

Naruto v. Slater

- US Court of Appeals for the 9th Circuit

Case Overview

- **Plaintiff:** Naruto (macaque monkey, represented by PETA).
- **Defendant:** David Slater (wildlife photographer whose camera was used for the selfie)

Can an animal hold a copyright over a photo it took itself & can PETA sue on its behalf?

Legal issue: Standing

In US law, a party must have **standing** to bring a lawsuit to court. This means they must show they have a direct stake in the outcome. There are two forms of standing discussed in this case: **Article III (Constitutional) Standing** and **Statutory Standing**.

1. The "Next Friend" Standing

Since a monkey cannot walk into a courtroom, PETA attempted to sue as Naruto's "**Next Friend**" (a legal representative for someone unable to litigate themselves)

The court rejected PETA's "Next Friend" status for two reasons:

- **⊗ - No Significant Relationship:** To be a "Next Friend," you must prove a deep, relationship to the specific plaintiff. PETA has no closer relationship to Naruto than to any other animal
- **⊗ - No Statutory Provision for Animals:** US law allows "Next Friend" status for *minors* and *incompetent humans*, but **not for animals**. The court ruled that expanding this to animals is a job for Congress, not the judges

2. Article III (Constitutional) Standing

Despite PETA being rejected as a representative, the court made a distinction: **The lack of a "Next Friend" doesn't automatically destroy the animal's own standing under Article III (& the jurisdiction of the court).**

- Under the precedent case (*Cetacean Community v. Bush*), the court established that a species *could* theoretically have a constitutional "case or controversy" (Art. 3 Section. 2 U.S. Constitution) even without a human as a next friend

,Article III "does not compel the conclusion that a statutorily authorized suit in the name of an animal is not a 'case or controversy'"

- PETA was dismissed as a next friend, but the court still had to move forward to analyze whether the **Copyright Act** itself gives animals the right to sue (**Statutory Standing**).

3. Statutory Standing under the Copyright Act

Since the Copyright Act doesn't explicitly mention animals, Naruto lacked statutory standing (→ precedent: *Cetacean Community v. Bush*).

⇒ **animals do not have statutory standing to claim copyright.**

So the lawsuit was **dismissed**.

Takeaways

- **Animals cannot sue via a "Next Friend"** unless there is a law allowing it, but it's not out of question that they could have **constitutional standing**
- **Statutory interpretation:** If Congress wants to grant animals the right to sue under specific laws (like the Copyright Act), it must state so **expressly** in the text of the statute