The University of Texas

Commercial Dance & Copyright:

Using “Single Ladies” as a Case Study for an AI Labanotation Program

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Plan II Honors Thesis

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Abstract

This thesis uses Jaquel Knight's choreographic work in Beyoncé's "Single Ladies" as a case study for the potential use of an AI Labanotation program. It establishes a need for Labanotation in the commercial dance sector through an analysis of Knight's choices and his thought process when he copyrighted his choreography in 2020. This thesis also researches the manner in which emerging technologies could potentially streamline the process by which dance works can be documented and receive copyright protection. It is worth noting that this thesis also recognizes the nuance of ownership principles in dance, and it attempts to discuss the U.S. Copyright system in a manner that recognizes both the benefits and downsides of utilizing current legislation within the dance field. This thesis does not suggest systemic change, but rather offers suggestions for how choreographers can best protect themselves within the already existing structures.

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To my parents and sister for always believing in me,

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To the UT Dance Department for being an incubator for my growing artist's soul

Biography

London Lack is a graduating senior simultaneously pursuing degrees in Dance (BFA) and Plan II Honors at the University of Texas at Austin. She trained as a ballet dancer for 18 years, later broadening her studies to include contemporary, modern, and post-modern dance styles - all of which have informed her emerging career as a contemporary ballet choreographer. Her performance credits at UT include *Emerge*, (2023) *Evolution*, (2023) *Points of Intersection,* (2024) and *Cyphers*, (2024). Her choreographic credits include her student residency work "Shadow Puppets," (2026) *The Smell of Yellow,* (2026) *Quiet Tears of Roses*, (2025) and *House Play*, (2025). Outside of her creative practice, she wrote as Senior Opinion Columnist at the Daily Texan, founded and served as artistic director of the Cauliflower Project, served as the Performing Arts Editor of Apricity Magazine, and was a Spring 2025 inductee to the Friar Society. Upon graduation, she will be attending the Trinity Laban Conservatory in Greenwich, England to pursue her MFA in Choreography.

Introduction

In 2009, a young Jaquel Knight was chasing his dreams in the cutthroat and competitive Los Angeles dance scene (Milzoff, 2021). Originally from Atlanta, Georgia, Knight began formally dancing at the age of 14; though his passion for the art had been nurtured by MTV music videos and living room dance breaks throughout his childhood (Fuhrer, 2022). Around the same time he began formal dance lessons, he also participated in a huge rite of passage for southern highschoolers - marching band (Milzoff, 2020). Spending his summers at Band Camp, Knight played the saxophone under the scorching Georgia sun (Fuhrer, 2022). A few summers later, he even achieved the coveted position of Drum Major (Milzoff, 2020). This position provided him an outlet to combine his musical interest with his precision in movement, as he became responsible for helping to choreograph the intricate formations and walking transitions of the marching band (Milzoff, 2020).

After completing high school and moving to LA, he began auditioning for various dance gigs in the hopes of making it big (Milzoff, 2020). In 2009 he auditioned for Frank Gatson Jr., who was a huge choreographer at the time with life changing connections (Milzoff, 2020). Though he was not hired to dance in the project he was auditioning for, Gatson was impressed by Knight, and he reached out to him in the hopes of utilizing his choreographic talents (Feller, 2017). They worked together on a smaller project, and then Gaston recommended Knight to one of the biggest music stars in the world - Beyoncé (Feller, 2017).

Knight's story is one of how a seemingly failed audition turned into a life changing opportunity. At the time Beyoncé was working on releasing her new song, "Single Ladies," and she was struck by Knight's unique approach and fresh perspective on dance (Feller, 2017). She

liked him enough that she hired him to choreograph the music video, launching Knight's choreographic career into the spotlight that he still inhabits today (Feller, 2017).

Sixteen years later, the "Single Ladies" music video has over a billion views on *YouTube*. The choreography is famous in its own right, becoming its own pop culture reference and touting appearances in TV, movies, and even other music videos. Though this seems like every choreographer's dream, the reality of it is that none of these multimillion dollar commercial projects asked Knight for his permission. He was never credited for his work, and worse, never financially compensated for it (Milzoff, 2020).

In most cases, this uncredited utilization of an artist's work is against the law and prosecutable. Movies can't use music without paying a licensing fee, and TV shows can't play scenes from a movie without explicit permission. Even if one of these infringements occurs, the studios behind these projects have millions of dollars dedicated specifically to the legal enforcement of copyright protection. Most of the time, the fear of being sued is enough to discourage other entities from illegally using these other artists' intellectual property.

Interestingly though, dance is one of the the only creative fields in which the copyright process as a whole does not seem to dissuade artists from reusing one anothers' work. In fact, this is true within both major subfields of dance - concert and commercial. There are two main reasons why: The first, is that the copyright process has historically been inapplicable to dance as a whole. It wasn't until 1947 that choreography could be officially copyrighted by the U.S. copyright office, though this initial protection only applied to choreography that told a story and qualified as a "dramatic work" (Abitabile, 2004). At the time, this made it extremely difficult for even prominent dance works to receive official copyright protection. George Balanchine, one of the most famous western choreographers of the 20th century, was unable to protect his work

without instructing his notator at the time, Ann Hutchinson (after marriage, Hutchinson Guest), to make up a story for his ballet *Symphony in C* so it would be approved for copyright protection (Itzek, 2000). Though *Symphony in C* is one of Mr. Balanchine's most well known works today, this might not be the case if it weren't for Hutchinson's effort in getting it legally protected.

Later in 1976, the law was updated to discern what constitutes choreography and include it under copyright protection (Abitabile, 2004). The only stipulation is that it needs to be formally fixated in one of three methods - dance notation, video, or photo ("Circular 52," n.d.). Prominent older works, like those of George Balanchine, are often preserved through the language of some form of dance notation. Labanotation, a term coined by Hutchinson Guest, is a one of the more encompassing and widely applicable symbolic dance notation languages. It was initially developed by movement theorist Rudolf Laban in the 1920s as a way for him to understand movement in and through space (Guest, n.d.). Laban eventually created the symbolic language as a way to systematically transcribe his theories, and the language was subsequently expanded upon and refined throughout the 20th century (Guest, n.d.). The language utilizes lines and columns for a staff that spans the vertical length of the sheet. The first staff is placed at the left side of the page with subsequent columns being added to the right. (Guest, n.d.). Movements of the body are represented by an "alphabet" of symbols that are placed within the columns at specific lengths and intervals to provide details of duration and rhythmic timing of the movement (Guest, n.d.). The language primarily focuses on the arrival of a movement, indicated by a sequence of notations representing the progression of body movements though space and time. The shape, shading, and location of the dance notation symbols indicate a variety of details including level and planar direction of parts of the body or weight distribution and the spatial pattern of the support traveling through space, along with the timing. The dance notation can

capture the movement in structured detail and specificity, or the symbolic description can be more loosely structured, depending upon the purpose of the dance score. (Guest, n.d.). When reading the language, one begins at the bottom of the staff, at the, left-most column , and works their way up (Guest, n.d.). When the column ends, they move to the base of the next column to the right, and so forth. (Guest, n.d.). Each column in the staff indicates a particular part of the body in relation to the center line, representing the medial line of the body, the spine, with each column, from the center outward, designated for specific bodily structures . The columns along side the mid-line represent the base of support, (i.e. the feet), the next columns out, the leg gestures. The columns just outside the three-line staff represent the torso, next the arm gestures, then head, and the hands (Guest, n.d.).

Labanotation is a favorable notation system due to its versatile applicability to a variety of movement forms and dance styles. Prior to the advent of video, it was one of the primary ways to document and preserve choreographic works. Even after video became more accessible, it is still favorable because of the way it creates a sustainable medium and reconstructable blueprint or score for re-embodying choreography. While video is a more accessible and affordable means of choreographic capture, over time the choreographer's intentions can be lost with the structure of a work remembered solely through a singular recorded performance. Regardless of how hard a dancer tries to replicate choreography, video will always preserve what the documented performer does in the given moment, which may or may not align with capturing the choreographer’s creative intention or vision. This creates a long chain in which the opportunity for choreographic distortion becomes more and more likely — making a true understanding and preservation of the original work even harder.

Despite this, due to a variety of factors, Labanotation has nonetheless become less utilized in the 21st century and video has become one of the primary methods that dance is preserved. A broader discussion of the pedagogical pitfalls of early teaching of Labanotation is beyond the scope of this dialogue, but it is regardless important to note that the decline in its usage is likely due to a combination of the theoretical nature of the early pedagogical approach often being detached or disintegrated from the kinesthetic practice of dancing, paired with the labor f learning as an advanced, rather than through and integrated pedagogy of literacy as a beginning dancer. With the more general accessibility of documentation like video and photo and consequently, the expense to have choreographic works notated there is the additional challenge to have Labanotation fluent individuals with the expertise to restage choreographic works preserved primarily through the Labanotation score. Thus, the financial burdens are partially what makes Labanotation an unfavorable method of preservation among dance artists.

This financial burden then, significantly contributes to the second reason that many choreographers do not receive legal protection over their work. Despite the legal ability for choreographers to copyright their work, they often choose not to due to the financial resources needed to both preserve and legally protect their work. What complicates this dynamic even further, is the fact that concert dance, specifically, is a notoriously poor field in relation to commercial dance. “Concert dance refers to the tradition of dance performed in theatres and on stages where the audience comes to experience it as an art form” (“ Concert Dance and the Non-Competitive Path,” n.d.). Traditionally, concert dance companies operate as nonprofits, and their performances are generally constrained though limited time runs within a single place, though larger concert dance companies may also tour. This, in combination with the often anti-capitalist artistic structure of many concert dance organizations, has historically made it

difficult for concert dance choreographers to make large amounts of money from their work. Theoretically then, even if a concert dance artist plagiarized another concert dance artist's choreography, the infringement is a more artistic and personal violation, than one that is strictly financial. The thief is likely to make just as little money off of their moral err, possibly as the choreographer would off of their actual work, so there is little incentive for concert dance artists to legally protect their work beyond normative structures like community enforcement. Even if a concert choreographer did choose to pursue legal action against a choreographic thief, the legal fees required could outweigh the potential financial benefits of winning such a legal case.

Commercial dance however, operates in an entirely different manner and, in contrast to concert dance, has far more earning potential. For reference, Commercial dance is defined as "a dance style that is primarily performed in commercial settings like music videos, concerts, TV shows, and adverts. It is characterised by its ability to incorporate lots of different dance genres to create visually appealing movements" (" What is Commercial Dance?" n.d.). Music videos specifically are a very well known example of commercial dance, and with the advent of streaming services that pay per view, they can potentially become incredibly lucrative for choreographers. This creates far more of an incentive for commercial choreographers to legally protect their work. The unauthorized use of a commercial choreographer's work would not only be an artistic violation, but could also cost them a substantial portion of their income — possibly even millions. In the commercial world then, legal fees to pursue a choreographic thief would be a mere investment to ensure that an artist gets the compensation that they are due.

In 2020, Knight made history for the second time by being one of the first commercial choreographers to recognize this nuanced dynamic with the copyright system (Milzoff, 2020). Motivated by the frequent use of his choreography for "Single Ladies" without compensation,

Knight began the process of copyrighting his work (Milzoff, 2020). Initially, he worked with Lynne Weber from the Dance Notation Bureau, (an organization co-founded by Hutchinson Guest in 1940) to notate his work in the Labanotation language, resulting in a Labanotation score, to officially register the choreography (Milzoff, 2020). This allowed him to ensure that any individual or entity using his choreography would either have to licence it from him or face legal consequences - something rarely exercised within commercial dance, let alone any sector of the dance field as a whole.

Jaquel Knight's efforts are revolutionary within not only the dance community, but also within the commercial dance sector. Unlike concert dance, it is far more likely that his choreography will continue to be shared, publicly referenced, and profited by, given the commercial exposure ,so the copyright process as it currently exists stands to substantially serve him. This is potentially true of commercial dance as a whole, and the precedent he is setting makes it all the more apparent that legal protection might be more important than choreographers initially believed within this sector of the dance field. The purpose of this thesis is to propose a theoretical manner of improving financial autonomy for commercial choreographers over their work. More specifically, it will be using Knight's experience as a case study for the intersection between copyright, Labanotation, and commercial dance, inevitably proposing how this growing intersection could lead to technological innovations that positively impact the dance field as a whole. Though Labanotation is by no means the only potential method for commercial choreographers to achieve stronger financial autonomy over their work, this thesis will focus on it as an arguably a more favorable method of preservation, specifically by weighing its benefits within a commercial setting. Furthermore, given that Knight has already begun using it to preserve his own commercial choreography, there is a clear precedent in its potential application

for this use. Thus, in combination with the advent of Artificial Intelligence, it is entirely possible that new and developing software could help commercial choreographers more readily notate their works in the Labanotation language, while simultaneously easing the process of registering their works for legal protection and providing previously limited resources on methods for financial protection.

