

Analysis of the Current Situation of Copyright Legal Protection for Chinese Dance and Suggestions for Strategies

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Abstract

This paper addresses the core contradiction in China's dance field of "urgent practical needs yet insufficient institutional supply," focusing on the key pain points in the legal protection of dance copyrights. By adopting literature research, case analysis, and survey research methods, it systematically examines the current state of protection in judicial determination, institutional supply, and industry practice. The study finds that the protection of dance copyrights in China faces prominent issues including limited legal definitions, inconsistent judicial determination standards, lack of special systems, weak industry copyright awareness, and frequent copyright infringements in digital dissemination. Combining the characteristics of dance art such as "comprehensiveness" and "ephemerality" as well as the protection dilemmas of special types of works, this paper proposes a four-dimensional improvement path of "legislative improvement - industry coordination - technological empowerment - cognitive enhancement." The conclusions of this paper can provide practical references for safeguarding the rights and interests of dance creators and regulating industry development, as well as theoretical support for the revision of relevant legislation and the construction of mechanisms.

Keywords

Dance Copyrights; Legal Protection; Infringement Determination; Collective Management; Digital Rights Protection; Dance Image

1. Introduction

With the prosperity of the cultural industry and the development of digital communication technologies, dance art has gained increasingly diverse dissemination channels and continuously rising commercial value, but copyright infringement disputes have also occurred frequently. From the unauthorized adaptation of classic works and the rampant spread of "dance copying," to the ambiguous ownership of

collective cultural rights and interests of folk dances and disputes over the characterization of digital dance works, the protection of dance copyrights faces numerous practical challenges. Currently, China's copyright protection system is insufficiently adapted to the particularities of dance art, and "difficulty in evidence collection, difficulty in identification, and low compensation" have become common dilemmas for creators in safeguarding their rights. The weak copyright awareness and low contract signing rate in the industry further exacerbate the risk of rights infringement. Meanwhile, the cognitive barrier between law and dance studies leads to institutional designs that struggle to balance legal logic and artistic rules. It is therefore urgent to construct a targeted protection mechanism to resolve the practical predicament of dance copyright protection.

2. Current Situation and Prominent Issues in the Legal Protection of Dance Copyrights in China

2.1. Frequent Disputes over Rights Ownership

The boundaries for identifying service works and corporate works, cooperative works and commissioned works are vague, leading to frequent disputes over rights ownership between choreographers, rehearsal instructors, and creative units. For example, in the infringement case of the "Body Rhythm Tour" teaching combination, the teaching team only enjoyed the right of signature, while the primary copyright belonged to the unit, highlighting the insufficient attention paid to the leading role of choreographers; in some commissioned creations, disputes over subsequent profit distribution and adaptation rights arise due to unclear contractual agreements.

2.2. Inconsistent Judicial Determination Standards

There is a lack of unified standards for the application of the "access + substantial similarity" principle in judicial practice, and disputes exist regarding the weighting of comparative elements such as choreography, stage direction, music, and costumes. Existing determinations mostly focus on the similarity of individual movements, ignoring the overall style, rhythm, and original expression of the "dance image" of dance works. For instance, in the infringement case of Mao Difang v. Zhang Jigang over "Thousand-Hand Guanyin," the evidence of multiple similar movements was not fully recognized, reflecting the immature rules for the application of the "idea-expression dichotomy" in the field of dance.

2.3. Limited Legal Definition and Protection Scope

The definition of dance works in the "Regulations for the Implementation of the Copyright Law of the People's Republic of China" is limited to "continuous movements, postures, expressions, etc.," failing to include core constituent elements such as dance music, stage art, and props, nor special types such as dance poems, teach-

ing combinations, and dance short videos. This makes it difficult to adapt to the comprehensive characteristics of dance art as a "tight combination of temporality and spatiality"; the concept of "dance image," which reflects the core value of creation, is not clearly defined, leading to an excessively narrow scope of protection.

3. An Analysis of the Deep-Rooted Causes for the Lag in the Legal Protection of Dance Copyrights in China

3.1. Limitations of the "Text-Centered" Thinking in the Legal Community

The construction and development of the copyright system have long taken written works as the core reference, and the legal community has formed a cognitive inertia of "text-centrism," which is accustomed to defining protected objects and determination rules with clear, fixed, and quantifiable standards. This thinking mode is difficult to adapt to the non-textual expressive characteristics of dance works: on the one hand, dance works take human body movements, postures, and rhythms as the core expressive carriers, and their artistic value lies in the dynamic overall presentation rather than static textual descriptions. It is difficult for the legal community to accurately capture the core of originality in dance creation using the traditional copyright standards of "tangible fixation" and "clear definition"; on the other hand, the determination of "substantial similarity" in judicial practice relies on specific elements that can be disassembled and compared. However, the core innovations of dance, such as "dance image" and "artistic conception," are highly subjective and holistic, making it difficult to achieve accurate definition through textual logical reasoning. As a result, the judgment standards tend to focus on the comparison of individual movements, ignoring the overall artistic expression of the work. This cognitive limitation makes relevant legal rules and institutional designs difficult to fit the essential characteristics of dance art, leading to the dilemma of "disconnection between institutional supply and practical needs."

