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Who Owns The Intellectual Property Rights In Choreographed Routines?

[Kristie Prinz](#)

Q.

Does the captain of a dance team at a university have intellectual property rights in the routines she wrote for the team? Can the university sue her, when she refuses to let the team perform the routines she wrote?

-- Anonymous

A.

This is an interesting question. Based on the facts that you have provided, the possibility does exist that her routines would be protected by copyright law, and it is uncertain that the university would have any grounds for filing a suit against her.

Choreography can be protected by copyright law; however, to be protectable, the work must be original and fixed in a tangible form of expression. If her choreography is original and in written form, the resulting work would satisfy this requirement.

The tough issue here, then, would be whether she owned the copyright in the work or whether the university owned the copyright in the work. The question is whether or not the work was considered a work made for hire, meaning either that it was commissioned by the university or that it was created in the scope of employment. Also, is it possible that she assigned the work to the university? You would have to look at how things were handled at the school to make that determination. Since I never participated in a school dance team myself myself, I am uncertain as to the standard practice of universities in this area.

As for whether or not the university can sue her, that would depend on the specific facts of the case and whether grounds for a suit exist. However, in truth, I am not sure that this is the kind of case that you would want to take to court. The negative publicity that would be generated for a suit against a student would probably not be good for the university, nor does it makes sense to sue a student who has no deep pockets. My suggestion would be to work the situation out among yourselves--it is a cheaper solution that is more

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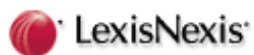
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likely to end up in success for both parties.

As a next step, I would suggest consulting with an attorney in your jurisdiction in order to get some advice on the specific facts of your case and to then decide how best to proceed.

-- *Kristie Prinz*

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