Methods

In an effort to better understand how choreographic ownership in commercial dance can be improved through an augmented system, like that of an AI Labanotation program, there are several distinct steps that this study will employ. A brief overview of these methods include a Literature Review, interviews, the case study of a prominent commercial choreographer, and an analysis of my own personal and anecdotal experience. It is worth noting that this final element will have the smallest influence out of the preceding ones, since there is a level of inherent bias present within a reflective discussion of my own creative practice.

Researching existing literature surrounding the questions this study is intending to answer was naturally the first step. A thorough understanding of the work other scholars have done, both historically and within the present, helped to ground and contextualize the conclusions later reached within this thesis. The Literature Review is divided into three sections, each discussing related but distinct research within three different areas: Choreographic Ownership Principles, (especially within the context of commercial dance) Choreography and Copyright, and Labanotation and Artificial Intelligence (AI). The Literature Review focuses on synthesizing relevant articles primarily published within the last seven to ten years, and it argues for each source's relevancy to the overall discussion of improving commercial dance's ability to establish choreographic ownership. Though each of these areas also seem to be somewhat disconnected, the Literature Review also draws important connections between them and attempts to introduce why a thorough understanding of each is important to the conclusions reached later in this thesis. Most of these sources are peer reviewed and academic in nature, though some of them are news articles written about choreographers or opinion pieces written by choreographers. There is also

an analysis of relevant choreographic videos, as well as a discussion surrounding their similarities or differences.

The interview portion of this study is intended to acquire meaningful personal and professional experiences from experts in the dance field. Specifically, the individuals that were interviewed have extensive relevant experience within either commercial dance, choreographic ownership, or Labanotation. The interviews provided either similar or alternative perspectives to the ones discussed at length within the literature review, and this, in turn, augmented the ability to contextualize the relevant literature. The interviews also attempted to deepen the scope of research by gathering relevant information that can be further explored both as foundational knowledge and for analysis.

Similarly, by analyzing a particular case in which a commercial choreographer used Labanotation to solidify ownership over his choreographic work, one can potentially find ways that a similar approach could be replicated among other artists within his community. Understanding how a prominent choreographer found success through the copyright system will be incredibly important to analyzing the benefits and shortcomings of copyrighting commercial choreography, and it will shed light on how Labanotation could be further applied to helping commercial choreographers establish ownership over their work. This will then attempt to aid a discussion surrounding the financial incentives present within the commercial dance sector, and introduce how an AI Labanotation program could potentially be one way to help financially protect commercial choreography.

Finally, a small part of the research methods employed is a reflective practice of the personal experiences of myself and my advisors. While I myself have created my own recent experiences in choreographing dance works, I also wanted to utilize the expertise of my artistic

mentors who have a lifetime of personal and professional expertise. I believe that their perspectives are invaluable to augmenting the research I conducted and evaluating my conclusions' realistic application within the specific dance communities I am researching.

Literature Review

In attempting to understand the level of financial autonomy that a theoretical AI Labanotation program could offer commercial choreographers, one must first understand the current discourse surrounding its three connected spheres: (1) Dance copyright, (2) the current efforts to achieve financial autonomy within commercial dance, and (3) the intersection of Labanotation, motion capture, and AI. The following section will detail an overview of other researchers' contributions in these three areas, which will in turn heavily inform the conclusions reached later in this article.

Dance Copyright

One is unable to have a discussion about Dance Copyright without also discussing the evolution of copyright within the last century. An article that did this well, while also advancing a dance related discussion (with findings that will be revealed momentarily) was published by the *Campbell Law Review* in 2004. Despite its relative age, the article by Kathleen Abitabile and Jeanette Picerno titled "Dance and the Choreographer's Dilemma: A Legal and Cultural Perspective on Copyright" is still nonetheless relevant to a discussion of the modern legal protections afforded choreography. In regards to dance, copyright laws have only been amended twice in a manner that encapsulates choreography — with neither time occurring within the last 20 years (Abitabile et al, 2004). Abitabile and Picerno's article begins by giving a brief overview of the history of defining choreography (Abitabile et al, 2004). Initially, dance was not an art form that could be protected under the 1909 Copyright Act (Abitabile et al, 2004). Abitabile and Picerno explain that this was largely due to the negative stigma that surrounded dance during the time period:

> In 1909, the Copyright Act did not extend copyright law to choreography because only "useful" art forms were worthy of copyright protection. During that time, Congress used the term "useful" to convey an idea of "morally proper," and since dance was considered an immoral art form, it never qualified as "useful." (Abitabile et al, 2004)

The authors imply that this was due to dance's lack of focus on "moral lessons," and the mere fact that other mediums of art seemed to be more capable of continuing the moral education of society at large (Abitabile et al, 2004). Regardless, in 1947, copyright protection rights were finally extended to dance (Abitabile et al, 2004). The only caveat was that choreography could only be protected if it could be considered a "dramatic work" – meaning it had to tell a story (Abitabile et al, 2004). This was not as much of an issue for classical ballet at the time, as arguably some of its most famous works were entirely story based, but for most other styles of dance this proved to be an immense challenge. Even as ballet itself evolved, this requirement for a story kept choreographic works from being legally protected for decades, despite many of them garnering widespread recognition and acclaim (Abitabile et al, 2004). Finally, the Copyright Act of 1976 broadened the definition of "choreography" into the one that is still in use today (Abitabile et al, 2004). The U.S. copyright office states that "choreography is the composition and arrangement of a related series of dance movements and patterns organized into a coherent whole" ("Circular 1," n.d.). Notably however, social dances and simple steps do not qualify as copyrightable material ("Circular 1," n.d.). Abitabile and Picerno discuss how even this broad definition of choreography creates many limitations to protecting dance. There has been recent discourse especially within the postmodern dance community about how this seemingly broad, yet limiting definition of choreography prevents improvisational and experimental dance from receiving protection ("Dancing on Their Own," 2025). Nonetheless,

Abitabile and Picerno still encourage choreographers to legally protect their works, especially when attempting to ensure that a work exists beyond the lifespan of the creator (Abitabile et al, 2004). They provided two examples of legal cases that set precedents for copyrighted choreography. The first, *Horgan v MacMillann*, was a lawsuit filed by the executor of George Balanchine's estate in 1985 (Abitabile et al, 2004). Balanchine had died several years prior, but had taken the steps to ensure his famous works, like *The Nutcracker*, were legally protected (Abitabile et al, 2004). In 1985, MacMillann, the publishing company, produced and sold a book that included photos from Balanchine's *Nutcracker* (Abitabile et al, 2004). Because the alleged infringement occurred solely through photos, the District Court ruled that it was not an infringement (Abitabile et al, 2004). This was later reversed when it was appealed to the Second Circuit, with the ruling stating that a "'snapshot of a single moment in a dance sequence may communicate a great deal' and an ordinary observer could perceive much more than a mere gesture or position" (Abitabile et al, 2004). This case was and still is incredibly important to the history of dance and copyright because it set an important precedent regarding the use of copyrighted choreography beyond merely a performance setting. The second suit discussed by Abitabile and Picerno is the *Martha Graham School and Dance Foundation V. Martha Graham Center of Contemporary Dance* (Abitabile et al, 2004). This case was filed in 2001 by the school Graham had founded against her estate nearly a decade after her death (Abitabile et al, 2004). In summary, the school believed that they held the rights to a significant number of her dances, while her estate was attempting to copyright them and claim them as property of the estate (Abitabile et al, 2004). Despite her executor's attempts to copyright Graham's works eight years after her death, the court ruled that the works had already been published and were therefore ineligible for further protection (Abitabile et al, 2004). Furthermore, the court ruled that

her estate could not exert ownership over these works because of the "Work for Hire Act," stating that because she didn't copyright them before she "published" them for the use of the school, the school itself owned her work (Abitabile et al, 2004). A legal loophole that many artists are unaware of, the “Work for Hire Act” is a law that stipulates an individual’s place of employment can in fact own the rights to any invention or creative work created during their period of employment (Abitabile et al, 2004). In fact, this will later become more relevant when discussing ownership among choreographers, as legally literate artists encourage their peers to ensure that any contract they sign does not stipulate this within the fine print (Burkhart, 2011).

Regardless, Abitabile and Picerno encourage choreographers to take advantage of the copyright process to ensure that they have sole ownership over their work (Abitabile et al, 2004). An article published in the *Harvard Law Review* this year however, detailed why the copyright process might in fact be unhelpful to a large portion of concert dance artists. The authors focus their research on postmodern choreographers specifically, since the genre’s lack of a formal definition for their approach to dance is at direct odds with the strict definition provided by the U.S. Copyright Office. The authors claim that due to postmodern choreographers’ often embracing flexibility in the consistency of their performed works, they instead rely on private licensing agreements and community norms (“Dancing on Their Own,” 2025). These community norms include moral rights, which refer to the expectation that artists will engage with one another in creative discourse without intentionally stealing other artists' work and claiming it as their own (“Dancing on Their Own,” 2025). While this article’s conclusion that the copyright process does not widely benefit choreographers seems to be at odds with other voices in the field, it is nonetheless a valuable perspective when analyzing the effectiveness that the copyright process can have on choreographic ownership.

It is important to note however, that most of the examples current literature uses refer to concert dance works. Despite many similarities between the two subfields of dance, concert and commercial dance have distinct and unique attributes that make the copyright process more suited to commercial dance, than concert dance. Nonetheless, these official lawsuits are important to the history and contextualization of dance copyright and the legal precedents that have been thus far set. This is especially true when analyzing high profile copyright infringement accusations that have been made within the commercial dance scene, yet have not resulted in any kind of official law suit. One of the more prominent examples of this is *Beyoncé vs. Anne Teresa De Keersmaeker.* Keersmaeker, a Belgian choreographer, pointed out in 2011 how the choreography in Beyoncé's "Countdown" music video strongly resembled the choreography from two of Keersmaeker's decades old dance works: *Rosas danst Rosas* (1983) and *Achterland* (1990) (Mckinley, 2011). Even more damning, was the fact that the costumes, set, and even cinematography of the Beyoncé video was also strongly reminiscent of those employed by Keersmaeker (Mckinley, 2011). Beyoncé later publicly admitted that she was heavily inspired by Keersmaeker's work, despite not initially crediting her (Mckinley, 2011). Furthermore, "inspired by" is arguably a generous word for Beyoncé's utilization of Keersmaeker's work, as the videos of each are in fact strikingly similar. These very marked similarities were famously pointed out in side-by-side frames posted by the Studio Brussel *YouTube* channel in 2011, which further launched the controversy into the stream of public opinion (Studio Brussel, 2011).

Efforts to Achieve Financial Autonomy over Commercial Choreography

After understanding the legal perspective on dance ownership, it is then important to understand how dancers and choreographers *themselves* establish autonomy over their work. As the previous article asserted, many dancers and choreographers choose not to utilize the

copyright system because they feel that it does not serve them more than their own community norms (“Dancing on Their Own,” 2025). "While the Copyright Office receives over 500,000 applications annually, less than twenty are for choreographic work" (“Dancing on Their Own,” 2025). To further explain this phenomenon, the article discusses several prominent postmodern concert dance works that, though revered by audiences and artists alike, are not eligible for protection under the current legal definition of "choreography." Trisha Brown’s *Roof Piece* was a postmodern dance work that debuted in SoHo in 1971 (“Dancing on Their Own,” 2025). The work essentially placed dancers on various rooftops, and began with a movement phrase that Brown herself performed within the sightline of the first dancer (“Dancing on Their Own,” 2025). The work was akin to the children’s game telephone, as each dancer replicated the movement they saw performed by the dancer prior to them (“Dancing on Their Own,” 2025). Eventually “this chain of visual telephone reversed course midway through the performance, ‘with the last dancer becoming the initiator of movement and Brown its final receiver’” (“Dancing on Their Own,” 2025). While the intention of the work appears relatively clear, it is not eligible for copyright protection because the actual “choreography” itself changes every time it is performed (“Dancing on Their Own,” 2025). In the absence of legal protection then, concert choreographers in the field have exerted a level of respect when attempting to “reset” the work in other locations (“Dancing on Their Own,” 2025). While respect and artistic “citation” is certainly desired by artists within the field, because of the lack of formal institutional structures these norms are rarely enforceable. While it is possible for artists within smaller communities, like New York City, to blacklist thieving artists among their peers, without exerting legal ownership, negative community perception is the extent to which ownership can be enforced (“Dancing on Their Own,” 2025).

