a major part of my undergraduate experience.

Thank you to my family, friends, and faculty for always supporting me in my academic pursuits.

Thank you, Schreyer Honors College and the Pennsylvania State University, for the opportunity to write this thesis and share my ideas with the university and beyond.

Chapter 1

Introduction

Copyright is a form of intellectual property that has been relevant for centuries. Its familiarity comes from books, movies, songs, and more. However, there is one overlooked form of expression that is gaining tremendous popularity in the digital era: choreographic works. Choreographic works deal with the art of dance and performing. Choreographers compile movements and patterns together to create an expressive piece that is performed for the public, as an effort to generate emotions and applause on all different levels. Social media is what has taken dance to that next level. With these growing platforms, dance is able to have a widespread dissemination and generate more commercial value than ever before. Though, all of this comes with the risk of copyright infringement. With the emergence of social media, the probability to infringe upon an author's choreography copyright, both knowingly and unknowingly, has increased sufficiently.

While it should be simple to address these issues in court, several problems surface as there is no clarification of what a choreographic work is, let alone in terms of social media. Imagine that you created a dance routine and posted it on YouTube. A week later, you are surfing the web and find your routine on YouTube, except you are not performing it and the choreography credit is given to someone else. You are now a victim of copyright infringement and are looking for restitution. Unfortunately, the courts have no inkling of where to begin besides the updated Copyright Act of 1976 that vaguely discusses choreographic works and a single related federal case from 1985. There is no set definition of a choreographic work and no social media addendum to help navigate through the media that is filled with uncredited

choreographic expressions. Choreographers like yourself may suffer from improper court rulings due to this current legal framework.

The Copyright Act of 1976 succeeds in bringing attention to the importance of dance as a copyrightable subject matter, but neglects the definition itself, leaving the law community to interpret based on minimal precedent. With no sense of direction, choreographers across the nation are lost when it comes to knowing their rights as creators, artists, and authors. Choreographic works must be defined in an updated statute and include the context of social media to truly address the intellectual property matters of today.

This thesis will discuss choreographic works within the given structure of copyright infringement. It will analyze its lack of definition and discuss how implementing one will help in determining its copyrightability. Next, it will discuss the act of infringement, how dance plays a role in federal legislation, and what more can be done to improve its position. Then, it will examine fair use as a topic of affirmative defenses for this type of infringement. The thesis will continue by summing up all these factors in terms of dance and social media. The impact of social media on choreography infringement will lead to the proposal, where I will express the need for a change in legislature, including an added definition of choreographic works, updates to the factors of the Fair Use Doctrine, and implementation of a proper legal framework for choreography infringement that includes social media.

Chapter 2

Copyrightability is Uncertain without a Proper Definition

Dance is an art that is meant to be expressive. This broad field has no boundaries until you put it in the context of copyright law. Choreography is the foundation that makes dance worthy of copyrightability. When the original expression is novel and specific, an author of a choreographic work, known as a choreographer, may copyright his/her piece in effort to protect its authenticity. This expression was not initially protected in legislature, but fortunately, the passage of the Copyright Act of 1976 marked the recognition of choreographic works as a copyrightable subject matter.¹ This gives dancers and choreographers the opportunity to create freely, register their pieces, and file lawsuits when their work is infringed upon. However, there is much more needed in the statute to bring clarity to this art form's presence in the law. Currently, there is no specific definition in the Copyright Act of 1976 of what comprises a choreographic work, which makes it difficult to determine whether a piece is copyrightable. The lack of a definition in the statute poses several issues for courts as they address cases involving choreography infringement. Formulating a generally accepted definition of choreographic works will help the United States Copyright Office in making determinations of copyrightability and the potential lawsuits to follow.

¹ Library of Congress, GENERAL GUIDE TO THE COPYRIGHT ACT OF 1976. [Washington, D.C.]: United States Copyright Office, Library of Congress (1977).

Step 1: Define Choreographic Work

With no definition in place, the courts have chosen to reference past cases of choreographic works to determine the fate of new ones. *Horgan v. Macmillan* of 1985 is a prime example that people use as a precedent to decide on whether a choreographic work is copyrightable.² In this case, appellant Barbara Horgan was the executrix of renowned choreographer, George Balanchine, who produced the well-renowned piece, *The Nutcracker*. Macmillan photographed the iconic choreographic work and compiled the photos together in a book.³ When Horgan discovered the published material, she believed that this was an infringement on Balanchine's copyright and took it to court. The district court decision was that photographs could not infringe on copyright because choreography could not be recreated from photographs.⁴ However, this was reversed by the appellate court as the court believed photographs can indeed infringe the choreography's copyright through its similar sequences.⁵ Based on the photographs taken and the order it was placed in, it was probable for an individual to recreate the choreography of *The Nutcracker* even with the absence of the dance's audiovisual recording and written notation. The minimal chance that a collection of photographs could infringe copyright of a choreographic work set the tone for choreography's copyrightability. Consequently, several documents were collected to further clarify the nature of this topic.

Horgan v. Macmillan relied heavily on a certain document called Compendium II when determining what was considered a choreographic work. Although, there is no set definition in the statute, the Compendium of Copyright Office Practices, Compendium II (1984), created a

² *Horgan v. Macmillan, Inc.*, 789 F.2d 157 (2d Cir. 1986).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

standard for the courts to follow and choreographers to uphold. The second edition of the Compendium reflects the Copyright Office's general practices for registration, recordation, and other matters under the Copyright Act of 1976.⁶ In the edition, a series of components are listed that make up a choreographic work and can be defined as follows: "Choreography is the composition and arrangement of dance movements and patterns, and is usually intended to be accompanied by music. Dance is static and kinetic successions of bodily movement in certain rhythmic and spatial relationships. Choreographic works need not tell a story in order to be protected by copyright."⁷ The Compendium also states what is not considered a choreographic work, and that includes social dance steps and simple routines.⁸ These factors of dance may not be protected by copyright law, as they are described as the foundations of dance, like how words are the foundations of stories.⁹ For example, a basic two-step cannot be copyrighted for the sake that that two-step can be used in a series of movements. If individuals were to copyright steps or dances as miniscule as those, no one would enjoy the luxury of learning choreography. There is a soft balance between broadness and restrictiveness to ensure the promotion of creativity. Still, the Compendium is merely a guide for the Office to follow, and the Office may depart from its normal practices to make an appropriate decision when necessary. Since the Copyright Act of 1976 does not specify choreographic works to as great of an extent as Compendium II does, this leaves a lot of room for interpretation of choreographic works and its copyrightability, as there is not much more to follow besides the Compendium, past cases, and what can come about in the future.

⁶ U.S. Copyright Office, Compendium of U.S. Copyright Office Practices § 101 (2d ed. 1984).

⁷ *Id.*

⁸ *Id.*

⁹ Kara Krakower, *Finding the Barre: Fitting the Untried Territory of Choreography Claims into Existing Copyright Law*, 28 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 671, 699, (2018).

When asking the question, “Is it copyrightable?,” courts have a lot to sift through to truly determine whether the original piece of art created counts as a choreographic work. In the context of dance copyright, the law relies on precedent. While the congressional definition of choreography remains undefined, these preceding pieces of information are what help to settle copyright registration. For instance, the work of Pilobolus, Inc. demonstrates how the Copyright Office has set limits on the definition of a choreographic work. This company created a fourteen second video of human silhouettes forming a Five-Petal Flower.¹⁰ The unique and abstract concept caught the attention of many, and Pilobolus saw an opportunity to register its copyright as a result. However, once the application was filed, a specialist refused to register it as a choreographic work because “choreography does not include simple routines.”¹¹ Not only did Pilobolus ask for reconsideration once, but the company asked a second time, claiming that the awards the Five-Petal Flower won for originality made it worthy of copyright registration. Still, the creative spark was utterly lacking, and its originality did not express enough in the way that other choreographic works do. Therefore, the United States Copyright Office could not register the short dance routine since it did not fit the accepted definitions of the past.¹² This instance helped to informally define the parameters of copyrightability.

Knowing whether a dance is copyrightable can determine a choreographer’s fate in infringement cases from the start. These vague and informal descriptions of choreographic works are not going to help society as dance continues to grow in popularity. Social media has already elevated dance to new heights, where commercial value for the art is more eminent than before.

¹⁰ Library of Congress, Second Request for Reconsideration for Refusal to Register Five-Petal Flower; Correspondence ID: 1-N27VRB, 1-5, (2016).

¹¹ *Id.*

¹² *Id.*

Fame and fortune are what drive millions of people to post on social media platforms; it is likely that dances will be stolen in the process to do so. However, choreographers posting on social media do not even acknowledge that they are permitted to protect their work. When they find out that they can register a copyright, they struggle to categorize these profitable routines as copyrightable or not copyrightable because the statute's guidelines are unspecified. This all leads back to the root problem of choreographic works being undefined. To mitigate future risks, a legal definition of choreographic works is necessary to take on any legal proceedings, including copyright registration and copyright infringement.