3.2. Weak Copyright Awareness and Professional Barriers in the Dance Community

The dance community has long focused on artistic creation and performance practice, forming a relatively closed professional circle, and its awareness and attention to copyright legal rules are seriously insufficient. On the one hand, there is a common cognitive bias of "valuing creation over rights and interests" in the industry. Some practitioners regard the unauthorized use and adaptation of their works as a "normal industry practice," and even equate it with a sign that the work is recognized, resulting in weak awareness and willingness to actively safeguard their rights; on the other hand, the professionalism of dance creation has formed natural industry barriers. The dance community judges the originality of works based on artistic aesthetics and professional experience, but lacks the ability to transform this pro-

fessional cognition into legal language and rules, making it difficult to clearly convey the core of protection and key points of infringement determination of dance works to the legal community and judicial organs. At the same time, the closed nature of the interpersonal circle within the dance community makes the unspoken rule of "resource sharing" prevalent, and some infringement acts are concealed under industry favor, further weakening the collective demand for copyright protection in the industry and leading to a lack of core driving force from within the industry for dance copyright protection.

4. Improvement Paths for the Legal Protection of Dance Copyrights in China

4.1. Improve the Legislative System and Clarify Protection Rules

Refine the legal definition of dance works, incorporate "dance image" as a defining element, and clarify that a dance work is "a work that mainly shapes dance images and expresses ideological emotions through continuous dance movements, postures, expressions, etc." Include supporting elements such as music, stage art, and props, as well as special types such as dance poems, teaching combinations, and digital dances, in the scope of protection. Issue special regulations to unify infringement determination standards, establish a comparison principle of "overall perception + professional dimension," clarify the core comparative status of choreography, stage direction, and dance images, as well as the auxiliary reference role of supporting elements; standardize rules for rights ownership, and clarify the ownership and exercise methods of rights for service works, cooperative works, and commissioned works. Optimize the compensation and registration system, introduce a dynamic adjustment mechanism for the upper limit of statutory compensation, and establish a standardized registration process of "dance notation + multi-camera video + blockchain evidence preservation."

4.2. Construct an Industry Coordination Mechanism and Strengthen Collective Management

Establish a collective management organization for dance copyrights, draw on the operational experience of the Music Copyright Society of China, clarify practical details such as charging standards, profit distribution ratios, and management fee ratios, and build an integrated platform for copyright transactions, rights protection coordination, and information inquiry. Formulate industry norms, strengthen contract management, launch standardized contract templates for various links of dance creation, performance, and dissemination, and clarify the rights, obligations, and liability for breach of contract of all parties. Incorporate copyright education into the curriculum system of dance colleges and universities, carry out industry training and case publicity, and enhance the copyright awareness and rights protection capabilities of choreographers, performers, performance institutions, and other

entities; establish an internal industry supervision system to promote the formation of a self-regulating and orderly competitive atmosphere.

4.3. Empower Digital Rights Protection and Prevent Technological Risks

Construct a national dance work database, integrate registered work resources, and collect core data such as dance notation, videos, and creative descriptions of dance works to provide a foundation for infringement comparison. Develop AI infringement comparison technology in the dance field, combining professional algorithms such as motion recognition and dance image analysis to improve the monitoring and identification efficiency of infringements such as short videos and stage performances. Promote platforms to fulfill their "notice-and-takedown" obligations and subject review responsibilities, and establish a rapid digital infringement handling mechanism; popularize the application of blockchain technology in evidence fixation to solve the problem of difficult evidence collection caused by the "ephemerality" of dance works and reduce the rights protection costs for creators.

4.4. Break Cognitive Barriers and Strengthen Theoretical Support

Strengthen interdisciplinary research between law and dance studies, encourage interdisciplinary talents to participate in dance copyright protection research, and promote the in-depth adaptation of legal rules and dance art laws. Establish an expert identification database for dance copyrights, absorbing professionals in dance creation, theoretical research, and legal practice to provide professional advisory opinions for judicial decisions and improve the scientificity and accuracy of infringement determination. Conduct special research on special types such as folk dances and digital dances, clarify the "collective rights labeling" rules for folk dances and the originality identification standards for digital dance works, and construct a complete theoretical framework covering "rights subjects - rights content - protection boundaries."

5. Conclusion

The legal protection of dance copyrights in China faces multiple dilemmas, including ambiguous judicial determination, insufficient institutional supply, weak industry foundation, and prominent cognitive barriers. The root cause lies in the insufficient adaptation between the particularities of dance art and the existing protection system. It is necessary to clarify the scope of protection and determination standards through legislative improvement, establish a professional collective management mechanism relying on industry coordination, enhance digital age rights protection capabilities with technological empowerment, and break disciplinary cognitive barriers to strengthen theoretical support, forming a four-in-one improvement path of "legislation - industry - technology - cognition." Only through multi-dimensional

collaborative efforts can we effectively resolve the current situation of "difficulty in rights protection and ease of infringement," safeguard the legitimate rights and interests of dance creators, promote the sustainable development of the dance art industry, and provide strong support for the construction of a cultural power.

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