The article also discusses the issue of "fixation" within the postmodern dance community. Fixation describes the act of recording choreography in some medium at a singular moment in time, and it is required for a work to be approved for copyright protection (Abitabile et al, 2004). The U.S. Copyright office accepts several mediums of fixation, including video, photos, and dance notation ("Circular 1," n.d.). According to the article however:

> For postmodern dance, which often relies on improvisation and choreographic devices to interrogate broader questions, fixation poses pragmatic and theoretical concerns. It is unclear whether such pieces can be sufficiently "fixed" to register for copyright, and whether that fixation can capture what choreographers value most about their works. In some ways, copyright's fixation requirement stands in direct tension with the innate ephemerality of such a live, mutable performance. ("Dancing on Their Own," 2025)

In contrast to this dynamic within concert dance however, commercial dance is often performed exclusively within a fixed setting – with music videos, tv shows, movies, and the like being filmed as a single version and repeatedly played over time. Fixation then, is a necessary element of commercial dance and is an inherent component of its performance – meaning that commercial dance is not subject to the same level of distortion that concert dance potentially is. While the perspective of concert dance artists is certainly relevant to a discussion of artistic autonomy then, it is clear that commercial dance is impacted by these structures differently and could potentially find more alignment between the copyright process and the commercial dance sector.

Other scholars have taken an approach that utilizes an anthropological understanding of the dance community as its own culture. In 2022, James Leach published an article exploring the question of how art forms more akin to cultural and oral practices (rather than tangible and

commodifiable ones) can establish ownership (Leach, 2022). In other words, he was attempting to understand how dance artists establish ownership despite having a "tangible" medium of preservation. Leach uses the methods of preservation within other forms of dance, including Irish dancing and Greek traditional dance, to use as a potential model for contemporary dance (Leach, 2022). He analyzes what is and is not "appropriate" within these art forms' practices, and compares them to both other dance and cultural practices (Leach, 2022). He defines community norms within the dance field, and clarifies how these community norms impact the way choreographers disclose their artistic/choreographic practices with other members of the field (Leach, 2022). According to Leach, “artists share their unique practices as a way of creating dialogue with other artists and contributing to the development of the art form. Movements are often reembodied and re-worked to varying degrees during pedagogical and choreographic processes” (Leach, 2022). Leach establishes how dance’s cultural definition of intellectual property (IP) and creative exchange is different from the definition employed by policy makers (Leach, 2022). In contrast to the U.S.'s understanding of Intellectual Property, Leach discusses dance related "ownership" structures in other cultures that have established ownership without having it solidified as "property” in the same way that the U.S. does (Leach, 2022). Leach also employs a discussion surrounding "control" and how dance works don't have as tangible of an expectation for control as other artistic mediums (Leach, 2022). He too brings up the issue of fixation, and argues that in contemporary dance attempting to fix the work is inherently undermining the very intent of the work itself (Leach, 2022). He concludes that contemporary dance embodies “transactional” qualities similar to those of cultural heritage (Leach, 2022). By applying the structure of cultural ownership that traditional practices within a culture might use, Leach implies that we can better understand the fluid and intangible ways that contemporary

dance artists nonetheless establish ownership (Leach, 2022). His addition to the discussion is incredibly relevant to understanding the manner in which choreographers themselves practice ownership over their artistic work, and it is invaluable to understanding where the disconnect between choreographers and policy makers potentially lies. It also further suggests that choreographic ownership could be found through structures understood and utilized within the context of the dance community, which could in turn allow an accessible and automated Labanotation program to potentially bridge the gap between policy makers and choreographers.

In regards to this article's application to commercial dance, it is important to note that while commercial dance often inherently incorporates fixation into its performances, that doesn't mean that the movement itself is also entirely fixated. Commercial dance is often rooted in dance forms with a rich cultural lineage, despite these dance forms inevitably being watered down to the commercialized and commodifiable versions many audience members associate them with. An article discussing the importance of commercial dance training in higher education discussed the relationship between various dance "techniques" and the cultures their movements stem from:

> The relationship between the various forms of jazz dance can be linked together with the understanding that the roots of jazz are West African dance. These African roots branched out to develop into the various vernacular forms of dance that created tap, Classic Jazz, hip-hop, and all of the forms of dance previously mentioned [commercial dance forms] by industry professionals with the exception of ballet. It must be pointed out that modern dance and contact improvisation have been linked to an African dance lineage as well. (Vincent, 2015)

With this understanding then, it must be recognized that the element of fixation and "ownership" within the commercial dance scene is still nonetheless nuanced. Even as the inevitably fixated performance can arguably be "owned" in a financial sense, the question of whether the underlying movement actually can be is one that will be discussed later in this article.

A few commercial choreographers in the last two decades however, have in fact attempted to assert financial ownership over their work by utilizing the copyright process. Jaquel Knight, known for choreographing Beyoncé's "Single Ladies" music video (among other things), has been particularly vocal about his efforts to register his works and legally protect them (Milzoff, 2020). Because of how popular Beyoncé's "Single Ladies" music video became, there were many high-profile instances of his choreography being used in a commercial setting without his permission — instances that also garnered a significant amount of profit (Milzoff, 2020). To finally exert ownership over his creative work, he worked with Lynne Weber, Executive Director of the Dance Notation Bureau, to notate several of his works using Labanotation (Milzoff, 2020). He was then able to use the notation to successfully register his choreography, and has since been able to ensure that he receives the credit and compensation he deserves (Milzoff, 2020). Upon first seeing the notated choreographic score of Knight's "Single Ladies," he says his "jaw dropped…It's out of this world to see my hard work and sweat put on paper" (Milzoff, 2020). He is a staunch supporter of dancers utilizing the copyright process, and is setting a precedent of choreographers taking control over their work (Fuhrer, 2022). He is also changing the choreographic landscape as he endeavors to acquire the level of credit other artists receive yet is rarely afforded to dancers (Fuhrer, 2022). Because of his use of both the copyright system and Labanotation, Knight's story is crucial to the question of how a modernized approach to Labanotation could increase choreographers' ability to exert ownership over their work. While

not every choreographer has the resources available to them to pay thousands of dollars for a notated version of their work, using emerging AI technology could potentially make this process easier and allow other choreographers to exert the same level of ownership that has finally provided Knight with a tangible artifact of his artistic achievements.

Labanotation, Motion Capture, and AI

There are three logical steps that culminate in an understanding of the research that has been done with Labanotation, motion capture, and AI. The first of these is an understanding of Labanotation itself. Mara Frazier, an associate professor of dance at The Ohio State University, published an article in 2021 that analyzed the ability to use Labanotation as its own creative practice (Frazier, 2021). While her main question of whether Labanotation could be inherently creative is not itself relevant to this current endeavor, the background information she provided on the symbolic language is invaluable to laying the foundational knowledge of what Labanotation is, why it is important to the field, and how it is still being used today (Frazier, 2021). To this first point she, explained that:

> Labanotation is a language for movement analysis and documentation that encompasses three types of movement description, Motif Notation, Effort-Shape (aka Laban Movement Analysis), and structured description [Labanotation]. Motif Notation documents the essence of movement; Effort-Shape description focuses on the movement quality; and structured description, the focus of this article, records in detail each body part's specific position, movement and explicit timing on a vertical staff. (Frazier, 2021)

In other words, the first two elements, Motif Notation and Effort Shape (LMA), are important tools in initially capturing essence and more deeply analyzing movement in the process of notating to create the structured description of a Labanotation score. Without a

thorough understanding of the movement, its qualities, its timing, and its relationship to the movement that occurs before and after, a choreographed work could not be thoroughly transcribed. This is somewhat analogous to writing a novel; without some kind of outline documenting the basic plot sequence, (analogous to the essence-based approach of Motif Notation) and without a thorough understanding of the desired mood, tone, and literary aesthetic, (analogous to LMA) one could not easily sit down and textually convey their creative ideas. Dance is no different, and Labanotation is thorough tool because it encapsulates every aspect of the movement and its qualities into a physically enduring medium.

The second step to understanding Labanotation, Motion Capture, and AI surrounds the capacity for computers to utilize motion capture technology to analyze not just the obvious sequential movements, but be able to transcribe the movement‘s *qualities*. The potential computerized depiction of Motif Notation appears more straightforward, (in the sense that out of the three steps it requires the most general description) but Laban Movement Analysis (LMA) has more dimensions of consideration and requires a more nuanced level of analysis from the viewer. While a dancer could articulate their own weight placement, energy level, shape, and bodily relationship to the space, without their added perspective it is up to the viewer (and subsequent notator) to decipher each of these qualities independently. In regards to the potential for artificially intelligent computerization of the dancing notating process, there must be a creative solution that allows for the translation of these qualities that have thus far been mere human abstractions into a digestible and binary code. A 2022 article presented by Wenbin Guo et al. at the Human-Computer Interaction (HCI) Conference intended to propose their own solution. Titled “AI-Driven Human Motion Classification and Analysis Using Laban Movement System,” the study detailed the process its authors conducted in training an Artificial Intelligence model to

analyse, process, and categorize movement qualities using LMA (Guo, 2022). Specifically, they trained four different AI Models: Random Forest, K neighbors, Neural Network, and Decision Tree, to compare and contrast the effectiveness of each software in recognizing and automatically categorizing movement qualities (Guo, 2022). They structured their research process in a similar manner to other traditional AI studies, and they detailed their four main steps to test the effectiveness of each program (Guo, 2022). The first step, Data Preparation, details their choice to use videos of dance from two sources: The Digital World's Institute at the University of Florida, (which is also the institution through which they received their grant and conducted the study) and the Dance Motion Capture Database from the University of Cyprus (Guo, 2022. They also used Facebook's open source software, Detectron2, to easily identify important anatomical landmarks, (specific bones and joints) that the AI software will need to locate (Guo, 2022). Detectron2 inevitably identified 17 main landmarks along the body, which was a process important to their second step, Feature Extraction (Guo, 2022). Prior to their third step, Training and Testing, they had someone literate in LMA manually categorize the movement (Guo, 2022). They then used this human categorization as the baseline to test the programs' accuracy, ensuring that any errors that became apparent in the model were sorted through *prior* to the training and testing stage (Guo, 2022). Next, using the video software, they transferred the 17 pinpointed landmarks across the body to a corresponding grid, and used the coordinates' locations to assign various LMA qualities and categorize the movement (Guo, 2022). They then entered the testing stage and trained each model's ability to recognize the shift of movement between various frames (Guo, 2022). They created a binary table of the four main Laban movement dimensions, (space, shape, effort, and body) and gave each dimension two qualities to start (Guo, 2022). They later identified distance, velocity, and acceleration between important

bodily landmarks like the wrist, ankles, and hips (Guo, 2022). This identification helped the programs recognize movement overall and classify it correctly within the four dimensions of LMA.

As the first resource thus far discussed, the findings of Guo's article are not directly related to the question of whether AI models are capable of automating Labanotation. The crucial element of Guo's article however, is that the study shows that one of the most important *components* of Laban Studies, of which Labanotation is part, can be automated using an AI program. Without the capacity to categorize and analyze movement qualities, an AI Labanotation model would be virtually useless and would thus be unable to notate movement correctly and in its entirety. Guo's article however shows that it is possible for an AI program to learn to correctly analyze movement and categorize it in a manner that previously could only be accomplished by the human eye (Guo, 2022). Furthermore, the study also concluded that Random Forest was the most consistently accurate program they tested - even more so when incorporating cross-frame features (Guo, 2022). This also serves to show that not only is an AI Labanotation program possible, it could also be accomplished through the use and culmination of existing technologies that are continuing to be developed.

The final understanding important to analyzing the current discourse surrounding the capacity for AI to automate the process of Labanotation documentation is to recognize the research that has been conducted within the area of structured movement description. In 2023, Min Li, a lecturer at the North China University of Technology, led a study testing the capability of a custom AI program to perform the structured description of Labanotation (Li, 2023). In other words, they were researching their AI program's ability to automatically notate dance. Their main question was how they could improve the abilities of existing AI models to

accurately recognize and notate flexible anatomical movements with complex, repeated, and symmetrical steps (Li, 2023). As a solution, they proposed a new software that would combine two specific and pre-existing components: “a Multi-Scale Graph Attention network (MS-GAT) and a transformer model with Gated Recurrent Positional Encoding (GRPE)” (Li, 2023). A discussion attempting to understand the complex mathematics they used could be considered its own research endeavor, so for the purposes of this paper it is simply important to note that they took two existing programs and combined them. It is also noteworthy that the scope of this study extended no further than the support column of a Labanotation staff — meaning that the study focused exclusively on the feet and legs (Li, 2023). Similar to the previous study, they also used existing videos of dance (LabanSeq16 and LabanSeq48) and fed a motion capture version of them into the first element of the program, MS-GAT (Li, 2023). They then also established anatomical locations, placing an emphasis on joints, and used the second element of the program (a GRPE-based transformer) to generate the corresponding Labanotation (Li, 2023). They used Bio-Vision Hierarchical (BVH), another motion capture software, to recognize and calculate the number of important and unique joint/skeletal landmarks — of which this model identified 26 (Li, 2023). They also used mathematical calculations and the distance between joints to help the program better represent a realistic weight distribution that occurs over several anatomical structures, (as opposed to a singular joint) (Li, 2023). Once the notation was generated, they then arranged it in the sequential order of the performed work and compared the generated notation to the same generated notation of other models (Li, 2023).

