



Blayne Baker

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The Impossible Hijack of Mickey Mouse



MakeAGIF.com

Image Credit: Makeagif.com

It has been 88 years since the world's most renowned and beloved mouse sailed into the lives of millions piloting his steamboat down the river in Walt Disney's animated short *Steamboat Willie* (1928). Since 1928 and Mickey Mouse's introduction to society, Mickey has successfully catapulted himself onto the global stage. Now a household name (and item), Mickey Mouse has helped bring happiness to countless children and adults around the globe. To the consumer, Mickey Mouse is an iconic, adorable mouse dressed in bright red shorts with clunky yellow shoes who symbolizes childhood, imagination, and lightheartedness. To the Walt Disney Company (Disney), however, Mickey Mouse is much more than a simple icon. Mickey is Disney's breadwinner and brand identity.

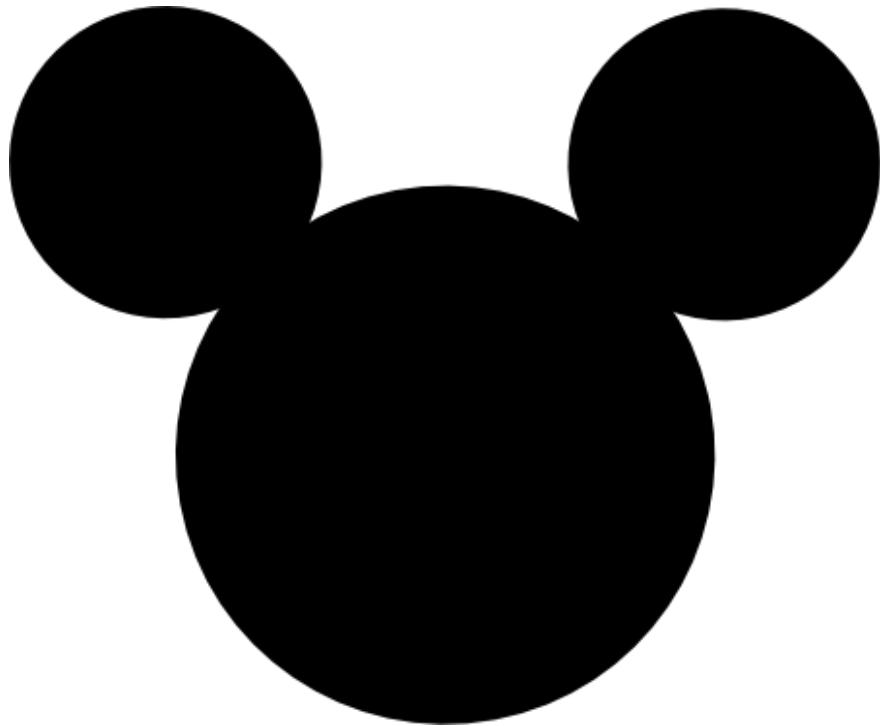


Image Credit: Pigby

According to the article, "[Whose mouse is it anyway?](#)" by Joseph Menn, Mickey Mouse has a 97% brand awareness rate in the US alone- a rate higher than even that of Santa Claus! With a recognition rate as strong as Mickey's, it is not surprising that he plays a significant role in Disney's total annual revenue of [\\$45 Billion](#). In fact, according to [Stephen Carlisle](#), first Copyright Officer of Nova Southeastern University, Mickey Mouse has become so ingrained into the global culture that consumers are able to distinguish him from his silhouette alone and immediately associate him to Disney- a cognitive link that has proven extremely profitable for the company.

Disney has also prospered due to its strategic implementation of Mickey Mouse as the face of its company. It is no secret that animals used for marketing purposes within a company have proven to be extremely potent in the world of business and consumer behavior. Just look at Coca-Cola for example. Coca-Cola's polar bear is adored by millions across the globe just like Mickey. Why is this the case you may ask? Well, according to Barbara J. Phillips from The University of Texas at Austin, animals are so widely used simply because of their ability to capture a consumer's attention, embed the advertisements into the consumer's minds, and most importantly, transfer cultural

and personality traits onto a product through the construction of an animal's persona.



