

## [US] No copyright protection for a “monkey selfie”

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On 28 January 2016, the U.S. District Court for the Northern District of California issued an opinion that an Indonesian macaque cannot claim copyright over a “selfie” it made in 2011.

The case arose when the organization People for the Ethical Treatment of Animals (“PETA”) filed a lawsuit on behalf of the macaque Naruto, accusing the owner of the camera that was used to take the picture of copyright infringement for posting and profiting from the selfie. PETA petitioned the Court to allow PETA to manage the picture on the macaque’s behalf and use the proceeds to benefit macaques. PETA argued that the definition of authorship under 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 monkeys. The judge rejected this argument, finding PETA’s argument a “stretch.” The judge found that Congress did not intend to extend the Copyright Act in such a manner and noted that the U.S. Copyright Office says it will not honour copyright claims for works by animals. The judge told the parties during oral arguments that he would formally dismiss PETA's suit in an upcoming order. PETA lamented the decision but proclaimed the case “a vital step toward fundamental rights for nonhuman animals for their own sake, not in relation to how they can be exploited by humans.” They promised to “continue to fight for Naruto and his fellow macaques, who are in grave danger of being killed for bush meat or for foraging for food in a nearby village while their habitat disappears because of human encroachment”.

***District Court for the Northern District of California, Order Granting Motion to Dismiss, Case No. 15-cv-04324-WHO***

<http://www.courthousenews.com/2016/01/29/monkey%20selfie.pdf>

