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UNIVERSITY OF CALIFORNIA,
IRVINE

My Philosophy of Dance Making for American Audiences in Relationship to Copyright Law

THESIS

submitted in partial satisfaction of the requirements
for the degree of

MASTER OF FINE ARTS

in Dance

by

daniel monroy

Thesis Committee:
Professor Alan Terricciano, Chair
Professor Molly Lynch
Assistant Professor Ariyan Johnson

2024

TABLE OF CONTENTS

LIST OF FIGURES	III
ACKNOWLEDGEMENTS	IV
ABSTRACT OF THE THESIS	V
INTRODUCTION	1
THE ROLE OF STORYTELLING IN MY AESTHETIC	6
5 ELEMENTS OF MY CHOREOGRAPHING PROCESS	8
FIRST PRINCIPLE: FAMILIARITY, THE BASICS GO A LONG WAY.	8
SECOND PRINCIPLE: KNOW YOUR LIMITS, PLAN AHEAD.	10
THIRD AND FOURTH ELEMENTS: SUBVERT THE EXPECTATIONS, EXAGGERATE.	11
FIFTH PRINCIPLE: MEMORABLE ENDING	13
WHAT YOUNG CHOREOGRAPHERS CAN LEARN FROM MICKEY MOUSE	16
PART 1: DISNEY AND PUBLIC DOMAIN	16
PART 2: COPYRIGHT IN YOUR EVERYDAY LIFE	19
PART 3: CHOREOGRAPHERS IN THE COURTS	20
<i>Kyle Hanagami, an individual, Plaintiff-Appellant, v. EPIC GAMES, INC., a North Carolina corporation</i>	20
<i>Martha Graham School v. Martha Graham Center, 224 F. Supp. 2d 567 (S.D.N.Y. 2002)</i>	22
PART 4: COPYRIGHT AS A CHOREOGRAPHIC TOOL	26
1) <i>Facial Expressions</i>	26
2) <i>Choreographing “on the spot”</i>	30
3) <i>Letting go</i>	31
CASE STUDIES	33
ARTEMISIA	33
CROWS	39
<i>Choreographic Process</i>	39
<i>In Relationship to Copyright</i>	42
CLOSING THOUGHTS	46
REFERENCES	48
APPENDICES	50
VIDEOS AND IMAGES	50
TEMPLATE FORM FOR SECURING PERMISSION TO USE YOUR COLLABORATORS WORK	51
CERTIFICATES OF REGISTRATION	52
JOURNALS	54

LIST OF FIGURES

	Page
Figure 1.1	23
Figure 1.2	24
Figure 1.3	25
Figure 2.1	36
Figure 3.1	39
Figure 3.2	40
Figure 3.3	41
Figure 3.4	42
Figure 3.5	43
Figure 3.6.1	44
Figure 3.6.2	45

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ABSTRACT OF THE THESIS

Philosophies of Dance Making for American Audiences in Relationship to Copyright Law

by

daniel monroy

Master of Fine Arts in Dance

University of California, Irvine, 2024

Professor Alan Terricciano, Chair

This thesis explores my choreographing methodology in relationship with U.S. copyright law.

After I graduated from UC Riverside in 2021, I encounter several challenges trying to choreograph in the US. For example, meeting short deadlines, maintaining a sense of authenticity, choreographing constantly and efficiently. For the past two years I've dedicated my studies at UC Irvine to develop a methodology that addresses said challenges; I discovered that through an understanding of copyright law I've become a more efficient and reliable choreographer. In the following pages I aim to help and inspire up and coming choreographers by delineating the specifics of my methodology. I provide in depth explanations of my creative process and explain how and why I register my choreographic works with the U.S. copyright office.

INTRODUCTION

Thesis begins here... My name is daniel monroy and I have dedicated nearly a decade of my life to the study of dance. As a dancer, I began my professional career in Southern California performing in bars and clubs during my early twenties under the name daniel waters. At 24 years old I graduated from Cerritos College with an Associate in Arts Degree in Dance and obtained a full scholarship to study at UC Riverside.

While I was living in Riverside, I began exploring choreography as a storytelling practice. I graduated Summa Cum Laude obtaining a Bachelor of Arts with a concentration in dance making in 2021. After graduating, I explored dance making from a historical perspective, taking particular interest in the origins of dance techniques, how they interconnect with each other and the context in which dance is created. As a result of my explorations I created *Tory*, a show/art installation that toured in Los Angeles, California and Toluca, Mexico.

Nearly two years ago, I began my graduate studies at UC Irvine and gained interest in the life and works of Martha Graham after separate conversations with professors Ariyan Johnson Molly Lynch. I was inspired by Graham's ability to tell stories from different centuries while being at the forefront of modern dance for nearly 55 years. Remarkable examples of Graham's repertoire include *Cave of the Heart* (1946), inspired by the ancient Greek story of Medea; *Chronicle* (1936), Graham's response to the rise of fascism; *Deep Song* (1937), A response to the Spanish Civil War; and *Embattled Garden* (1958), A contemporary take on the Garden of Eden. (dance descriptions provided by <https://marthagraham.org/repertory/>).

While researching Martha Graham, I came across the Martha Graham School v. Martha Graham Center lawsuit of 2002. The lawsuit was filed ten years after the death of Graham in the U.S. District Court for the Southern District of New York. This legal procedure captivated my attention as it discusses ownership of dance works. “Whoever makes the dance, owns the dance” I thought when I first read about Martha Graham. However, according to circular 30 from the US copyright office “Ordinarily, the author is the person or persons who actually created the work you intend to register. “Works made for hire” are an exception to this rule. For legal purposes, when a work is a “work made for hire,” the author is not the individual who actually created the work. Instead, the party that hired the individual is considered both the author and the copyright owner of the work”. That is why, as noted by Judge Cedarbaum, during the legal procedures for the Martha Graham School v. Martha Graham Center, August 23, 2002

What property did Martha Graham, the great dancer, choreographer, and teacher, own at the time of her death in 1991? That is the central question in the second phase of this lawsuit. The main dispute is with respect to ownership of copyright in the dances she created. That is a federal question. (Cedarbaum 1)

The main reason why the ownership of Martha Graham’s dances was being questioned relies on the fact that in 1948, Graham was one of the incorporators of the Martha Graham Foundation for Contemporary Dance (“the Foundation”), a not-for-profit corporation that was renamed the Martha Graham Center of Contemporary Dance in 1968. In December of 1956, Graham sold the foundation. Between 1956 and her death in 1991, Martha Graham was employed by the Martha Graham Center of Contemporary Dance Inc. (“the Center”) and Martha Graham School of Contemporary Dance Inc. (“the School”), two not-for-profit corporations that operated as a combined entity.

Through my research I have concluded that the question regarding ownership of copyright in dance is of importance at a federal legal level, and, the methodology for establishing ownership has led me to a powerful choreographic tool that has also helped me become a more efficient choreographer and storyteller.

In the following pages, I will describe my choreographic process in relation to U.S. Copyright Law. Specifically, regarding dance performances in the United States. I will provide examples of how copyright law has affected my work, and the works of artists such as Martha Graham, Kyle Hanagami and Walt Disney. I will also provide a general description of how to copyright choreographic works: the limitations, protections and cost of copyrighting dance works. My goal is to provide you, the reader, with a comprehensive understanding of copyright law as a choreographic tool and provide insights into my experiences choreographing as a multimedia artist/dancer living and creating in California.

In conversations with fellow artists, I noticed that trademark law and copyright law are often related in conversations regarding ownership. I will not be engaging with trademark as according to Cornell Law School: “A trademark is any word, name, symbol, or design, or any combination thereof, used in commerce to identify and distinguish the goods of one manufacturer or seller from those of another and to indicate the source of the goods”. In this thesis I am exclusively interested in dance as a finished fixed product and not as a source for goods.

For the purpose of this thesis and in accordance with the copyright office’s circular 52: Copyright Registration of Choreography and Pantomime. I define dance as “the composition and arrangement of a related series of movements and patterns organized into a coherent whole”. However, while doing research for this thesis I noticed that the copyright office uses the words

Choreography and Choreographic Works most often but not exclusively. Furthermore, some legal procedures make reference to dance or dance works as a synonym for choreography and in my school (UCI) most faculty and students utilize the terms piece or dance piece. It is because of this fluid terminology that in this thesis and I use the terms dance, choreography, dance work, dance expression and dance piece interchangeably. Also, in accordance with circular 52, for my research I am focusing on dance found in a tangible medium of expression in such a way that reveals the movements in sufficient detail to permit the work to be performed in a consistent and uniform manner: Video recordings of a live performance, textual descriptions, photographs, or detailed drawings of dance.

In my research I have excluded the following:

- General exercise routines: a set of 20 push-ups or a Zumba class.
- Athletic activities, such as a new tennis swing, a golf swing, or a slam-dunk maneuver
- Yoga poses and sequences.
- Dance as a healing practice.
- Dance as a religious practice.
- Social dances: such as the macarena or the Cha Cha Slide (commonly known choreography in the United States)

I have excluded the previous dance expressions not because they lack value, but because my interest with this thesis is to talk about my experience as a choreographer and performer on American stages. I will therefore talk about dances that are meant to be performed for a specific

audience and accurately replicated regarding the sequence, timing and quality of movement or to show the recording of the original performance to a broad audience.

I have created a choreographing methodology based on my understanding of copyright law. With this methodology I have created 12 choreographic works in 18 months in a timely and organized manner. The methodology I created has helped me overcome creative blocks and engage with dancers of varying levels of experience. I am also able to recreate dances (set preexisting works) in a fast and well-organized manner as I own the rights to my choreography and have detailed records of how and when I created every dance. Finally, the methodology I created while attending UC Irvine has been beneficial in my personal and professional life and I want to share it with you, the reader.

