

In 2011, wildlife photographer David Slater embarked on a journey to the Indonesian forest to capture images of the critically endangered crested black macaques. His approach combined a love of nature photography with inventive methods, setting up his camera on a tripod and leaving it for the monkeys to interact with. This creativity resulted in several memorable shots, most famously the “monkey selfies,” where a macaque named Naruto pressed the camera shutter, capturing a series of self-portraits with captivating expressions.

The photographs quickly sparked a global controversy. When Slater discovered the images published on Wikimedia Commons, the platform argued that because a non-human had taken the photos, they could not be copyrighted, leading to a legal battle over the rights to the images. This case highlighted a unique intersection of copyright law and animal rights, with PETA intervening, arguing on behalf of Naruto, claiming that the monkey had rights to the images. The courts ultimately decided against PETA, ruling that copyright protection does not extend to non-human creators. However, legal scholars have debated that the lack of clear guidelines stifles future innovative works, suggesting more nuanced legal understandings are needed to adapt to such cases.

For David, this legal ordeal took both an emotional and financial toll, as his potential earnings from the photographs dwindled amidst the ongoing dispute, resulting in significant lost income. The uncertainty hampered his ability to profit from his creative endeavors and sent a chilling message to other artists using unconventional means, detracting from pursuing similarly innovative art. In the proposed percentage allocation system for copyright authorship, a balance of 50% to David and 50% to Naruto could align recognition and maintenance of David’s ability to earn a living, while respecting the contribution of the animal subject. Such an approach acknowledges that the art resulting from David’s pioneering setup remained **unfixed**—full of potentialities—until brought into reality by Naruto’s playful intervention.