

## ***Cuphead*: Animation, the Public Domain, and Home Video Remediation**

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### **Abstract:**

The videogame *Cuphead* (2017) has generated a great deal of attention, in large part due to its art style, which approximates the aesthetics of a 1930s American short cartoon. This article will suggest, however, that this is only one of several past eras that the game gestures towards in its relationship to the present. Most notably, *Cuphead* speaks to the trajectory of several animation units whose works have fallen out of copyright, and which have been remediated on home video in ways that have been very pervasive, and yet also critically marginalized. These compilations often mixed together texts from several different artists, creating juxtapositions and connections that would never have been made had the original rights holders maintained an active control over

their respective properties. *Cuphead* is not a tribute to a specific studio, but combines an eclectic range of reference points in a celebration of an animation style that has been overshadowed by producers such as Disney. The commercial success of the game suggests that academia needs to pay more attention to the circulation and consumption of public domain materials, viewing these films not as “lesser” entries, but as works uniquely positioned to influence the cultural landscape.

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The videogame *Cuphead* (2017) has sparked a surprisingly widespread phenomenon. From its first major reveal at the 2014 E3 gaming trade show, the title’s art style – rendered in the manner of a 1930s American short cartoon – has garnered a great deal of critical attention. *Cuphead* was voted the “Best Xbox One Game” at the 2015 E3 event by the website *IGN* and nominated alongside some very prestigious competitors for the overall “Game of the Show” award: a notable achievement for an independent producer, Studio MDHR, with no prior credits (*IGN*). Many other outlets also offered positive early impressions, frequently lauding the visuals using terms such as “beautiful” (see, for instance, Lambie). Within two weeks of the game’s release in September 2017, it was announced that *Cuphead* had sold over a million copies across its two release platforms (Xbox One and PC), already well beyond the usual expectations for an “indie” game of this type (Wales). By August 2018, the title had exceeded three million sales (Kent). *Cuphead*’s aesthetics, although overtly gesturing toward a set of films made in the 1930s, also respond to the subsequent remediation of the same texts across a much wider time period. Many of the game’s reference points entered the public domain during the latter half of the twentieth century, and this

(relatively undocumented) “second life” of the cartoons proves most important for the production and reception of *Cuphead*.

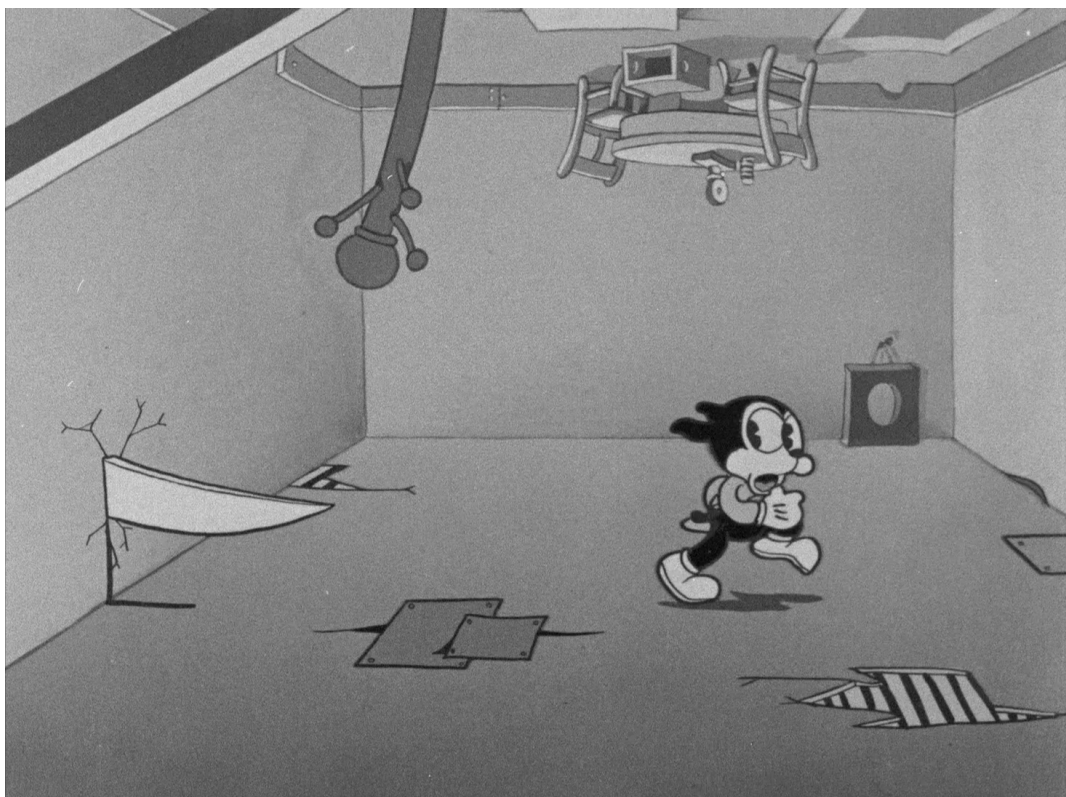
The degree to which past images, or evocations of pastness, are being commodified has become a recurrent topic within studies of popular memory. Christine Sprengler notes a rise in the industrialization of nostalgia by the 1970s (29), and Jason Sperb has identified even earlier precedents in Disney Studio’s careful reissues of its own animated archive (30). As Aurélie Kessous and Elyette Roux emphasize, in today’s commercial landscape, “more and more companies are using nostalgia to position their products [...and] differentiate themselves from competitors – thus creating emotional attachment to brands and influencing preferences for brands by connecting individuals to previous experiences” (192). This has become particularly evident in the world of video games: the rise of cheaper digital distribution in the last decade has helped to facilitate independent production and the focus on less expensive, and often rather esoteric designs (O’Donnell 105). A number of these creators have found value in the graphical styles of past hardware generations, as evident in a title such as *Shovel Knight* (2014), which looks – on first glance, at least – as if it could have appeared on the 8-bit Nintendo Entertainment System (NES) console in the 1980s. Other indie games have looked to the history of animation for inspiration: *Limbo* (2010), for instance, presents a silhouette style evocative of the works of Lotte Reiniger, while the recent episodic series *Bendy and the Ink Machine* (2017-18) uses the setting of an abandoned 1920s-esque animation studio as the basis of a survival-horror narrative. *Cuphead* thus follows the successful approach taken by many of these earlier projects in capitalizing upon an interest in a modern “retro” experience.