THE ROLE OF STORYTELLING IN MY AESTHETIC

Storytelling is the most important element of my choreographic aesthetic. I make every choreographic decision in support of the story I'm trying to tell. I believe that through telling stories people from different backgrounds can create connections, unite communities and bring people hope. Stories mirror life: we are inspired by the stories we tell, and we tell stories inspired by what happens around us. I tell stories to survive in times of need. I tell stories during times of abundance to remind me and others how amazing life can be. Telling a story through dance is much more powerful as it transcends language barriers.

Stories help people understand each other. In my years working in the food industry, I learned that the basis for hate is ignorance. If people don't understand your background, they'll struggle to understand your reasoning. While training to become a manager at Taco Bell during 2021 I took de-escalation classes in which the instructors emphasized the importance of letting the customer express themselves. We would let them tell their story first. After letting them speak we would show that we listened by repeating what they said word for word, only then would we notice the angry customer willing to listen to our story and our proposal for a resolution.

Also in 2021, I graduated from UC Riverside with a BA in dance with an emphasis on experimental choreography. During my years in Riverside, I choreographed dozens of projects and came across dances from renowned choreographers such as Martha Graham, Rennie Harris, Yvonne Rainer, Trisha Brown as well as my fellow students and local choreographers. I also became interested in painting after seeing the works of Lee Krasner and Keith Haring. When I didn't know what to choreograph, I found inspiration from songs and movies. While doing a

retrospective look into my choreography and choreographing process over this period I realized that I was motivated by artistic works of various disciplines and genres. I also noticed that all the works I enjoy implement the following five elements: 1) *familiarity*, 2) *know your limits*, 3) *subvert expectations*, 4) *exaggerate*, 5) *memorable ending*.

5 ELEMENTS OF MY CHOREOGRAPHING PROCESS

I utilize these five elements as a guide during my choreographing process. The first two elements showcase what I've learn working as a dancer and choreographer in Southern California while the later three are based on what I like to see as an audience member. To showcase the effectiveness of the five elements I will be analyzing two films that feature prominent displays of choreography and had financial and critical acclaim. These movies reached global audiences and inspired me to be a better artist from the moment I saw them. The movies are 2016's *La La Land* written and directed by Damien Chazelle and 2015's *Mad Max Fury Road* co-written, co-produced, and directed by George Miller.

La La Land is a romantic musical reminiscent of Hollywood classics such as *Singing in the rain* and *White Christmas*. *Mad Max* is not a musical and does not feature what most audiences recognize as "dance", but it does have a prominent display of practical effects, fighting choreography and car stunts that require an understanding of space and timing similar to most dance choreography.

First principle: familiarity, the basics go a long way.

La La Land begins with a person who gets out of a car while stuck in traffic, she leans into the car, goes on relevé and falls into the side of the car on her left. From there she does a high kick, poses for a moment before throwing away the glasses that were resting on her head. Then she walks forward while two more dancers join her, they walk front and then do a pas de bourrée, they keep walking front while more dancers join them. Finally, the first person we saw

does a turn and we see our first cut at the one-minute mark cleverly hidden by a camera quick pan. The dancers displayed moves that the average person would be able to do. And yet they were effective in hinting at the story that is about to unfold. In this first scene themes of frustration and defiance: Everyone that's ever taken the 110 freeway during a regular weekday has probably thought "I wish I could get out of my car! I could probably walk faster than this traffic". We also see the dancer throwing away her glasses, a sign of defiance and release. Everyone in the scene keeps moving forward with a strong and determined attitude: later in the film we'll see the main characters Mia (Emma Stone) and Sebastian (Ryan Gosling) determined to advance in their professional careers. We see all this within one minute of choreography that can be summarized in three or four sentences. It welcomes the audience. It's easy for the dancers and it's fun to watch.

Mad Max Fury Road starts with a man facing away from the camera holding a pose for a long time. Then he stomps on the ground. He wipes his shoe and then touches his face. We get the first cut of the film revealing the face of the character, we see he is eating something. Then he quickly and aggressively grabs his backpack, throws it in the car that was next to him and drives away. That is the first minute of the film. From this intro as with *La La Land* the audience recognizes the nature of the film we are about to witness. There are so few moves that each one feels incredibly important. There is a sense of loneliness at the beginning when we see Max facing away which is immediately interrupted by a sense of anxiety. As an audience member, I wonder what's going to happen next? And can there be a happy ending in a world that seems so inherently unhappy?

Second Principle: Know your limits, plan ahead.

This principle is a reminder that what we see in our heads is not always possible to bring to the real world. It is important to dream big and allow chaotic and strange ideas to flow through the process, but before setting anything on the dancers I like to ask myself “how is this going to look in the place it’s supposed to be performed?” and that includes knowing the limitations of the dancers (what they can physically do) , the limitations of the place (if it’s a film or live performance or if it will take place at a presidium stage, busy street or somewhere else). Also, the demographics of my audience: what are the age groups I can expect? Does the audience watch dance regularly? Would my mom be in the audience?

Doug Mitchell, *Mad Max Fury Road* producer, said for the behind-the-scenes documentary of the film that they utilized storyboards (drawings) to help keep track of where each character was supposed to be. Later in the documentary Colin Gibson, production designer for *Mad Max Fury Road*, talks about the back and forth an artist needs to have with themselves when creating a project because artists often want to push the boundaries, but also want to make sure the choreography is performed safely, and that it’s enjoyed by audiences. There needs to be a plan that considers the safety of all of those involved in an artistic project. From choreographing a duet to flipping a car we must know our limits and have an idea of what’s going on and when.

La La Land features freeways, the Warner Brothers studios, Griffith Park and the observatory, as well as various typical California streets, pool parties and dimly lit restaurants. The set designers, director and choreographers went out of their way to ensure the permits necessary to film in iconic locations because they wanted to create a sense of familiarity. If you’ve lived in LA for more than a few years or are a fan of old Hollywood movies you can

recognize each location in a heartbeat, you will notice that during the tap scene in *La La Land* Mia is wearing a yellow dress reminiscent of Vera-Ellen's yellow dress in the Abraham Dance from *White Christmas*. A dress can evoke familiarity, but it can also limit the movements of the performer. Although not every costume is going to remind us of a previous project like *La La Land* does it is important to remember that costumes greatly support the story and affect the way a performer moves.

If you are not so familiar with old Hollywood, as I was when I first watched the film back in 2016, the characters in the film still feel familiar because everyone, behind or in front of the camera, lived or spent great amounts of time in California and enjoyed old Hollywood musicals, as it was often mentioned during interviews for the press tour of the film.

Knowing our limitations means that we understand our environment. We can only find balance by knowing our film set, stage or atmosphere as well as our performers and our audience and planning around these constraints.

Third and fourth Elements: subvert the expectations, exaggerate.

At some point in our lives, we have all wanted to drop down on our knees and yell in frustration. Yet we very rarely act this way because it would be considered an exaggeration or overreaction to drop down and scream every time Starbucks isn't open or when the printer decides not to work a few minutes before an important deadline.

Here is an example of how the film *Mad Max Fury Road* and specifically Furiosa (played by Charlize Theron) can build up to a moment of absolute frustration by first subverting

the audience's expectations and then exaggerating each gesture to provide us with a spectacular cinematic moment that still sends shivers down my spine nearly ten years later.

These elements, subversion and exaggeration, are very closely related to each other. In *Mad Max* at around 1 hour and 17 minutes into the film, the character Furiosa finds out that the "green place" they spent the first hour of the film trying to get to a place that does not exist anymore, and in fact they passed it already and didn't even notice.

The film first subverts the audience's expectations: we have been expecting the green place to be the goal, the happy ending of the story where our heroes can be safe. But quickly we realized that said place doesn't exist anymore. The green place literally and metaphorically became blue during the previous scenes, and we are realizing this along with Furiosa. Here's how choreography supports this moment.

We see older women arrive on motorcycles; they are on the right side of the screen. Our much younger heroes get out of the truck, and we see them on the left of our screen. The older women begin to examine the younger ones. Each elder woman wearing earth-tones, is paired with a younger woman wearing white, we see in their physicality a sense of wonder and even some humor expressed by some chuckles. When Furiosa realizes the truth, the groups separate with the older women once again to the right and the younger women in the left. There is however one older woman within the younger group, and a younger woman that is part of the older tribe. To me the differing ages symbolizes how despite their distance and different upbringing they all understand the struggles of having to survive in an arid world. They all watch as Furiosa walks away. They remain still as she moves, showcasing how the news is affecting her more than everyone else.

She first takes off her metal arm, symbolizing her defeat as we've seen this arm be both an extension of her body and a lethal weapon. Then we see an exaggerated reaction. She drops to the floor and yells while looking up in an absolute display of sadness and frustration. I have utilized screaming in my choreographic works, and it is very difficult because people and especially dancers are not used to showing this type of physicality, although the imagery of someone screaming in desperation seems easily recognizable.

Mad Max first subverted expectations of the plot and then Charlize Theron "turned up the volume to 11" with her performance to penetrate our psyche and let us know what her character was feeling and how much the change in the direction of the story had affected her. *La La Land* on the other hand first exaggerates the visuals and then subverts our expectations with a powerful plot twist.

During *La La Land's* last act we see Mia finding Sebastian's restaurant. She sees him play and they kiss. Then we see an exaggerated version of the film we've been watching, moving from set piece to set piece and incorporating choreography we watched minutes before. What had been a fairly realistic movie is now filled with special effects and we abandon the grounded reality the film had established to move into a montage of dance and song. The movie is about to end. This is the happy ending we've been expecting. This is what it feels like to be in love. And yet Mia comes back to reality, and we realize it was all just in her imagination. Despite their love, they will not end the film as a couple. It is devastating, yet beautiful.