Step 2: Fix it in a Tangible Medium

Currently, cases like *Horgan v. MacMillan* and rejections like *Pilobolus*'s help determine where a dance piece fits on the scale of copyrightable to not copyrightable. The next crucial step is to make sure it fits in a tangible medium, just as any other work of expression must to contain copyright. Historically, before the digital age, choreography was fixed in a tangible medium through Labanotation. Labanotation is a codified dance notation created by Rudolph Laban in 1926. It detailed a dance in two dimensions, attempting to catch the essence of a three-dimensional performance.¹³ This type of writing was intricate and specific enough for dancers and other choreographers to interpret the movements from paper to the stage.

As stated previously, prior to the Copyright Act of 1976, choreography was not identified as copyrightable subject matter. Yet, the first choreographic work to be recognized by the United States Copyright Office was Hanya Holm's choreography for the 1948 musical, "Kiss Me

¹³ Kara Krakower, *supra* note 9, at 689.

Kate.”¹⁴ Holm recorded her work on paper in Labanotation and submitted it to the United States Copyright Office, hoping to be the first person to register a copyright for a choreographic work. Under the dramatico-musical category, Holm found success. She filed a choreography copyright despite there being no category specific to dance. This demonstrates the strength of Labanotation and how it identifies a form of expression to be novel and specific enough to have its own registered copyright.

As time progressed and technology became more advanced, dance was no longer primarily fixed in the Labanotation medium. Instead, it transformed to the more convenient form of audiovisual recordings. This medium was easier to capture choreography and interpret, as the moves were happening in three dimensions, becoming simpler to learn, understand, and mimic. Some critics would call choreography videos cruel because dancers often make mistakes, leading choreography to be misinterpreted, which makes it more difficult to know precisely what the choreographer intends for certain parts of a piece.¹⁵ Regardless, Labanotation is timely and more challenging to identify, making the swift recording of a dance to be the preferred method in forming a copyright. Choreographers must pay close attention to audiovisual recordings because this medium invites more people to interpret and reproduce copyrighted expressions at ease. It is essential to note that when a choreographer uses audiovisual recordings, it is not the individual moves that he/she is copyrighting, but rather the overall expression of the piece. This means that although detail is important, so is the style and statement of the routine. Courts may struggle when determining the presence of infringement, as dance is meant to be interpreted in different

¹⁴ Matt Kovac, *Copyright and Choreography: The Negative Costs of the Current Framework for Licensing Choreography and a Proposal for an Alternate Licensing Model*, Vol. 36, HASTINGS COMM. & ENT. L.J. 137, 144-145, (2014).

¹⁵ Joi Michelle Lakes, *A Pas De Deux for Choreography*, 80 N.Y.U. L. REV. 1829, 1855-1856, (2018).

ways when learning off paper or video. But, if the intention is to mimic the expression of the choreographic work, then this should prompt courts to declare infringement. As the digital age progresses, so does the opportunity to fix choreographic works in tangible mediums; and with tangible mediums as a requirement for copyrightability, this step has the power to facilitate and increase the risk of infringement for all creators.

Personal Experience

From my perspective as a dancer and choreographer, I have created plenty of copyrightable pieces according to the United States Copyright Office's loose definition and my ability to fix pieces in a tangible medium. As Senior Captain of the Pennsylvania State University Lionettes Dance Team, I have had the opportunity to choreograph multiple works for football games, basketball games, dance competitions, and more. For example, I co-choreographed a timeout routine for the 2021 football season's game against the University of Michigan. Two weeks prior to the game, my co-captain and I choreographed and taught the routine to our teammates during practice. Once all the material was learned, we filmed it for reference, which ultimately fixed our work into a tangible medium. We proceeded to perform the piece successfully at the Penn State v. Michigan football game in front of over one-hundred-thousand fans, where it was officially recorded and posted on social media for our followers to see. However, at the point and time we initially recorded the piece in practice, our joint work was deemed copyrightable. To further understand the copyright registration process, my co-captain and I filed for registration with the United States Copyright Office, pending approval. If we are granted protection, we will have the ability to file lawsuits against anyone that attempts to

infringe upon our routine, assuming that our creation was novel, specific, and original enough. See Appendix A for the case summary of our choreographic work, *2021 Penn State v. Michigan Field Dance*.

Having the ability to relate to the journey of authors and creators firsthand makes it easier to understand the logistics of copyrightability. Still, that does not make it significantly simpler due to the ambiguity of the choreographic work definition and conditions of copyright overall. My position as a choreographer with a published piece may be vastly different from another choreographer and his/her work. Since no scenario is ever identical, all factors of each published work must be discussed. There is much to consider as both an artist creating a piece and the Office determining eligibility.

Putting the Pieces Together

Once a dance can be labeled as a choreographic work, the rest of the pieces fall into place. As long as it fits the interpreted definition utilizing past cases and documents, while successfully refraining from basic two-steps and social dances, then the choreography is already qualified for copyright along these terms. The final step is for it to be fixed in a tangible medium, whether that is Labanotation or an audiovisual recording. Once it is published, the choreographic work is then copyrightable and has the possibility to be protected from infringement brought upon by others.

Although this sounds straightforward, there is still an issue with the first step of determining copyrightability: there is no firm definition in place. The juxtaposition of restrictions and broadness of choreographic works does not help choreographers in understanding what will

and will not be eligible for registration. It will save creators time and money if they were assured that their registrations are legitimately copyrightable, and courts will not reject them at the scene. Especially in the timeframe of social media where all rules are still fresh and unclear, having a set definition for choreographic works will make for clearer analyses of dance copyright infringement on both ends. Clarification is necessary to push for stronger and more valid case decisions and outcomes. Going forward, the action of infringement is an entity of its own to tackle.

Chapter 3

Copyright Protection for Choreography is Illusive

No precedent has proceeded to a point in litigation where the court has answered the question of what constitutes copyright infringement of a choreographic work.¹⁶ Though, like other forms of copyright, a plaintiff may argue that a defendant has indeed copied his/her work, which indicates copyright infringement. This is more properly identified as a violation of the exclusive right “to perform the copyrighted work publicly.”¹⁷ Copyright infringement falls under federal law, where the United States Copyright Office protects and handles litigation of the publications of authors, from writings to dances. The subject matter of dance can be infringed upon in several ways. Courts must be ready to determine the presence of its infringement using a range of criteria. Furthermore, they must be prepared to analyze infringement as technology develops, since more platforms means more creators who are unsure of their legal rights.

Direct Copying and Copying that Constitutes Improper Appropriation

Copying implies infringement when it fulfils certain requirements. There can be either direct copying or copying that constitutes an improper appropriation. Direct copying is when there is proof that the defendant copied the work.¹⁸ There should be a clear sign that the defendant’s intention was to duplicate an original piece. To ensure that direct copying occurred, the plaintiff must show there was access to original work, meaning reasonable opportunity to view or copy the work, and probative similarity, meaning that this was not a coincidence nor

¹⁶ Krakower, *supra* note 9, at 704

¹⁷ 17 U.S.C. § 106(4).

¹⁸ Krakower, *supra* note 9, at 705.

created independently.¹⁹ If the defendant had no access to the original work and created a piece identical to the plaintiff out of sheer coincidence, that does not constitute copyright infringement.

Copying that constitutes an improper appropriation is typically the case when alleged infringement does not fit the criteria of direct copying. Here, the plaintiff must demonstrate that the defendant's work is substantially similar to his/hers. Substantial similarity has two requirements, in which only one needs to be filled: (1) comprehensive nonliteral similarity, where the overall essence was copied but not in the same order or structure as the original; or (2) fragmented literal similarity, where the combination of small segments makes up a substantial amount of the original piece.²⁰ This type of copying occurred in the *Horgan v. Macmillan* case, where a series of pictures made up an infringement of the dance routine, *The Nutcracker*. This infringement need not be an exact replica; it could even be poorly executed, but the premise of this criteria is to show the overwhelming intention to copy an original work. If the alleged infringement is recognizable in a way that it refers to the original piece, the alleged infringement is more likely to be affirmed.

Registering before Filing

Whether it is direct copying or substantial similarity, a key component to filing a lawsuit against copyright infringement is the precedent of registering such copyright. According to the Supreme Court of the United States, "A copyright owner may institute a civil action for infringement of those exclusive rights, §501(b), but generally only after complying with

¹⁹ *Id.*

²⁰ Krakower, *supra* note 9, at 706.

§411(a)'s requirement that 'registration... has been made.'"²¹ In other words, to file a lawsuit and claim proper authorship of a work, the owner must register the copyright with the United States Copyright Office first. If this step is not performed prior to filing the lawsuit, there is no case that can be sufficiently made.

