

David Slater, a wildlife photographer, had long been captivated by the unique beauty and human-like expressions of the crested black macaques on the Indonesian island of Sulawesi. Over several days, he endeavored to shadow and closely observe a group of these monkeys, skillfully setting up his camera with a wide-angle lens to capture their playful and inquisitive nature. Eventually, his patience bore fruit when a monkey curiously fiddled with his camera, inadvertently taking what became known as the ‘monkey selfie.’

The resulting image sparked a whirlwind of controversy. Wikimedia declared the photograph public domain, asserting that it was invalid for copyright because it had a non-human creator. This stance was bolstered by PETA, which further claimed that the monkey itself should own the rights to the image. Legal battles ensued, with the courts ultimately deciding against Slater’s claim to copyright ownership. Legal scholars remain divided, some arguing for a more inclusive interpretation of authorship that acknowledges the role of human guidance and creativity, while others maintain that the presence of a non-human element negates copyrightability.

The lawsuit took not only an emotional toll on David Slater but also impacted his livelihood significantly. The loss of potential income from the photograph’s widespread unauthorized use was substantial. Moreover, the case created a chilling effect on similar artistic endeavors, deterring other artists from pursuing collaborative works involving nature for fear of losing control over their creations. In the context of a proposal for percentage-based copyright authorship, Slater could be allocated 50% ownership for his role in orchestrating the scenario, while the monkey could receive the remaining 50% for its spontaneous contribution. This approach would allow Slater to derive profit from the artwork while acknowledging the monkey’s role in the final creation. Ultimately, the outputs of the process Slater established remain **unfixed**, multitudinous in their possibilities until the monkey comes along and snaps them into reality.