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Whose Dance Is It Anyway?: Carving Out Protection for Short Dances in the Fast-Paced Digital

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Recent controversy concerning the unauthorized depiction of certain short dances in the popular video game Fortnite has sparked debate over whether artists who create or popularize short dances have any legal rights in those dances. This Recent Development argues that short dances should be afforded some opportunity for legal protection. It further analyzes which of the proposed modes of protection is more appropriate: copyright or the right of publicity. For policy reasons, this Recent Development concludes that, despite the inherent challenges, the right of publicity provides the best route to some limited form of protection for artists' rights in short dances.

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