A recent lawsuit that addresses this problem is the lawsuit of *2 Milly v. Epic Games*. On December 5, 2018, Rapper 2 Milly, also known as Terrence Ferguson, sued Epic Games for utilizing a signature move of his called, "The Milly Rock," in its popular video game Fortnite. Gamers would purchase emotes (dances or movements) for their virtual characters between eight and nine dollars to perform moves like "The Milly Rock" throughout the video game, which contributed greatly to Epic Games' success, as Fortnite helped generate the company over two-billion dollars in revenue.²² Immediately, this caught 2 Milly's attention, leading him to argue that he has been doing his signature move since 2011 and gave no permission to Epic Games to monetize it. The dubbed "Swipe It" move in the game was identical to 2 Milly's.²³ The same could be said for the dubbed "Fresh" move, mimicking Alfonso Ribeiro's "Carlton" from Fresh Prince of Bel-Air and the dubbed "Ride the Pony" move, mimicking Psy's "Gangnam Style."²⁴ It seemed clear that 2 Milly had a promising case on his hands.

Unfortunately, the lawsuit was dropped because 2 Milly did not register a copyright for "The Milly Rock." As the owner, 2 Milly was unable to sue for infringement as a copyright holder since the United States Copyright Office neither granted nor denied an application for

²¹ *Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC*, 139 S. Ct. 881, 1, (2019).

²² Elijah Hack, *Milly Rocking Through Copyright Law: Why the Law Should Expand to Recognize Dance Moves as a Protected Category*, 88 U. OF CIN. L. REV. 637, 645-646, (2020).

²³ *Id.*

²⁴ *Id.*

registration. Evidently, this pre-requisite could have been the make-or-break of the case for the famous rapper.

If the case were to go to trial, there is a sense of direct copying done by Epic Games, which could have led 2 Milly to victory. However, an issue arises once again as it is debated whether this catchy move is even copyrightable since it qualifies as a social dance. While the two-step is identifiable as 2 Milly's and may grant him a right of publicity, it is possible the move is not strong enough to even be registered based on past definitions and the minimal guidance there is of choreographic works. This demonstrates how the Copyright Act of 1976 is outdated, as it does not address the dances that are truly being copied – the simple, yet creative ones that are easy for anyone to follow, relate to, and most importantly, make money off. As video games and social media emerge, it is time to start considering the potential that dances carry to be infringed upon when it matters. This will be discussed further in following chapters.

Overall, infringement cannot take place until copyright registration is filed. Without it, the possibilities of lawsuits are severely limited. With dance emerging as a popular art among the public, it is critical for choreographers to begin thinking of registration, as infringement may become more common than we have ever anticipated.

History of Choreography Infringement

According to the United States Copyright Office, “copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.”²⁵ Specifically for choreographic

²⁵ U.S. Copyright Office, *Definitions*, <https://www.copyright.gov/help/faq-definitions.html>, (last visited Mar. 25, 2022).

works, infringement occurs when the piece is performed or simply reproduced without the authorization of the original choreographer.

In the past, before choreographic works followed copyright statutes, it was easier for choreography to be lent out to others as they primarily followed contractual and licensing agreements.²⁶ This model was used for decades by the choreography community. For example, once a ballet was created, the choreographer was allowed to maintain tight control over all future performances. If a person decided that he/she wanted to replicate the piece, that person would have needed explicit permission from the original choreographer to perform and recreate it. This usually takes the form of a negotiated license agreement. The original choreographer and potential licensee had to negotiate a contract that would include an individual license to publicly perform the work.²⁷ The original choreographer had control of his/her piece and could prevent the potential licensee from changing the choreography. This is how infringement was prevented prior to choreography having its own set place in the Copyright Act of 1976.

While this system works efficiently in some cases, it becomes difficult to keep track of every person who desires to reproduce someone else's choreography. Contracts and licensing agreements worked when the number of users was miniscule, but with social media growing and dance trends running the platforms, it is a challenge to ensure each re-creator enters an agreement with the original licensor. To put into perspective, a comparative analysis was done between choreography and music. Previously, choreography was nothing like music. Musical works need no permission to be used. Instead, people pay royalties and follow statutory law for copyright.²⁸ Dance did not follow the same infringement protection protocols. The dance

²⁶ Kovac, *supra* note 14, at 141-142.

²⁷ *Id.*

²⁸ *Id.* at 140-141.

community had no Performance Rights Organization (PRO) or equivalent Harry Fox Agency (HFA) to collect royalties, so all cases had to go directly to the choreographer, which could get heavy over time.²⁹ It was up to the choreographer to retain control over attribution requirements and keep licensees within his/her own standards. A more effective system had to be put in place to keep up with the progression of dance and choreography in the modern world.

Fortunately, choreographic works becoming a copyrightable subject matter within the Copyright Act of 1976 changed the game for choreographers and their authorship. This turning point for choreography demonstrated that it was not always simple to rely on contract law and licensing agreements. This progress enabled choreographers to handle their works of expression under statutory law and gave them the ability to sue for copyright infringement, given their piece was registered with the Office. It was a transition for people to understand the use of choreography copyright rather than have negotiations behind the scenes. Still, it remained a major step in the right direction for dance and choreography.

The Copyright Act is still behind in its time as infringement is occurring more often than ever before due to social media and how fast material is transferred from one domain to another. According to New York University scholar Joi Lakes, “New technologies, such as inexpensive video recording and digital distribution of video files have increased the ease of recording dance, but they also have the negative side effect of facilitating difficult-to-detect copying.”³⁰ Arts have the ability to inspire others to get up and reproduce works that people enjoy. Yet, this constitutes as infringement if the overall piece is replicated without the permission of the original creator. Increasingly, this behavior is enabled as choreographers do not realize their right to register

²⁹*Id.*

³⁰ Lakes, *supra* note 15, at 1839.

pieces and file lawsuits. It is critical for these creators to capitalize on their legal rights as infringement is upon them every day.

Today, we must revalidate how we detect infringement. Under the Copyright Act of 1976, choreographers are able to sue for infringement. Still, what qualifies as infringement? It all stems back to what is copyrightable. Chapter 2 explains the copyrightability of choreographic works in terms of previous cases and Compendiums, but the art of dance has changed significantly over time with the aid of the media. Are certain dance moves still exempt even when they provide an economic benefit for others? What is the function of infringement if no one is filing because there is minimal guidance? These questions must be answered in a new updated version of the statute. Infringement is not possible if it is hindered by the definition of choreographic works and is not applicable to today's types of dances that are being directly copied and even worse, monetized without accreditation to the original author.

Personal Experience: A Hypothetical Scenario

Referring to the timeout routine I co-choreographed, I can apply the principles of copyright infringement of my choreographic work if necessary. I drew out the process in a hypothetical scenario if I were to face such issues. For instance, if the University of Michigan Dance Team saw my piece on social media, they would be able to copy it at ease and perform it at their next football game. If they proceeded to do so, I would be a victim to copyright infringement and could sue the users of my dance. My primary duty would be to register the piece with the United States Copyright Office, which I have done and am awaiting its approval. If I did not complete this step, I would be subject to a faulty case and would not be able to file a

lawsuit. Once I am granted permission from the Office, I can proceed to sue and conduct a civil lawsuit. The courts would identify my piece, determine its eligibility for copyright, and compare it to the University of Michigan's performance. If their performance was a direct copy of mine or substantially similar, they would be charged with copyright infringement of a choreographic work. Hopefully, this would be a case I would win and bring awareness to the dance community about the importance of knowing one's rights as an author of an original expression.

With the 1976 statute in place, choreographic infringement has been put on the radar of courts across the nation. However, there is still much to address since not all performances are as long or mainstream as the routine I created for a Division I dance team. A short piece produced on TikTok, or an improvised dance recorded at a dance competition deserves similar rights, but to this day, society is still unsure of where all those genres of dance lie within legislation. With *Horgan v. Macmillan* as the only federal case to fully address infringement of a choreographic work, there is not a significant foundation to base all incoming infringement cases on for the dance community.³¹ The future is unclear for dance and the law without a revised statute.

³¹ Lakes, *supra* note 15, at 1843-1844.

Chapter 4

Defenses Remain Unclear in terms of Choreography Infringement

There are two sides to every court case. If the court chooses to side with the plaintiff in a copyright infringement case, the defendant can provide a defense that demonstrates that his/her use of a copyright work was a fair use. This is better coined as the Fair Use Doctrine. Proving that the unauthorized use of another's piece was protected by fair use means that the alleged infringer did not actually violate the author's rights, and courts are to permit the unlicensed use.³² This affirmative defense is used to make sure the courts are not hindering creativity and restricting people of their expression. There are four factors to consider when determining if a fair use defense is present. Those four factors are made up of the following: (1) the purpose and character of the use; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work.³³ While this works on a case-by-case analysis, courts use all of these markers to determine the validity of fair use and if the defendant is protected as a result. Each factor will be discussed further and applied to the terms of choreographic works.

The Purpose and Character of the Use

The purpose and character of the use is the first factor the courts consider when determining the affirmative defense for copyright infringement. The intention of this factor is for

³² Marissa Brown, *Not So Fair Use: The Shortcomings of Current Copyright Law in Music Sampling*, 15 BROOK. J. CORP. FIN. & COMM. L. 443, 446, (2021).