In terms of gameplay, *Cuphead* serves as a tribute to a prevalent subgenre of the 1980s and 1990s, the “run and gun” action platformer, exemplified by titles such as *Contra* (1987), *Metal*

*Slug* (1996), and the numerous sequels in both franchises, as well as a selection of releases from the renowned Japanese developer Treasure, including *Gunstar Heroes* (1993). *Cuphead* faithfully recreates the shooting and projectile-dodging mechanics of many of these games, with a particular focus on boss fights. It even incorporates several additional styles of play, such as flying sequences, in a similar manner to another Treasure title, *Dynamite Headdy* (1994). *Cuphead* also gestures toward the notorious difficulty of many of these earlier “run and gun” productions – which often required players to memorize the movement patterns of enemies – almost to the detriment of accessibility to modern audiences, who may now be used to more “forgiving” games.<sup>1</sup>

The creators’ dedication to the game’s nostalgic cinematic reference points mirrors the difficult gameplay experience. While virtually all “hand-drawn” animation is now undertaken digitally, *Cuphead* is significant in its commitment to recreating production methods now considered obsolete. Every frame was first drawn on paper, then inked onto celluloid, before being scanned to use as an asset in the game – an extremely time-consuming endeavor which contributed to the title missing several projected release dates. As Andrew Webster notes, “the only part of the process that was digital was the coloring,” although even here there is a clear effort to emulate the rich, saturated look of the early three-strip color systems available to the film industry in the 1930s. *Cuphead* is animated in the “rubber hose” style, an influential (and much-copied) method developed within several New York cartoon studios in the late 1910s, which treats the character (and often the surrounding world) as malleable, capable of elaborate transformation and exaggeration. Although the Disney Studio had begun to create its own approach to animation by the mid-1930s, which tended toward a greater sense of realism, many artists continued to experiment with rubber hose aesthetics throughout the decade. *Cuphead*, then, is primarily a tribute to this alternative, non-Disney side of the cartoon business.<sup>2</sup>

The Fleischer Studio is arguably one of the most prominent of these other producers to retain some name recognition with viewers in 2017, and *Cuphead* makes many allusions to its collected output. In the level “Ruse of an Ooze”, for instance, the player appears to kill the boss character Goopy Le Grande, only for his tombstone to become possessed, and – despite being made of stone – it proves extremely flexible and agile. This recalls a sequence in the Fleischer short *Swing You Sinners!* (1930), where Bimbo the Dog finds himself trapped in a cemetery, surrounded by similarly elastic markers of the dead. The Fleischer cartoon *Bimbo’s Initiation* (1931) even somewhat prefigures the player’s exploration of the world in *Cuphead*. There are numerous scenes within the film in which the protagonist navigates an environment from the left-hand side of the frame to the right in a side-on long shot view. This is perhaps most clearly indicated when Bimbo desperately runs forward on a moving floor, which is attempting to drag him backwards toward an anthropomorphic knife protruding from the wall. A similar action is translated into gameplay as part of the “Pip and Dot” mini-boss fight within the level “All Bets are Off.” There the player must also continually resist the momentum of a conveyor belt headed straight toward a pillar of spikes (figs. 1 and 2).

