

InVisible Difference: Dance, Disability and Law

Prof Sarah Whatley (Coventry)

Prof Charlotte Waelde (Exeter), Dr Abbe Brown (Aberdeen), Dr Shawn Harmon (Edinburgh)

Dr Karen Wood (Coventry), Hannah Donaldson (Exeter), Mathilde Pavis (Exeter), Kate Marsh (Coventry),

Dr Janice Richardson (Monash University, Australia), Caroline Bowditch (Dance Artist)

Introduction

InVisible Difference is a 3-year AHRC-funded project (grant number AH/J006491/1) examining legal issues surrounding authorship and ownership in dance made and performed by differently-abled artists. It seeks to understand how disability may affect the choreographic process, and how intellectual property law can help or hinder this process.

Research Methods

Documentary Analysis: We have conducted a textual analysis of both regulatory instruments and online dialogues associated with disabled dance with the aim of identifying standards and audience understandings and language respectively.

Expert Roundtables: We hosted an expert meeting in June 2013 and a by-invitation expert forum in November 2013 to explore key themes examined by the project.

Micro-Ethnographies: We have conducted field observations with two leading artists; differently-abled choreographers/dancers, the purpose of which was to assist our understanding of how the creative process works and where and how the law interacts in that process.

Interviews: We have conducted semi-structured interviews with the three artists to gather data on, inter alia, their perception of ownership and the reception of their work.

Findings To Date

Many artists, including our participants, are not fully aware of the legal issues surrounding ownership of their work, but they are interested in the application of the law.

Intellectual property law does not sufficiently interact with or reflect the creative process, nor does it recognise how disability might affect the ownership of the finished work.

The relationship between the work and the law varies with whether the artist works alone or as part of a wider team. Where the input of the wider team is not peripheral, existing constructions of ownership are problematic.

Public understanding of, and tools for assessing and speaking about, disabled dance are lacking, and are hindered by constructions of the body that are informed in no small part by the medical model.

Future Events

We hosted a Symposium "Disability and the Dancing Body" at the Siobhan Davies Studios, London in November 2014. This brought together lawyers, dancers, companies and journalists to debate the issues surrounding disabled dance.

We will be hosting a conference in November 2015 which will report on project findings, serve as a platform to discuss legal and practical issues around ownership and control in dance, and celebrate disabled dance and its part in our cultural heritage.

References

Waelde, C. Whatley, S. Pavis M., *Let's Dance! But Who Owns It?* (2014) 36 *European Intellectual Property Law Review* 217.

Brown, A. and Waelde, C., *Human Rights, Persons with Disabilities and Copyright*, Forthcoming in: Ch. Geiger (ed) "Research Handbook on Human Rights and Intellectual Property", Cheltenham, UK/Northampton, MA, Edward Elgar (2014).

Harmon, S. Waelde, C. & Whatley, S., *Disabled Dance: Grounding the Practice in the Law of "Cultural Heritage"* *Web Journal of Current Legal Issues*, [S.I.], v. 20, n. 3, dec. 2014.

Brown, A. Harmon, S. and Waelde, C., *Do You See What I See? - Disability, Technology, Law and the Experience of Culture* *International Review of Intellectual Property and Competition Law*. 43, 8, P. 901-30.