³³ *Id.*

the courts to see if something of notable value was added to the original piece, transforming it entirely or giving it a new purpose, unrelated to its initial one.³⁴ There are two parts to determining the validity of fair use in this factor. First, the courts must determine if there is a commercial purpose for the allegedly infringed work.³⁵ Typically, if a commercial purpose is present, the actions of the defendant come off unfair and will be used against him/her in the fair use analysis. The second part deals with how transformative the new work is.³⁶ If the work does not carry significant similarities to the original or represents a totally different expression, the more transformative it will seem, and the more likely a fair use defense is present.³⁷

In the context of choreography, this factor is extremely important. If a dance is copied and then used for commercial purposes, there is a good chance that the infringer will not be protected by fair use. Dances are used for all types of compensation. Whether they are paid performances, commercials, or dance competitions, this art holds immense commercial value. If a dancer stole choreography from one of his/her competitors and used it for something like a TV advertisement he/she just signed on to, there would be no fair use defense present. But, if a dance was taken and used for a nonprofit educational purpose, such as teaching dancers the history of *Swan Lake*, then it is more likely that fair use would succeed as a defense. The growth of the media is making it more difficult for dance to carry non-commercial purposes. Talent agencies and company brands find this form of entertainment to have notable qualities and high potential to boost sales and revenues. The implications of social media include the increase of dance's

³⁴ C.T. Drechsler, Annotation, *Extent of 'Fair Use' under federal Copyright Act.*, 23 A.L.R. 3d 139 (1969).

³⁵ Krakower, *supra* note 9, at 708.

³⁶ Brown, *supra* note 32, at 447.

³⁷ *Id.*

commercial value, making it more challenging to apply a fair use defense in the realm of choreography infringement.

When analyzing transformativeness, it is important to compare the new work with the original work. If the new work carries an entirely different meaning or differs greatly from the original, then the piece is transformed, and fair use is present. Courts will have a harder time proving infringement if the new choreography does not capture the original's value. But, if it is not transformed enough, this could harm the original work, leading to no fair use protection. For example, a great pop culture incident occurred regarding the choreography in Beyoncé's *Countdown* music video and its failure to be transformative. Anna Teresa DeKeersmaeker is an avant-garde choreographer who constantly took her dances to new heights.³⁸ Two of her company's pieces, *Rosas danst Rosas* of 1983 and *Achterland* of 1990, seemed to have caught the attention of Beyoncé and her crew, as her music video *Countdown* featured some very similar choreography to DeKeersmaeker.³⁹ There are some pondering questions when putting the videos side by side and seeing the well-renowned singer and backup dancers performing DeKeersmaeker's moves. Beyoncé claims she was inspired by DeKeersmaeker's work, but DeKeersmaeker insisted that the producer Sony stop showing the video without her permission, as it seemed to be more than just inspiration. The question became prevalent: When does inspiration stop and infringement begin?⁴⁰ Nothing more was said about the case, as the women most likely reached a settlement agreement. If the case continued, it is probable that Beyoncé would fail the first factor of the Fair Use Doctrine, being that there is a commercial purpose and

³⁸ Krakower, *supra* note 9, at 691-692.

³⁹ *Id.*

⁴⁰ *Id.* at 693.

value behind her music video, as well as a lack of transformativeness since the moves are very identical.

While this is a case on a large scale, one can only imagine the similar stunts pulled on smaller scales for smaller named choreographers, especially when it comes to viral platforms like Instagram and TikTok, where common users experience free riders taking credit for their creative content. Evidently, this first factor has the power to influence the court's decision heavily. Still, the purpose and character of the use is merely one criterion for the courts to address, and there is much more to evaluate to help solidify or reject the fair use defense.

The Nature of the Copyrighted Work

The nature of the copyrighted work is not a major determining factor, but is necessary for consideration when balancing all the other factors of fair use. The nature of the copyrighted work deals with the work itself and the amount of creativity it holds. There are two considerations concerning this second factor: "(1) whether the work is factual or creative, and (2) whether the work has been previously published."⁴¹ The more factual a work is, the more likely it will be protected by fair use. The opposite goes for creativity. Moreover, an unpublished original work will make it easier for an infringer to have a fair use defense than a published work.

In terms of dance, choreography is almost always creative and has nothing to do with being factual. Thus, if an alleged infringement takes place, the nature of the work is creative and most likely published, making it difficult to find fair use protection. An analysis of the second factor may be as thorough or as simple as necessary. In the framework of social media, uploaded

⁴¹ Drechsler, *supra* note 34.

content is considered published and usually made with creativity, making this factor a losing argument for the defendant. A choreographic work's nature is worth discussing when combining it with the other three factors.

Substantiality of the Portion Used in Relation to the Copyrighted Work as a Whole

When analyzing the substantiality of the portion used in relation to the copyrighted work as a whole, the courts are examining the quantity of the original work taken and the quality of the work taken.⁴² While there is no standard that the courts have to follow regarding how much is copied, the rule of thumb is that as the amount of copyrighted material used increases, the argument for fair use decreases.⁴³ The excessive use of the original work in the infringed piece tends to dismay the courts, creating doubt that there is a fair use defense present, especially when it does not add any valid purpose besides being a copy. Once again, it remains a case-by-case analysis, as small pieces of a work can show major infringement and large pieces of a work can show fair use. That is why courts take quality into account. Quality plays a role since it deals with the original author's "heart" or "essence" in the work taken.⁴⁴ When comparing the original to the alleged infringement, one can observe the intentions of the infringer and how it affects the original author's passion and purpose. Quality to this extent can destroy the fair use argument, as an author's heart represents his/her entire work.⁴⁵

The third factor is a place where choreographers seem to be thoroughly evaluated. Dances range in both length of time and quality of the routine. Therefore, analyzing the

⁴² *Id.*

⁴³ Brown *supra* note 32, at 448.

⁴⁴ *Id.* at 449.

⁴⁵ *Id.*

substantiality of the portion used in relation to the copyrighted work as a whole is a necessary factor for the dance community. Referring to the Beyoncé case, the entire music video is filled with the work of DeKeersmaeker. Furthermore, the moves themselves are made of geometric patterns and innovative technique which showcase the genius and essence of DeKeersmaeker. In all, both the quantity and quality used in the music video are overwhelming. If a settlement was not reached, it could have been possible that Beyoncé would fail the fair use defense with the aid of this third factor.

Looking at more recent trends today, the analysis of quantity becomes questionable for choreography infringement as dances are becoming shorter and shorter. TikTok is a place where dancers may create “combos” (dance routines) and post them online as trends for other people to follow. Though, when a celebrity uses an original author’s dance and gets paid to post it, it is highly likely that infringement is present. Looking through the lens of fair use, quantity becomes an issue since TikTok dances range from fifteen seconds long to one minute. The debate is whether the courts will acknowledge fifteen seconds as long enough to be considered infringement or if they will fall back onto other factors to make the decision. This is another place where dance and music cannot be compared. While fifteen seconds of a song may not constitute as infringement since it covers less than a quarter of the song, fifteen seconds of a dance may represent a choreographer’s entire piece and essence. These are fields that need to be addressed as social media takes dance to new heights.

The Effect on the Potential Market for or Value of the Copyrighted Work

The final factor may be one of the most important factors when it comes to fair use. The effect on the potential market for or value of the copyrighted work holds a lot of power since it deals with the economic value of the original work. If the alleged infringement has potential market value, it is highly unlikely that the defendant will be covered by fair use. Any earnings a creator receives for the infringed work is harming the original author and his/her revenues.⁴⁶ If the substitute were to urge potential purchasers to purchase the new copy over the original work, there is a severe negative impact on the original author, and he/she must be compensated for damages.⁴⁷ The Fair Use Doctrine is not meant to protect works that are harming the market value of the original. For that reason, courts must take this factor into high consideration.

Today, it is more likely than ever for dances to have market value. The niche community of dancers supported each other and gave one another a following, but now, there are general spectators of dance all over the world. Non-dancers admire choreography from social dances to TikTok trends to professional ballets. Technology has expanded the dance bubble and people are starting to notice its effects on a global scale. Consequently, dance celebrities are more prominent than they have ever been before. This can be harming to the choreographers who make these dance celebrities famous without them knowing. For example, Charli D'Amelio is a major TikTok star whose videos are monetized by different ads, publicity stunts, and more. In other words, she gets paid to post herself doing a variety of dances on the popular app. However, she does not make these dances up herself; she learns them from other less famous individuals carrying such talent. If D'Amelio does not ask the permission or credit the original

⁴⁶ Brown, *supra* note 32, at 449.

