



# Westlaw Today Q&A: IP expert Randall K. McCarthy on Mickey Mouse's 2024 entry into the public domain

January 12, 2023

By: [Randall K. McCarthy](#) and Patrick H.J. Hughes

*Westlaw Today*

<https://today.westlaw.com/Document/I53c6621c92a611ed8636e1a02dc72ff6/View/FullText.html?transitionType=D>

The year 2023 is a monumental one for copyright law practitioners, as it marks the last year that Disney retains total copyright ownership of its star character Mickey Mouse. That transition, however, is not as simple as many perceive.

Westlaw Today asked intellectual property attorney Randall K. (Randy) McCarthy from the firm Hall Estill to clarify the relevant laws and provide some background on the issues surrounding the animated rodent with the high-pitched voice and optimistic outlook.

**Westlaw Today: First off, most people know Mickey Mouse's first appearance was in the animated short "Steamboat Willie." That film debuted in 1928. Was there a time when Disney could have lost its copyright ownership of the film before 2024?**

**Randall McCarthy:** Yes, theoretically at least, Disney could have lost its copyright ownership of the short many years ago had the company failed to file a copyright renewal or had Congress not enacted changes to the copyright laws in the interim.

"Steamboat Willie" was published while the 1909 Copyright Act was in force. The 1909 act provided an initial copyright term of 28 years, and this term could be extended for another 28 years if a renewal application was timely filed (which apparently occurred in this case). Thus, under the 1909 act, the copyright to "Steamboat Willie" would have run through the end of the 56th year after publication (e.g., Dec. 31, 1984), and the short would have entered public domain Jan. 1, 1985.

Congress subsequently enacted the 1976 Copyright Act, which extended the copyright term to 75 years for all copyrights of this type (e.g., corporately owned or "works made for hire") that were still in force on Jan. 1, 1978.

The 1998 Copyright Extension Act increased this term from 75 years to 95 years. Assuming Congress does not further amend the copyright statutes during this year, the copyright to "Steamboat Willie" will run through Dec. 31, 2023, and will enter public domain Jan. 1, 2024. [READ FULL ARTICLE HERE](#)

## Attorneys

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- Randall K. McCarthy

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