

'Steamboat Willie' is now in the public domain. What does that mean for Mickey Mouse?

Warm-Up Question: What is your favorite cartoon character and why?

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Read aloud:

ROB SCHMITZ, HOST:

Today marks the move of copyrighted works from 1928 into the **public domain**. Among those is an early Walt Disney movie that features the first appearance of Mickey Mouse. NPR's Neda Ulaby fills us in on the status of a beloved **cultural icon**.

NEDA ULABY, BYLINE: Mickey Mouse in the 1928 short "Steamboat Willie" is not much like Mickey today. He's rough, more of a rascal, says a former Disney Imagineer.

RYAN HARMON: Very flat, very black and white.

ULABY: Ryan Harmon says this early iteration of Mickey Mouse is, honestly, kind of gnarly. He spends the movie forcing barnyard animals into being unwilling musical instruments.

ULABY: This Mickey Mouse is also rooted in blackface minstrel humor that was widespread a century ago. But Mickey has changed with the times.

HARMON: You know, he's evolved so much and become more 3D and colorful.

ULABY: And cuddly and corporate. Now, let's be clear - Mickey Mouse as a character is not going into the public domain, says communications professor Kembrew McLeod.

KEMBREW MCLEOD: What is going into the public domain is this particular appearance in this particular film.

ULABY: That means people can creatively reuse only the Mickey from "Steamboat Willie," not the Mickey Mouse in the movie "Fantasia" from 1940...

ULABY: All those newer Mickey Mouses - mice - remain under **copyright**. You can copyright characters, movies, books, but guess what? Mickey Mouse is also a **trademark**. Trademarks protect brands, logos, names.

RUTH OKEDIJI: And, of course, trademark law has no end.

ULABY: Law professor Ruth Okediji says Disney and other corporations use trademarks to extend control over intellectual property. Now, people should still be able to do

things like use clips of "Steamboat Willie" in art projects or maybe sell T-shirts with a frame from the movie.

OKEDIJI: But if those things **infringe** upon the trademark, or if they threaten to **dilute** the trademark because of the way it's used...

ULABY: Then Disney can use the law to assert its ownership. This could keep people from making - oh, for example - a slasher movie with Mickey Mouse, which someone actually did when Winnie the Pooh went into the public domain last year.

OKEDIJI: You also just can't call your restaurant Mickey Mouse on January 1 (laughter). You know, you can't say, I'm the Mickey Mouse restaurant. That would be a clear trademark violation.

MCLEOD: Yeah. Disney is just famous for being **litigious**.

ULABY: Communications professor Kembrew McLeod.

MCLEOD: The Disney corporation famously sent a **cease-and-desist** letter to a Florida daycare that had painted some of its characters on its walls.

ULABY: But over the past few decades, Disney's turned from filing lots of copyright- and trademark-related lawsuits to focusing on online piracy. McLeod doubts Disney will bother to spend legal capital on an old cartoon from 1928. The company even put "Steamboat Willie" on YouTube for free.

MCLEOD: There are so many ironies.

ULABY: The ironies around "Steamboat Willie," McLeod says, are that that movie is based on another copyrighted film from the era, a hit called "Steamboat Bill," and this song you can hear was in the public domain. We need to borrow and put our own spin on what's happening in the cultural conversation, he says. That's how art and technology progress. Public domain makes that possible.

Neda Ulaby, NPR News.

Vocabulary and Phrases:

1. **Public Domain:** The status of artistic works to which no exclusive intellectual property rights apply.
2. **Copyright:** A legal term used to describe the rights that creators have over their literary and artistic works.
3. **Trademark:** A recognizable sign, design, or expression identifying products or services from a specific source.

4. **Litigious:** Frequently engaging in lawsuits.
5. **Cease-and-Desist:** An order or request to halt an activity, or else face legal action.
6. **Infringe:** Actively break the terms of a law or agreement.
7. **Dilute:** To diminish the value of a brand or trademark.
8. **Cultural Icon:** A symbol that is widely recognized and represents significant cultural meanings.

Comprehension Questions:

1. What year's copyrighted works moved into the public domain, as mentioned in the transcript?
2. Describe the early characteristics of Mickey Mouse in "Steamboat Willie".
3. What does entering the public domain mean for "Steamboat Willie" specifically?
4. How does trademark law affect what can be done with Mickey Mouse's character?
5. What is the irony mentioned regarding the film "Steamboat Willie"?

Discussion Questions:

1. How do you think the public domain status of "Steamboat Willie" will influence creative works?
2. Discuss the implications of characters evolving over time and their impact on society.
3. How does the concept of trademarks balance with creative freedom?
4. Can you think of any other characters that have changed significantly over time?
5. What role do you think nostalgia plays in the preservation of cultural icons like Mickey Mouse?