⁴⁷ *Id.*

choreographer when she performs and posts a dance, she could be liable for infringement. Looking at the fourth factor in the Fair Use Doctrine, her marketability is through the roof compared to the small choreographer whose name remains unknown but whose dance is viral. The lack of recognition caught the attention of the public, and now people are arguing over the infringement process and what repercussions there are for stars like D'Amelio, who have a negative impact on unknown creators. This is the issue that needs to be discussed in the choreography community because the likelihood that this is happening between several other celebrities and small-name choreographers remains exceedingly high.

Issues with Fair Use

The Fair Use Doctrine has been an acceptable guide in helping courts navigate copyright infringement. Though, it is crucial to acknowledge the broadness of the factors and the shortcomings of each decision made. Since it runs on a case-by-case analysis, rulings may be inconsistent with one another, making it difficult to determine the outcome of a future case.⁴⁸ Furthermore, the lengthy and expensive process of litigating in federal court may deter smaller independent artists from speaking up against larger name celebrities, as their fair use defense may be granted due to the number of resources they have for help. Overall, fair use is helpful in affirming whether infringement or no infringement is present, but the factors remain too sensitive for concrete rulings to be set.

This may have the potential to harm the dance community in the long run. Based on the minimal past cases in copyright infringement of choreographic works, there is not much

⁴⁸ *Id.* at 450.

precedent for future cases to follow. Courts must recognize the popularity of dance today and how it has transformed from its initial interpretation in the Copyright Act of 1976. From social media to video games, these factors now play a role in litigation for copyright infringement of choreographic works. On a more generic scale, the defenses used should have definitive meanings or interpretations when it comes to the four factors. There is already enough ambiguity with the definition of choreographic works. It is time for the Fair Use Doctrine to implement some bright line rules to reduce the vagueness and help subject matters like choreographic works have a stronger guide through litigation.

Chapter 5

Social Media has Major Effects on Choreography Infringement

After analyzing the steps pertaining to copyright infringement, it is critical that they are applied within the framework of social media. Social media plays a significant role in society and depicts how many individuals spend their pastimes today. People observe each other's lives through posts and hope to receive their own views and likes in return. There is a recurring theme on social media platforms where users desire to "get noticed" for their content, whether it be photos, videos, tweets, or status updates.⁴⁹ The issue arises as social media transforms from a hobby to a lucrative career, which is how many celebrities are getting and retaining their fame today. While individuals can freely post content that they create themselves, users tend to post and upload third parties' content as their own, not knowing the repercussions of copyright infringement.⁵⁰ Regardless, some of the fame and fortune that users obtain is not from their own work; rather, it is at the expense of someone else. This is something that must be addressed as the popularity and use of social media continues to grow exponentially.

In the context of dance, social media has given this art a platform bigger than it has ever seen before. From Instagram, to YouTube, to TikTok, there is ample opportunity for choreographers and dancers to get discovered and showcase their work. However, this also means that there is ample opportunity for users to steal others' work and claim it as their own. Choreography may range from a full routine to a catchy segment. With this art growing, it is difficult to keep up with the number of infringement cases developing without a core statute in

⁴⁹ Maddie Wagner, *Set Your Settings on Private? Copyright in Era of Social Media Usage*, 9 CYBARIS AN INTELL. PROP. L. REV. 57, 75, 2018.

⁵⁰ *Id.* at 66.

place focusing on choreographers and their work. Whether it is innocent or intentional, courts must recognize the prominence of social media as it aids in several types of infringement, including choreographic works.

Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) emerged on October 28, 1998, as it was signed into law by President Clinton.⁵¹ The DMCA is frequently seen as an addendum to the Copyright Act, helping to facilitate situations involving intellectual property in the digital world. The act creates “limitations on the liability of online service providers for copyright infringement when engaging in certain types of activities.”⁵² The purpose of enacting the DMCA was to aid online service providers in understanding their position during litigation. Online service providers are defined in Section 512(k)(1)(A) as “an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material and of the user’s choosing, without modification to the content of the material as sent or received.”⁵³ Based on this, social media platforms fit the definition and therefore, are eligible for protection. For example, YouTube has limitations for copyright infringement when one of its users copies material from another. The platform is protected, and litigation happens specifically between the two creating parties. Additionally, the DMCA assures copyright owners themselves that they will be afforded some type of protection when dealing

⁵¹ U.S. Copyright Office, *The Digital Millennium Copyright Act*, <https://www.copyright.gov/dmca/>, (Last visited Apr. 3, 2022).

⁵² *Id.*

⁵³ 17 U.S.C. § 512(k)(1)(A).

with copyright infringement cases.⁵⁴ The guidance of the DMCA helps define the boundaries of social media and intellectual property protection for creators, service providers, and any third parties involved. This chapter will analyze three prominent service providers under the DMCA that are very susceptible to choreography infringement: Instagram, YouTube, and TikTok.

Instagram and Copyright

Instagram has been known as a photo-taking and photo-editing platform for users to post whatever they please about their lives. It is a notable way to share one's favorite photographs taken with friends, family, and more. However, the second a user begins posting something other than his/her own content, that user is risking the liability of copyright infringement. A case that demonstrates this is Peter Cepeda's lawsuit against model Gigi Hadid, who uploaded one of Cepeda's photographs of her to Instagram.⁵⁵ She was depicted as an alleged infringer of Cepeda's work since she removed the copyright watermark and failed to credit the photographer who has exclusive rights to the photo. Cepeda alleges that this violates DMCA as it is illegal to "violate the integrity of copyright management information."⁵⁶ This is only one of many cases where Instagram users confuse the logistics of copyrighted material. Just because a photo is taken of you does not mean you have ownership in that photo; it belongs to the person who captured it. From a supermodel with a major platform to a high school student reposting cool content he/she found on Google Images, infringement of photography prompted all other types of infringement to take place on Instagram.

⁵⁴ Wagner, *supra* note 49, at 59-61.

⁵⁵ *Id.* at 66.

⁵⁶ *Id.*

Instagram has evidently developed over time and has expanded from a mere photo sharing app. As it was acquired by Facebook in 2012 for one-billion dollars, Instagram has become a multi-purposeful app, where users may post both photos and videos, reels (mimicking short TikTok videos), and even shop in its marketplace.⁵⁷ This rapidly became a platform for dancers to showcase their skills and artistry. Choreographers have taken full advantage of the video sharing update, as Instagram has grown to be one of the most popular service providers of the generation. With its “Discover” page, the public can view videos that relate to any of their interests based on their activity and the platform’s algorithms. From there, choreographers may generate views and likes on their post, claiming themselves fame or the act of becoming viral. Still, with the great accessibility that Instagram offers, there is greater potential for copyright infringement. One viewer may see a choreographer’s piece on Instagram and like it for its pure enjoyment. Another viewer may see that same piece, learn it, perform it, and then post it to gain more followers of his/her own without the permission of the original creator. Theoretically, if that performer gets more attention and credit for the copied piece, this can turn into a major copyright infringement case with the aid of social media. Instagram’s popularity among the public makes these intellectual property issues hard to miss. Yet, acts of infringement specific to choreographic works are overlooked every day. While Instagram follows similar policies to Facebook’s regarding copyright infringement, it remains a hassle to get a handle on what dance copyright looks like to the people running the platform.

⁵⁷ Evelyn M. Rusli, *Facebook Buys Instagram for \$1 Billion*, N.Y. TIMES, Apr. 9, 2012.

YouTube and Copyright

YouTube is a major social media platform that has been around for decades. With its prominent relevance today, there is no doubt that creators are still hoping to increase their subscribers and following through captivating video content. YouTube has been in the copyright infringement game for some time now, since videos contain a multitude of items that may be infringed. From music in the background to uploads of someone else's video recording, YouTube is subject to intellectual property suits of all kinds. For example, a reaction video created by Ethan and Hila Klein was uploaded to YouTube, which shows them mocking creator, Matt Hoss, and his own videos.⁵⁸ While the Kleins used Hoss's video in their own publication, which typically marks copyright infringement, their actions were protected by fair use, as the copyrighted work was used in a critical way.⁵⁹ Although this was a victory for the plaintiffs in this case, that does not always tend to be the outcome for others accused of infringement. YouTube has grown and developed over time to catch these issues and more pertaining to copyright infringement. The service provider has gone as far as to develop an algorithm that tracks such content and activity. Known as Content ID, this automatic copyright detection and filtering program is utilized to help content creators and copyright holders control and profit from their uploads.⁶⁰ Content ID automatically matches, blocks, and monetizes videos that allegedly contain any amount of infringing content, giving YouTube a leg up in tackling any potential lawsuits coming its way.⁶¹

⁵⁸ Hosseinzadeh v. Klein, 276 F.Supp.3d 34, 40 (S.D.N.Y. 2017).

⁵⁹ Wagner, *supra* note 49, at 68.

⁶⁰ Benjamin Boroughf, *The Next Great YouTube: Improving Content ID to Forster Creativity, Cooperation, and Fair Compensation*, 25 ALB. L.J. SCI. & TECH. 95, 95, (2015).