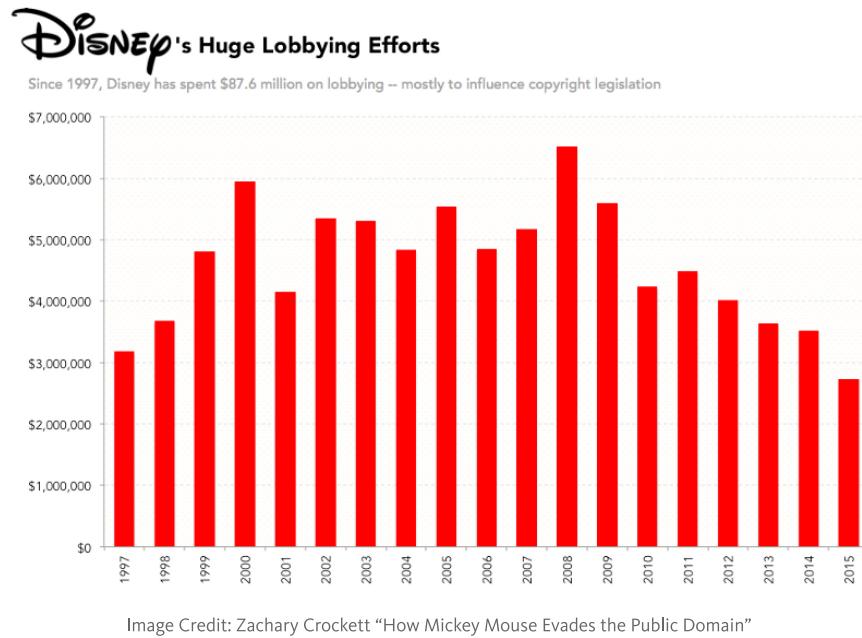
Image Credit: Michael Sult freeimages.com

Today, Mickey Mouse and Disney are cognitively linked together. Because Mickey Mouse's persona has been constructed around imagination and ageless fun, it makes sense that Disney, as a result, gets those same attributes transferred onto them as well. The key in making this association international, however, again according to Barbara J. Phillips, is choosing an animal that is easily comprehensible to all audiences. If done correctly, according to Tara Gremillion, a graduate from the University of Oregon and creator of the blog "The Ad Effect", every culture and demographic will be able to understand and link the correct and desired positive emotions to the company's product, and be appealed to visually and emotionally. Mickey Mouse has undeniably succeeded in this endeavor.

So what happens when one of the world's "most coveted pieces of intellectual property" like Mickey Mouse, as Zachary Crockett, author of the article, "How Mickey Mouse Evades the Public Domain," so elegantly put it, is threatened by copyright laws to be removed from Disney's sole ownership after years of crafting Disney's brand identity and empire? Disney has proven absolutely committed to preventing Mickey from being released into the public domain is what happens. Unfortunately, however, the legal battle which has ensued over the

sole ownership of Mickey Mouse is where Disney tragically revealed its dark side to consumers.

For years, Disney has been lobbying Congress to rewrite the copyright laws to benefit itself and its protection of Mickey. Whenever Disney's copyright on Mickey Mouse is close to expiring, Disney rushes to Capital Hill to lobby Congress to renew or extend its copyright protection on its infamous money-making mouse to avoid him from being released into the public domain for free use. I use the term lobby loosely because Disney has without a doubt influenced powerful and well-positioned members of Congress through means of generous campaign contributions to help them see Disney and its quest for its protection of Mickey in a sympathetic light. In a graph found in Zachary Crockett's article, Disney's black hand in Congress is shockingly revealed. As seen below, Disney has spent roughly \$87.6 million since 1997 to influence members of Congress to change the copyright laws to benefit itself and its global icon.



Luckily for Mickey Mouse, Disney has been successful in its protection and lobbying efforts. According to Steve Schlackman in his article, "[How Mickey Mouse Keeps Changing Copyright Law](#)", when Mickey Mouse was first created in 1928, Mickey fell under the protection of the 1909 Copyright Act. This act allowed for the copyright protection of Mickey Mouse for 56 years until its expiration in 1984. As Mickey began approaching his expiration date of 1984, however, Disney

received a lucky break. In 1976, the US Congress decided it wished to conform to Europe's copyright law. Now, instead of facing copyright expiration in 1984, Mickey Mouse didn't have to worry about losing his protection until 2003 thanks to a 75 year copyright extension. In 1998, Disney's good fortune and political influence further secured Mickey's safety when Congress passed the Sono Bono Copyright Term Extension Act of 1998. This act delayed Mickey Mouse's release into the public domain for another 95 years until its expiration in 2023.

Because 2023 is right around the corner in 2016, I believe the question of Mickey Mouse's usage is more prevalent than ever. There is no question that Disney will flock to Capitol Hill once again to lobby Congress to rewrite the copyright laws for its own personal benefit as soon as 2023 comes within a three-year range. If Disney succeeds in its lobbying, Mickey Mouse will have been Disney's sole property for 95 years, and will remain as such again for how many more years to come. I understand money and profit are powerful and crucial drivers of society and the corporate world, but what ever happened to staying true to the forces of creativity and innovation that created a business like Disney's in the first place? How can a company built off those ideals squash those very same forces in the general public by holding onto Mickey for itself?