Fifth Principle: Memorable Ending

Finally, every good story needs a "Kodak moment." The truth is that the average person will only remember a few moments of each movie, dance or song they experience. Little

moments are easy to remember and talk about. As a choreographer, we can't control what the audience is going to say about our product, but we can point their attention to specific moments. I believe that the ending is a great moment to tell the audience "Here's a little something cool to take home with you."

After Mia re-lives all her memories with Sebastian and she comes back to reality, her now husband asks her if she wants to stay, and they both agree to leave. At this point the romantic comedy has turned into a tragedy. We see Mia getting up from her chair and walking towards the audience with her husband by her side. He goes ahead and leaves the stage as Mia stops, then Mia looks back. Sebastian is sitting behind the piano and then he looks at Mia, they look at each other for a moment and then the music starts. To the rhythm of the song and with a very small smile on her face Mia blinks and nods her head. Sebastian nods as well. The smile on Mia's face becomes slightly bigger for a second and then she turns away from Sebastian. Sebastian looks back at the band, nods his head one more time and the music becomes upbeat. Through these simple gestures we understand the ending of the story: two people that loved each other so much they are willing to let each other be happy with someone else, because they know that they have different paths to take to reach their goals.

In the ending of *Mad Max Fury Road*, we see Max (played by Tom Hardy) revealing the corpse of Immortan Joe (the main antagonist of the film played by Hugh Keays-Byrne) while carrying Furiosa (Charlize Theron) out of the car. The crowd cheers while "the white boys" lift a platform carrying our heroes above a crowd of desperate people. In the last scene we see Max leaving as Furiosa takes her role as the new leader of this community.

Both *La La Land* and *Mad Max Fury Road* provide a sense of closure within the last few frames. From Sebastian's smile telling us everything will be okay in *La La Land*, to Max's nod

to Furiosa at the very end of *Mad Max Fury Road*, these simple gestures that tell the audience “we did it, you can go home now.”

I recognize that most of *Mad Max*'s choreography is performed in the form of car chases or fight scenes as opposed to *La La Land*'s more straightforward Hollywood musical choreographic style. But while watching the movies and the behind-the-scenes footage and interviews for both films, I can see how the creators of each film utilized elements that mirror my choreographic process. So, when I feel like my choreography is boring, or I'm not inspired to choreograph, or I don't know what else to do I like to ask myself: “what is the story I'm trying to tell?” and “Can I find all five elements of my aesthetic working to tell that story?” If I find that I'm missing, for example, a subversion of expectations or maybe a strong ending then I can focus on that. This approach has made me more efficient and consistent as a professional choreographer.

Finally, and as a conclusion to this chapter, I wish to repeat that I believe that through stories people from different backgrounds can find a common ground. I believe stories bring people hope because stories mirror life. Storytelling is the most important element of my choreographic aesthetic.

WHAT YOUNG CHOREOGRAPHERS CAN LEARN FROM MICKEY MOUSE

“On January 1st Mickey Mouse entered the Public Domain” is at best an exaggeration and at worst a huge misinterpretation of current U.S. copyright laws. This headline was however popular on TikTok, Facebook and the app formerly known as Twitter during the beginning of the year 2024. In the following chapter I will discuss how a 95-year-old film shaped the creative landscape of the United States and why copyright law is the most important tool in a choreographer's arsenal while creating work for an American audience.

Part 1: Disney and Public Domain

The Walt Disney Company (Disney) grew economically in large part because of the success of animated classics such as *Snow White*, *Pinocchio*, *Sleeping Beauty* and *Cinderella*.

As detailed by Pamela McClintock for The Hollywood Reporter, “Snow White and the Seven Dwarfs, Hollywood’s first animated feature with sound ... became a cultural sensation and profit monster after premiering in 1937. Walt was vastly ahead of his time, not only in selling Snow White merchandise a year before the movie even hit theaters, but in using the characters for comic strips and other ventures ... He created a road map for exploiting his movies, as well as how to market a title.” McClintock, Pamela. “How Disney Made It to Its 100th Year.” (*The Hollywood Reporter*, January 6, 2023)

Disney’s ability to adapt public domain folk tales into wonderful works of animation made the corporation millions of dollars. Another great example is Disney's movie *Pinocchio*, inspired by the book *The Adventures of Pinocchio* by Carlo Collodi. Although the movie was

originally released in 1940 it continued to create revenue for the company for many decades. The Wall Street Journal observed that “*Pinocchio* has become the top-selling video of 1993, with more than 10.2 million copies shipped to retailers.” from that same article: “Walt Disney Carves Unexpected Success from ‘Pinocchio’ Video.” (*The Wall Street Journal. Eastern Edition.* New York, N.Y: Dow Jones & Company Inc, March 31st, 1993, Eastern edition.)

Disney is also famously protective of their intellectual properties. Disney’s reputation is such that The Sonny Bono Copyright Term Extension Act of 1998 is often referred to as “the Mickey Mouse protection act.” As mentioned in the article “New Life for Old Classics, as Their Copyrights Run Out.” by Alexandra Alter in The New York Times from December 29th, 2018. The Sonny Bono act, quoted below, extended the copyright duration to 95 years.

Title I: Copyright Term Extension - Sonny Bono Copyright Term Extension Act -

Amends Federal copyright provisions regarding preemption of laws concerning duration of copyrights.

(Sec. 102) Prohibits the annulment or limitation of rights or remedies under State laws with respect to sound recordings fixed before February 15, 1972, until February 15, 2067 (currently, 2047).

Extends the duration of copyright in a work created on or after January 1, 1978, to the life of the author and 70 (currently, 50) years after the author's death. Makes the same extension with regard to joint works created on or after such date.

Extends the duration of copyright in anonymous or pseudonymous works or works made for hire on or after such date to 95 (currently, 75) years from the year of the first publication, or 120 (currently, 100) years from the year of creation, whichever expires

first. Makes conforming extensions with respect to provisions regarding the presumption of an author's death. 505 U.S.C. § 102 (1998)

It is because of this act that *Steamboat Willy* (known as the first animated short to feature Mickey Mouse) remained an exclusive property of the Walt Disney Company until this year (2024). It's important to remember that only the film *Steamboat Willy* has entered the public domain: any frame of the film or the score in its entirety are available for anyone to use, but not any Mickey Mouse iteration published or created after *Steamboat Willy*, as there are many versions of the character that have been created over the years which are still under Disney's copyright.

The 95-year protection applies to all anonymous or pseudonymous works or works made for hire and not exclusively to works made by the Disney corporation, in spite of the nickname "The Mickey Mouse Protection Act". This act was not the last time legislation has been enacted to update the Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Legal Code. There are constant revisions and updates of Title 17: the latest version as of the writing of this text is available online in the copyright office's website and dates to December 2022. However, what is most important for us choreographers to know is that our works can have the same protections as *Steamboat Willie* and in later chapters of this thesis I will explain how the process of copyrighting choreography has helped me become a more efficient and organized choreographer

A few days before writing this essay I submitted one of my choreographic works to the copyright office via their online portal, guided only by a 10-minute YouTube tutorial made by the U.S. copyright office: the video can be found at the following link

<https://www.youtube.com/watch?v=6gNkssUfYas> or by searching "Standard Application:

Tutorial (2018)” on YouTube (as of the writing of this text: February 2024). I was able to submit the necessary paperwork to copyright my work in under 30 minutes through the copyright web portal. The total cost to file was \$65 dollars: the approval process is expected to take between two and three months. There are also options for expedited procedures for those in emergency situations and willing to pay a premium.

Part 2: Copyright in your everyday life

To illustrate the ramifications of Disney ownership, let’s consider the song “We’re All In This Together” from Disney channel’s original movie *High School Musical*. I can and have performed that choreography shown in the movie in my living room and seen it all over TikTok and Instagram. So, what’s the problem? Why should I pay \$65 to the copyright office to protect my dances if someone else can dance my choreography just as I dance other people’s choreography?”

I would like to make three observations here. First, every person gets paid once while the Walt Disney Company receives some revenue every time a copy of the film is sold, screened or aired. Most of the people that worked on said film, and most films for that matter, are subjected to the regulations of works made for hire (unless there are specific terms under someone’s contract saying otherwise, for example George Lucas famously took a lesser salary for his work in the original Star Wars in exchange for the merchandise rights of the franchise, Disney bought said rights for 4.05 billion dollars in 2012. As reported by *ADDING MULTIMEDIA Disney to Acquire Lucasfilm Ltd. Business Wire*. New York: Business Wire, 2012.)

Second, the Walt Disney Company is publicly traded, meaning that a variety of investors benefit from all the works owned by the company, therefore it is in its best interests for the leadership of the company to safeguard all their property in order to maximize earnings.

Third, performing in social media is not free: one can use the song “We’re All In This Together” to make an Instagram reel but that is because meta (formally Facebook) the parent company of Instagram has acquired a license to showcase said song in their website and it is in Disney’s best interest that they do use the music and choreography on social media in order to incentivize the public to stream Disney+ to re-watch the film. What seems free for the user, is actually free advertising for Disney and a double revenue source (from meta and from monthly subscriptions to Disney+ and or DVD sales).

In conclusion: The Walt Disney company has utilized copyright law to their advantage, producing and reproducing artistic works to generate revenue and a well-known reputation around the world. As a contrast I will now talk about a specific example of copyright as applied to choreography.

Part 3: Choreographers in the courts

Kyle Hanagami, an individual, Plaintiff-Appellant, v. EPIC GAMES, INC., a North Carolina corporation

Epic games, the software developer and creator of the popular video game *Fortnite* announced on their website in April of 2022 a “\$2 billion round of funding to advance the company’s vision to build the metaverse and support its continued growth...This round includes investments from existing investor Sony Group Corporation as well as KIRKBI, the family-

owned holding and investment company behind The LEGO Group, with each party investing \$1 billion respectively.”¹ Epic is partially owned by Tencent Holdings Ltd, one of China’s biggest conglomerates. Epic Games have also been accused of stealing choreography from actor Alfonso Ribeiro, rapper Terrence Ferguson and choreographer Kyle Hanagami.