⁶¹ *Id.*

What does this mean for dance, though? The algorithm can pick up on mimicked sounds and repeated videos, but there is no motion recognition algorithm available for any infringed choreographic works. If a dance marked as copyrightable is posted on YouTube, and someone directly copies it or performs something substantially similar and posts on the same platform, there is no sure-fire way that YouTube will identify the infringing activity. To this day, platforms like YouTube are unaware of choreographic works and their copyright eligibility, which makes it more challenging to receive protection from them. Being that YouTube is a notable and recognizable service provider for the dance community, it is essential to increase awareness of choreography copyright. For example, if I were to post my timeout routine against the University of Michigan on YouTube, I should be comfortable in knowing that YouTube would catch any activity that matched the dance moves and patterns I created in another video. To this day, I cannot rely on the platform to detect such illegal activity; rather, I would have to locate it myself and bring it to the attention of the infringer and the court. Motion recognition in this sense may be a timely, expensive, and arduous process to endure for YouTube. Yet, choreography is only growing more popular, so it is in the provider's best interest to consider dance and its copyright for future cases under the DMCA.

TikTok and Copyright

Two years ago, this section would not have been written, as TikTok was only just emerging as a new entity of social media. TikTok is a derivative app of Musical.ly, where users may record entertaining videos of themselves dancing, performing skits, singing, and more. In the period of COVID-19, this became millions of users' comfort app, as it brought them in-home

entertainment. From there, TikTok received immense success and changed the standard for social media. For instance, Instagram added a feature known as “Reels” to mimic the TikTok trends and compilations of TikToks may be found on YouTube.⁶² Overall, the most exciting feature of TikTok is the opportunity for anyone and everyone to go viral. Through views, likes, comments, and reposts, users can get creative with their content and develop a major following, which now constitutes as fame in this generation. In the past, it was unlikely for a social media influencer to gain a greater platform from there. However, TikTok changed the game. Today, celebrities are being created out of these viral “TikTokers,” and we can now see them starring in movies, TV shows, music videos, and more. This app has broadened the world of social media and exposed the public to its effects.

That is where the art of dance emerges. TikTok is known for many things, but a major part of its success comes from dance trends. These eminent dances are made up and posted by users across the world in hopes that they go viral. Users hope for big name celebrities to view their post and recreate it, allowing them to receive recognition and a newfound following. However, this is not always the case. There are numerous times where dances have been created by small scale choreographers and it reaches one famous person who then blows it up on the app, giving no credit to the original creator. That famous person is getting monetized for his/her dances, while the choreographer remains undiscovered. A notable case that brought attention to the importance of copyright infringement of a choreographic work involves a fourteen-year-old girl from Georgia named Jalaiah Harmon. Harmon trains in a range of dance styles at her local dance studios, while aiming to build a career online through her viral TikTok dances.⁶³ Her most

⁶² Bryan X. Chen and Taylor Lorenz, *We Tested Instagram Reels, the TikTok Clone. What a Dud.*, N.Y. TIMES, Aug. 12, 2020.

⁶³ Taylor Lorenz, *The Original Renegade*, N.Y. TIMES, Feb. 13, 2020.

notable dance is known as the “Renegade.” This dance involves a series of creative movements and patterns that encompass an exciting twenty second routine. “Renegade” gained so much popularity that celebrities such as Lizzo, Kim Kardashian, David Dobrik, and TikTok’s homegrown star, Charli D’Amelio, have performed it.⁶⁴ Unfortunately, Harmon did not receive the credit she deserved from all these well-renowned stars, which brings up the issue of dance copyright. Harmon has not been able to capitalize on her own work.⁶⁵ She did everything she could to receive credit from the masses, but with TikTok just finally exposing the world to dance culture, no one was familiar with the protocols to be taken to give choreographers credit. Harmon stated, “I think I could have gotten money for it, promos for it, I could have gotten famous off it, get noticed. I don’t think any of that stuff happened for me because no one knows I made the dance.”⁶⁶ It is not as common as making music or writing a book, but choreography does deserve credit where credit is due, just like any other authorship.

Battles for recognition have become increasingly worse since the emergence of TikTok. Jalaiah Harmon is merely one example of a creator falling victim to non-accreditation. These prominent celebrities are not only stealing choreography, but are in fact, appropriating the culture of many of these unknown choreographers. Several black TikTok creators went on strike in 2021 to protest the appropriation of their content by white users.⁶⁷ By not choreographing to black rapper Megan Thee Stallion’s hit song, *Thot Shit*, white creators were on their own to make a viral piece. In the past, TikTok stars like Charli D’Amelio and Addison Rae have taken dances created by black women and debuted them on larger platforms like The Tonight Show Starring

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Kari Paul, ‘They Can’t Do It Without Us’: Black TikTokers Strike to Protest Dance Appropriation, THE GUARDIAN, Jun. 24, 2021.

Jimmy Fallon and *Keeping Up with the Kardashians*, while the original authors received no compensation for their work.⁶⁸ These small artists were infuriated and claimed, “This app would be nothing without black people... They can’t do it without us.”⁶⁹ The action of the strike was to make white creators “rethink compensation, citation, and ethical collaboration with black creators on this and other social platforms.”⁷⁰ It is time for proper recognition to rise and hold third parties accountable for their infringing and appropriating actions.

Choreography copyright may not have been a norm then, but it is a norm now. As TikTok and dance trends proliferate the world, the public is learning to recognize the importance of original authors in the field of dance. They acknowledge the common courtesy to tag the handles (usernames and profiles) of such creators and give them “Dancer Credit” in their captions. Awareness is increasing, but infringement remains present. It is necessary to put this recognition in legal terms to avoid the repercussions that Harmon and others have faced.

TikTok dances are protected by copyright, assuming they are not basic or social dance steps. Harmon may have got the ball rolling, but there is still so much more to account for in dance infringement. Is tagging TikTok handles enough to satisfy original creators? While we do not want to hinder people from expressing and appreciating these viral dances, we also do not want higher-end creators to receive compensation for the work of someone else, which tends to be the case. It is essential that choreographers are reimbursed for the work that is elevating others’ platforms. This is where dance and social media come to a crossroads with little to no answers on how to resolve the situation. Choreographers like Harmon and more need recognition the same way musical artists need recognition when their songs are being used.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

Social Media and Choreography

Social media is taking over the world post by post, and dance is catering to its growing popularity. With the number of creators expanding on a global level, new initiatives must be put in place to prevent copyright infringement of these novel expressions. Dance needs to be redefined in terms of social media and the United States Copyright Office must analyze works of art based on their value in the technological era.

The best way to make choreography copyright in the age of social media more comprehensible is to continue to compare it with music in the same framework. Dance is very different from musical composition under the Copyright Act of 1976.⁷¹ Musical compositions follow a compulsory license system, where any subsequent artist can do a “cover version” of a song and post it online per the terms of a statutorily mandated compulsory mechanical license.⁷² Other creators can utilize an artist’s song on social media, given that the original artist will be paid in royalties every time it is played.⁷³ For instance, TikTok blocks users from using songs in which artists do not give permission to be used in others’ videos. When songs are not blocked on the app, this means that artists did give permission and are being paid in royalties whenever a TikTok user uses their sound recording. The same occurs for both Instagram and YouTube. Analyzing how articulate of a system musical compositions and sound recordings follow when it comes to copyright makes it perplexing to see how differently dance and choreography are treated. Choreographers have a tight control on their performances and must give explicit permission to other dancers to perform their piece. This becomes an arduous task as millions of

⁷¹ Kovac, *supra* note 14, at 138-139.

⁷² *Id.*

⁷³ *Id.* at 139.

videos surface the internet where choreographers are unaware of how many outlets their dances have reached. With no royalty or mechanical license system in check, choreographers constantly debate whether they should spend major amounts of time and money to get one of millions of videos flagged for infringing their copyright or give up on fighting for copyright protection overall. The terms of social media make it challenging for choreographers to understand their rights as artists and what the next step is for them. While music copyright is clear cut for the public to understand, dance has its obstacles.

Social media is an exciting outlet for choreographers and dancers to disseminate their material, but it still comes at a price. The Office is faced with the debate of whether these trending dances fit the Compendium II definition or if they qualify as social dances, which are not protected under copyright. Jalaiah Harmon's "Renegade" is easily seen as a creative expression of choreography, but because of its social benefit to others, it could be coined as a social dance. Like "The Milly Rock," if the case against Epic Games never settled, it is still a question whether this dance move would classify as a creative expression or a simple routine. While it remains undefined in the Copyright Act of 1976, its legislative history makes it difficult to tell if the courts will except these new trends as original and creative expressions.⁷⁴ Social media has changed the standard for what constitutes as a social dance and what constitutes as a copyrightable work. These short routines may be popular among the public, but they hold significant market value and a newfound commercial purpose. The prevalence of dance in people's lives today make the situation with copyright even more important to address. The art will only grow to be more common amongst social media users, thus everyone should be aware of their rights as creators and limitations as re-creators.

⁷⁴ Hack, *supra* note 22, at 641.