Image Credit: Eliasybenja200 Wiki Creative Commons

Although I do ponder that question, I can't help but acknowledge Disney's point of view on the matter. As Zachary Crockett informed me in his article mentioned above, Walt Disney had his first ever animation creation, Oswald the Lucky Rabbit, stolen from him by his own business partner and confidant, Charles Mintz, back in 1928. Of course such a betrayal is never far from mind for Disney, and it doesn't surprise me that Disney has worked as hard as it has to ensure that Walt Disney never had to lose another piece of intellectual property again. Walt Disney was responsible for putting his heart and soul into the creation of Mickey, and the time and effort he spent on Mickey's ideation is priceless. To essentially rob Walt Disney of his creation by releasing Mickey into the public domain would be heartbreaking. There is no question in my mind that a creation belongs to its creator, and therefore, should only be at the mercy of its creator, not the public or anyone else. The creator should decide how the creation appears across all mediums and which attributes the creation should reflect and embody. By protecting one's creation through copyright laws, the risk of misuse of the creation is significantly reduced.



Image Credit: DeviantArt

What Disney fails to acknowledge, however, is that Mickey Mouse has already seeped out into the public domain, and sadly, not all of his portrayals which exist would achieve Disney's PG rating. Many people in society are not fans of the mouse and take immense pleasure in corrupting and tainting a beloved symbol of innocence. Take for example, this portrayal of Mickey Mouse and Pluto in front of Disneyland created by DeviantArt. By no means is this portrayal true to Mickey Mouse's authentic character, but unfortunately, artwork like this circulates the internet tainting the cherished icon by which Disney built its business and identity. Albeit a sad truth, Mickey is not immune from misuse like Disney likes to think.

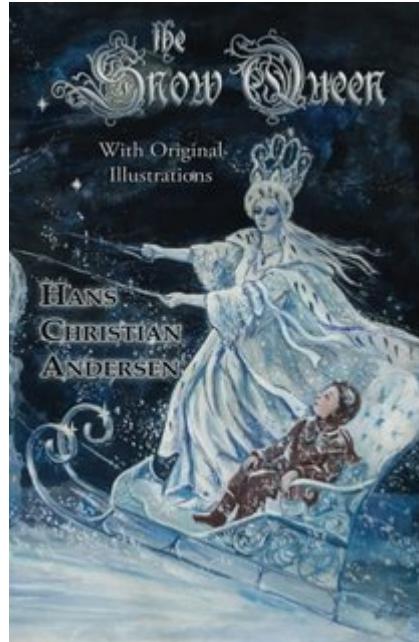


Image Credit: amazon.com

Conversely, I do believe there are some positives to releasing Mickey back into the public domain in 2023. In fact, Disney has already greatly profited from the usage of the public domain itself according to Derek Khanna's article, "[50 Disney Movies Based On The Public Domain](#)." In his article, Khanna reveals that Disney's major blockbusters such as Alice in Wonderland, Aladdin, and Frozen were all created from literary works located in the public domain! If it wasn't for Lewis Carroll's book *Alice's Adventures in Wonderland* from 1865, *One Thousand and One Nights* from 1706, or Hans Christian Anderson's *The Snow Queen* from 1845, Disney's Alice in Wonderland, Aladdin, and Frozen, respectively, may not have been created at all. It was thanks to those works being available in the public domain that Disney was able to build off old works and reinvent them. By recreating old literary texts and turning them into blockbuster movies, Disney helped numerous stories become loved once again by a new generation. In doing so, Disney exemplified the positives that can be enjoyed when having access to content from the public domain.

So where does this leave Mickey and the question of his usage? I believe the answer lies in fixing the copyright laws themselves. It is evident that the current copyright laws are outdated and inefficient in today's society. The copyright laws should not have to be rewritten every few years based on a corporate company's lobbying power. To

halt the lobbying altogether, the copyright laws shouldn't be designed with a one-fits-all type of model. If copyright laws were based and written around the specific industry a company is in and takes into account the history of the copyrighted material in question, maybe companies and the general public could both be satisfied. Introducing such a customized and tailored copyright law would absolutely catch the law up to modern times, and hopefully replace the current corruption with fairness.

With that said, I think there should be a limit on how long a copyright can remain on an intellectual piece of property. To me, a copyright should relinquish itself when it becomes no longer in use. If the creator is no longer benefitting from his or her creation, it should be released into the public domain for other artists or entrepreneurs to access and use. Like Justice Ruth Bader Ginsburg said in Zachary Crockett's article, the purpose of a copyright is to "promote the progress of science and useful arts." I am positive that no progress will ever be made if a creator can hold onto his or her creation when it is no longer in use. Society is filled with talented individuals who would love the opportunity to create something unique and memorable with that creation, and I believe it is time that they receive that chance.

In 2023, I hope Congress thinks about modernizing the copyright laws and the power of the public domain. Disney has been fighting for Mickey's protection for too many years and the public has been denied access to too many literary pieces of work due to copyright laws. It is time that the two opposing sides reached a happy medium and designed a law that benefits the creator, his or her creation, and the general public.

As we anxiously await Mickey's fate in 2023, let us not forget Walt Disney's simple words:

**I ONLY HOPE
THAT WE NEVER LOSE SIGHT
OF ONE THING...**

**THAT IT WAS ALL
STARTED BY
A MOUSE.**

(WALT) Disney



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