Inevitably, they found that their LabanFormer model was able to more accurately notate weight placement and complex movement in the support column of Labanotation (Li, 2023). They were able to better notate flexible movements, and use various joint groups in conjunction

with one another to more accurately notate weight placement (Li, 2023). Their model was able to better transcribe repeating, symmetrical, and complex dance step sequences, showing it is in fact possible to train an AI model to automate the process of Labanotation (Li, 2023).

Chapter 1: Financial Claim, Work For Hire, & Derivative Works

To begin a conversation regarding choreographic ownership and artistic claim, one must first define what a "claim" even is. The dictionary definition for "claim" as a verb is "state or assert that something is the case, typically without providing evidence or proof" ("Claim," n.d.). This is similar to its definition as a noun, which is defined as "an assertion of the truth of something, typically one that is disputed or in doubt" ("Claim,"n.d.). It's important to note that a claim itself is not inherently verifiable and cannot stand alone, and various fields use different terms to indicate when a claim is no longer in doubt but has instead been verified. A legal verified claim for example, is the state of a claim after it has been notarized or recognized by a court ("Verified,' n.d.). Employment contracts themselves do not often require notarization at signing, so referring to an artist's potential level of ownership as a "verified claim" would not be appropriate for this thesis ("Employment Contract," n.d.). Similarly, a "valid claim" is more frequently used in the aftermath of an individual attempting to breach a contract or warranty ("Valid Claim," n.d.). While this can happen to choreographers, it also would not be an appropriate general term when simply referring to a choreographer's capacity for ownership. A "financial claim" however, describes an assertion of future payment for services that is well backed by evidence of a contractual agreement ("Financial Claims," n.d.). Thus, for the purposes of this thesis, I will use the term "financial claim" to indicate a choreographer's contractually backed claim to compensation or ownership over a work they authored beyond that which was initially stipulated at the time of the work's creation.

Though a small nuance, the ability for choreographers to continue profiting off of their creative work, beyond merely at the time of its debut or creation, is potentially where the true frustration with theft lies. In other words, a choreographer being paid to choreograph a music

video is an example of the level of compensation that is generally expected among artists when they are hired to create something. If another artist takes that same choreography and uses it elsewhere to make money for themselves, the initial artist could take issue with the fact that their work is being used to make money that they themselves will never actually receive. It seems that ownership itself might be a concept that's intimately related to financial claim, since ownership generally refers to one's ability to financially benefit from something. It's possible then, that the employment structures typically used within the commercial dance field contribute to a lack of ownership and financial claim – especially in regards to the Work For Hire clause.

According to the U.S. copyright office, a work is classified as one "for hire" if it falls within at least one of two specific criteria ("Circular 30,"n.d.). The first, is when an employee creates something under the purview of their occupation's "regular duties" ("Circular 30," n.d.). An example of this is a choreographer making a recital dance for a studio that they were hired to make dances for. Because their employment is specifically related to the expectation that they are choreographing dance works for the school, any work they make at or for the dance school is automatically "owned" by the school itself, (unless explicitly stated otherwise in a contractual agreement). The second, is when an individual or entity commissions a work by another person ("Circular 30," n.d.). This is also usually stipulated in writing, (often a contract) of which conditions are generally made regarding the choreographic creation and future use. If a dance work falls under at least one of these two circumstances, "the hiring or commissioning party is considered the author and the copyright owner" ("Circular 30," n.d.). In other words, works made for hire cannot be copyrighted by the author themself, but are rather "owned" by the employer or commissioner.

Understanding this dynamic is particularly important to a study of dance copyright, since many dance works fall within this clause. While a further inquiry into how the Work for Hire act impacts dancers and choreographers is arguably outside the scope of this specific inquiry, it is interesting to note how there are both benefits and burdens of this act on commercial dancers and choreographers. More specifically, it causes a lot of the work that commercial choreographers make to be "owned" by other entities, meaning they not only cannot reteach or reset the work in other environments, they also cannot create derivative works ("Circular 30," n.d.).

A derivative work is arguably easier to understand when a work is being transferred between artistic mediums ("Circular 14," n.d.). For example, the adaptation of a play into a movie is considered a derivative work since the material for the movie derives from an already existing play ("Circular 14," n.d.). Similarly, adapting an existing play into another separate, but clearly related play is also considered a derivative work ("Circular 14," n.d.). However, the concept of a derivative work becomes a lot muddier in the context of dance. As a community, dancers often pull from what they know, what they have done, and what they have seen to make something new. Over time, many choreographers even reference their own work in new settings and build upon their previous choreography through creating and refining new iterations of their previously existing works. According to the copyright office, a "derivative" work is:

> a work that is based on or derived from one or more preexisting works, regardless of whether the preexisting work is a choreographic work, a pantomime, or any other type of work listed in section 102(a) of the Copyright Act. Typically, derivative choreography is a new version of a preexisting choreographic work or an entirely new work that combines preexisting choreography with a substantial amount of new material. ("Circular 30," n.d.)

The main issue with this definition is the ambiguity of the word “substantial.” There have yet to be any official legal rulings that attempt to define what exactly a “substantial” amount of choreography is in regards to a derivative work, leaving that interpretation up in the air until such a precedent is set. In the sake of attempting to create some kind of concrete definition for the purposes of this thesis, I am going to use the terms “substantial majority” and “vast majority” to draw some kind of line. “Majority” itself is defined by the Cambridge dictionary as “the larger number or part” (“Majority,” n.d.). This would then mean that “majority” is referencing 51% or more of something. The Cambridge dictionary defines “Vast” as “extremely” (“Vast,” n.d.). So “Vast Majority” means “extremely larger number or part.” Thus, for my purposes I am going to take our “majority” of 51%, and add on slightly more than half of the remaining whole, (49%). This gives us a value of 75.5% as a “vast” majority, which is a more tangible measure one can use to decide if a work is derivative or not. Thus, at least for the purposes of this inquiry, I am going to refer to a "derivative” work as anything in which 75.5% or less of the work in question is new choreography that is added onto existing choreography. Any original choreography that takes up more than 75.5% of a work, in conjunction with existing choreography, I will not consider derivative – instead, I will consider it original while still acknowledging any potential significant influence that might have inspired the work’s creation.

The Question of Derivation: Beyoncé vs Anne Teresa De Keersmaeker

In general, it seems that the issue of defining a derivative work is frequently at the heart of many commercial dance copyright disputes. A famous example of this is Beyoncé’s “Countdown” music video and the arguably strong similarities it contains to a work by the Belgian choreographer Anne Teresa De Keersmaeker (Brussel, 2011). In 2014 Studio Brussel, a Belgian broadcasting company, stitched together and posted the now famous *YouTube* video

showing Beyoncé's music video side-by-side with clips from two different works of De Keersmaeker's: *Achterland* (1990) and *Rosas danst Rosas* (1983) (Horwitz, 2011). There are very clear similarities between the films' cinematography, choreography, sets, and even costumes,

Figure 1

Side-by-side of "Countdown" (Left) and Achterland (Right)



From "Beyoncé vs. Anne Teresa De Keersmaeker," by Studio Brussel, 2011, YouTube

causing De Keersmaeker herself to publicly point out the similarities in 2011 (Mckinley Jr., 2011). In both "Countdown" and *Rosas danst Rosas*, one woman is positioned to the left of the frame while three other women dance on the right (Brussel, 2011). In both films the camera is positioned so that the three women are seen through bars, and in both the dancers are all wearing flowy, solid colored shirts and skirts (Brussel, 2011). The choreography in both works also has the singled out woman sweeping her hands over her head while the other dancers spin gracefully in the background (Brussel, 2011). Later in the music video, there is a larger montage of several dancers slowly kicking their legs and shaking their hips in front of a wide open space lined with

metal chairs (Brussel, 2011). Some of the dancers jump and roll across the floor space in a pencil-esque shape, whipping their arms around as they descend to the ground (Brussel, 2011). Both of these shots are extremely similar to shots in *Achterland* where dancers kick their legs and perform extremely similar floorwork within another wide open space – also lined with metal chairs (Brussel, 2011). While these similarities do not span the entirety of the music video, they were obvious enough for Keersmaeker to call it "plagerism" and publicly call out Beyoncé for heavily

Figure 2

Side-by-side of "Countdown" (Left) and Achterland (Right)



From “Beyoncé's ‘Countdown’ and Kelly Rowland's ‘Lay It On Me’ both suffer plagiarism accusations,” by Diva Devotee, 2011

for heavily lifting elements of her work (Mckinley Jr., 2011). Strangely, Beyoncé actually admitted to using *Rosas danst Rosas* as inspiration for her music video, but still didn’t acknowledge the way that this “inspiration” manifested itself through more direct quotations than aesthetic similarities (Higgins, 2011).

Regardless, a legal case was never officially brought against Beyoncé for the infringement on De Keersmaeker’s work. The reasons De Keersmaeker did not do this are not readily known, but it caused the dispute to take place purely within the realm of public opinion, alleviating the singer from any monetary or legal responsibility.

Chapter 2: Single Ladies, a Case Study

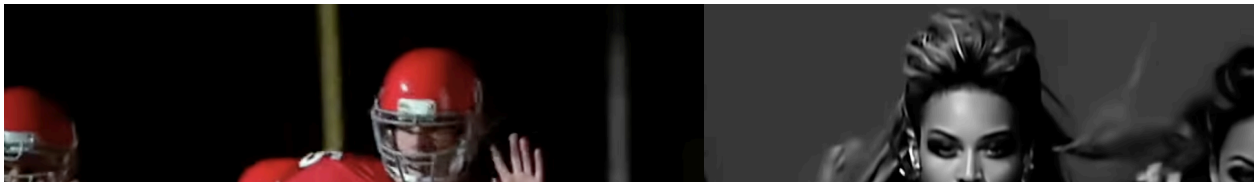
The Problem Arises

Interestingly, Beyoncé's work has been at the heart of several high profile choreographic disputes. Six years before the Keersmaeker dispute, she released her now famous song "Single Ladies" (Beyoncé, 2009). The music video was quickly cemented into popular culture, with the choreography becoming just as recognizable as the song itself. A young, 19 year old Jaquel Knight was the creative mind behind the dance, and his career was quickly catapulted as the result of the video's virality. It could be said though that the video, and the choreography itself, became *too* popular in the years that followed. So popular in fact, that the now iconic dance moves began to pop up in a myriad of places – most of which had not been authorized by Knight (Fuhrer, 2022). Several public examples of this include the television show *Glee*, (which featured the side-by-side comparison of the choreography from *Glee* and the "Single Ladies" Music Video dance a total of five separate times during its seven year run) a 2009 DJ Webstar and Jim Jones music video, (where the dance was performed by background dancers) and a live 2013 concert performed by the K-pop star Psy – during which he performed the iconic dance himself (DanielTravel, 2015).

For reference, many of these uses of the original choreography encompass varying degrees of Knight's work. Season 1 episode 4 of *Glee* stitched together longer phrases of movement throughout the song, while also placing a larger emphasis on the iconic hand flip from the second iteration of the chorus (Snaperespect, 2011; Beyoncé, 2009). Taking place during a football game, the dancers in this episode also repeated the famous punching and pedal

Figure 3

Side-by-side of Glee (Left) and "Single Ladies" (Right)



Note. These were taken separately from each of the corresponding videos. On the left is from “GLEE-"Single Ladies" On The Football Field (HQ)” by Snaperespect, 2011, YouTube. On the right is from “Beyoncé - Single Ladies (Put a Ring on It) (Video Version),” by Beyoncé, 2009, YouTube.

movement (Snaperespect, 2011). While the initial video only uses this move once, (during the first iteration of the chorus at 0:42) the dancers in *Glee* repeated it while changing their facing to conclude the entire performance – a choice that could be argued also makes parts of this *Glee* performance “derivative” since the original, recognizable choreography is repeated in a slightly different manner than it was initially performed (Snaperespect, 2011). Furthermore, from 2010-2011 *Glee Live! In Concert!* was a touring performance in which the actors from the show performed songs and dances in character (“Glee Live! In Concert!,” n.d.). One of the dances they performed was the first minute and a half of “Single Ladies,” of which the choreography was nearly one-for-one with the original video (Owenjcrs777, 2011; Beyoncé, 2009). The performers even wore black unitards and heels that were nearly identical with those worn in the Beyoncé video (Owenjcrs777, 2011; Beyoncé, 2009). While this iteration of the dance’s use was physically performed, (as opposed to performed, filmed, and broadcast in the actual episode) audience members nonetheless bought tickets to the event, further allowing profit to be made off of Knight’s original choreography.

Figure 4

Vertical comparison of Beyoncé’s “Single Ladies” (top) and Glee Live! In Concert! (bottom)





Note. These images were taken separately from their corresponding videos. The top image is from “Beyoncé - Single Ladies (Put a Ring on It) (Video Version),” by Beyoncé, 2009, YouTube. And the bottom image is from “Kurt Bailando Single Ladies Glee,” by Owenjcrs777, 2011, YouTube.