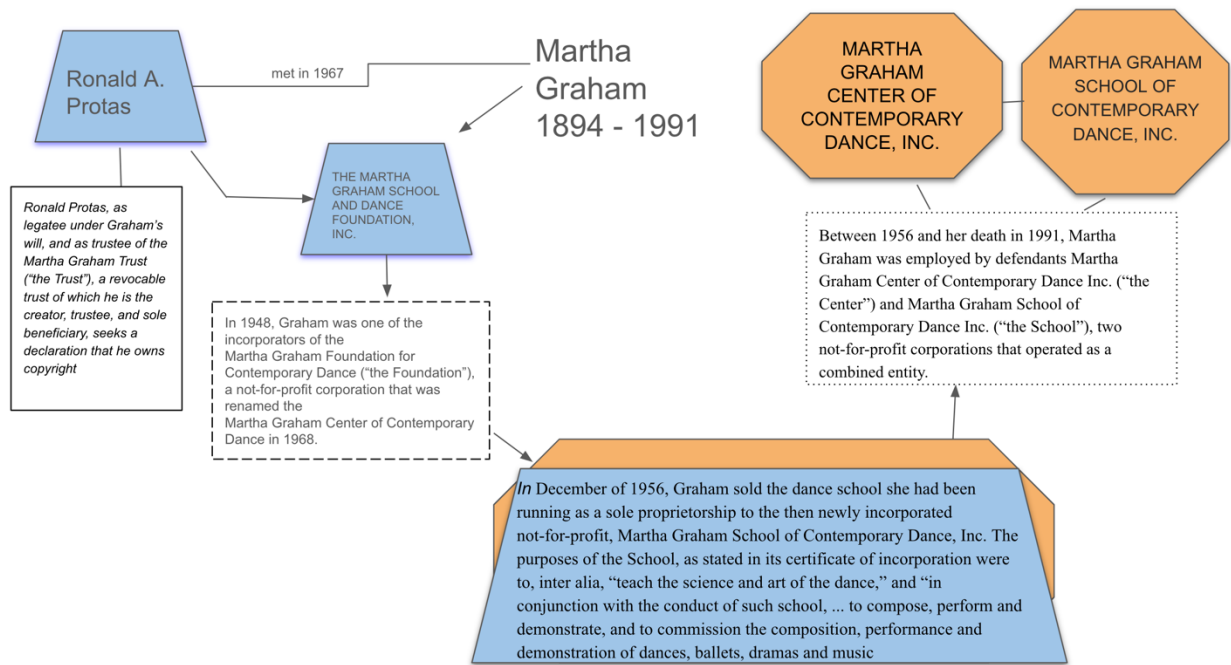
I return to the question, why pay \$65 to the copyright office? I believe this court appeal perfectly showcases the very worst of American capitalism in relation to dance and choreography as an art form and a business.

In summary, Kyle Hanagami in 2017 created a choreography and uploaded a video of it to YouTube under the title “CHARLIE PUTH – How Long | Kyle Hanagami Choreography.” Kyle did not submit a copy of this choreography to the copyright office until February of 2021 after the video game company Epic had already used the chorus (the most notable and repeated section of the choreography) for one of their emotes and said emote costs every player on their platform \$5 to purchase. Kyle never saw any compensation or credit for his work although it is obvious to any dancer that the steps in the game are a copy of Kyle’s choreography. Epic argued that they did not use Kyle’s choreography, they rather implemented popular poses that aren’t owned and cannot be owned by anyone, and that they would only be liable if they had used all 5 minutes of Kyle’s choreography. The courts agreed at first, dismissing Kyle’s original lawsuit. However, an appeal filed November 1, 2023, has been granted and the direction this case takes will likely mark important precedent regarding copyright and dance.

¹ Kovach, Steve. 2012. “Disney Buys Lucasfilm for \$4 Billion” *Business Wire*.

Martha Graham School v. Martha Graham Center, 224 F. Supp. 2d 567 (S.D.N.Y. 2002)

Another example of copyright in the courts, and one that many choreographers heard about during the early 2000s is the lawsuit between the *Martha Graham school and dance foundation, inc. and Ronald A. Protas, individually and as trustee of the Martha Graham trust plaintiffs, v. Martha Graham center of contemporary dance, inc. and Martha Graham school of contemporary dance, inc. Defendants, Eliot Spitzer, Attorney General of the State of New York, Intervenor-Defendant. No. 01 CIV. 271(MGC). United States District Court, S.D. New York. August 23, 2002.* This case revolved around a complicated legal procedure that involved Martha Graham’s romantic partner and her dancers fighting over the rights to perform her dances after her death. To help breakdown this case I’ve created a flow chart.



THE MARTHA GRAHAM SCHOOL AND DANCE FOUNDATION, INC. and Ronald A. Protas, individually and as Trustee of the Martha Graham Trust Plaintiffs,

v.

MARTHA GRAHAM CENTER OF CONTEMPORARY DANCE, INC. and MARTHA GRAHAM SCHOOL OF CONTEMPORARY DANCE, INC. Defendants,
 Eliot Spitzer, Attorney General of the State of New York, Intervenor-Defendant.

The parties agree that during her lifetime, Graham created 70 dances that are fixed in a tangible medium of expression from which they can be reproduced. 1 Thirty-four of those 70 dances were created after 1956 ("the post-1956 dances"), during Graham's employment by the defendants, and 36 were created prior to 1956 ("the pre-1956 dances")

Ronald Protas seeks a declaration that he owns copyright in all of the 70 dances

Defendants counterclaim for a declaration that the Center and the School are the true owners of all rights in Graham's choreographic works and related sets, costumes, and other personal property.

The results

No. Dances	Owned by
1	Protas
45	School
24	Others

Protas has proved copyright ownership for the renewal term of one dance.

Defendants have proved ownership of copyright in 45 of the dances.

Ten dances, of which two were commissioned by third parties, are in the public domain. With respect to five dances (two published and three unpublished) which were commissioned, neither side has borne its burden of proving that the commissioning party intended the copyright to be reserved to Graham. Finally, neither side has proved that the remaining nine dances, which were published, were published with the required statutory copyright notice

Fig 1.1

Why ?

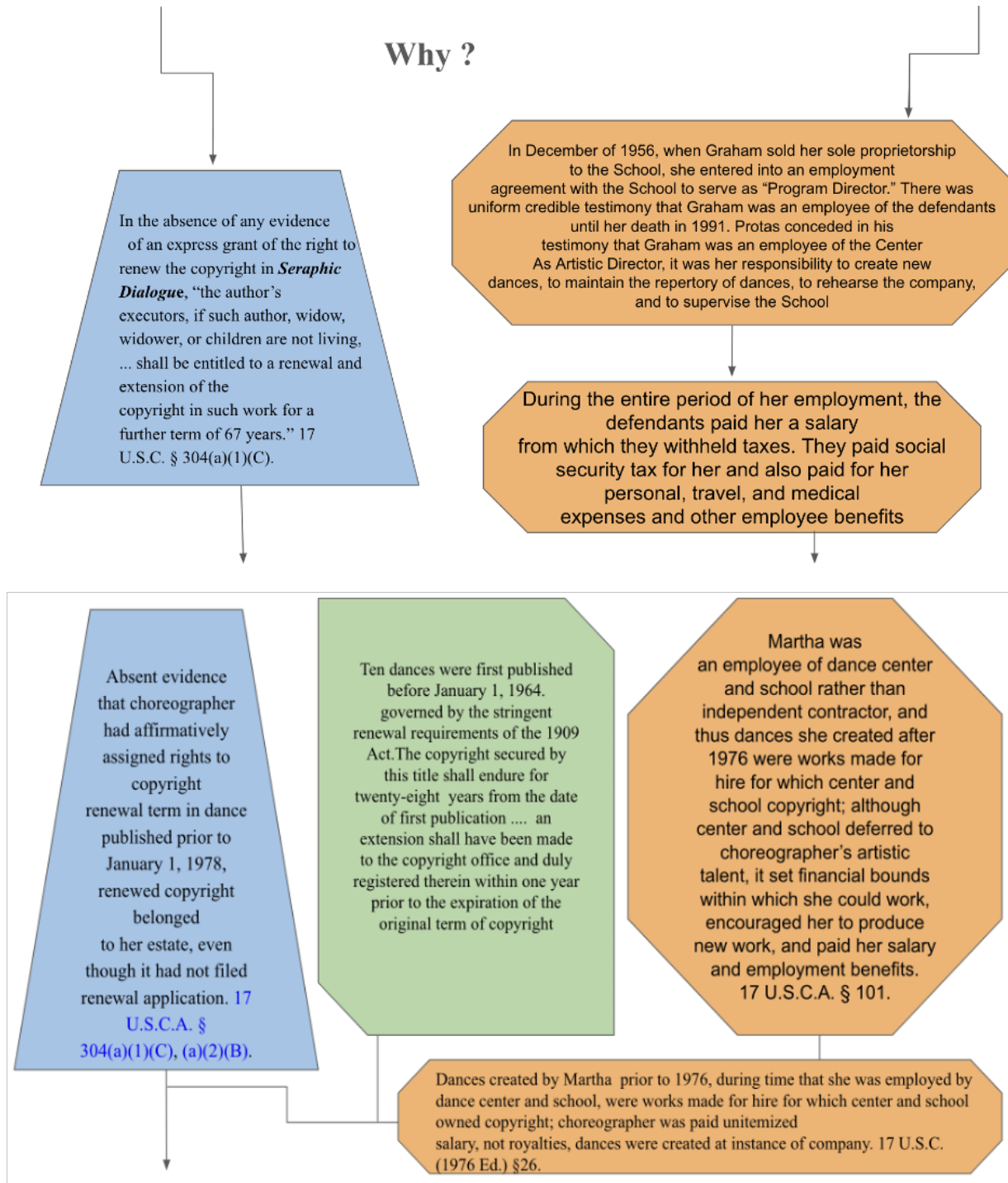


Fig 1.2

Main Takeaway

Martha Graham died in April of 1991. Her last will, executed on January 19, 1989, named Protas as sole executor and legatee, but did not specify what she owned at the time of her death.