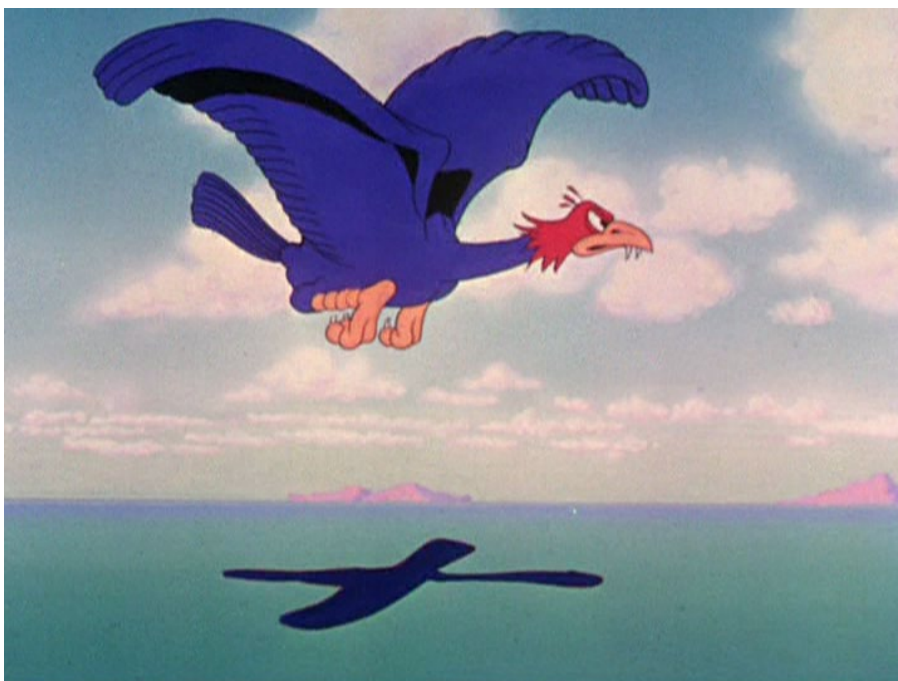


**Fig. 1.** *Bimbo's Initiation* (1931)



**Fig. 2.** The level “All Bets are Off” in *Cuphead* (2017).

Fleischer influences abound elsewhere too. The character Captain Brineybeard in the level “Shootin n’ Lootin” evokes the eponymous villain (“played by” Bluto) in the cartoon *Popeye the Sailor Meets Sindbad the Sailor* (1936). A bird character which Sindbad sends after Popeye also seems to have inspired two similar creatures within *Cuphead* – one that briefly appears in the level “Treetop Trouble”, and another that serves as a boss in “Aviary Action” (figs. 3-4). The boss fight “Pyramid Peril” pays tribute to the Fleischers’ pioneering three-dimensional stereoptical process (evidenced in films such as *Poor Cinderella* [1934]), by having the animated action take place in front of a photographed physical “set”, rather than a painted background drawing. The game even playfully tips its hat to one of the Fleischer Studio’s employees, Grim Natwick (generally recognized as the creator of Betty Boop), with a dragon called Grim Matchstick in the level “Fiery Frolic”.



**Fig. 3.** *Popeye the Sailor Meets Sindbad the Sailor* (1936).





**Fig. 4. The level “Aviary Action” in *Cuphead*.**

*Cuphead* is ultimately an amalgam of many different reference points, which can also be seen to include the likes of Felix the Cat (produced by the Pat Sullivan Studio), Ub Iwerks (following his departure from Disney in the late 1920s), early Terrytoons productions, and various releases from the Van Beuren Studio. For instance, the villainous Hilda Berg in the level “A Threatenin’ Zeppelin” exclaims the word “HA”, which appears on screen and becomes a physical object capable of hurting the player. This refers back to a tendency in rubber hose animation for characters to engage with graphic signifiers: an especially popular trait of the *Felix the Cat* cartoons. In his very first screen appearance – *Feline Follies* (1919) – the cat plays a banjo and then reaches up to pluck the visible musical notes from the air. The basic design of Cuphead (and



his companion Mugman, when the game is played in two-player mode) appears to have been influenced by several anthropomorphic teacups in the Van Beuren short *A Picnic Panic* (1935), released as part of the *Rainbow Parade* series. The character of Elder Kettle, whom Cuphead visits for advice at the beginning of the game, also seems to pay tribute to the character of Mr. Coffee-Pot within this film (figs. 5 and 6). The creators of *Cuphead* have even alluded to a scene in a rubber hose Japanese animation entitled *Picture Book, Momotarō vs. Mickey Mouse* (c.1934), in which a bizarre cup-like character morphs into a tank, as another inspiration for the game's eponymous hero (Purdom).<sup>3</sup>



**Fig. 5. Elder Kettle in *Cuphead*.**



**Fig. 6. *A Picnic Panic* (1935).**

The playful conceit within *Cuphead*, then, is that players are experiencing (and somehow manipulating) footage from a lost franchise of the 1930s. The trailer that debuted at the 2015 E3 event concluded with the announcement that the game would be “Coming 1936. (Plus eighty years)”, seemingly establishing the intended point of reference as the mid-thirties. In the finished release, however, the cinematic title cards that precede each level contain fake copyright notices dated 1930. This shifting of the game’s events to the beginning of the decade turns some of the previously-borderline aesthetic choices – such as the breadth of the color palette used for the graphics, and allusions to technologies like the stereoptical process – into outright anachronisms.<sup>4</sup> It is readily apparent, though, that *Cuphead* has little interest in serving as a documentary account

of the true state of the animation industry in any specific year or within any specific studio. Instead, the game's approach has a lot in common with Frederic Jameson's conception of the nostalgia film, which presents "a list of stereotypes, of ideas of facts and historical realities" (279). As Sprengler summarizes, the implied date of 1930 in *Cuphead* may well – in Jameson's view – stand in for a more wide-reaching concept of "Thirtiesness", a clearly retrospective lens that draws fairly indiscriminately from reference points that have become associated with this period (2).

The nostalgia in *Cuphead*, as noted in the introduction, actually speaks to a multiplicity of past eras in its relationship with the present, and offers insights into the roles of numerous technologies in helping to shape collective memory. The heads of Studio MDHR, the brothers Chad and Jared Moldenhauer, have acknowledged in several interviews that the game was influenced greatly by "bargain-bin VHS tapes of public domain animation" that they were given as children (Peckham). As Frederick Wasser notes, such collections were ubiquitous during the 1980s and 1990s, and arguably "served as an ersatz babysitter to an entire generation" (195). However, the post-theatrical – and, often by extension, postcelluloid – lifespan of a text is something that has not always been adequately explored in scholarship, especially in relation to eras before the rise of DVD and online streaming. In her insightful analysis of the horror genre, Caetlin Benson-Allott emphasizes that academic theory must truly acknowledge and account for the impact of video upon film and "the historically shifting premises and promises of spectatorship" (1). Joshua M. Greenberg echoes this sentiment that "the movie as a text is coproduced through the actual act of using a [specific] media technology," such as VHS, and so "the movie ('the message') is encoded differently in [and by] each system" (132-33). This is particularly evident in the case of public domain videos, where control over the properties was forfeited by the parent studios, and instead dispersed across a variety of different distributors.