It’s relevant to point out that while the uses of this choreography without Knight’s permission were rampant in the late 2000s and throughout the 2010s, he didn’t actually copyright the choreography until 2020 (Fuhrer, 2022). Why then, did he wait until after it had been used countless times within the span of twelve years to legally protect it? It’s possible the answer could be partially due to a nuanced dynamic that choreographers frequently encounter: virality.

Virality

In 2020 Lynne Weber, Executive Director of the Dance Notation Bureau, (DNB) was approached by attorney David Hecht on behalf of Jaquel Knight (L. Weber, personal communication, March 27, 2026). Hecht was attempting to copyright the choreography in "Single Ladies" and had been told that the Dance Notation Bureau had an extensive history with registering dance works (L. Weber, personal communication, March 27, 2026). In fact, in 1952 the Dance Notation Bureau filed the first dance work for copyright protection (Neirman, 2015). While there are conflicting accounts as to what the first copyrighted dance work was, Weber was able to clarify the timeline and shed some light on the DNB's involvement. Anne Hutchinson Guest, an accomplished dance notator and close collaborator with George Balanchine, had been working at the time to notate Balanchine's choreographic work *Symphony in C.* Upon completing the notation in 1952, she sent the score to the U.S. Copyright office and filed for registration (L. Weber, personal communication, March 27, 2026). At the time however, choreography itself could not be protected unless it was categorized as a "Dramatic Work" ("Circular 52," 2022). A Dramatic Work was defined by the copyright office as a "work that tells a story, develops a character, or expresses a theme or emotion by means of specific dance movements and physical actions" ("Circular 52," 2022). As one of George Balanchine's abstract 'black and white ballets,' *Symphony in C* was not based on a story line and thus could not be classified as a dramatic work. Because of this, the copyright office rejected the initial filing (L. Weber, personal communication, March 27, 2026). That same year however, the DNB also sent in the notation for the choreography featured in the broadway musical *Kiss Me Kate* (L. Weber, personal communication, March 27, 2026). Unlike *Symphony in C*, this work *was* rooted in a story line so it was accepted as a dramatic work (L. Weber, personal communication, March 27, 2026). After

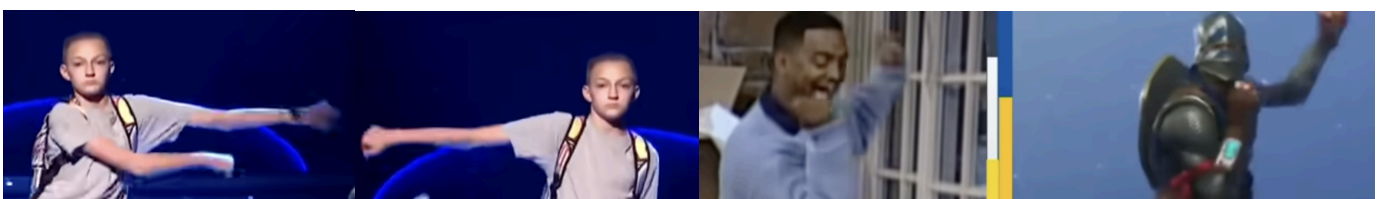
the first rejection, Balachine told Hutchinson Guest to make up a story line for *Symphony in C* so the office would accept it – leading it to be accepted in a later, subsequent filing (L. Weber, personal communication, March 27, 2026). Thus, while George Balanchine's *Symphony in C* was the first dance work to be filed, *Kiss Me Kate* was the first dance work to actually receive protection (L. Weber, personal communication, March 27, 2026).

Between 2019 and 2020, Hecht was simultaneously working on several other dance copyright lawsuits against the gaming giant Epic Games (L. Weber, personal communication, March 27, 2026). Plaintiffs in these cases included BlocBoy JB, the "Orange Shirt Kid, Brooklyn rapper 2 Milly, actor Alfonso Ribeiro, and Instagram star Backpack Kid," all of which filed complaints against the gaming company's use of their original dance moves in the popular game *Fortnite* (Crecente, 2019). Essentially, the game had animated "emotes" of popular dance moves that players could buy and make their characters perform in-game. Each emote is short and typically features a singular repeating dance move, serving as both a way for players to customize their character and for Epic Games to monetize certain elements of the game.

Virality itself also has a very intimate relationship with these *Fortnite* dances. Many of the dances are animated and sold because of their online popularity, often receiving even further popularity after being added in-game (Taylor, 2025). In one instance, Orange Shirt Kid's dance "The Random" (his real name unreleased since he was a minor at the time of the lawsuit) was added to the game *because* of how popular it became online (Crecente, 2019).

Figure 5

Vertical Comparison of "The Floss," (Top Left) its corresponding Fortnite Emote, (Bottom Left) "The Carlton," (Middle Left) and its corresponding Fortnite Emote. (Far Right, Top and Bottom)



The young boy initially submitted the dance move as a part of Epic's 2018 #Boogiedown competition, an online competition hosted by Epic Games to crowdsource new emotes, of which the first place winner would have their dance move animated and included in *Fortnite* ("#Boogiedown Contest," 2018). While Orange Shirt Kid only came in 23rd place, his submission became so popular online that *Fortnite* players began a petition for Epic to include it anyway (Crecente, 2019). According to the *Fortnite* Fandom page, Orange Shirt Kid's dance "the Random" (renamed as the "The Orange Justice" when it was added into *Fortnite*) was ranked as the top emote by 45% of *Fortnite's* player base in 2018 ("Orange Justice," n.d.). Because of this popularity, the young boy's mother, Rachel McCumbers, filed a lawsuit against the company requesting damages for both the use of her son's choreography and the immense negative attention the boy received due to its explosion in popularity (Crecente, 2019). Interestingly, unlike several of the other complaints filed against Epic Games, "The Orange Justice" was not sold individually in the *Fortnite* Store (Crecente, 2019). Instead, it was included as a reward in the Season 4 Battle Pass, an in-game subscription that players can buy to receive extra rewards like emotes, skins, and accessories ("Orange Justice," n.d.). Regardless, despite "The Orange Justice" not being sold individually, it could be argued that its explosion in popularity influenced players to buy the Season 4 Battle Pass subscription even if they otherwise

Figure 6

Side-by-side comparison of "The Random" (Left) and "The Orange Justice" emote (Right)



would not have – allowing the company to still significantly profit off of the young boy's dance move.

These lawsuits however did not end as triumphantly as the plaintiffs hoped. All of the aforementioned lawsuits failed due to the fact that singular dance moves are not themselves eligible for copyright protection (L. Weber, personal communication, March 27, 2026). Thus, even though some of these dance moves could potentially be traced back as the plaintiffs' original movement, legally there was nothing that could be done.

Though a tangential case, this string of lawsuits against Epic Games is nonetheless relevant in establishing context surrounding Knight's choice to copyright his own work when he did. The dance moves in the *Fortnite* cases collectively received a level of virality that arguably changed the manner that dance is viewed online. Furthermore, with the immensely growing popularity of online video platforms like *YouTube*, *TikTok*, and *Instagram*, online videos were becoming increasingly monetizable and potentially earning uploaders a significant amount of money. Specifically, Knight had an issue with people making videos of themselves either performing or teaching the "Single Ladies" choreography online – many of which were both monetized and receiving millions of views (L. Weber, personal communication, March 27, 2026).

For reference, the monetization system that platforms use is heavily rooted in the relationship between view count and advertisements. *YouTube* for instance, splits advertisement revenue with creators proportionally by viewcount, ultimately giving creators 55% of the advertisement revenue made on each monetized video ("*YouTube* Monetization," 2025). Thus, creators performing Knight's choreography in monetized videos created the potential for thousands, if not millions in lost revenue for him.

Simultaneously though, it's also worth pointing out that video platforms like *YouTube* are not new. Even in the late 2000s and early 2010s the "Single Ladies" choreography was incredibly popular and being used across both online and traditional entertainment ecosystems. The opportunity to choreograph for Beyoncé at just 19 was the chance of a lifetime, and it is arguable that the numerous uses and re-uses of Knight's choreography in the late 2000s and early 2010s only further boosted his career. As a young artist it's entirely possible that he wanted to continue garnering the recognition he was receiving early on from the work, while also being potentially unable to afford the legal aid he would have needed to protect it. Thus, it's possible that Knight's choice to wait twelve years to register his work could have overall been due to a nuanced combination of technological innovation and the various stages of his career.

Contracts, Film, and Voices from the Field

Le'Andre Douglas is a choreographer located in Houston, TX. While he does frequently create concert dance works, he has an extensive amount of commercial experience (L. Douglas, personal communication, 27 February 2026). He does not classify his work within a single genre, but rather describes his choreography as an "amalgamation of either experience[s] or dance step[s] that communicate… the context and perspective of the African American" (L. Douglas, personal communication, 27 February 2026). His work incorporates what he describes as both "colonial and subculture dances that were created in America," and it generally attempts to communicate and express Black experiences (L. Douglas, personal communication, 27 February 2026).

Douglas was able to share an experience in which his commercial work was used and performed without his consent. This incident was pre-COVID, and he explained that it occurred as he was still attempting to figure out his personal practice in preparing written, contractual

agreements with his collaborators (L. Douglas, personal communication, 27 February 2026). Like many commercial relationships, the individual he worked with, (who for the sake of this thesis will remain unnamed) was a "friend of a friend" (L. Douglas, personal communication, 27 February 2026). After being connected with one another, they discussed the project and entered into a verbal agreement with one another regarding what the project was supposed to look like (L. Douglas, personal communication, 27 February 2026). Later on in the process, they began noticing strong creative differences – so strong that Douglas eventually left the project entirely (L. Douglas, personal communication, 27 February 2026). He explained that at the time of his departure, he had already choreographed a significant amount of the project (L. Douglas, personal communication, 27 February 2026). Douglas also emphasized that he cast all of the dancers and directed their movement, a part of the process that he felt was equally relevant to the creation of the work, along with the creation of the choreography itself (L. Douglas, personal communication, 27 February 2026).

When he departed, some of the dancers left with him while others stayed (L. Douglas, personal communication, 27 February 2026). He explained that to finish the project, the individual he was creating the project for hired two more choreographers (L. Douglas, personal communication, 27 February 2026). When the actual project was premiered, Douglas noticed a significant amount of his choreography still in the work. Furthermore, he described the aesthetic of the dancers as one unique to him and his personal artistic direction (L. Douglas, personal communication, 27 February 2026). He specifically pointed out how some of the timing and poses within the work were extremely similar to what he had initially done, an element he directly related to the use of “Mexican Breakfast” as “inspiration” for Knight’s “Single Ladies” choreography (L. Douglas, personal communication, 27 February 2026).

Douglas felt slighted at the use of his choreography, but because of the lack of a written contract felt he couldn't do much to rectify the situation (L. Douglas, personal communication, 27 February 2026). To get "peace" about the whole situation, he says he trademarked the name of the group led by his ex-collaborator – creating a legal inconvenience for them as they would have either had to change their name or pay Douglass a fee to use it (L. Douglas, personal communication, 27 February 2026). While this move might initially seem unconventional, it was a calculated choice in the absence of more formal structures he felt he could rely on to receive justice (L. Douglas, personal communication, 27 February 2026).

Moving forward, Douglas explains that he more intimately understood the need for a very explicit, written contract that outlines the use and ownership of his work (L. Douglas, personal communication, 27 February 2026). He also explained that at the time of this initial dispute, he was at a less ideal point in his life and consequently did not apply the level of forethought in regards to a contract that he would otherwise have applied to one of his projects (L. Douglas, personal communication, 27 February 2026). "Technically, [the use of the original choreography] wasn't laid out in a contract, and it's through these mistakes that I learned how to better navigate [the commercial dance] space" (L. Douglas, personal communication, 27 February 2026).

Douglas is not alone when it comes to making verbal contracts with collaborators. Especially in the music industry, (the field that Douglas's project intersected), verbal agreements are a frequent way that deals are made (Bacon, 2016). While verbal contracts *can* hold up in court, they are often difficult to enforce because their terms have to be proven in court (Adam, 2025). This gets a lot more contentious when the "terms" described by each party are inconsistent or contradicting, and there is no tangible way to prove who is correct.

Interestingly, when a freelance choreographer creates a work for someone, it is often not classified as a "work for hire" (Jain, 2013). This holds up regardless of whether a formal written contract is signed or an informal verbal agreement is made (Jain, 2013). Sometimes individuals or entities will try to add this in after an initial agreement is made, and depending on the circumstances this could hold up in court - later turning something that wasn't initially classified as a work for hire into something that is ("Works Made for Hire," n.d). In an article published by Columbia Law's Kernochan Center for Law, Media, and the Arts, an arguably deceptive way that some parties do this was described; of which checks are sent "whose endorsement line says (in the fine print) that your signature is your agreement that the work was for hire" ("Works Made for Hire," n.d.).