Fig 1.3

Opinion from CEDARBAUM, District Judge.

“What property did Martha Graham, the great dancer, choreographer, and teacher, own at the time of her death in 1991? That is the central question in the second phase of this lawsuit. The main dispute is with respect to ownership of copyright in the dances she created. That is a federal question. Subsidiary disputes with respect to ownership of the costumes and sets for the dances and fiduciary duties owed by the plaintiff to the defendants state law issues that arise from the same nucleus of contested facts... Based on a preponderance of the credible evidence, due to the following reasons: Protas has proved copyright ownership for the renewal term of one dance. Defendants have proved ownership of copyright in 45 of the dances”.

In conclusion, Martha Graham during her lifetime was able to use copyright as a tool. By creating a company, and later a trust with the help of Protas she was able to focus on creating dances while delegating the administrative duties of the company such as expenses, revenue and taxes to other members of the company. However, in doing so she became an employee of her dance company, and her choreographic work became works made for hire. After her death, members of the Martha Graham Center were able to collect enough evidence (through video recordings and paystubs) to demonstrate that the dances and costumes Martha collaborated on

during the later years of her life were not her property and therefore Protas as a legal beneficiary had no right over them.

Part 4: Copyright as a Choreographic Tool

Copyright law serves to protect artists, but it has also helped me become a more efficient artist.

During my first year in UCI, I realized I had 3 challenges to overcome as a choreographer:

1. Facial expressions
2. Choreographing “on the spot”
3. Letting Go

Here’s how my knowledge of copyright law in the United States has helped me overcome each of these challenges.

1) Facial Expressions

During my first quarter attending UCI, I was working on a choreographic project titled *Lit_*. I was trying to tell a story about dead children becoming ghosts. I spent several weeks with my cast working on movement, and giving each of them a backstory based on a specific character I wanted them to play. This was my first time working with UCI students and I was impressed with their abilities to remember choreography and execute movement. “They are like dancing machines!” I said to myself several times during rehearsal. One day, one of the dancers asked me “danny, what do you want my face to do during this part?” I was surprised, no one had ever asked me about facial expressions before, so I told her “Do a modern dance face”.

We went over the choreography a few times and I paid close attention to everyone’s facial expressions. I didn’t like what I was seeing but I didn’t know why. I tried a different

approach: “OK for this next run I want you to pretend like you are a kid who is starving in the forest, you are dying in the cold, hungry and alone”.

I played the music and watched the dancers do the choreography: the movement was clear, the steps were on time and my advice about pretending to be starving helped a little, but I still did not like the facial expressions the dancers were doing. I took a big breath and said: “Can we do it once more, full out, I’ll record this one and put it on the group chat.”

I got in the habit of recording rehearsals early in my dance career because I noticed that I struggle with remembering movement: sometimes I choreograph intricate pieces and can’t remember the order of sections or timing for smaller movements. It’s even worse for me when trying to memorize choreography that’s not mine. Having a video to watch during my free time and before rehearsals has proven very useful for me as a dancer so I try to pass along that habit as a choreographer.

The following week I went back into rehearsal, I played the music and observed the choreography: “they got it!” I said to myself as I watched their facial expressions during the dance. I congratulated my cast and mentioned “great facials, y’all got it”. One of my dancers, quickly mentioned: “yeah we saw the video, I looked kind of awkward, so I hope this is better”.

How does copyright relate to this problem?

Part of the copyrighting process involves documenting the final product. While researching the Martha Graham Case and the Kyle Hanagami case I noticed that documentation of the creative process is also helpful when determining the ownership of an artistic work .

Something as simple as placing my phone on the floor and pressing the record button is a great way of documenting the process of choreography and has the bonus that dancers can use

the video to look at themselves without looking at the mirror. I understand that a mirror is a very useful choreographic tool as it allows the dancer to see the placement of their body in relation to the room and other dancers. Thanks to a mirror a dancer can see the placement of their hips, arms, feet but while they look, they inevitably tilt their heads, move their eyes, twist their necks. I found that a video allows the dancer to see themselves as the audience is going to see them in a stage.²

During the spring of 2023 a few months after choreographing *Lit_* I began working on a new project entitled *yellow*³. *yellow* involved 12 dancers: more than I had ever worked with. I quickly realized that working with 12 dancers at once in one studio was unrealistic because of conflicting schedules. Earlier that year one of my professors, Alan Terricciano, had a lecture regarding *fugues* in classical music. Professor Terricciano mentioned that fugues were complex accumulation scores that often-involved polyrhythms and iteration from a central theme. I wanted to bring the spirit of a fugue into my choreography but couldn't find a time to meet with all my dancers.

During my choreographic process I was also taking class with Professor Ariyan Johnson: we talked about the importance of building a character: “having and showing personality is important as a performer” she said. That’s when I realized I had to know the character my dancers were portraying to help them find movements that relate both to the story I want to tell and to themselves.

My goal for *yellow* was to have one dancer start the choreography, then two duets would come into the stage, then three trios. Each dancer would start with the same small phrase, so the

² Video of *Lit_* <https://vimeo.com/851431284>

³ Video of *yellow* <https://www.youtube.com/watch?v=C5vUwRTIXno>

accumulation also built into a canon. Towards the middle of the choreography there was a moment of chaos that helped break the canon and everyone came back into unified choreography for around thirty seconds after which the canon retrograded. The choreography ended with everyone standing still expressing their character with a pose. I managed to choreograph this piece by breaking down my cast into four groups and rehearsing independently with each group. None of the groups had the chance to see each other until two weeks before performing.

In the past I had struggled with dancers missing rehearsals because they wouldn't know where to be and it was hard for me to constantly keep a mental note about placement if I didn't have a full cast in every rehearsal. With *yellow* I was able to overcome this challenge because I had videos that told me where everyone was in relation to the stage, so I was able to give precise instructions of where everyone needed to be at every moment. Furthermore, if anyone wanted to challenge my ownership of the choreography or my choreographic process, I had an extensive archive showcasing how I constructed the piece over time.

In the past I would give instructions regarding placement to my dancers after tech rehearsals, sometimes taking thirty minutes or even an hour after tech, reviewing notes. For *yellow* since I recorded every tech rehearsal, I was able to send my dancers home with a link with the day's video. My dancers knew if they were out of place because they were able to see themselves and see the progress they were making each night.

Although this is the most complex choreography, I've ever created it was also the least stressful work I've made. Archiving is a key element of the copyrighting process and in my choreographic process: To set choreography in a tangible medium (video) is now a standard practice for me in rehearsals, shows and even my personal life.

2) Choreographing “on the spot”

yellow told the story of one person (played by Flora Chatwin) falling in love with another person (played by Silvana Ruiz) and then realizing their goals would take them along different paths. The accumulation sequence started with Flora as a soloist, then she had a duet with Silvana (while another duet was performing behind them) and then I had the trios coming in symbolizing how life and relationships aren’t just about one person – many people touch our lives, they come and go. Only time will tell who stays with you and who leaves.

By February I knew the story, I knew my limitations working with undergraduate dancers and the Claire Trevor Theater. I had worked with the costume department to create a sense of familiarity in the clothing the dancers were wearing, everyone had a custom-made choice of pants, dress or skirt. It’s very unusual to see twelve people wearing the same attire outside of sports arenas. I wanted to evoke the image of a busy city with everyone wearing their own style. I had everything I needed except for the actual dance steps. I had a dance with everything except the dancing part.

I find inspiration in movies, music, paintings. I dance when I’m doing the dishes, when I’m cooking and when I’m walking. But as soon as I walk into the studio, I forget everything. I feel uninspired to choreograph in the studio, so I have stopped choreographing in the studio. I now allow myself to create in whatever place I feel inspired. I start moving and quickly place my phone on the floor to record my movements, or the words I’m saying. Often, I’ll arrive at a rehearsal with a list of words or phrases in my note’s app and a few minutes of choreography I recorded in my kitchen. I show the video to my dancers and tell them what I wrote, then I say:

“try to dance it and ask me questions.” Rehearsals in the studio are now a conversation centered around the improvisation I recorded. To fix my moments of inspiration in a tangible form of expression allows me to create dance and to copyright dance.

Choreographing “on the spot” is no longer a problem as I can now pull from an extensive library of prompts, moves, and choreographic phrases (combos) that are stored on my phone. Having choreography in a set medium (videos on my phone) has become a crucial step in copyrighting my works and creating them.

3) Letting go

Sometimes it is hard to “let go” of a project. Before I started grad school, I would start several projects at the same time and never finish anything. I would spend months working on choreography and then at some point abandon the project. At most I would post a picture or a thirty second video to Instagram or TikTok.

I have finished fourteen projects in the year-and-a-half that I’ve been at UCI – I choreographed for five films, seven concert pieces, one conference presentation and one site specific project. I now consider myself an efficient and reliable choreographer. I think the biggest lesson I’ve learn while studying at UCI is that at some point I have to say, “It’s done, here it is, what do you think about it?”.

Interestingly, the paperwork I need to file to copyright a dance piece mimics the way I choreograph. Submitting my work to the United States Copyright office also provides me a sense of closure in the same way as handing off my work to the dancers, theater, etc.

In the next chapter of this thesis, I will delve further into copyright as part of my choreographic process by analyzing two works I choreographed for this thesis as case studies. The first one is a dance film titled *artemisia* and the second is a duet I choreographed for the proscenium stage titled *crows*.