Will Straw suggests that “the vagaries of copyright registration and renewal practice have shaped an eccentric archive which inverts or distorts the familiar spatio-temporal coordinates of film history” (179). As David Pierce elaborates:

Until 1989, the United States required owners to go through “formalities” to protect their copyright. [...They] had to fill out a form, enclose a fee, and send two copies to the Copyright Office [...]. For all films released through 1963, an application to renew the original copyright had to be filed in the 28<sup>th</sup> year after the original release (127).

Although producers generally aimed to adhere to these policies, mistakes were sometimes made, and this was exacerbated during periods of industrial crisis, such as the collapse of several film units during the Great Depression, and the wider downturn of the studio system following the Paramount Decision in the late 1940s. Pierce also notes that, “prior to 1978, the failure of a film to have a proper copyright notice [...displayed within the credits] was catastrophic, as the work would instantly lose all copyright protection.” When many of the major studios sold archival works to television syndication companies in the 1950s and 1960s, the original title cards were often removed in favor of identifying the new rights holders, creating further opportunities for copyright information to be omitted or improperly formatted (Pierce 128-29). The outcome is that virtually every American “Golden Age” animation studio has at least some major titles that are now considered to be in the public domain, capable of being freely (and legally) reproduced by anyone.<sup>5</sup>

While the lapsed copyright of (mostly silent) motion pictures had been exploited since the 1950s with the sale of Super 8 and 16 mm prints by companies like Blackhawk Films, the rise of video formats such as VHS in the late 1970s prompted a significant expansion of these practices

(Pierce 126). Daniel Herbert notes that “Hollywood initially resisted licensing movies” for home viewing, allowing several enterprising independent producers the opportunity to package so-called “orphan” works to meet consumer demand for video content (156). 1930s animation thus became particularly well-represented in these volumes because of the relatively high number of copyright-expired texts from this era which still met “modern” viewing preferences – unlike available works from previous decades, these cartoons had soundtracks, and many were produced in color.<sup>6</sup>

The eventual VHS releases from major studios tended to be rather expensive – at one point as high as \$80 per tape – and so public domain distributors frequently aimed to compete on price, offering their products for a fraction of the cost of a recent blockbuster title (Wasser 132). Compilations of Disney short cartoons would generally contain less than an hour of content during this period, giving other producers the potential to distinguish themselves in terms of the sheer quantity of material offered. For instance, the video *50 of the Greatest Cartoons*, released in the United States in 1990 by StarMaker Entertainment, crammed over six hours of footage onto a single extended play VHS cassette. Public domain videos were also sold in different places than most “conventional” titles. These collections could often be stumbled upon, almost unexpectedly, in bargain bins in gas stations, supermarkets, and pharmacies (Church 57; Herbert 161). “Kid-vid” became one of the fastest growing sectors of the burgeoning home video market, aided in no small part by these cheap alternatives to studio releases (Greenberg 95; Hilderbrand 59). For the purposes of academic study, however, things get rather difficult: this was an industry that was undoubtedly pervasive, and yet in many ways also largely invisible. Few of these companies still exist today and, as more households begin to treat the VHS format as a disposable commodity, the likelihood of ever being able to compile a full list of public domain releases seems increasingly remote.

Although these products were necessarily emerging from outside the traditional studio system, there were usually still attempts to draw upon the perceived “legitimacy” of this existing structure wherever possible. For instance, in his analysis of live-action public domain video releases, Straw notes the tendency for the packaging to prominently feature references to any Hollywood actor who may still possess some cultural currency with the consumer, regardless of the size or quality of his or her part within the film. In the case of box set compilations, the presence of a notable performer within even just one or two of the enclosed titles is frequently seen as sufficient justification for evoking them in order to increase the desirability of the product as a whole (Straw 175). The same is true of animation releases: many of the boxes reproduce the iconography of a particular studio character, but there is also usually some form of qualifying subtitle, such as “Popeye... and friends”, indicating that the public domain had not yet claimed enough cartoons featuring one particular star to fill an entire volume (or, in several cases, that these seemingly more “desirable” entries were being carefully portioned across as many different releases as possible). This is particularly visible in, for instance, the United American Video release *Woody Woodpecker & Friends* (c.1989), which had to rely rather heavily on the “friends” component as there is actually only one *Woody* cartoon – *Pantry Panic* (1941) – that is believed to have lapsed copyright.

A significant percentage of the overall running time of any given cassette would thus often be devoted to cartoons drawn from a wide range of different animation units, including those featuring lesser-known recurring protagonists (such as Famous Studios’ *Little Lulu*, or Van Beuren’s *Molly Moo-Cow*), and/or selections drawn from the numerous “one-off” productions released under umbrella series titles, such as Ub Iwerks’s *Comicolor Cartoons*, or the Fleischers’ *Color Classics*). As Pierce suggests, there is usually “little apparent rhyme or reason for the choice



of titles” in such collections, beyond the legal freedom to reproduce the film and the availability to the distributor of a usable print (125). Cartoons from different time periods, from different studios, even – on occasion – from different countries, end up co-existing and blending together. This serves to create unexpected juxtapositions between texts, and connections that would never have been made had the original rights holders maintained an active control over their respective properties.

