

FROM BUCKY TO MOANA: THE \$10 BILLION COPYRIGHT BATTLE SHAKING DISNEY



Introduction

Disney is known for adapting classic stories from the public domain. Notable examples include *The Jungle Book*, *Robin Hood*, *Aladdin*, and *Cinderella*, all of which are based on public domain stories. However, the media giant has also faced its share of controversies surrounding intellectual property rights. These include accusations of similarities between Disney's 1994 animated film *The Lion King* and Japanese animator Osamu Tezuka's *Kimba the White Lion*, as well as the copyright infringement case regarding the use of Contour software to render the Beast's face in the 2017 live-action remake of *Beauty and the Beast*.

Now, Disney finds itself at the centre of attention once again—this time with both a financial triumph and a legal challenge. The highly successful *Moana* franchise has hit a major milestone, with the release of its second instalment crossing over US\$1 billion at the global box office. Yet, this commercial success has been marred by a fresh lawsuit filed by writer Buck G. Woodall (the Plaintiff), accusing The Walt Disney Company and its related Disney entities (the Defendants) of copyright infringement. The Plaintiff alleges that the *Moana* franchise was developed off the back of his copyrighted materials and also attempts to draw attention to the alter ego nature of Disney entities in his complaint.

The Origins of the Dispute: Claims of Stolen Creativity

The lawsuit centres on materials the Plaintiff allegedly delivered to Jenny Marchick, who was employed at Mandeville Films Inc., nearly 20 years ago. These materials, which the Plaintiff describes as “extremely large quantities of intellectual property and trade secrets,” included a completed screenplay, character illustrations, storyboards, budgets, and a fully animated concept trailer for his projects titled *Bucky* and *Bucky the Wave Warrior*.

The Plaintiff asserts that his work is protected under U.S. copyright law and that he updated the copyright on these materials in 2014. He claims that Marchick passed on his confidential materials to Disney, ultimately leading to the creation of *Moana* and its sequel.

Legal Setbacks in the 2016 Moana Case

In its November 2024 decision, the Court upheld the Plaintiff's copyright in the *Bucky* works but dismissed the copyright infringement, the trade secrets misappropriation, and the fraud conspiracy claims on the grounds that they were time-barred.

The Court ruled that Disney could not use the merger doctrine defense in this case. This defense applies when an idea can only be expressed in one way, making it ineligible for copyright protection. However, Disney failed to provide any evidence showing that Woodall's ideas and their expression were so closely linked that they couldn't be separated. Because of this, the Court decided that Disney could not rely on this argument at trial.

Interestingly, the Court denied the Plaintiff's motion for summary judgment on the *scènes à faire* defense, allowing the Defendants to take said defense at trial.

Under the *scènes à faire* doctrine, a copyrighted work will not be protected from infringement if the expression embodied in the work necessarily flows from a commonplace idea. For instance, the report submitted by the Defendants highlighted that the themes of a dangerous ocean, the calls of nature toward man, and animals guiding humans were stock elements in Polynesian storytelling; the idea of a protagonist battling a storm at sea was a stock element in seagoing stories, and the characterisation of teenage protagonists as rebellious and of parents as overprotective were stereotypical representations in coming-of-age stories.

Additionally, the Court denied the parties' motions for summary judgment on the issue of access, holding that there existed a triable issue of material fact as to whether the Defendants had access to the Plaintiff's work.

Uncanny Similarities: Bucky vs. Moana

According to the lawsuit, both *Bucky* and *Moana* stories feature a teenage protagonist who defies parental warnings and embarks on a perilous voyage across Polynesian waters to save an endangered island. In both tales, ancient spirits manifest as animals and play a central role in guiding and protecting the protagonist. Both stories also feature a symbolic necklace as a key element in the plot and a demigod character who possesses a giant hook and tattoos.

The Plaintiff further claims that many of the characters, settings, and storylines in *Moana* closely resemble elements from *Bucky*, which he claims was pitched to Marchick in 2003. He believes these materials were subsequently transferred to Disney, leading to the creation of the *Moana* films.

Woodall's Legal Demands: Compensation and Justice

The reliefs sought by the Plaintiff include:

- A declaration as to infringement of Plaintiff's copyrighted materials;
- A temporary, preliminary and permanent injunction to prevent further reproduction, distribution, or creation of derivative works based on the Plaintiff's copyrighted materials, as well as any direct or indirect infringement;
- An award of compensatory damages exceeding 2.5% of the gross revenues pertaining to *Moana*, in the sum of at least \$5 Billion;



- An award of damages of at least \$10 Billion, including profits attributable to infringement through and following the release of *Moana 2*;
- Statutory damages for willful infringement, including enhanced compensatory damages for the defendant's willful conduct, in a sum exceeding \$10 Billion;
- An accounting of all revenues generated by the Defendants from each portion of the *Moana* franchise following the theatrical release of *Moana 1*, or for an accounting of all profits generated from, after or by reason of the theatrical release of *Moana 2*;
- Pre- and post-judgment interest, costs of litigation, and other relief deemed appropriate by the Court.

Potential Consequences of the Case

The outcome of Buck G. Woodall's lawsuit against Disney could set an important precedent for intellectual property law, particularly in cases where independent creators allege that major studios have misappropriated their work. If the Court rules in favor of Woodall, it could significantly alter the way studios handle submissions from external creators and how they defend against copyright infringement claims.

In *Williams v. Gaye*, the estate of Marvin Gaye sued Robin Thicke and Pharrell Williams, alleging that their song *Blurred Lines* copied elements of Gaye's *Got to Give It Up*. The jury ruled in favor of the Gaye estate, awarding \$5.3 million in damages and 50% of future royalties. This case expanded the interpretation of copyright infringement by considering overall style and “feel” rather than direct copying of lyrics or melody. If Woodall can convince the Court that Disney copied substantial elements of his work's theme, characters, and storyline, rather than just exact details, he may have a stronger case.

Conclusion

The lawsuit between Buck G. Woodall and Disney highlights the ongoing tension between independent creators and major studios over intellectual property rights. As the case unfolds, it will not only test the strength of Woodall's claims but also challenge established legal doctrines surrounding copyright infringement, access to creative materials, and the boundaries of adaptation.

Regardless of the outcome, this case underscores the evolving landscape of copyright law in entertainment and raises critical questions about originality, fair use, and the ethical responsibilities of content creators. As the legal battle continues, the verdict could have lasting implications for both filmmakers and the broader creative industry, influencing how stories are told and who ultimately owns them.