Chapter 6

Proposal

The overarching argument of this thesis is to propose revisions to the Copyright Act of 1976, focusing on choreographic works. An explicit definition must be put in place to offer original authors clarity of what choreography is copyrightable, and parameters need to be set up in the Act regarding infringement of choreography and fair use defenses. Finally, social media needs to be addressed in legislature as its relevance becomes both long-term and widespread. Courts may find the law and use it to interpret, invalidate, or obliterate statutes; but legislatures ultimately make the law.⁷⁵ That is why choreographic works need to be amended in the Copyright Act, so that courts have proper instruction when making decisions of infringement. A statutory change is necessary to create stability in all future copyright infringement cases. Dissemination of choreography will be facilitated with such modifications to the statute.

Define Choreographic Work

The lack of precedent dealing with choreography makes it difficult for courts and authors to navigate through copyright infringement. The first step is to solidify a definition within the statute so that there is no vagueness that follows any lawsuit or case when defining what exactly is a choreographic work. This will make the statute more effective and provide proper guidance for potential suits moving forward.

Choreographic works must be defined in terms of today's situation. Social media has demonstrated its power to make dance relevant among the general population. While many of its

⁷⁵ Maurice Rosenberg, *Anything Legislatures Can Do, Courts Can Do Better?*, 62 ABA J. 587, 587, (1976).

moves seem basic or simple enough for people to follow, that doesn't mean the compilation of moves together make it a social dance. These creative combinations are what make dance videos go viral and offer financial support to some well-known creators. Their credit should not be dismissed due to its categorization in social media. The definition of a choreographic work should reflect the wishes of the artistic community in a manner comprehensible by the legal community.⁷⁶ Compendium II marks the only document that comes close to defining choreographic works, but it is necessary to go further in the definition and express the difference between basic steps, social dances, and the combination of both. This foundation can be built upon to define choreography today.

A proposed definition could be the following: Choreography is the compilation and arrangement of dance movements, patterns, and physical interpretation intended for performance whether live or virtual, including social media. It contains static and kinetic movements of the body, following rhythmic and spatial patterns. A choreographic work may follow a plot or be accompanied by music, but neither are necessary. There is also no time minimum or maximum to constitute a choreographic work. Basic steps and social dances are not protected by copyright, but the combination of such elements to create a piece of expression may be eligible for protection.

This definition encompasses statements from Compendium II while elaborating on other segments that help bring its relevance to social media. Stating the virtuality and affirmation that a combination of simple steps may make up copyright protection demonstrate the true value of modern choreography today. It is important to create explicit boundaries but leave space for

⁷⁶ Lakes, *supra* note 15, at 1858.

interpretation as the world of dance and social media continue to develop. The goal is not to hinder creators from creating, but instead give them direction as they figure out their authorship rights as choreographers.

Define the Parameters of Fair Use

The parameters of copyright itself are not as strong as they can be for all forms of expression. The first step is to determine the copyrightability of a subject matter. In terms of choreographic works, this is the primary obstacle to overcome as there is no specific nor proper definition in place. Once a definition is set and the piece is placed in a tangible medium, then begins the analysis of infringement. Infringement will remain to work on a case-by-case basis, but with a definition of choreographic works in place, hopefully courts will be able to make more educated and sound decisions when determining the outcomes of lawsuits. Using the frameworks for direct copying and substantial similarity should still apply to the dance community regardless of the channel that the dance is choreographed in (live, social media, etc.). Overall, the copyright infringement process may remain the same, given that the definition for choreographic works is fixed and easy to interpret among the dance and legal community.

The biggest issue deals with the third factor of copyright infringement: affirmative defenses. The Fair Use Doctrine remains very broad because each situation is different and has potential to be protected from infringement allegations. However, there is no harm in clarifying some of these factors to make it easier to capture the purpose and essence of certain expressions, including choreographic works. As social media develops, fair use principles must be ready for courts to interpret defenses in a technological sense. For example, the first factor discussing the

purpose and character of the use remains of significance in the context of dance and social media because there is now greater potential for commercial gain. It is understandable to have this defense for dance schools to teach famous choreography and critics to review critically acclaimed pieces.⁷⁷ Yet, there are other purposes whose excuses may slip through the cracks if the law is not careful with its fair use factors and definitions. If YouTube videos or TikToks are posted containing infringed pieces of choreography in hopes to generate followers and go viral, this should be seen as a commercial purpose. With a viral video comes a greater number of followers; a greater number of followers grabs the attention of brands, agents, and sponsorships; brands, agents, and sponsorships bring about fame and fortune. Hence, a commercial purpose exists in the scope of social media. The Fair Use Doctrine must consider this possibility in the digital era.

The second factor remains intact and does not need further revision. The purpose of the second factor is to analyze the nature of the copyrighted work and what it stands for. Dance is an expression whose creativity and publication remain succinct and obvious. Courts shall proceed to use the second factor's current guideline.

Like the first factor, the third factor regarding the substantiality of the portion used also needs further clarification. As stated previously, famous dances are becoming shorter and shorter, which is why it is easier for people to infringe upon them. The argument can be made that a YouTube video playing only fifteen seconds of a song in the background counts as fair use, but the same argument cannot be made for a TikTok dance that lasts a majority of fifteen seconds. Federal legislation cannot quantify creativity, especially when it comes to dance. The execution of such movements in a small time frame demonstrate the importance of quality over

⁷⁷ Krakower, *supra* note 9, at 715.

quantity. Thus, music quantification in the third factor cannot be the basis for choreographic works that may be short but carry a significant amount of authenticity. Social media can mistakenly be used as an excuse to affirm such a defense, but it is essential that social media is not seen as a fair use scapegoat. Courts should not overlook the repercussions of quantifying dance, as major choreographers create notable expressions for a minimal amount of time for the purpose of social media growth.

Finally, the fourth factor, the effect on the potential market, remains of high importance. Barton Beebe conducted an empirical study that determined the first and the fourth factor are often considered the most important in the Fair Use Doctrine.⁷⁸ These two factors make up two sides of the same question as commercial purpose goes hand in hand with market value. The success of a dance in the past heavily depended on ticket sales, but today, the success of a dance can heavily depend on the amount of likes it receives, the number of followers it brings in, or how many endorsers it has, all thanks to social media. This generation has demonstrated the various ways dancers can be compensated for their creativity using media outlets. Consequently, the most important modification to the fourth factor is to open the definition of market value to the possibilities of social media.

Fair use remains a broad defense to keep from blocking others' First Amendment and sole creativity, but having more defined parameters in the framework will help courts understand where expressions like choreographic works fit in the defense. There is too much room for interpretation that alleged infringements may get away with due to a lack of choreographic knowledge. Social media should not only help identify fair use defenses, but limit how many defenses are being used.

⁷⁸ *Id.* at 716.

Assess Choreography in the Framework of Social Media

The overall proposition of this thesis is to strengthen the copyright infringement system and deliver a better presentation of choreographic works in the modern world. Dance used to be seen in extremes: a social pastime to do at weddings and parties, or an artistic career that allows one to demonstrate expression and agility all at once. The power of social media has collided these two worlds and created a foreign topic for the legal community to attack. This is my attempt at bridging the gap and improving everyone's knowledge of dance and the law.

Choreographers must know their rights as there are now several outlets to publicize their works. Starting with a definition of choreographic works will lay the foundation for its copyright infringement. Being able to keep a broad definition that welcomes creativity while specifying some underlying trends of dance today will help create a more informed interpretation of choreographic works. From there, the pieces will align, and normal legislation should be able to take place. If infringement is present and a fair use defense is proposed, the courts should be able to easily analyze the defense in the context of choreography and its values.

All these factors will shape the law and relieve the different communities of the lack of clarity. Codifying a clearer definition of choreography and focusing on the terms of social media will strengthen choreographers' confidence in filing infringement suits and lawyers' knowledge of the material at stake.⁷⁹ Dance will continue to circulate the globe through classical ballets, world tour concerts, and TikTok trends. It is best for the law to be ready to tackle any choreographic work lawsuit that comes its way.

⁷⁹ *Id.* at 717.

Conclusion

The Copyright Act of 1976 has the right intentions when adding choreographic works to the long list of copyrightable subject matter. Though, there is still a lot of work that needs to be done to provide a concrete standard for the added category. After analyzing the steps of copyright infringement, there is one comprehensive solution to fix this issue: define choreographic works. With a firm definition in place, there is already a significant amount of guidance for the courts when it comes to evaluating an infringement case on this topic. The dependency on *Horgan v. Macmillan* will decrease and there will be an increase in following a firm structure pertaining to dance and choreographic works. Lawsuits and litigation should also be facilitated due to modification in the statute. Both the dance and law community will have clarity when approaching this form of copyright moving forward.