Returning to *Cuphead*, the game is structured as a series of short levels, each generally approximating the length of a one-reeler cartoon. The jump from one stage to the next, with a variety of different locations, gameplay styles, and bizarre antagonists, calls to mind the eclectic mix of shorts found on many public domain animation videos. Furthermore, the intense difficulty of *Cuphead*’s gameplay means that one is forced to continually replay and master each level in order to progress, an act which itself elicits the almost-ritualized repeat viewings of VHS tapes – especially identified in titles marketed toward children – in an era when options for home entertainment were rather more limited (Hilderbrand 59; Tryon 35-36).

The experience of playing *Cuphead* differs from these video releases in that no identifiable characters from the 1930s actually appear. While studios did sometimes inadvertently let the copyright of certain films expire, the underlying ownership of the cartoon star was often carefully maintained. For instance, most (if not all) of Felix the Cat’s silent films are now in the public domain, but the character himself has remained trademarked, and in 2014 the rights to Felix were acquired by DreamWorks Animation (McNary). Other distributors can still freely release the older cartoons, but would not be entitled to produce new works involving Felix without permission.<sup>7</sup> It would likely have been legally and/or financially unfeasible for Studio MDHR to license any established properties for inclusion in *Cuphead*, and the title ultimately introduces its own roster

of protagonists. This does, to an extent, stay true to the targeted era, in which serving pre-existing characters (usually adapted from newspaper comic strips, a trend especially prevalent in the 1910s) had dissipated in favor of animation units developing original works for the screen. Not only did this remove the need to share profits with an outside creator, but stars such as Felix (and, latterly, Mickey Mouse) also revealed the potential to further supplement income with the production of ancillary merchandise. The *Cuphead* franchise has already extended beyond just the game, including the release of a deluxe vinyl edition of the title's soundtrack, and deals with the toy company Funko to offer action figures and plush dolls in the likeness of characters such as Cuphead and Mugman. While it is tempting to align such activity directly with 1930s business practices, it ultimately speaks to the more modern phenomenon of manufacturing nostalgia.<sup>8</sup> *Cuphead* is undeniably developing viable new intellectual property for the present day, but part of its appeal rests on the implied "history" of the brand, an invented metanarrative which downplays the commercial intent in favor of presenting the work as a relic supposedly "rescued" from the past.

The game achieves this in part by engaging with an aesthetic representation of deterioration and neglect that has often been associated with orphan films. As Pierce notes, in releasing a public domain book, the publisher can simply transcribe the text, and thus the reprinted product has the potential to be just as clear and readable as the original version (127). With cinema, however, the distributor is required to use an existing copy of the film as the basis for a video transfer. A studio such as Disney, which has preserved the original negatives for the majority of its works, is generally able to produce consistent video releases utilizing the best-available elements, and often goes to the further expense of undertaking digital restoration to clean up any damage. The low-budget nature of public domain products meant that the distributors sourced whatever print was

available at the appropriate price, usually reproduced on video essentially “as is.” Thus, the same film released by two separate companies may offer the viewer a rather divergent experience, depending on the condition of the materials that each producer was able to obtain. Generally speaking, though, most public domain video transfers – particularly in the VHS era – have been characterized as being derived from “inferior” sources, such as well-worn theatrical copies or 16 mm dupes made for television, often “grainy, misframed,” and sometimes even missing scenes (Church 53; Pierce 127). As Robert J. Read notes, this visible celluloid decay not only separates “the viewing experience of these films from that of their fully restored [and copyrighted] Hollywood contemporaries, but also emphasizes their neglect as objects of low cultural esteem” (52).

There is a degree of irony that mainstream video culture has increasingly prized a pristine, restored image – romanticizing a notion of the film print as if it were being played for the very first time – while the deterioration present in public domain releases – often marking past moments of “access” by previous generations – is interpreted as evidence of the text’s diminished worth for present-day and future viewers (Hilderbrand 62, 15, 179). The same is frequently true of older copyrighted video games rereleased on new platforms, such as Nintendo’s Virtual Console service for its Wii and Wii U systems, which show no signs of the data corruption that the original cartridges or game disks may well have succumbed to over time (Newman 14-15). While some retro rereleases have added a CRT emulation option – aiming to give a sense of the picture as outputted by an older style of television – *Cuphead* instead imposes a mandatory image filter that recreates the kinds of scratches, marks, and fading colors often found on film prints used for public domain VHS. Straw notes that a transfer to video “captures and holds the decay of its source material at a precise moment in its physical [lifespan]” (177). As such, the visual “damage” in

*Cuphead* is designed to serve not just as evidence of its simulated 1930s celluloid origin, but also its apparent use (and occasional abuse) across the decades – a fake “aura” of historical existence, in the sense famously theorized by Walter Benjamin (see Church 65, 133).

Of course, watching a film on VHS involves dealing with additional artifacts in the image that are specific to the format. It is significant, then, that *Cuphead* does not actually reproduce these markers of the videotape – there are no tracking errors, nor any instances of static or “snow”. David Church identifies a similar tendency in his study of modern horror “retrosploitation” pastiches, which evoke past generations of “grindhouse” cinema (perhaps most infamously seen in the 2007 film of the same name by Robert Rodriguez and Quentin Tarantino). He notes the frequent paradox that these works usually celebrate and reproduce a celluloid aesthetic, even though much of the current subcultural legitimacy for “grindhouse” originated from the remediation of the films on home video (244). There are practical reasons for such a decision, not least because the producers may want to upsell consumers to more expensive – and, by implication, higher quality – formats such as Blu-ray and 4K Ultra-HD. As such, attempting to emulate the kind of soft, low-resolution output of VHS within *Cuphead*, a product released in 2017 for high-definition gaming platforms, may well have been a nostalgic step too far for many players. The game offers a veneer of “pastness” with its applied “damage”, but the evocation of film rather than analogue tape helps to justify the increased detail presented within the image. A big selling point of *Cuphead* is its visual appeal, so players are asked to substitute a rose-tinted view of these superseded technologies in order to be able to enjoy a more palatable modern experience. The creators again try to have it both ways, making a claim for period authenticity while also keeping an eye on the sensibilities of the contemporary gaming community.