Outside of the two main stipulations regarding what classifies as a work for hire, there are nine other instances in which a freelance contractor's work *would* be classified as a work for hire:

> A contribution to a collective work (like a piece for a magazine, anthology, or encyclopedia), a part of a motion picture or other audiovisual work, a translation, a supplementary work (like a foreword, afterword, bibliography, appendix, index, or editorial notes), a compilation (like an anthology, database, or anything that qualifies as a "collective work" from category 1 above), an instructional text (generally, any text that could go in a textbook), a test, answer material for a test, [or] an atlas. (Jain, 2013)

While these categories seem pretty clear, dance once again intersects with them in an interesting way. Based on the above criteria, freelance choreography for film would be considered work for hire. An example of this would be a dance break in a movie or TV show. Music videos however, are also legally classified as a "film" for copyright purposes ("Motion

Pictures," n.d.). Therefore, choreography that is made for a music video is also considered work for hire. In Douglas's case, despite the lack of a written agreement and the fact that he worked as a freelance artist, the choreography he made for his ex-collaborator was still legally considered a work for hire.

Furthermore, there is room to argue that the final product was also a derivative work since it used a substantial amount of Douglas's original movement mixed with new choreography. While a morally questionable move by his ex-collaborator, the use of Douglas's work to make a derivative work was completely legal because, without a contract stipulating otherwise, his initial choreography was considered a work for hire - even after he was no longer working for the individual.

In his interview, Douglas also brought up another interesting dynamic that significantly impacts commercial choreographers. Film, TV, and music videos are not the only mediums that are considered commercial. Musical concert performances, though not necessarily captured on film, are still considered commercial because of their for-profit structure. Also as mentioned previously, the unauthorized use of choreography in concerts is a particularly relevant example of how the "Single Ladies" dance was exploited throughout the 2010s. In the instance of a musical concert, anything made by a freelance choreographer is not considered a work for hire unless explicitly stated in the initial contract. Douglas pointed out that a lot of concert and live events are filmed, which begs the question of whether these events could also be classified as "film." In these specific cases, the medium is not inherently considered to be film, though they can potentially still be videoed and distributed digitally, (which further depends on contractual stipulations). The choreography then is not considered as a work for film, and if the choreographer is a freelance artist their work would not be considered "for hire." The

choreography itself then could theoretically be copyrighted by the choreographer and reused or reset later on as a full or derivative work. The filmed version of the performance however, is still owned by the filming party - meaning that the specific *video* of the performance that was captured cannot be distributed or reused by the choreographer unless they obtain permission.

It's relevant to note however that some contracts do explicitly state that any choreography aired in a specific recording is also owned by the network. A publicly available example of this is the audition contract for *So You Think You Can Dance* – a contract that arguably abuses the Work For Hire clause by requiring participants to sign away their right to privacy for the duration of the show. While an in-depth discussion surrounding the privacy related clauses is not relevant to this thesis, some of the more egregious examples within the contract include:

> I consent to [the] Producer's filming, taping, and/or recording of me at any time, with or without my knowledge, for use in connection with the production and exploitation of the Program [and] I agree that the Program and any recordings or other reproductions thereof may be edited, cut, rearranged, adapted, dubbed, or otherwise revised for any purpose, including, without limitation, my appearance, performance, name, voice, likeness, and/or biographical material. ("So You Think You Can Dance")

The first clause is especially problematic because *Fox* is requiring the signee to allow the production to film them at any time. While this might not seem too excessive considering *So You Think You Can Dance* is a reality television show, the vagueness of "in connection with the production and exploitation of the program" gives the producers the liberty to decide what is relevant to the show. The second half of that clause is also essentially saying that any footage can be completely edited in post-production to make contestants look like they said and did things they did not.

The clauses related to choreographic ownership however do provide significant insight into how entities can dictate ownership over something that they would not otherwise own. One example of this includes:

> If I perform or use any original music or choreography on the Program, which music and/or choreography is created, written, or controlled by me, I hereby grant to Producer, without charge, the rights necessary to perform or use such music on the Program and the rights required to exploit the Program and the ancillary rights thereto, inclusive of the music and/or choreography, in any and all media, whether now known or hereafter devised, or for any other purpose whatsoever, throughout the universe in perpetuity. ("So You Think You Can Dance," 2019)

In other words, this clause allows *Fox* to not only reuse footage of any original choreography created by a contestant on the show, but also the choreography itself. As long as producers deem it in connection with the show, the choreography can continue to be used indefinitely by the production and all ownership or financial claim is attributed to *Fox*, not the contestant. Though not indicative of the commercial dance industry as a whole, this is an example of how choreographic ownership is often approached within the commercial industry – further complicating the dynamic of ownership for choreographers themselves.

Knight and His Contract

Like many other industry collaborations, Knight did not have a contract with Beyoncé or her team when he choreographed "Single Ladies" (L. Weber, personal communication, March 27, 2026). As previously stated, he was just invited into the studio by Frank Gatson Jr. because Gatson really liked Knight's movement quality and overall aesthetic. While they were all aware of the intention to eventually create some kind of product, (in this case a music video) the work

done in a dance studio is often nonlinear and more abstract than traditional project development – especially when working with dance styles like Knight does that have vernacular or social roots. Weber, who worked closely with Knight during the copyright process, was able to relay how the "agreement" between Beyoncé and Knight to create the music video was entirely verbal (L. Weber, personal communication, March 27, 2026). For reference, "agreement" is a loose term in this case because there was also not an initial expectation for how much of the music video Knight was expected to make (L. Weber, personal communication, March 27, 2026). The amount of work he contributed was heavily based on how much of his movement Beyoncé and her team liked rather than any initially outlined agreement (L. Weber, personal communication, March 27, 2026). In fact, the only thing that *was* outlined to Knight was what the work was supposed to be thematically reminiscent of (L. Weber, personal communication, March 27, 2026). In this case, it was intended to be heavily inspired by Fossé's Mexican Breakfast – an element that will further complicate a discussion of the work later on (L. Weber, personal communication, March 27, 2026). Regardless, it's important to note that the entire agreement was made verbally and there was no effort to create a contractual agreement until *after* the work was made (L. Weber, personal communication, March 27, 2026).

In fact, the idea of creating a contractual agreement after a work has been already created is not foreign to the commercial arts industry. In Knight's case, Beyoncé's team attempted to only offer Knight payment for his work *if* he signed a contract afterwards that stipulated his contribution was work for hire (L. Weber, personal communication, March 27, 2026). At the time Knight did not want to do this because he understood doing so would transfer any potential copyright and subsequent ownership from him to Beyoncé and her team (L. Weber, personal communication, March 27, 2026). His refusal to sign anything however created long-lasting

tension between himself and Beyoncé's team (L. Weber, personal communication, March 27, 2026). Initially they refused to pay him at all, but once Knight's manager at the time (Mary Pollini) stepped in they did begrudgingly compensate him (L. Weber, personal communication, March 27, 2026). Interestingly, Beyoncé herself was either unaware of this dynamic or simply did not share the same sentiment as her team (L. Weber, personal communication, March 27, 2026). Knight continued to closely work with her for at least another decade, during which he faced significant retaliation from Beyoncé's management and legal team (L. Weber, personal communication, March 27, 2026). According to Weber, some of this retaliation included downplaying future contributions Knight made to various projects and choosing not to acknowledge his contributions when the music video itself received various awards (L. Weber, personal communication, March 27, 2026).

Because of this less than ideal dynamic between Knight and Beyoncé's legal team, when Knight decided to copyright the choreography his legal team kept it extremely secretive until they had fully completed the process (L. Weber, personal communication, March 27, 2026). Weber explained that the time from the DNB being contacted to notate the work, to the acceptance of the work by the Copyright office, was a mere six weeks (L. Weber, personal communication, March 27, 2026). Furthermore, only a few individuals at the DNB were even allowed to know about the notation while it was being created (L. Weber, personal communication, March 27, 2026). Weber shared an anecdote about how one of the notators on the project was married to another member of the DNB, (who was also a dance notator) and they were nonetheless not allowed to share or check any part of the notation with their spouse (L. Weber, personal communication, March 27, 2026). It seems that due to the high profile nature of both Beyoncé and the music video itself, Knight's legal team was worried about news of their

endeavor being leaked – allowing Beyoncé's legal team the opportunity to potentially block their attempt to file the choreography for protection (L. Weber, personal communication, March 27, 2026).

The sensitivity of the process inevitably paid off, as Knight was successful in getting the "Single Ladies" choreography copyrighted (L. Weber, personal communication, March 27, 2026). Since then, he has worked with Weber and the DNB several more times to continue notating and registering his choreography (L. Weber, personal communication, March 27, 2026). In fact, the second work he had notated and registered was the choreography he made for Cardi B and Megan Thee Stallion's "WAP" music video (L. Weber, personal communication, March 27, 2026). Sitting at 573 million views on YouTube, this work too garnered an extreme amount of attention online – with the dance specifically being repeatedly performed for months on TikTok when it launched in August of 2020 (Cardi B, 2020). It seems again that virality and online monetization had a huge influence on Knight's decisions to not just copyright his works, but choose which specific projects to protect.

Knight's Thought Process

The tangible nature of Labanotation also appears to have had a significant influence on Knight's decision making process. According to Weber, Knight and Hecht's choice to approach the DNB was twofold in this regard: not only did the DNB have extensive experience in registering dance works, they were also able to provide a more physically tangible method of fixation than would be possible through other mediums (L. Weber, personal communication, March 27, 2026). Specifically in regard to the urgency that Knight and his team felt during the process of copyrighting "Single Ladies," having the choreography translated into something tangible they could hold and physically show to Beyoncé's team made their efforts feel that

much more legitimate (L. Weber, personal communication, March 27, 2026). That's not to say obviously that the work was not legitimate before, but more so that the ability to physically handle it transfers Knight's work from an abstract realm into one that is rooted in the physical.

In fact, Weber shared that when Knight received the physical notation he cried (L. Weber, personal communication, March 27, 2026). According to her, this was because it was something that he made and now owned that could be held in his hand; It was a physical representation of all of his work and the creative assets he now possessed, and it legitimized his choreography in a similar way to most other physically tangible artistic mediums (L. Weber, personal communication, March 27, 2026). While an interview with Knight directly would be needed to fully confirm this dynamic with Labanotation, it is entirely possible that this tangibility of the score is relevant to Knight's choice to encourage other commercial artists to utilize Labanotation as a method of fixation.

In fact, in 2021 Knight established Knight Choreography and Music Publishing Inc "with the hope that it would eventually act like a traditional music publishing company, helping choreographers copyright their dances and then license those dances for use in tours, commercials, films and other areas, like video games and NFTs" (Fuher, 2022). Inspired by his experience with a lack of financial autonomy over his own work, Knight is attempting to establish a formal avenue for other commercial dance artists to protect their choreography. Weber was able to further confirm that Knight's company has reached out to the DNB several times with requests to notate some of their clients' work (L. Weber, personal communication, March 27, 2026). One high profile example of this was 14 year old Jalaiah Harmon who created the massively popular "Renegade" dance in 2020 (L. Weber, personal communication, March 27, 2026). While she initially created the dance herself and posted it on TikTok, it exploded in

popularity and ended up being performed by hundreds of thousands of users – many of which were high profile influencers (Tamantha, 2020). The main issue arose when Harmon, an unknown 14 year old Black girl, had her dance replicated by and incorrectly credited to massively popular White influencers (Tamantha, 2020). Several of these White influencers even began monetizing their use of the choreography, eventually even being invited to perform the dance at high profile events like the NBA All-Star week in Chicago (Tamantha, 2020). A huge online movement arose shortly after in an attempt to correctly credit Harmon, during which Knight's company reached out to her to aid the copyright process (Tamantha, 2020; L. Weber, personal communication, March 27, 2026). Weber was also contacted to notate the work, indicating that Knight had referred the young girl to the DNB as a means of fixation (L. Weber, personal communication, March 27, 2026). While Weber is unsure what the full outcome of this specific instance was, she discussed other examples of popular choreographers being referred to the DNB by Knight and his company (L. Weber, personal communication, March 27, 2026). This serves as evidence that he not only found the Labanotation process to be productive for his own work, but he sees it as a potentially productive means of fixation for other artists in the commercial field. This is significant, especially considering how in Knight's field, video is an inherent component of an artistic performance. While he could be advising artists to merely use video documentation of their choreography, he is advising them to nonetheless have their works notated as well.

This is further significant when considering how Labanotation, and dance notation generally, has been more traditionally utilized by concert dance artists than commercial. Knight is proving that not only is there a need for dance notation within a commercial setting, but that the language is absolutely transferable to dance styles with more social and vernacular roots.

While dance notators themselves would not consider this to be a new revelation, this creates the potential for commercial artists who would not have previously worked with the language to find a need for and interest in the movement language that was not previously explored.

More importantly, the monetization of commercial dance also has the potential to further blossom a relationship with Labanotation. While the language is absolutely useful and important to the concert world, concert dance can be a less financially resourced field and leaves artists often unable to support efforts outside of their own artistic endeavors. In turn, due to the historically intimate relationship between concert dance and Labanotation, research and development into the language often struggles due its high expense and low return on investment. It is possible however, that if the commercial dance scene began using the language far more frequently, there would be a much stronger financial incentive to continue developing and promoting the use of the language overall – a dynamic that can be further benefited by the rise of emerging technologies like Artificial Intelligence.

