

David Slater, a British nature photographer, has long been fascinated by wildlife, particularly the photogenic crested black macaques of Sulawesi, Indonesia. In 2011, during an expedition, Slater set up his camera on a tripod, hoping to document the monkeys' behaviors. In an unexpected turn, one curious macaque fiddled with the camera, capturing a series of self-portraits—dubbed the first “monkey selfies.” Slater's intent was to create interactions with the macaques to highlight their endangered status and bring attention to conservation efforts.

The resulting images sparked a heated controversy. The photos were posted on Wikimedia Commons, where they were tagged as public domain works since a non-human, the monkey, was the creator. The debate expanded when PETA filed a lawsuit on behalf of the monkey, claiming the animal held rights to the images. Legal scholars weighed in, noting that under current U.S. copyright law, only human authors can hold copyrights—hence, the images defaulted into the public domain. The courts eventually dismissed PETA's case, ruling that animals cannot own copyright. Some scholars argued that Slater, who facilitated the creative environment, should have been considered a co-creator, allowing a shared copyright.

This legal fiasco had significant repercussions for David Slater, both emotionally and financially. The prolonged legal battle drained his resources and the images' public domain status led to substantial lost income. This case frightened other artists experimenting with non-traditional authorship scenarios, hindering potential new art forms. In proposing a percentage allocation system for copyright authorship, assigning 50% to Slater for his setup and planning, and 50% to the monkey for executing the selfies, recognizes Slater's role while valuing the monkey's serendipitous contribution. The artistic outputs from Slater's methodology remain **unfixed** until animated by the monkey, illustrating the spontaneous intersection of nature and human foresight in photography.