Despite the physical origins of the animation in *Cuphead*, the finished game displays a digital image, and the apparent print wear is itself just a digital overlay. The general consensus about such effects within film scholarship is that the spectator is unlikely to truly be fooled (Benson-Allott 138; Church 161). Certainly, *Cuphead*'s "deterioration" is just too *consistent* across the entire game – compared to the varied, intermittent defects that would likely appear across an actual piece of celluloid – and the specks and scratches tellingly "freeze" on screen while the system is loading new data and transitioning between levels. Benson-Allott suggests that the exploitation of a past aesthetic, such as the simulation of film's "materiality" using a digital platform, may well reflect a text's overt intention to "comment [primarily] on its own era" (138), often lamenting something that now appears "historically lost" (Church 130). As previously noted, *Cuphead* gestures toward a celebration of "Thirtiesness" when rubber hose animation was still widely practiced. The reality is, however, that Felix the Cat's fortunes had already begun a rapid decline by the start of the decade, Ub Iwerks' attempt at independence from Disney failed, the Van Beuren Studio ceased operations in 1937, and the Fleischer brothers were ousted from their own production unit in the early 1940s.

The celebration of the 1980s and 1990s – when these films were intensively remediated on home video – also comes with an implicit sense of bereavement, as this is often viewed as the "last hurrah" for traditional cel animation, a technique which quickly found itself losing ground (on the big screen especially) to computer-generated productions following the success of Pixar's *Toy Story* (1995).

A similar transition also occurred in video games of the same period. Several preceding generations of sprite and pixel art had fostered the possibility of eventually being able to play a game that truly looked like a cartoon.<sup>9</sup> Indeed, many of the advancements in video game graphics

across the 1980s and 1990s were breakthroughs analogous to those within animation of the 1930s. The development of more sophisticated processors and graphics chips saw a broadening of the available color palette within a game, much like the jump from two-strip to three-strip color photography in cinema. The incorporation of parallax scrolling – which creates an illusion of realistic depth by having distant objects in the background move with the camera at a slower rate than objects in the foreground – operates on a similar principle to the Disney Studio’s multiplane camera (following earlier precedents by Lotte Reiniger and Ub Iwerks), used in films such as *The Old Mill* (1937) and *Snow White and the Seven Dwarfs* (1937). With the emergence of new consoles and hardware such as the Sony PlayStation in the mid-1990s, however, many publishers began experimenting with three-dimensional graphics engines, placing two-dimensional game animation in a comparatively diminished position, akin to its cinematic equivalent. *Cuphead* ultimately gestures toward a possible, but unrealized “past future” – both for animation and video games – in which these hand-drawn styles had been allowed to continue and flourish.

Robert A. Rosenstone, with reference to the work of scholar Andrew Horton, argues that historical fictions can often allow for “explorations of what has been repressed by official narratives” (33). *Cuphead*’s own historicized aesthetic thus also aims to find value in a group of works that have been critically maligned. As Caroline Frick elaborates, “orphan films remain undervalued and [are] virtually absent” in academic discourse (332). While it does have to be emphasized that there are several notable books and scholarly articles on the Fleischer Studio, these still pale considerably in number and scope relative to more “celebrated” producers such as Disney. Tellingly, it has taken until 2017 for the publication of the first ever full-length manuscript covering the Terrytoons Studio (Hamonic) and, at the time of writing, there exists very little



extended analysis of Van Beuren, the 1930s American producer with the largest percentage of animated shorts existing within the public domain.

Cinema studies has sometimes used the term “trash cinema” to refer to a group of texts – which may arguably include this accidental canon of films shorn of their copyright status – that have been ignored or devalued by the academy. Amelie Hastie makes a persuasive claim that “detritus” could be seen as a more accurate descriptor, since it acknowledges the complex, yet persistent presence that public domain movies often maintain. She notes, quoting the scholar Mary Desjardins, that such works are ultimately marked as the “throw-away which is not [actually] thrown away” (171). The cartoons of the 1930s have never really disappeared: as Pierce states, “changes to the copyright law have [for the most part] ended the addition of new titles into the public domain” (126). As such, beyond the rediscovery of previously “lost” films from the silent and early sound era, distributors of such works on more recent home formats have generally had to focus on the same texts as on VHS. There has certainly been no shortage of these releases on DVD, including plentiful *Cartoon Craze* volumes from Digiview, and Mill Creek Entertainment’s monolithic boxset, the *Giant 600 Cartoon Collection* (2008). *Cuphead*’s very existence – and arguably its success in the marketplace – speaks to the continued audience (if not necessarily scholarly) attention that these cartoon shorts have managed to command.

