

David Slater, a British wildlife photographer, ventured into the Indonesian forests of Sulawesi with the hope of capturing the charismatic crested black macaques. His photography practice centers around capturing images that draw attention to endangered species and their environments. To achieve his vision, he ingeniously set up a scenario where the monkeys could interact with his camera, resulting in the now-famous “monkey selfie.” Slater left the camera unsupervised on a tripod, and it was the monkeys themselves who snapped their pictures, resulting in images that captivated the world.

The “monkey selfie” quickly became embroiled in controversy, primarily centered around its copyright implications. Wikimedia Commons included the photo in its repository, arguing it belonged to the public domain because a non-human creator, the monkey, took the picture. The People for the Ethical Treatment of Animals (PETA) also entered the fray, arguing on behalf of the monkey, suggesting that monkeys should have rights to their creations. Consequently, a legal battle ensued, culminating in the court deciding against Slater and holding that copyright law does not recognize non-human creators. Legal scholars are divided, with some supporting the court decision as a literal interpretation of current laws while others advocate for reform, suggesting that works involving non-human contributors deserve a re-evaluation of copyright norms.

The controversy has taken a significant emotional and logistical toll on Slater, who reported substantial income loss, as he has not been able to capitalize fully on the photograph’s virality. This legal precedent has also cast a shadow over innovative practices in art, stifling similar works that involve both human and non-human collaboration. My proposal for a percentage allocation system in copyright would mitigate these effects by recognizing collaborative efforts. For the “monkey selfie,” the allocation could be set at 50% for David, acknowledging his role in setting up the opportunity and capturing the global imagination, and 50% for the monkey, recognizing its direct participation in creating the image. This system would allow David to profit while properly attributing elements of the work to non-human participants. Ultimately, the outputs of the processes initiated by David remain **unfixed**, brimming with potential, until catalyzed into reality by the monkey’s playful intervention.