CASE STUDIES

artemisia

“I am trash” is the opening statement of a manifesto I wrote in early 2023. At that time, I was thinking about how we’ve spent so many resources preserving paintings and sculptures and yet an average yogurt container can float in the ocean for hundreds of years. Most people go to a museum sporadically but see drawings and pictures in containers every day – beautiful works of art that are mass produced and dumped into the ocean as trash. As I had written that manifesto for a class about music and dance, I didn’t fully develop this idea at the time. I am a choreographer not a musician or writer.

I left my “trash” manifesto in a drawer near my bed until November 2023. During the fall quarter of 2023 I was feeling “like trash”: A few bad days in a row and some headaches here and there made me remember the “trash” manifesto and I decided I wanted to finish that idea. I didn’t have much time because in early December most people start working on their final projects so it would be hard to find collaborators. Even worse, I didn’t have much money either. I really wanted to create, and I really wanted to create with a bunch of people. The best thing about having made thirteen projects during my time at UCI is that I got to work with many wonderful artists of different skill sets.

To help me choreograph efficiently I wrote down on a piece of paper a list of goals to consider before stepping into the studio and in that moment, I realized that my choreographic process closely resembles the standard application form used to register most works into the copyright office. I became familiar with the copyright office website and forms while researching the Martha Graham case discussed in the previous chapter.

The Copyright Office's electronic registration system (eCO) Standard Application is broken down into ten parts. Here's a summary on what each part requires.⁴

1. Type of work. We can choose from the following 6 types of creative works when submitting the standard application: Literary work, work of the visual arts, sound recording, work of the performing arts, motion picture/AV work and single serial issue
2. Create title
3. Has this work been published? We need to add the date of publication as well as the date the work was completed. If the work has not been published, we only need to add the date in which the work was completed. All works must be completed before registration.
4. Authors and contributors: We must provide the name, address, nationality and domicile of the author(s) or organization(s) that contributed to the work. There is also an option to specify if the author(s) contributions can be considered a work for hire*. If there are multiple creators, we can also provide a brief description of the specific contribution of each creator.
5. Claimants and limitation of Claims: If the claimant is not the author of the work, we have to specify how the claimant obtained the copyright (purchased, gift, inheritance). They can also be co-owners of the work. If the work, we want to register contains other works (for example music) that is owned by someone else or within the public domain we must disclose this information. In my case as I am a choreographer, I often specify that I am only claiming ownership of the choreography and not the music. For *artemis* I did

⁴ Descriptions summarized from the video "Standard Application: Tutorial (2018)" by the U.S. copyright office <https://www.youtube.com/watch?v=6gNkssUfYas&t=8s>

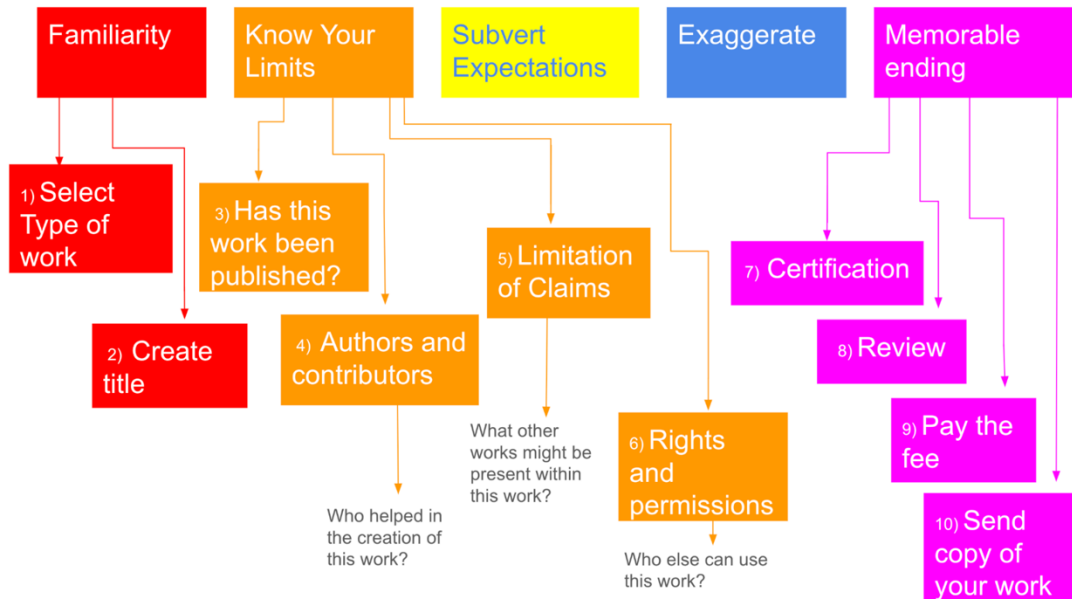
register the music as part of the work since it was made by my fellow collaborators specifically for the film and I paid them for their contribution⁵

6. Rights and permissions: Who is the person that should be contacted in case of copyright infringement?
7. Certification: Certify that the information provided is true
8. Review: take a look into the application before submitting
9. Pay the fee: \$65 US dollars.
10. Send copy of your work: it can be an online submission or a copy by mail.

In *artemisia* I choreograph the story as seen from three different perspectives: home, school and the internet. I will now talk about my experience choreographing for *artemisia* and how I incorporated the five elements of storytelling into my choreographic process from the perspective of US copyright law. To help show the connection between the copyright form and my choreographic process I've created the following graph. On the top of the graph, we can see the five elements I consider when choreographing: each step highlighted with a different color. And on the bottom, we can see the ten steps needed to complete the eCO Standard Application.

⁵ According to *Circular 30* of the US copyright office: whether a work is a work made for hire is determined by facts in existence at the time the work is created. There are two situations in which a work made for hire is produced: (1) when the work is created by an employee as part of the employee's regular duties and (2) when a certain type of work is created as a result of an express written agreement between the creator and a party specially ordering or commissioning the work. When a work is produced under these conditions, the employer or the party ordering or commissioning the work is considered the author and copyright owner.

The 5 Elements in my Choreographing Methodology represented in 5 different colors



The Copyright Office's electronic registration system (eCO) Standard Application is broken down into 10 parts

Fig 2.1

1. Familiarity: artemisia is a film I created with some friends: It starts with opening credits as many films do and then it shows the audience a group of students in a dance studio, they are speaking everyday language.
2. Know your Limits: I recorded the film in studio 1100 in UCI as well as some scenes in studio 128 and the school restrooms. I reserved the studios and asked for permission from the school. I also hired a small and knowledgeable team: Everyone involved in the project is an expert in their fields: music, dance, lighting, sound and video recording. I also knew I only had 1 day to get all the material I needed since it was hard to get all the collaborators in one place at the same time. I paid every collaborator \$100 and agreed to share credit and any possible revenue the project might generate in the

future. I also told my collaborators that when the film was finished, they were free to share it at their own discretion as I register the film as a joint work.

3. Subvert expectations: The film ends with a ten-minute psychedelic sequence emphasizing the sense of helplessness and desperation students feel towards the growing climate crisis and ocean pollution.

4. Exaggerate: although the film has elements of a documentary it quickly evolves into an exaggerated look into the feeling of performing juxtaposed with everyday obligations such as maintaining good academic standard, a social media presence and a love life.

5. Memorable ending: In the end the main character: daniel (played by me) silences the voices in their head tormenting them by reaching out to the main character's friends and family.

After editing the film, I uploaded it to YouTube and filled in an online application to copyright the film in accordance with the US copyright office. While filling out the application I felt a sense of fulfillment because I realized that I had created something that can be accessed by millions of people while being recognized as a finished product by the U.S. government. I also realized that my knowledge of copyright law through researching the Kyle Hanagami v Epic games case and the Martha Graham School v. Martha Graham Center has made me familiar with the process of registering my work and keeping well organized records of my rehearsals, ideas and finished choreography.

Next, I will talk about *crow's*, a dance I created for dance escape. In this piece I will be delving deeper into my choreographic process in relation to copyright law but with more time, less dancers and a live audience.

Crows

Choreographic Process

Familiarity/set expectations

In my journal, I wrote five sentences that reminded me of previous roommates and attached five pictures: one of a crow and four of people dancing. I asked my dancers to come up with ten poses that represented the pictures and sentences. Then I asked them to find different ways to transition from one pose to another. Although the poses were the same for both, I asked them find slightly different ways to transition from one pose to another. I did this because it helped me see how they like to move. I knew that the dancer's friends and family members were going to watch the show, so for them the transitions and poses were going to look familiar, since they've seen Ashton and Brooke dance before.



Fig 3.1

Know your Limits:

It is very important to know people's limitations. For example: I tried adding lifts and it didn't work, I don't like how it looks and it doesn't make sense with the story to add a random lift out of nowhere. I think it's ok to admit that lifts are out of my limits for now. A limitation I have as a choreographer is that I don't have that much control over other aspects of the production. I am creating a dance and that it will be performed on a stage while other people will contribute to the project with their knowledge of lighting design, costumes and props.

Subvert Expectations

Social dance vernacular on a concert stage setting; the disappearing set-piece.

At the beginning of the choreography, I set the expectation of people dancing in a dorm room.



Fig 3.2

The choreography utilizes vernacular Salsa Dance because the audience's expectations are going to be subverted because I very rarely see Salsa Dance in theaters outside of competitions.

In the movie "Guardians of the Galaxy" one of the characters says: "I've mastered the ability of standing so incredibly still that I become invisible to the eye". This scene is played as a joke in the movie, but as a modern dancer and

avid improviser I can attest to the veracity of the statement, "Slow becomes imperceptible".

Some people will notice the chair moving, and I hope everyone realizes the chair is not there by the end of the piece where we go back to Shani and Ashton interacting.