There are studies of postmodernism – perhaps most notably Jameson’s influential account, discussed briefly earlier – which view the sort of pastiche visible in the game as inherently negative. The implication is that nostalgia encourages a form of amnesia, serving to distort and replace the reality of the past with a seductive textual simulacrum: in essence, that players will naively accept *Cuphead* as a substitute for the animated works that are supposedly being celebrated (Jameson 18-20). The game does undoubtedly present a rather romanticized interpretation of its

target era(s). For instance, it fails to address the prevalence of racist imagery in numerous 1930s cartoons, which was sometimes left uncensored in subsequent public domain VHS compilations. Nicholas Sammond argues that many tropes of ethnicity “eventually became vestigial” in animation (25), to the point where the origin is no longer “*directly* signal[led]”, and yet it is – to some degree – “still present” (71, 121, emphasis original). He suggests, for instance, that Mickey Mouse still speaks to the traditions of blackface minstrelsy, even if this is not necessarily recognized by viewers or even, perhaps, by the creators of the Mouse’s modern adventures (5). There are occasional moments in *Cuphead* where character designs threaten to evoke period stereotypes, such as with the exaggerated facial features of several enemies in the level “Treetop Trouble” (fig. 7), or with the presentation of an Arabic genie, Djimmi the Great, as a villain in the level “Pyramid Peril”. It is unclear how the creators intended such moments to be interpreted, although there appears to be no overt desire to court controversy.<sup>10</sup> Whether *Cuphead* would be capable of more openly dealing with the complexities of such representations within its “run and gun” gameplay (and whether this would even be the appropriate forum to do so) is open to question, but it is fair to say that there are tangible aspects of animation history that the title – rightly or wrongly, and entirely consciously or not – smooths over in favor of a more benign vision of “Thirtiesness”.



**Fig. 7. The level “Treetop Trouble” in *Cuphead*.**

This does not necessarily mean, though, that the game simply allows us to ignore – or even forget – the troublesome aspects of 1930s animation. The contributions of scholars such as Christine Sprengler and Pam Cook have been valuable in attempting to complicate our understanding of the intent behind “retro” works, and exploring the variety of ways in which they can be consumed. As Cook argues, contrary to notions that we are necessarily “duped” by nostalgic images, “audiences can consciously enjoy a playful or affecting engagement with history at the same time as exercising their aesthetic judgement” (3-4). There are already several notable articles online in which the racial and societal ramifications of *Cuphead*’s art style have been debated (Blackmon; Kleinman), indicating that although the game may not explicitly address these concerns, this does not inevitably silence discussion.<sup>11</sup>

Cook also suggests that we should not overlook the possibility that “modern-day reconstructions [...can] inspire viewers to seek further knowledge and understanding,” even potentially returning to the original sources (3). The release of *Cuphead* has prompted a number of editorials offering “viewing guides” of classic cartoons – enticing gamers to learn more about the aesthetic, or to remember past VHS experiences (Dietsch; Green). This is another instance in which the public domain status of these films proves beneficial since, in addition to their widespread release on home video, many are now freely accessible via online sites such as *YouTube* and *Archive.org*. The relationship between *Cuphead* and its intertexts can thus be easily communicated to interested readers, in a manner that would not be possible if the game was instead based on, for instance, copyrighted Disney sources. As Straw notes, despite the frequently low cultural status attributed to public domain works, the “lots of copies in lots of places” principle regularly offers a “means of preservation [and visibility] just as efficient as the traditional hoarding of rare single copies in secure institutions of patrimonial authority” (173). In fact, the latter option may prove, in our current climate, rather detrimental to the continued circulation and influence of certain works.

Although the success of home video was initially beneficial for copyrighted film preservation, as DVD consumers were often primed by marketing to expect high-quality video transfers, such processes are also “expensive, imposing market limits on what can, should, and will be restored” (Carroll 20). Following the perceived decline of the DVD industry in 2008 and beyond, many of the major studios have scaled back their releases of classic animation – citing a lack of profitability – and have generally failed to find a new home for these works on streaming platforms and elsewhere (McGowan 64-65). When attempting to publish the *Looney Tunes* series on Blu-ray in 2011, for instance, Warner Bros. was almost exclusively limited to the titles that it

had already issued on DVD in the previous decade, as it was believed that the marketplace could no longer sustain the cost of restoration for any cartoons yet to receive this treatment (Beck). This creates a situation in which certain films exist unseen within a studio's "vault", deemed economically unviable to officially release, and thus – because Warner Bros. still owns the copyright and seems unwilling to license the rights to anyone else – legally inaccessible to most viewers. In contrast, a small number of "boutique" independent distributors, most notably Thunderbean Animation and Cartoons on Film, have begun to tackle a relatively unexplored section of the public domain market: producing new and superior restorations of works not controlled by the major studios. In a recent polemical article about the state of the animation video industry, the historian Thad Komorowski proclaimed it "utterly embarrassing that we'll have restored versions of Flip the Frog, Willie Whopper, Felix the Cat, and Ko-Ko the Clown on Blu-ray" when many of the *Looney Tunes* cartoons remain unavailable or exist to viewers only in a compromised form.<sup>12</sup> Although his value-judgment about these different studios is obviously subjective, Komorowski's comment is useful in highlighting how future conditions of access may have a significant impact upon the accepted canons of animation history.

It is likely that certain Disney and Warner Bros. texts will continue to enjoy a privileged position within scholarly discourse, but games such as *Cuphead*, and the shifting terrain of media distribution, indicate that cinema studies needs to pay more attention to the influence of a wider range of content producers. Rather than viewing the public domain status of certain works as evidence of their inferiority and lack of cultural importance, we instead need to understand how the availability of these texts has – in different time periods, and through delivery on different video formats – created a set of visible, and widely-recognized, cultural markers that modern "retro" experiences such as *Cuphead* have been able to reinvigorate and exploit. In an age when

most American theatrical animation promotes a fairly limited range of three-dimensional computer graphics – and when even the Disney Studio is offering modern remakes that eschew the hand-drawn aesthetics of its archival classics – the success of *Cuphead* may also help to remind us that cartoons have the capacity to assume a variety of styles, which can include looking back to the lessons of the past.

