

Disney's Icon Unleashed: Mickey Mouse & The Dual Dance of Copyright and Trademark Laws

Article

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Copyrights protect creative works. Trademarks protect indicators of source. Can a creative work also act as a trademark? Yes, and the character of Mickey Mouse as portrayed in Disney's animated classic Steamboat Willie is a perfect case study in the concept of overlapping protections.

Steamboat Willie entered the public domain on January 1, 2024, meaning Mickey Mouse as depicted in Steamboat Willie entered the public domain as well. This means anyone can creatively use the black and white anthropomorphic mouse with no gloves, no shirt, a rat-like nose, and dot eyes. Mickey Mouse 1.0.

On the surface, this may seem like a huge blow to The Walt Disney Company – opening the door to uncontrollable misuse of Walt's beloved mouse. Trademark law, however, limits the public's use of Steamboat Willie's Mickey Mouse while still allowing the general public to build and expand upon the character.

Trademark law prohibits using Mickey Mouse 1.0 in a way that improperly leads the public to believe a work, product, or service is offered by, sponsored by, or related to The Walt Disney Company. Trademark law also prohibits uses of Mickey Mouse 1.0 that could dilute its status as a trademark. This gives The Walt Disney Company the ability to police, in a limited fashion, the uses of Mickey Mouse 1.0.

What does this mean? Makers and crafters should use caution when incorporating Mickey Mouse 1.0 into their products to ensure there is no mistake as to where the product is coming. While Steamboat Willie-inspired horror films, expanded comics, and merchandise featuring Mickey Mouse 1.0 may be permitted, and welcomed even, Mickey Mouse 1.0 is still protected as a way for the public to identify authentic Disney products and works.

Companies with creative content should also consider whether elements of that content are functioning as source identifiers. Copyright protection expires, but trademark protection exists for as long as a trademark is in use as a trademark.

PROFESSIONALS

Laura Grebe
Partner

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