Social media continues to grow and showcase dance on its platforms more than ever. It is the foundation for turning influencers into celebrities as it increases their performance caliber. With the advantages that social media brings to dancers and choreographers alike, there comes the disadvantage of infringement and replicating the most famous of moves. But, with a proper definition and secure parameters in place, the issue of dance and social media will begin to lessen. Having a handle on the copyrightability of choreographic works will ease the tension brewing in this technological space. Fixing the definition and framework of choreography infringement will help the dance community, legal community, and social media community all in one. These revisions will bring the law closer to the context of today's generation.

Appendix A

U.S. Copyright Office, *Application for Registration*.

Registration Number

-APPLICATION-

Title _____

Title of Work: 2021 Penn State v. Michigan Field Dance

Completion/Publication _____

Year of Completion: 2021
 Date of 1st Publication: November 13, 2021
 Nation of 1st Publication: United States

Author _____

- Author: Kara Manuud
 Author Created: Choreography
 Citizen of: United States
 Domiciled in: United States
- Author: Haley Danielson
 Author Created: Choreography
 Citizen of: United States
 Domiciled in: United States

Copyright Claimant _____

Copyright Claimant: Kara Manuud

Copyright Claimant: Haley Danielson

Limitation of copyright claim _____

Material excluded from this claim: music, lyrics, musical arrangement, text

New material included in claim: Choreography

Page 1 of 2

Case Summary

Case Number: 1-11292625441

Application Format: Standard

Case Type: Work of the Performing Arts

Contact Name: Kara Manuud

Opened: 4/3/2022

All Titles						1 - 1 of 1
Title of Work	Volume	Number	Issue Date	Type	On Page	
2021 Penn State v. Michigan Field Dance				Title of work being registered		

Publication/Completion							1 - 1 of 1
Published Work	Year Created	Publication Date	Nation of First Publication	ISN Type	IS Number	Preregistration Number	
Yes	2021	11/13/2021	United States				

Authors & Contributions (PA)														1 - 2 of 2
Name	Organization Name	Work For Hire	Citizenship	Domicile	Year of Birth	Year of Death	Anonymous	Pseudonymous	Pseudonym	Music	Lyrics	Text	Music Arrangement	Created Other
Kara Manuud			United States	United States			N	N		N	N	N	N	Choreography
Haley Danielson			United States	United States			N	N		N	N	N	N	Choreography

BIBLIOGRAPHY

- Benjamin Boroughf, *The Next Great YouTube: Improving Content ID to Forster Creativity, Cooperation, and Fair Compensation*, 25 ALB. L.J. SCI. & TECH. 95, (2015).
- Bryan X. Chen and Taylor Lorenz, *We Tested Instagram Reels, the TikTok Clone. What a Dud.*, N.Y. TIMES, Aug. 12, 2020.
- C.T. Drechsler, Annotation, *Extent of 'Fair Use' under federal Copyright Act.*, 23 A.L.R. 3d 139 (1969).
- Elijah Hack, *Milly Rocking Through Copyright Law: Why the Law Should Expand to Recognize Dance Moves as a Protected Category*, 88 U. OF CIN. L. REV. 637, (2020).
- Evelyn M. Rusli, *Facebook Buys Instagram for \$1 Billion*, N.Y. TIMES, Apr. 9, 2012.
- Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881, 1, (2019).
- Hosseinzadeh v. Klein, 276 F.Supp.3d 34, 40 (S.D.N.Y. 2017).
- Horgan v. Macmillan, Inc., 789 F.2d 157 (2d Cir. 1986).
- Joi Michelle Lakes, *A Pas De Deux for Choreography*, 80 N.Y.U. L. REV. 1829, (2018).
- Kara Krakower, *Finding the Barre: Fitting the Untried Territory of Choreography Claims into Existing Copyright Law*, 28 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 671, (2018).
- Kari Paul, *'They Can't Do It Without Us': Black TikTokers Strike to Protest Dance Appropriation*, THE GUARDIAN, Jun. 24, 2021.
- Library of Congress, GENERAL GUIDE TO THE COPYRIGHT ACT OF 1976. [Washington, D.C.]: United States Copyright Office, Library of Congress (1977).
- Library of Congress, Second Request for Reconsideration for Refusal to Register Five-Petal Flower; Correspondence ID: 1-N27VRB, 1-5, (2016).

Maddie Wagner, *Set Your Settings on Private? Copyright in Era of Social Media Usage*, 9

CYBARIS AN INTELL. PROP. L. REV. 57, 2018.

Marissa Brown, *Not So Fair Use: The Shortcomings of Current Copyright Law in Music*

Sampling, 15 BROOK. J. CORP. FIN. & COMM. L. 443, (2021).

Matt Kovac, *Copyright and Choreography: The Negative Costs of the Current Framework for*

Licensing Choreography and a Proposal for an Alternate Licensing Model, Vol. 36,

HASTINGS COMM. & ENT. L.J. 137, (2014).

Maurice Rosenberg, *Anything Legislatures Can Do, Courts Can Do Better?*, 62 ABA J. 587,

(1976).

Taylor Lorenz, *The Original Renegade*, N.Y. TIMES, Feb. 13, 2020.

17 U.S.C. § 106(4).

17 U.S.C. § 512(k)(1)(A).

U.S. Copyright Office, *Compendium of U.S. Copyright Office Practices* § 101 (2d ed. 1984).

U.S. Copyright Office, *Definitions*, <https://www.copyright.gov/help/faq-definitions.html>, (last visited Mar. 25, 2022)

U.S. Copyright Office, *The Digital Millennium Copyright Act*, <https://www.copyright.gov/dmca/>, (last visited Apr. 3, 2022).

ACADEMIC VITA

EDUCATION

The Pennsylvania State University

Smeal College of Business, Schreyer Honors College

Bachelor of Science in Corporate Innovation and Entrepreneurship

Minor in Legal Environment of Business

University Park, PA

May 2022

WORK EXPERIENCE

Bank of America Merrill Lynch

Advisor Development Program Intern

New York, NY

May 2021 – August 2021

- Advanced knowledge through academy trainings in the basics of credit, business writing, financial math, and more that pertain to becoming a financial advisor
- Participated in projects that develop a deeper understanding of diverse subjects such as environmental and social governance
- Learned how to form client relations and recommend portfolios for both Consumer Investments and Merrill Lynch

On The Edge Performance Center

Dance Instructor

Port Jefferson, NY

September 2015 – Present

- Lead the studio's competition team dancers in rehearsals, practices, and competitions seasonally
- Represent the studio by modeling for advertisements and leading presentations at community events
- Teach recreational classes weekly in a range of dance styles like ballet, tap, jazz, and hip hop for ages Pre-K to High School

Sunrise Toyota

Receptionist

Oakdale, NY

May 2019 – August 2019, May 2021 – June 2021

- Greeted customers at the front door as they entered the dealership then properly assigned salesmen to those customers
- Answered the phone and forwarded calls to the right department for clients' needs

Business Development Center Representative

May 2019 – August 2019, December 2019 – January 2020

- Facilitated relations between clients and salespeople prior to clients entering the dealership
- Organized appointments and follow-up calls while informing of deals to guarantee satisfaction of customers' experiences

CAMPUS/LEADERSHIP EXPERIENCE

Schreyer Honors College

Scholar August 2018 – Present

University Park, PA

- Complete additional coursework including honors courses every semester and a constructed thesis at the end of senior year
- Achieve academic excellence with integrity while building a global perspective in all classes
- Create opportunities for leadership and civic engagement by consulting with Schreyer staff, advisers, clubs, and classmates

Penn State Lionettes Dance Team

Captain April 2021 – Present

University Park, PA

- Coordinate practices, performances, and games for a 33-member team that serves as ambassadors for the University
- Expand interpersonal skills by serving as a mentor and leader to underclassmen on and off the athletic field/studio
- Served as a liaison between the Penn State Athletic Department and the Penn State Lionettes Dance Team during a six-month transition period of looking for a new head coach

Social Media/Public Relations Chair

April 2019 – April 2021

- Represented Lionettes on social media platforms such as Instagram and Facebook while engaging with the public/followers
- Developed templates and graphic designs for team advertisements, announcements, and campaigns about Penn State events
- Increased followers by posting daily including team members, sporting events, dance involvement, and giveaway contests

Penn State Dance Marathon

Paparazzi Chair/Supply Logistics Liaison

University Park, PA

October 2020 – February 2021

- Documented all the Entertainment Committee's efforts throughout the year at different events conquering childhood cancer
- Served as a liaison between the Entertainment Committee and Supply Logistics team by informing the committee of all dance marathon initiatives including toy drives and supply donations

Wellness Liaison

October 2019 – February 2020

- Planned and coordinated with co-liaison to present tips to the Entertainment Committee about healthy eating and fitness in preparation for the 46 hour no-sitting dance marathon
- Delivered presentations on stretches and workouts to help loosen tight muscles during the 46 hour no-sitting dance marathon

SKILLS/HONORS

Skills: Public speaking, graphic design, social media, marketing, financial advising, communications, dance/performing arts

Honors: The Pennsylvania State University Skull and Bones Senior Honor Society, Sigma Nu Tau Entrepreneurship Honor Society