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<sup>1</sup> The level of skill required to succeed, even in some of *Cuphead*'s earliest levels, has been perhaps the most divisive aspect of the title's "retro" leanings. The aforementioned sales figures indicate that it does not seem to have significantly dampened consumer interest, but it remains a caveat mentioned in most appraisals of the game (see, for instance, Parkin).

<sup>2</sup> Disney has occasionally been cited as a reference point for *Cuphead*, but only really in terms of the initial *Mickey Mouse* and *Silly Symphonies* cartoons of the late 1920s. At this point, Disney's output was still broadly imitative of other studios, reproducing the rubber hose style developed elsewhere in the industry.

<sup>3</sup> One must also not overlook the extent to which this approach to character has been "worked through" by previous generations of video games. The 16-bit console era, in particular, saw numerous companies attempt to create viable franchise mascots, akin to the success of Nintendo's Super Mario and Sega's Sonic the Hedgehog. The mixture of gameplay requirements and the need for product differentiation led to some rather bizarre creations, such as the eponymous *Socket* (1993), a duck with a power cable for tail, *Earthworm Jim* (1994), a worm turned into an unlikely superhero by a robotic suit, and even Treasure's *Dynamite Headdy*, a puppet with a detachable and transformable head. The protagonists of several modern "retro" titles – such as *Shovel Knight*, which literally features an armor-clad figure wielding a shovel, and even *Cuphead* – serve also as knowing winks to the weirdness of these earlier games.

<sup>4</sup> This is partly addressed by a couple of extra video filters that can be unlocked late in the game after completing specific challenges. These enable players to choose a "black & white" mode, which renders everything monochrome, and a "2-Strip" mode, which scales back the spectrum of

colors to emulate the more limited color technologies available at the beginning of the decade, visible in films such as Ub Iwerks' *Fiddlesticks* (1930).

<sup>5</sup> A notable exception would be the Disney Studio which has, in recent decades, been extremely proactive in lobbying for legal reform to extend the copyright over its holdings (Grainge 51). While most of Disney's silent *Alice Comedies* and Oswald the Lucky Rabbit cartoons are believed to be public domain, almost all of its sound output remains under studio control. In the late 1980s, a small handful of early *Mickey Mouse* shorts, including *The Mad Doctor* (1933) and the sing-a-long film *Minnie's Yoo Hoo* (1930), were perceived to have fallen out of copyright, prompting a number of "unofficial" VHS compilations, such as a *Cartoon Favorites* volume by Trans-Atlantic Video (n.d.). The lack of such releases in the DVD era perhaps speaks to the difficulty of attempting to claim public domain in relation to a studio such as Disney, relative to a production unit that either no longer exists, or which does not have the legal resources to challenge the status.

<sup>6</sup> Some silent productions, most notably *Felix the Cat* and *Mutt and Jeff* cartoons, did continue to circulate on VHS, although public domain collections often utilize surviving prints from the 1930s, where the existing animation had been reissued with a newly-created soundtrack.

<sup>7</sup> In promoting certain characters' names and images on the covers of public domain videos, producers often had to emphasize that such references related solely to the copyright-free works, rather than to the franchise as a whole. For example, the packaging for the aforementioned United American Video *Woody Woodpecker & Friends* release states that "the color enhanced figure [of Woody] represented on the front of this box is taken directly from the actual Public Domain Cartoon."

<sup>8</sup> Funko has also added a *Cuphead* breakfast cereal to its product line—featuring a mini character toy as a prize in the box—which perhaps most overtly signals the branding principles of the "kid-

vid” and Saturday morning television era of the 1980s, rather than the original 1930s referent (Shanley).

<sup>9</sup> Certain laserdisc arcade games such as *Dragon’s Lair* (1983) did feature full-quality cel animation, but only at the expense of limiting the player’s freedom – one is essentially watching a series of completed videos, and pressing single buttons at selected intervals to either trigger the next sequence or, if a mistake is made, the character’s death.

<sup>10</sup> The issue was sidestepped in an interview with *Cuphead’s* lead inking artist and producer Maja Moldenhauer, who stated that the game intended to pastiche the visuals of 1930s animation but did not aim to make any wider political statement: “Anything else happening in that era we’re not versed in it. Blame it on being Canadian” (quoted in Kleinman).

<sup>11</sup> Samanta Blackmon’s article is admittedly based on the fleeting glimpses of the title available following the 2015 E3 event, and does make a few suppositions that are not reflective of the finished product. However, the article is valuable in its description of the “visceral reaction” that the author experienced when engaging with the game’s aesthetic for the first time, one that she was unable to separate from a history of racial representation.

<sup>12</sup> Komorowski’s remarks are in response to the release of the DVD *Porky Pig 101* (2017) – a collection of all of Porky’s monochrome appearances, including many previously-unreleased films – through the manufactured-on-demand service Warner Archive. This was a renewed attempt by Warner Bros. to make such works available while maintaining a viable profit margin, sold with the caveat that the contents are presented with little-to-no restoration. The set has generated a fair amount of controversy within the animation community for its use of poor-quality source prints, which includes the use of incorrect title cards and intro music. Although these issues have historically been common within public-domain releases, the fact that these are (mostly)



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copyrighted films from a major studio arguably led to higher expectations that were not met. Komorowski's suggestion that fans boycott the set nonetheless proved divisive, with some fearing that low sales would discourage Warner from releasing other rare *Looney Tunes* films to disc.