Exaggeration

This part of the methodology, specifically when applied to theater performances, is to exaggerate every movement: "do too much" is what I tell my dancers. But as a more specific note choreographically, I changed the beginning of the dance. Now the dancers start moving in slow motion right after Ashton has turned the lights on. Then their movements become more "natural". I called this "real tempo" as opposed to slow motion. The third time they get up to start dancing I tell the dancers to go in "fast motion" and do everything exaggerated, as fast as

possible, and then we break the tension by having Shani become almost a statue while Brooke slowly comes back to life. The choreography continues with more subtle peaks and valleys. I think it is important to have this moment of exaggeration at the beginning of this piece because I can grab people's attention right away and focus it on Shani and Ashton by making Brooke almost invisible until it is time for her to come to life.

Strong Ending:

The ending of *crow's* mimics the beginning of the piece, creating a full circle thematically for the audience to understand that what just happened has ended. However, it is not an exact copy.

Ashton finishes without the chair and more content than when she started. It is clear when the piece is done because the lights turn off, the music shuts down, the dancers stay still, everything comes to a stop just as I instructed.



Fig 3.3



Fig 3.4

In Relationship to Copyright

From the beginning of the choreographic process, I start gathering the information that I'm going to need for the online copyright registration form. This makes me stay organized while choreographing and minimize the time it takes to fill in the application once I'm done.

Select type of work – Work of the Performing Arts (dance)

Title: crows

Has this work been published -

This work was published on YouTube on April 22, 2024. I uploaded a video of the Saturday performance to YouTube.

Authors and contributors:

Choreographer: daniel monroy

Music: Alan Terricciano

Lighting Design: Jimmy Balistreri

Costume Design: Kaylynn Sutton

Dancers: Brooklyn Bustamante, Ashton Craven, Shani Kirson

Limitation of claims:

daniel monroy

Rights and permissions:

daniel monroy

Here's how that information is used to fill in the registration of the work on the copyright office's website.

The screenshot shows a web browser window with the URL eservice.eco.loc.gov. At the top, there are navigation buttons: "Continue >>" and "Save For Later". Below the navigation is a table with two columns: "Links" and "Completed". The "Links" column contains several blue links: "Type of Work", "Titles", "Publication/Completion", "Authors", "Claimants", "Limitation of Claim", "Rights & Permissions", "Correspondent", "Mail Certificate", "Special Handling", "Certification", and "Review Submission". The "Completed" column is empty.

Below the table, there is a section titled "Type of Work" with a dropdown menu set to "Work of the Performing Arts". To the right of the dropdown is a "Help" link. Below this is a large block of text providing instructions on how to select the correct "Type of Work" based on the nature of the work being registered. It includes definitions for musical works, dramatic works, choreographic works, and pantomime, as well as instructions for registering musical works and sound recordings together. It also includes an "Important Note" about the "Standard Application" and instructions on how to register unpublished works.

At the bottom of the page, there is a checkbox that is checked, followed by a red asterisk and the text: "* Click the box to confirm that you have read the description above and selected the entry that best describes the 'type of work' you are registering."

Fig 3.5

Review Submission

[eCO Navigation Tips](#)

Please review the entire submission on this screen. If you need to revise any information, return to the appropriate data entry screen to make the revision. When the entire submission is correct, click the "Add to Cart" button at the top of the screen. **Warning: Once you submit your application, you cannot make changes to it. Therefore, please review the information on this screen carefully before proceeding.**

Links	Completed
Type of Work	
Titles	
Publication/Completion	
Authors	
Claimants	
Limitation of Claim	
Rights & Permissions	
Correspondent	
Mail Certificate	
Special Handling	
Certification	
Review Submission	

Case Summary

Case Number: 1-13753875771

Application Format: Standard

Contact Name: daniel monroy

All Titles

Title of Work	Volume	Number	Issue Date	Type
crowns				Title of work being registered

Publication/Completion

Published Work	Year Created	Publication Date	Nation of First Publication	ISN Type
Yes	2024	04/20/2024	United States	

Authors & Contributions (PA)

Name	Organization Name	Work For Hire	Citizenship	Domicile	Year of Birth	Year of Death	Anonymous	Pseudonymous	Pseudonym
daniel monroy		No	United States	[REDACTED]	1996		N	N	

Claimants

Name	Organization Name	Transfer Statement	Transfer Stmt Other	Address
daniel monroy				[REDACTED]

Claim Limitations review (PA)

Material Excluded

- Lyrics
- Music
- Musical Arrangement
- Text
- Other Lighting, Costumes

New Material Included

- Lyrics
- Music
- MusicalArrangement
- Text
- Other dance

Rights & Permissions

First Name: daniel
 Middle Name:
 Last Name: monroy
 Email: danielwaters@gmail.com
 Phone: [REDACTED]
 Alternate Phone:

Organization Name:
 Address 1: [REDACTED]
 Address 2:
 City: Irvine
 State: CA
 Postal Code: 92617
 Country: United S

Fig 3.6.1

Correspondent

First Name:	daniel	Organization Name:	
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Mail Certificate

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Middle Name:		Address 1:	
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		Postal Code:	92617
		Country:	United Sta

Certification

Name: daniel monroy

Certified:

Special Handling:

Applicant's Internal Tracking Number: This application is to register the choreography (dance) I created in 2024

Note to Copyright Office:

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law. [Take Our Survey!](#)

Fig 3.6.2

If there was ever a dispute regarding the ownership of my work and to facilitate re-staging efforts, I also kept written journals detailing and dating my process as well as videos of each specific section of the dance, showing the evolution of it. The transcript of the journal plus the links to the source videos are included in the appendix.

CLOSING THOUGHTS

Over the past two years I created a five-step methodology that has helped me create and copyright several choreographic works while studying and teaching at UC Irvine. My choreographing methodology is a guide that I find particularly useful regarding three major challenges I experienced during my early years choreographing: meeting short deadlines, maintaining a sense of authenticity and choreographing constantly. In this thesis I explored in detail how I implemented my methodology to choreograph and copyright my two most recent projects: *crow's* a piece for a dance concert performed in a theater, and *artemisia* a short film I created with my friends.

My methodology is based on my experiences as a dancer as well as what I've learned from researching the lives and works of Martha Graham, Kyle Hanagami and Walt Disney. I chose to focus on these three artists because of their relationship with copyright law. I noticed that Martha Graham and Kyle Hanagami struggled with copyright law: Martha tried to inherit dances that did not belong to her resulting in a complicated legal battle in the early 2000's. More recently Kyle alleges that a video game company stole his choreography, he is currently still fighting in the courts. In contrast Walt Disney had much more control over his intellectual property. Because of this disparity my choreographing methodology closely aligns with the necessary steps required to copyright a choreographic work, ensuring that I will be able to choreograph efficiently and authentically while protecting my work.

I'm excited to keep choreographing and learning. For this thesis I focused on creating works for American audiences, I would love to test my methodology in other parts of the world.

I will also continue to keep an eye on what happens between the case of Kyle Hanagami V Epic Games, and finally I hope that this thesis can be of help, not just to me, but to anyone that wants to choreograph but doesn't know what to do next.

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APPENDICES

Videos and Images

For *crows*

Video of me improvising to Salsa music:

<https://youtu.be/Qdbopxo8zaI>

Video of the dancers performing the salsa Combination:

<https://youtu.be/pEDqvgn09hY>

Prompts for the modern Combination: https://docs.google.com/document/d/1ScNU-8EE6QjwhxRtcf6_zIPfzoaLjcoO8b9ktEPqS6M/edit?usp=sharing

Video of the modern Combination:

<https://youtu.be/egyn1QI0yZo>

Video of the choreography with the chair

https://youtu.be/X2Gk_lIFnlc

Video April 17th exaggerate section:

<https://youtu.be/YjMG9DTZPtk>

crows full piece: <https://www.youtube.com/watch?v=xpSKkCGIbKg>

For more videos and images on my choreography please visit www.danielwaters.com

Template form for securing permission to use your collaborators work

Because copyright is of paramount importance in my choreographing methodology, I always establish clear intentions when embarking on a new project with someone. For example: I ask, am I choreographing or is this a collaboration? Is this going to be a one-time performance or multiple performances? I'm going to send a copy of this work to the copyright office, is that ok with you? What name should I use when filling the copyright form? I want you to give you credit for the work you've done.

To ensure proper communication regarding copyright I created a template based on an email exchange that I had with music composer Alan Terricciano that can be used when working in stage performances with costume designers, music composers, lighting designers etc.

I (name of the collaborator) give permission to (the choreographer) to use the (score, costume, lighting etc.) I made for (name of the choreography and year) for posting on YouTube and for archiving purposes. For any future public performances, the choreographer may use the (score, costume, lights) if and only if they credit (collaborator's name) and pay \$ per additional performance subject to negotiation. If the performance rights were to be sold, all collaborators need to be notified and included in the compensation.

Collaborator's name and signature

Choreographer's name and signature

Certificates of Registration

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shira Perlmutter
United States Register of Copyrights and Director

Registration Number

PA 2-452-379

Effective Date of Registration:

January 05, 2024

Registration Decision Date:

January 31, 2024

Title

Title of Work: yellow

Completion/Publication

Year of Completion: 2023
Date of 1st Publication: January 05, 2024
Nation of 1st Publication: United States

Author

- Author:** daniel monroy
- Author Created:** choreography
- Work made for hire:** No
- Citizen of:** United States

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shiria Perlmutter

United States Register of Copyrights and Director

Registration Number

PA 2-469-552

Effective Date of Registration:

April 22, 2024

Registration Decision Date:

May 07, 2024

Title

Title of Work: crows

Completion/Publication

Year of Completion: 2024
Date of 1st Publication: April 20, 2024
Nation of 1st Publication: United States

Author

- Author:** Danniell Monroy
Author Created: choreography, dance
Work made for hire: No
Citizen of: United States

Journals

When I started the dance MFA program in UCI, I began documenting my choreographic process as a means to develop a methodology that can be used to protect choreography from theft and expedite the choreographing process. I believe I have succeeded in my quest, and, to test my methodology I created *crow's*, a dance piece that premiered in April of 2024 and that I registered with the copyright office via their online web portal (<https://www.copyright.gov/registration/>) as soon as it was finished.

