

“Hello, I am Mickey Mouse and I am finally free”

After nearly a century, Mickey Mouse is free from Disney’s copyright leash. As from 1st of January 2024 the first version of Mickey Mouse seen on Steamboat Willie and released in November 1928, entered the public domain in the US as the US copyright expired.

But what does this really mean? Can anyone now use Mickey without fear of infringing the copyrights of Disney?

The answer is no. You can only freely copy, share and build on the specific, original Mickey Mouse character as it appears on the Steamboat Willie 1928 movie. You cannot use new copyrightable versions of Mickey until those copyrights expire. You cannot use Mickey in a way that misleads consumers into thinking your work is produced or sponsored by Disney. Disney retains copyright over the newer versions of Mickey as well as trademarks over Mickey as a brand identifier.

Mickey’s appearance has changed over the years. He originally started off with those small black dots for eyes in Steamboat Willie and evolved into having large white ovals with pupils in Fantasia. His appearance in Fantasia is still under copyright.

As long as a trademark remains in use in commerce, it does not expire.

In US the first Federal Copyright Law granted protection of a copyright for 14 years, with an option for a renewal for another 14 years. With an amendment in 1909 the protection was extended to 28 years, with an option for a renewal for another 28 years.

Disney lobbied fiercely, and pushed for the Copyright Law to extend copyright terms by 20

years. Disney’s efforts led to the Copyright Act of 1976 and 20 years later the Congress passed the Copyright Term Extension Act of 1998 known as the “Mickey Mouse Protection Act” which extended the copyright term to 95 years.

In Cyprus, there are different protection periods for different types of work protected by copyright, pursuant to the Intellectual Property Right and Related Rights Law of 1976 (59/1976).

For example scientific works, literary works, musical works, artistic works and original databases are protected for 70 years from the death of the creator or of the last of the co-creators. In case of musical composition, for 70 years from the death of the last surviving among the lyricist and the composer. Films are also protected for 70 years from the death of the last among the producer, main director, scriptwriter, dialogue writer, music composer.

So while trademarks can last forever, copyrights cannot. As long as a trademark remains in use in commerce, it does not expire. Disney

however does not worry. By constantly twisting Mickey Mouse, it gets new copyrights and endlessly renewed trademarks. Each time it creates a new version of Mickey, Disney obtains a copyright with a new term. So for Disney, the fact that older versions of Mickey enter the public domain, it is not a cause for concern.

If there is something Disney should worry about is perhaps AI-generated work, as the legal definitions for copyright, trademark and other terms for intellectual property rights are not yet suited to cover AI-generated works.

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