Chapter 3: Who *Really* Did it First?

The De Keersmaeker dispute is not the only public instance in which Beyoncé has heavily used another artist's work as "inspiration" for one of her music videos. In fact, she, (and therefore Knight) have been accused of lifting a significant amount of choreography from Bob Fosse's "Mexican Breakfast" for her "Single Ladies" video. Originally created in 1969, "Mexican Breakfast" was a number choreographed by Fosse and starring his wife Gwen Verdon (Simonson, 2009). The number initially aired on the *Ed Sullivan Show*, and it featured Verdon dancing at the center of a triangle formation with two other female dancers behind her (Simonson, 2009). Vernon was in a bright white shirt and pants, with the other dancers being outfitted in hot pink and heeled boots (George and Dan, 2020). They maintain their triangular formation for nearly the entire piece, only slightly shifting positions after running around in a semi circle about a minute in (George and Dan, 2020). The work contains several hallmark Fosse movements, including quick head nods, pelvic isolations, and dragging footwork (George and Dan, 2020).

Figure 7

Side-by-side comparison of "Mexican Breakfast" (Left) and "Single Ladies" (Right)



Since “Single Ladies’s” debut, there have been several online compilations in which the two works are shown side by side – specifically highlighting moments of strong similarity between them (Seldulce, 2014). One of the first (and more obvious) instances is the organization of the stage and the dancers in both works. They both showcase a triangular structure with one main dancer highlighted in the middle, of which a circular spotlight fades onto in the beginning in front of a plain back wall (George and Dan, 2020; Beyoncé, 2009). In regards to the choreography, the first moment of similarity is a rotation of the dancers’ bent left leg outwards into a kick accompanied by a nodding head (George and Dan, 2020; Beyoncé, 2009).

Figure 8

Side-by-side comparison of “Mexican Breakfast” (Left) and “Single Ladies” (Right)



This sequence was performed at the beginning of both videos, shortly before the dancers began running around in a semi-circle towards stage left, swapping the positioning of the back two dancers (George and Dan, 2020; Beyoncé, 2009). Once both groups return to their main formation, they both kick one of their legs, the force of which pulls them into a half spin, and raise their arms in a semi-fifth position with the palms of the hands flexed and facing upwards (George and Dan, 2020; Beyoncé, 2009). The foundation of this movement in both videos has one hip sunken into, bearing most of the body's weight as the other leg is bent (George and Dan, 2020; Beyoncé, 2009). The weight bearing heel then quickly pops up and down as the arms descend along the outside sphere of the body (George and Dan, 2020; Beyoncé, 2009).

The videos diverge for a second, with the next moment of similarity showing a later sequence in "Mexican Breakfast" about forty seconds into "Single Ladies." In both, the dancers face stage left with one of their legs bent out in front of them and one of their arms extended (George and Dan, 2020; Beyoncé, 2009). While this moment is arguably a little less obvious than

Figure 9

Side-by-side comparison of "Mexican Breakfast" (Left) and "Single Ladies" (Right)



some of the others, the next movement, the iconic punching arms coordinated with pedaling feet and a nodding head, is nearly identical in both videos (George and Dan, 2020; Beyoncé, 2009).

Similarly to the Keersmaeker dispute, Beyoncé has been upfront about the use of "Mexican Breakfast" as inspiration for "Single Ladies" (Simonson, 2009). However, because of how strikingly similar elements of both videos are, some individuals have referred to the word "inspiration" as a "generous term" for this situation (Simonson, 2009).

In the interview with Douglas, a choreographer who has had his commercial work frequently lifted and used without his authorization, he condemned the obvious re-use of "Mexican Breakfast's" choreography for Beyoncé's video (L. Douglas, personal communication, 27 February 2026). While he believed that legal protection of one's choreography is certainly important and well deserved, he felt that Knight's choice to copyright and acquire ownership over the "Single Ladies" choreography was disingenuous considering the fact that he lifted several elements directly from the Fossé work (L. Douglas, personal communication, 27 February 2026). "I understand why [Knight copyrighted] it and what he thinks it means, but the people that they stole it from didn't copyright it, they just made it. [Knight] was just the first person to make it to the copyright office" (L. Douglas, personal communication, 27 February 2026).

Who Really Owns a Dance?

It is also relevant to point out the nuanced dynamic between ownership and dance as an art form. As previously discussed in the literature review, dance has a long history that is arguably more rooted in the traditions of oral and embodied history than written methods of documentation. This is especially true for dance forms with vernacular and social roots, many of which comprise commercial choreography. Specifically, prevalent commercial dance forms like

hip-hop, jazz, tap, and house have roots in the historical experiences of various cultures, of which the embodied history of enslaved Africans is particularly influential. Tap dance for example, partially arose out of White enslavers banning the religious practices – particularly drumming and percussion – of enslaved Africans. In the absence of physical drums, body percussion, and eventually tap dancing, arose as a means to continue practicing African religions in secret. Similarly, Hip-Hop's strong emphasis in polyrhythmic and polycentric movement can also be traced back to various African dance forms, and has subsequently influenced other "classical" European dance forms, like jazz, without many even realizing.

The way that African dance forms have been taken and appropriated is a study on its own, but for the purposes of this paper it is merely important to recognize that this is a particularly prevalent issue among American commercial dance. While many Black choreographers dedicate themselves to reclaiming and retelling the embodied history of other African Americans, many White choreographers also practice and subsequently commodify dance forms with appropriated roots within commercial settings. The mere act of taking an originally vernacular dance form and teaching it in studios, placing it on stage, and setting in on dancers within a for-profit setting arguably removes the embodied experiences of its ancestral practitioners and waters it down to a merely commodifiable aesthetic. This is true not just within a concert setting, but especially within the high budget music videos, movies, concerts, and even online videos that make millions in revenue every year.

In a nuanced discussion of copyright then, it feels relevant to point out that even when a choreographer registers their work, the choreography itself almost always has roots in some kind of cultural practice and embodied history. While "originality" is a specified requirement for all dance works that are approved for copyright protection, the truth is no dance work is ever truly

original (“Circular 52,” 2022). This is one reason why attempts to copyright individual dance moves have been controversial, and this is also why some dance artists don’t believe in copyright at all. The idea of “owning” something that is not even truly owned by any one individual or culture (either by cultural ownership practices or merely cultural assimilation) is strange, and even controversial to many dance artists. It’s possible to even see efforts to copyright choreography as hypocritical, in the sense that claiming ownership over something that is not inherently owned by any one individual or culture can feel contradictory.

Again, this is a nuanced discussion that is beyond the scope of this research. However, it is relevant to mention as it nonetheless plays an important role in not only the choice for commercial choreographers to protect their work, but in truly defining what “ownership” and “derivation” really mean within this context.

Chapter 4: AI and Labanotation

As discussed in the literature review, within the last few years there has been significant interest in using artificial intelligence to notate choreography. In the context of this thesis, I am proposing a software that utilizes not just a combination of existing technologies to notate imputed choreography, (including motion capture and other existing softwares like RandomForest) but also a software that in turn provides resources for choreographers to take the finished notation and begin the process of registering their work for copyright protection. The program would not likely be able to register the work itself, but would rather create a singular location to notate the choreography and then use said score to aid the registration process. Admittedly, one of the limitations of this thesis is a lack of coding experience, and thus an inability to provide a more detailed outline of what a program like this would actually look like from a more technological perspective. However, from a conceptual nature at least, the need for software like the one proposed is made abundantly clear; and through an analysis of existing research being conducted into similar endeavors, it appears to be entirely possible.

One of the largest barriers to this line of inquiry however, is the large amount of funding needed despite the current lack of financial generation. The technology alone would likely cost millions of dollars to develop, and it would require significant amounts of physical space and electricity over the duration of the study. This is also not considering the vast amount of expertise a project like this would require, nor the fact that, best case scenario, it would likely take several years to develop a working product. This funding would also not be able to come from a significant portion of its intended user base, concert dance artists, because the field itself is already often prioritizing financial investment to support and run its dance companies.

Furthermore, even if such a program was developed, the price to use such a sophisticated software would undoubtedly be high in an effort to make back the monetary resources its development required – something that would arguably also be a significant barrier to concert dance artists and organizations. While conducting AI Labanotation research under the purview of kinesiology and physical therapy has certainly helped to partially alleviate the financial issue, it is unavoidable that this is currently not a viable model within the concert dance field. It is possible however, that these financial barriers could be solved through the commercial dance sector.

More specifically, commercial dance itself has the capacity to generate significantly more money than the concert field. While a deeper analysis into why this is the case is beyond the scope of this thesis, the amount of revenue generated each year by commercial events that feature dance is significant. Because of this large amount of profit, and the potential for a large and wealthy userbase, there is arguably far more incentive to develop an AI Labanotation software within the context of commercial dance. This is even more evident when considering how individuals like Knight are beginning to create entire for-profit companies around the intersection of copyright, Labanotation, and commercial choreography. The ability to use existing technologies already prevalent within the field, like motion capture and video, would further ease the process of developing, adopting, and potentially even profiting off of such a technology – all of which would eventually further benefit the dance field overall as the technology's widespread use eventually allows it to be more accessible to other dance subfields.

Furthermore, within the context that Knight is attempting to use and promote the Labanotation dance language, an AI software of the sort proposed could also further aid the copyright process as a whole. By streamlining not only the process of notating commercial

choreography, but also potentially providing a centralized location for registration resources, financial autonomy could become far more accessible to choreographers. Ultimately, this could increase the level of ownership that choreographers have over their work and further legitimize the dance field in the same tangible manner that other art forms already enjoy. This is not to say that dance as a field is not already legitimized, but rather that its more abstract and embodied nature does not allow it to fit neatly within the more strictly defined constraints currently outlined by U.S. legislation. By employing a structure that both benefits the field and allows the form to be more easily recognized and protected as an asset, dancers and choreographers themselves could find more financial autonomy over their craft.

Conclusion

As an emerging choreographer myself, this study has been extremely important to cementing an understanding of the level of ownership and financial autonomy I exert over my own work. While I work primarily in a concert setting, much of the information that has been explored in this thesis is nonetheless very applicable, if not crucial, to building a sustainable choreographic career. While my background in ballet allows me to focus most of my work within a concert setting, the deeper understanding I have gained of the way the commercial dance sector operates has made me more confident in potentially working within a sector I otherwise might not have.

The information I have gained regarding contracts is also invaluable. The semester I began this project, I also had a falling out with a collaborator that reiterated to me the importance of protecting myself in writing. I was contacted by a filmmaker and asked to choreograph a significant portion of their dance film. At the time it was going to be my first paid choreographic work, and I met with the director several times over the course of several months. Like many of the other agreements discussed in this thesis, my involvement in the project had only been discussed verbally and over informal text messages – ultimately leaving me with no protections in place when the filmmaker decided to film the project without telling me. Because there was no contract in place, the work and time I had put towards the project ultimately went unpaid and there was nothing I could do to be compensated. This experience, alongside my choice to upload my work online to continue building my portfolio, has prompted me to draft my own contract that I can use in and adapt to a variety of circumstances. Similarly, I have also begun considering

when I would choose to copyright my own work. Based on the information I gained over the course of this study, I would absolutely copyright anything that I upload onto the internet. While copyrighting concert works I have private videos of is certainly not a bad idea, protecting my works that are easily accessible online is far more important considering the ease that people can access and potentially reuse them. It is a lot easier to track where private videos are going, but there is almost no ability to know where a video is going once it emerges online. A basic draft of my personal contract can be found in the appendix, as well as several recommendations I am offering to other emerging choreographers regarding what I suggest for contracts and copyright going forward.

Furthermore, initially I intended to explore the intersection of AI and Labanotation within the concert ecosystem since that is the environment I have thus far worked in. The main problem I kept encountering when researching however, was the lack of incentive for this research outside of mere curiosity. That is not to say that there are no benefits to the use of Labanotation in concert dance, and that is also not to say that an AI Labanotation program would not have a significantly positive impact on concert dance as a whole. Rather, it was difficult to justify such an expensive endeavor for a field that, as it currently operates, would be unable to afford the development and ongoing technological evolution of such a program.

By switching the focus of this thesis into the field of commercial dance, I was able to satisfy both my own personal curiosity and solve the financial incentive issue I had been encountering. While the feeling of legally recognized ownership is certainly important to some people, it is also undeniable that the current definition of dance under U.S. legislation makes it difficult for some artists to find formal protection a worthy endeavor – this is especially true within a concert setting considering how even when choreography is stolen, there is nonetheless

little money being made off of the plagerized choreography anyway. In a commercial setting however, artists – both those that create their own work and those that steal from others – have the potential to make thousands, if not millions of dollars over the span of their career. Thus, regardless of how commercial artists personally feel about the current copyright structure, the risks, (creative attribution and financial consideration) associated with not legally protecting their work are much higher. Subsequently, there is a much greater need for research like this within the commercial dance field, especially as the access via the internet continues to grow and create more opportunities for online monetization.

