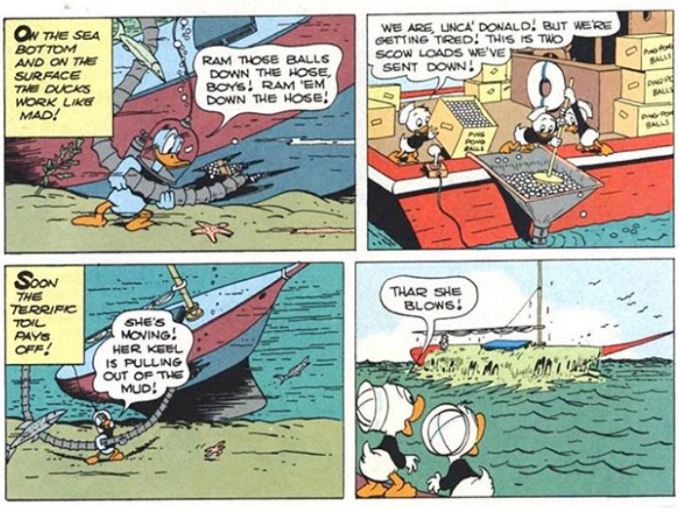
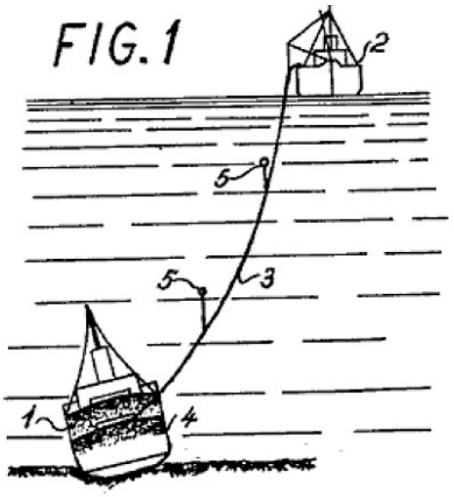
Case Study: Donald Duck and the Sunken Ship – Can a Cartoon Stop a Patent?

In 1964, a Danish inventor named Karl Krøyer faced a difficult engineering challenge. A large cargo ship carrying thousands of sheep had capsized in the harbor of Kuwait. The ship needed to be raised quickly because the decomposing animals were contaminating the water supply. Traditional methods, such as using cranes or pumps, were either too slow or too risky, as the ship might break apart.

Krøyer came up with a new and creative idea. Instead of trying to lift the ship from the outside, he decided to fill it with millions of buoyant plastic balls, pumped through a tube. The balls would push the water out and create enough upward force to float the ship back to the surface. His method worked, and the ship was successfully raised.

Since his technique was practical, effective, and had never been used before, Krøyer decided to file for patents in several countries to protect his invention. When he applied for a patent in the Netherlands, something unexpected happened. The Dutch patent office discovered an old Donald Duck comic strip from 1949 called *The Sunken Yacht*, in which Donald Duck and his nephews raised a sunken ship using ping-pong balls pushed through a tube. The cartoon showed the same basic idea as Krøyer's invention.





The Dutch patent examiners had to decide whether this comic strip counted as "prior art"—meaning the invention was already publicly known before Krøyer filed his patent. If so, his idea would not be considered new and would not qualify for patent protection in the Netherlands.

This raises interesting legal questions:

- **Should an idea from a fictional cartoon prevent someone from getting a real patent?**

- **Many inventions first appeared in books, movies, and comics long before they became scientifically possible. Jules Verne wrote about submarines and space travel before they were invented, and science fiction movies have depicted technologies like tablets, AI assistants, and self-driving cars long before they became real. Should these inventions still be eligible for patent protection when they are eventually created, even if they were first imagined in fiction?**

- **If someone invents a real, working time machine, should they be able to patent it, or should it be rejected because time travel was already described in Back to the Future? Does it make a difference whether a fictional work provides only a general idea or a detailed scientific explanation?**