I kept an extended journal account of the creative process in relationship to copyright. Below are some excerpts of my journal.

February 9, 2024

Three days from now I'll have my first rehearsal and 2 weeks from then I'll have to show a substantial part of my choreography to the school's faculty during piece auditions.

I want to choreograph for "Dance Escape", the school's spring concert choreographed by MFA dance students. The process to be in the concert requires me to select dancers from within the school to create a choreography that I will then show to some faculty members that will ultimately decide if my dance should be part of the concert. During the audition process I selected three amazing dancers: Ashton, Shani and Brooklyn. I have a very limited amount of time to choreograph, and I am a little scared because last year I submitted a piece for "New Slate" (the fall graduate concert) and my piece was rejected during piece auditions.

Back then I felt really dumb because I was in the early stages of writing a thesis about my choreographic process while failing at choreographing for the school's concert. However, there is no time for self-deprecating, I believe I was on the right track last year, I just wasn't fast

enough. This year efficiency is my priority: I already developed a methodology related to copyright law in the United States, now I have to focus on following it step by step in the fastest way possible, while maintaining quality at the forefront of my process.

Every choreographic decision I make is in support of the story I'm trying to tell. I most often find inspiration in my own life. I choreograph based on what is happening to me at a certain moment in time. I have choreographed thinking about historical moments or abstract concepts in the past, but I encountered two challenges: first is that I have to do a lot more research to tell the story accurately and the second challenge is that I risk someone thinking I'm copying someone else's story or appropriating a concept or technique. Because of this I almost exclusively talk about my personal life through my dance, unless a client or professor has a specific story, they want me to tell.

I moved into student housing very recently. I was living with my mom for a while but since this is my last few months at UCI, I want to know what it feels like to live close enough to walk to school. I've had a few roommates in the past and every experience has been incredibly different. First, I lived with my friend Pancho, we moved in together soon after my 21st birthday so that apartment was a constant party. I don't know how but we both manage to work full time while going to school while dancing for the same dance company and still drinking a six pack every other day, and not to mention the Sunday morning workouts at the beach.

After Pancho I lived with Phoenix. He was really nice, but he was also much older. There were 3 of us in this big house in Long Beach, but the other roommate was so quiet I don't even remember his name, we probably spoke twice. Phoenix was working at a company and had a strict schedule, it felt like lights had to be out by 9:30 pm every day. Funny thing is that he was really nice and never actually told me not to make noise, but I just felt like I didn't want to

disturb him because he was really nice to me and used to always pay for food whenever we went out.

When I was in UC Riverside I had some French roommates, they were the worst. They were so loud during most of the quarter, never cleaning after their parties and they would get angry when I had people over. Always texting me to be quiet because they had a big test coming up.

When the pandemic happened, they moved out and a year later my mom lost her job, and we started living together.

My new roommate Shreya hasn't been home... in two months. I met her once when I moved in, but she was on her way out. She went to India during winter break but hasn't come back yet. Last time we emailed she said she'll be back on the 28th. I'm excited to actually meet her but now I wonder what kind of roommate she would be? I think that's the story I'm going to make. My dance is going to be about having roommates while going to school: The good times, driving, partying, doing homework, and perhaps some bad times as well. I'll go to the studio tomorrow and I'll try to come up with something. Oh, by the way, I should buy some seeds. I saw some crows through my window. I wonder if I can befriend them so that Tuco (my cat) has a fun view during the day. He loves birds.

Feb 12th

5,6,7,8

Improv out

The choreography is familiar to me, and it will also be familiar to the students that are in my class. Part of their grade consists of them attending a dance concert and writing a report about it, so I expect most of them to go to Dance Escape as it is the most accessible concert for them.

Right now, in my head I see Ashton on stage remembering her experiences with previous roommates after a disagreement with her current roommate: The good times, driving, partying, doing homework, and perhaps some bad times as well.

PS: I originally had Shani as an understudy, but I might have her participate in the choreography in some other way.

Feb 15th

I think I'm going to call my dance *crows*. I like to have one-word titles for my dances. And I like when the title gives a little hint about what was on my mind when I was choreographing, but without giving everything away.

I chose crows because there are a lot of crows near my window in the morning. My cat loves to watch the crows and I like to watch my cat looking at the crows. The other day I went to the aquarium and thought, just like the otters see people come and go every day I see the crows fly in and out of town every day. And I see them looking into my window sometimes although

not often. Perhaps the crows like to watch people in their apartments the same way I like to watch otters at the aquarium.

I like one-word titles because they leave the door open for the audience to fill in some details with their own experiences and imagination. The main story is about Ashton remembering her experiences with previous roommates after a disagreement with her current roommate: The good times, some bad times, driving, partying, doing homework, etc. However, driving and partying and roommates are experiences that are slightly different for everyone. So, I think some people will see Ashton as the crow, some people might see Brooke as the crow, and I might see the audience as the crows, because they are watching the drama unfold. That is the beauty of a single word title, and it goes in line with my postmodernist training from UC Riverside, where dance and stories can be open for interpretation.

Friday March 15th

All went well with piece auditions; our dance made it into the concert. I decided to give Shani a bigger part in the choreography. She now plays “the current roommate” while Brooke symbolizes memories from a not-too-distant past. Shani can’t come to some of the upcoming rehearsals but she’s a great dancer, as we move forward in the process, I’ll think of ways of incorporating her into the process.

Monday April 1st

In the movie Guardians of the Galaxy one of the characters says “I have mastered the art of moving really slowly therefore becoming imperceptible to the human eye”. This is played as a joke in the movie, but as a modern dancer and avid improviser I can attest to the veracity of the statement “Slow becomes imperceptible”. Some people will notice the chair moving, and I hope

everyone realizes the chair is not there by the end of the piece where we go back to Shani and Ashton interacting.

I like dancing Salsa, and I like teaching Salsa and listening to salsa music because it is very story driven. The songs are sometimes love letters and other times they talk about slavery or the AIDS epidemic, for example "El gran Varon" by Willie Colon talks about a trans teen that moves to America and when the dad finds out of her lifestyle, he stops talking to her until after her 30th birthday when the dad receives a call telling him she died alone in a bed of a "strange disease".

I play this song in my classes, and I first listened to it at a quinceañera party. When I first heard it, I didn't pay attention to the lyrics because the music is so fun, it sounds almost romantic at first and very upbeat throughout. After listening to it multiple times I began to notice how heartbreaking the lyrics really are. Salsa as a music genre is very complex and storytelling driven. I want Salsa dance to adopt similar values. It is something that I haven't seen in Irvine, I think it will be a great thing to share with the diverse audience of Dance Escape.

Wednesday April 17th

The choreography has been feeling a little stale. When I was in the studio it looked much more alive, I think it is because I was very close to the dancers so I could feel their energy. Now that I am watching from the audience it is much harder to see the nuances of the movement.

Since today was the last dress rehearsal, I also have to be extremely specific with what I wanted because I knew there was no time for ambiguity or mistakes. I saw a few moments that took me out of the story during Tuesday's run. It was nothing too troublesome, just a turn that

could have landed better and I wanted different facial expressions for a few parts. However, I exaggerated and made it seem to the stage crew that I had a lot of problems and needed an extra rehearsal.

Something that I have noticed in theater is that if you ask for a dollar, they'll offer you a nickel. Not very often would I hear a "no" but I never heard a "yes." It's always a compromise, and I understand why I have to compromise. Because of this I asked for an extra hour to work on my piece because "I hated a section and needed to see it again, perhaps re-work it" I was given 15 minutes. 15 minutes is great! I only needed 10 to be honest.

Friday April 19th, 2024

Last night I saw *crows* for the first time as an audience member and not as a choreographer. On Wednesday night, after our last dress rehearsal I told my dancers, my lighting designer, stage manager and stage crew: "Thank you so much, it was great working with you, the choreography is done".

The journey to create *crows* took over 2 months and more than a dozen people. It is a monumental task to create a piece for the stage. In smaller productions and personal projects, I usually have to wear multiple hats (be in charge of multiple areas). I'm used to being a dancer and choreographer, set designer, and sound designer. It is fun to oversee multiple aspects of a specific product, but it is also very taxing. I have spent hundreds of hours dancing and choreographing, but only 30 minutes investigating costumes and lights. Thanks to UCI and specifically the Claire Trevor School of the Arts, I was able to collaborate with people that are experts in their fields. I think it's funny how we are so similar, we obsess over very specific

details that 90% of the population wouldn't even notice. But as a choreographer, I notice when the arm moves a little too late just as easily as a lighting designer can notice when a light needs to be at 90% and not at 85% or 91%.

Collaborating with professionals working at their best was very motivating as well. Every night after tech rehearsals everyone went home and worked a little more. I would review the video and make sure the story was clear and the timing of each movement was optimal. The dancers would stretch and practice a few sections every once in a while, the stage manager and lighting designer would practice calling the cues. We were all very invested in our portion of the project. But on Wednesday we had our last dress rehearsal, and it was my time to let go of the project. When it comes to larger productions, such as theater or Hollywood every collaborator has a different timeline. For example, Alan Terricciano had a different deadline set by stage management. He finished composing the score around March 19th, a month before the show. The dancers would continue working on the project each night until April 20th.

Each person works on the project until a different time

Just a few years ago it was really hard for me to let go of projects, I would change the choreography multiple times even after opening night, I would get angry if people didn't do exactly what I wanted, but a big part of my grad school journey has been learning how to listen and trust others. Because I have a very specific methodology for choreographing that has proven successful, people know that they can trust me to choreograph, just as I trust the dancers to dance and the scenic designer to design, etc.