

Judge says monkey cannot own copyright to famous selfies

by [David Kravets](#) - Jan 6, 2016 5:32pm CST

SAN FRANCISCO—A federal judge on Wednesday said that a monkey that swiped a British nature photographer’s camera during an Indonesian jungle shoot and snapped selfies cannot own the intellectual property rights to those handful of pictures.



US District Judge William Orrick was tasked with hearing a [lawsuit](#) brought by the People For The Ethical Treatment of Animals (PETA). The Animal rights group was trying to represent the 6-year-old monkey, Naruto, in a case brought against the human photographer, David Slater, and his self-publishing platform, Blurb of San Francisco.

The monkey — via PETA’s intervention — was seeking monetary damages for copyright infringement from Slater and the Blurb, the platform Slater used to publish the selfies.

The US Copyright Office says Slater cannot own the rights to the handful of images snapped in the Tangkoko reserve on the Indonesian island of Sulawesi in 2011. Works “produced by nature, animals, or plants” cannot be granted copyright protection, the US Copyright Office [said](#) in 2014.

The judge said during a brief hearing that he would dismiss the suit in an upcoming order, and at one point said PETA’s argument was a “stretch.”

“I’m not the person to weigh into this,” Orrick said from the bench in San Francisco federal court. “This is an issue for Congress and the president. If they think animals should have the right of copyright they’re free, I

think, under the Constitution, to do that.” PETA attorney David Schwarz replied: “Congress has left it to you,” he said. Schwarz said the judge should define authorship, and allow it to be granted to a monkey.

“We are really in a situation that the court is being asked to look at a novel argument,” he said.

The pictures have gone viral and are in the public domain, at least in the United States. Slater maintains that he should own the rights to the pictures because his actions facilitated them, but that contention is not before Judge Orrick in this lawsuit.

Attorneys for Slater and Blurb also briefly urged the judge to dismiss the case. The judge said his forthcoming written order may allow PETA to amend its lawsuit. PETA said that if it prevails, any proceeds generated from the pictures would be used to assist Naruto and the monkey’s habitat.