

## **Selfie Monkey Files Copyright Lawsuit (With Human Help)**

Naruto is not monkeying around with his famous selfie.

The crested macaque who gained world-wide fame with his monkey selfies has filed a copyright infringement lawsuit against David Slater, the photographer whose camera was used to take the picture, and his publisher. Actually, the lawsuit was filed by the People for the Ethical Treatment of Animals, Inc. (PETA) on his behalf.

The lawsuit contends that Naruto is the true author of the selfies, not Slater. “Naruto authored the Monkey Selfies by his independent, autonomous actions in examining and manipulating Slater’s unattended camera and purposely pushing the shutter release multiple times, understanding the cause-and-effect relationship between pressing the shutter release, the noise of the shutter, and the change to his reflection in the camera lens,” the complaint alleges.

The selfies gained fame when Slater sent a takedown notice to Wikipedia, claiming he owned the images. Wikipedia refused alleging that the image was not copyrightable. For our earlier story, see <http://www.balough.com/does-monkey-own-copyright-in-selfie>. Since then, the U.S. Copyright Office administrative practices include a specific statement that it registers only works produced by human beings, specifically noting that works created by animals, including monkeys, do not qualify. PETA disagrees stating that the Copyright Act “is sufficiently broad so as to permit the protections of the law to extend to any original work, including those created by Naruto.”

Slater has sold copies of the selfies and included the images in a wildlife book published and sold by Blurb, Inc.



The lawsuit asks the court to declare Naruto the author and copyright owner of the photographs, enjoin Slater from copying or licensing the photos, and require Slater and his publisher to disgorge all profits from any sale of the photographs. PETA requests that all proceeds after expenses be used solely for the benefit of Naruto, his community of crested macaques, and preservation of their habitat.

After the case was filed, the Associated Press quoted Balough Law Office, LLC member Cheryl Dancy Balough as to whether the creative contribution to the selfies rises to a level that warrants a copyright. Ms. Balough is an adjunct professor of copyright law at Chicago-Kent College of Law

*Naruto v. David Slater and Blurb, Inc.*, N.D. Calif. No. 15 cv-04324, filed September 21, 2015.

*Balough Law Offices, LLC, is a Chicago-based law firm which focuses on cyberspace, business, and intellectual property law. Our homepage is [balough.com](http://www.balough.com).*