

Copyright and Choreography: What's Needed for Protection?

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With the rise of choreographed routines on social media platforms, questions have emerged about whether—and how—choreography is protected under copyright law. Is choreography eligible for copyright protection? And if so, what are the requirements?

Two elements are fundamental: originality and fixation in a tangible medium, as set out in article 7(IV) of Brazil's Copyright Law (Law 9.610/98). In other words, the choreography must be both original and creative, and it must be fixed in some physical form—whether in a video recording or in choreographic notation.

The US Copyright Office has dealt with two high-profile cases that illustrate this principle. Choreographer JaQuel Knight successfully registered the well-known "Single Ladies" choreography performed by Beyoncé. In contrast, actor and dancer Alfonso Ribeiro – known for the character Carlton Banks in *The Fresh Prince of Bel-Air* – had his attempt to register the "Carlton Dance" rejected, on the grounds that it consisted of a simple, conventional sequence.

The same reasoning applies to many viral dances on the internet: Even if the routine is fixed in a video, it won't qualify for protection without sufficient originality. The choreography has to reflect the choreographer's creative contribution, capable of distinguishing the dance from a mere sequence of ordinary movements or combination of well-known dance steps.

For choreographies that meet both criteria, JaQuel Knight's words capture the essence of copyright protection: "... the point of copyrighting isn't to protect us from [people] doing the dances at home. It's to protect the creator from these huge corporations that come in and take advantage."^[1]

Copyright protection for choreography thus depends on originality and proper fixation. In Brazil, that protection does not depend on registration, so creators can act immediately to against unauthorized use of their creations.

^[1] <https://www.npr.org/2020/11/16/934603252/he-choreographed-single-ladies-and-wap-now-hes-got-a-bigger-mission>. Accessed April 17, 2025.

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