Using Knight as a case study was also important to providing evidence that commercial dance artists would benefit from both utilizing the copyright system and documenting their works in the Laban systems. More importantly, his decision to establish a licensing company and help other commercial choreographers undergo the same process he did makes it clear that he believes this system would benefit others within the commercial dance field. Thus, an analysis of Knight's experiences helped to establish both a need and a desire for a system like the one proposed.

While this thesis was unable to outline many of the coding specific needs that a theoretical AI Labanotation program would need, consulting existing literature provided evidence that a software like the one proposed is likely to be possible sometime within the near future. A more in depth exploration of what specifically is needed to accomplish this should be explored in a future inquiry, as should any potential development of such a program.

Looking back on the young Jaquel Knight who choreographed "Single Ladies," it is now clear that he had an independent awareness beyond his years. Despite the pressure he was placed under to give up the rights to his work, he stood by his principles and refused to forfeit his

financial and artistic autonomy. Almost two decades later, he is able to use his own negative experiences to help other artists protect themselves – something that is more crucial than ever as the ease at which information is transferred and monetized only continues to grow by the day.

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Appendix

Choreographic Agreement for Collaborative Projects

Please Check One:
(Note: The Following Clauses are applicable to **both** entity types unless stated otherwise)

- ☐ **I am an individual**
- ☐ **I am Representing Another Entity on Their Behalf**

For Individuals:

I, _____ am verifying that I am commissioning London Lack to create a choreographic work from ____/____/____ to ____/____/____.

For Collective Entities and Companies:

A representative from _____ is verifying that London Lack is being commissioned to create a choreographic work from ____/____/____ to ____/____/____.

Please read the following clauses carefully, as they pertain to both individuals and larger entities unless explicitly stated otherwise.

1. Payment for the project totalling of _____ will be delivered either:

☐ **Upon completion** of the work, if the time between casting, setting, and completing the work is in total less than two weeks. Completion of the work can either reference finishing a work when Ms. London Lack is **not** needed at the tech process, or when the work has been performed and she **is expected** to be present during the tech process.

- ☐ Ms. London Lack **is not** expected to be a part of the tech process
- ☐ Ms. London Lack **is expected** to be a part of the tech process

☐ **Biweekly**, if the time between casting, setting, and completing the work is longer than 3 weeks. Completion of the work can either reference finishing a work when Ms. London Lack is **not** needed at the tech process, or when the work has been performed and she **is expected** to be present during the tech process.

- ☐ Ms. London Lack **is not** expected to be a part of the tech process
- ☐ Ms. London Lack **is expected** to be a part of the tech process

1.1. If Ms. London Lack is no longer needed for the creation of the work, she must be

notified at least two weeks prior to the first day she is expected to either be physically or virtually on-site. If this two weeks notice is not given, the amount must still be paid in full.

1.2. All of Ms. London Lack's works have a heavy dramaturgical component. As such, development for her works usually begins far before she physically or virtually arrives on-site. A quarter of her fee is automatically attributed to this development, so should the project fall through in any way, (both before or after the two-week notice period) that quarter must still be paid as compensation for this already executed development. In good faith, under this circumstance she will provide evidence, (writings, drawings, documents, etc.) as proof of this development. If no proof is offered by Ms. London Lack, this subclause will be void.

2. If the on-site location is over an hour away from Ms. London Lack's permanent residence, lodging and transportation will be provided.

    ☐ The on-site location **is over an hour away** from Ms. London Lack's permanent residence.
    2.1. Lodging and transportation will be provided between the dates of ____/____/____ and ____/____/___. This will either:
        ☐ Be paid directly to Ms. London Lack two weeks prior to her arrival in an amount totalling _____.
        ☐ Be arranged for Ms. London Lack prior to her arrival.

    ☐ The on-site location **is less than an hour** from Ms. London Lack's Permanent Residence.

3. Any work created by Ms. London Lack is not considered a work for hire. She will retain the sole copyright, though the commissioning entity is allowed to publish photos, videos, and any other media associated with the project for up to three years after the work's creation. 90% of any money made through the commissioning entity's additional, (non performance related) monetization of the work may be kept by the commissioning entity, and 10% must go to Ms. London Lack throughout the universe in perpetuity.

    3.1. The previously mentioned three year period **may** be extended through later Renegotiations.

4. ☐ By checking this box, I (or the entity I am representing) am acknowledging that the creative specifics of the commission have been discussed and agreed upon between both parties. Any non-negotiable specifics will be outlined below:

    1. _____
    2. _____

3. _____
4. _____
5. _____

5. Unless otherwise agreed upon, the fee of any collaborator (performers, composer, set designer, technicians, etc) will be provided by the commissioning entity. While the commissioning entity does have influence over the selection of collaborators, Ms. London Lack does have final say over the following specific roles:

-Performers
-Composers
-Interactive Media

5.1. If any of the individuals above hinders the development, execution, or performance of the work, Ms. London Lack can use her discretion to replace them on the project. Once again, she will not be responsible for any fee associated with any of these replaced collaborators.

By singing below, I acknowledge that I have read the above contract in full and I agree to its terms. If I, or the entity I am representing, any clause within this contract, I risk both legal action and the work not being performed.

For Individuals:

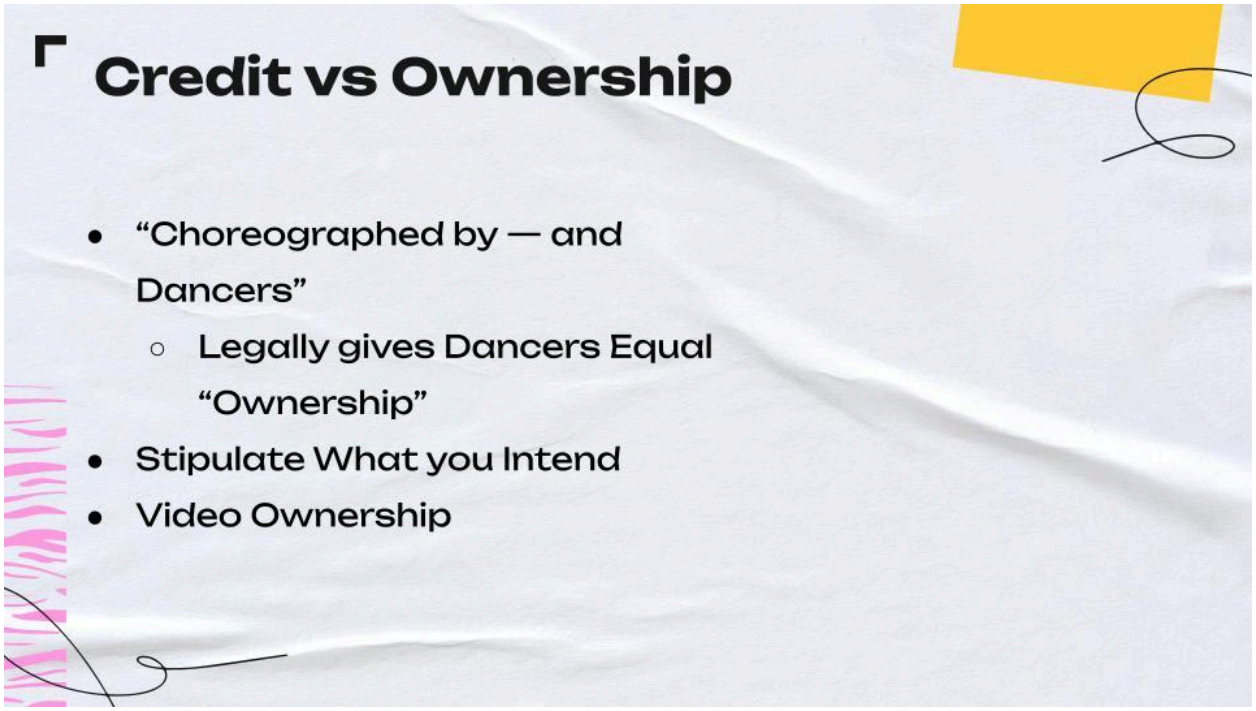
Print Name:_____
Signature: _____
Date: ____/____/____

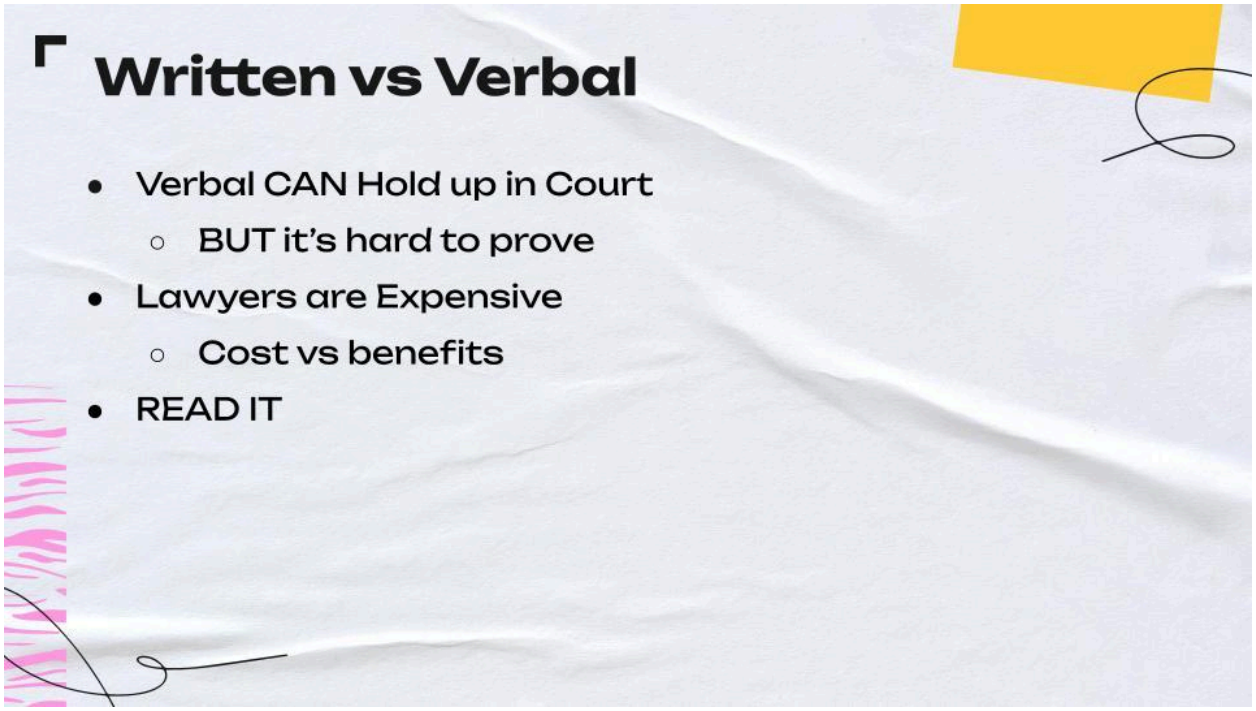
For Collective Entities and Companies:
Entity Name:_____
Representative Print Name:_____
Representative Signature:_____
Date: ____/____/____

Ms. London Lack's Signature:_____
Date: ____/____/____

Recommendations Through Presentation

The following images are slides I used to present my recommendations to my dance cohort here at the University of Texas at Austin. This presentation took place on April 24th, 2026.





Contracts 101

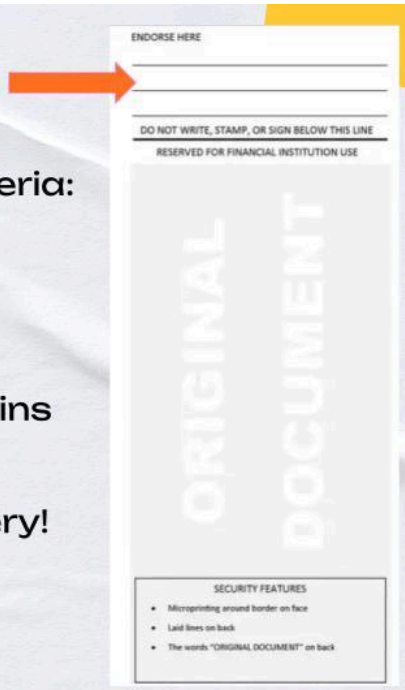
Work for Hire

Written vs Verbal

Credit vs Ownership

Work For Hire

- Meets at least 1 of 2 main Criteria:
  - An occupation's "regular duties"
  - Stipulated in Writing
- The commissioning party retains the copyright, NOT the artist
- Beware of Sneaky Slimy Trickery!
  - Ex) Endorsement lines on checks




Work For Hire
Contribution to a Collective
Motion Picture/Audio Visual Work
Translation
Supplementary Work
Compilation
Instructional Text
Test
Test Answers
Atlas Contribution