



Ownership

In Indonesia, David Slater, a wildlife photographer, left his camera unattended, and a crested macaque (later named Naruto) took pictures of himself. The photographer initially claimed copyright in the selfies, but PETA argued that Naruto should own the copyright.

The Ninth Circuit held that the Copyright Act's language assumed that authors were humans and excluded animals that legally could not own or transfer property interests. *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

Slater has argued that he should own copyright in the images, and in 2016 threatened to sue Wikimedia for posting them, but he has not thus far. Wikimedia says since Naruto made the photos and cannot own copyrights, the photos are in the public domain.

Most copyrighted works are made by humans, but what about when a cat makes an attractive pattern on the floor after walking in paint? Or when a monkey plays with a camera and takes a selfie? Computers now create works that, if made by a human, would certainly be copyrighted. Who (if anyone) should own the copyright in those works? The four examples on this poster discuss copyright in works by nonhuman authors and make us consider some foundational concepts of copyright law.

Was this poem written by a human or a computer?

Untitled
Generated by Racter using RACTER

At all events my own essays and dissertations about love and its endless pain and perpetual pleasure will be known and understood by all of you who read this and talk or sing or chant about it to your worried friends or nervous enemies. Love is the question and the subject of this essay. We will commence with a question: does steak love lettuce? This question is implacably hard and inevitably difficult to answer. Here is a question: does an electron love a proton, or does it love a neutron? Here is a question: does a man love a woman or, to be specific and to be precise, does Bill love Diane? The interesting and critical response to this question is: not He is obsessed and infatuated with her. He is loony and crazy about her. That is not the love of steak and lettuce, of electron and proton and neutron. This dissertation will show that the love of a man and a woman is not the love of steak and lettuce. Love is interesting to me and fascinating to you but it is painful to Bill and Diane. That is love!

This poem was written by computer. [Do you want to know how?](#)

38% Say bot 62% Say not

[Vote on another poem?](#)

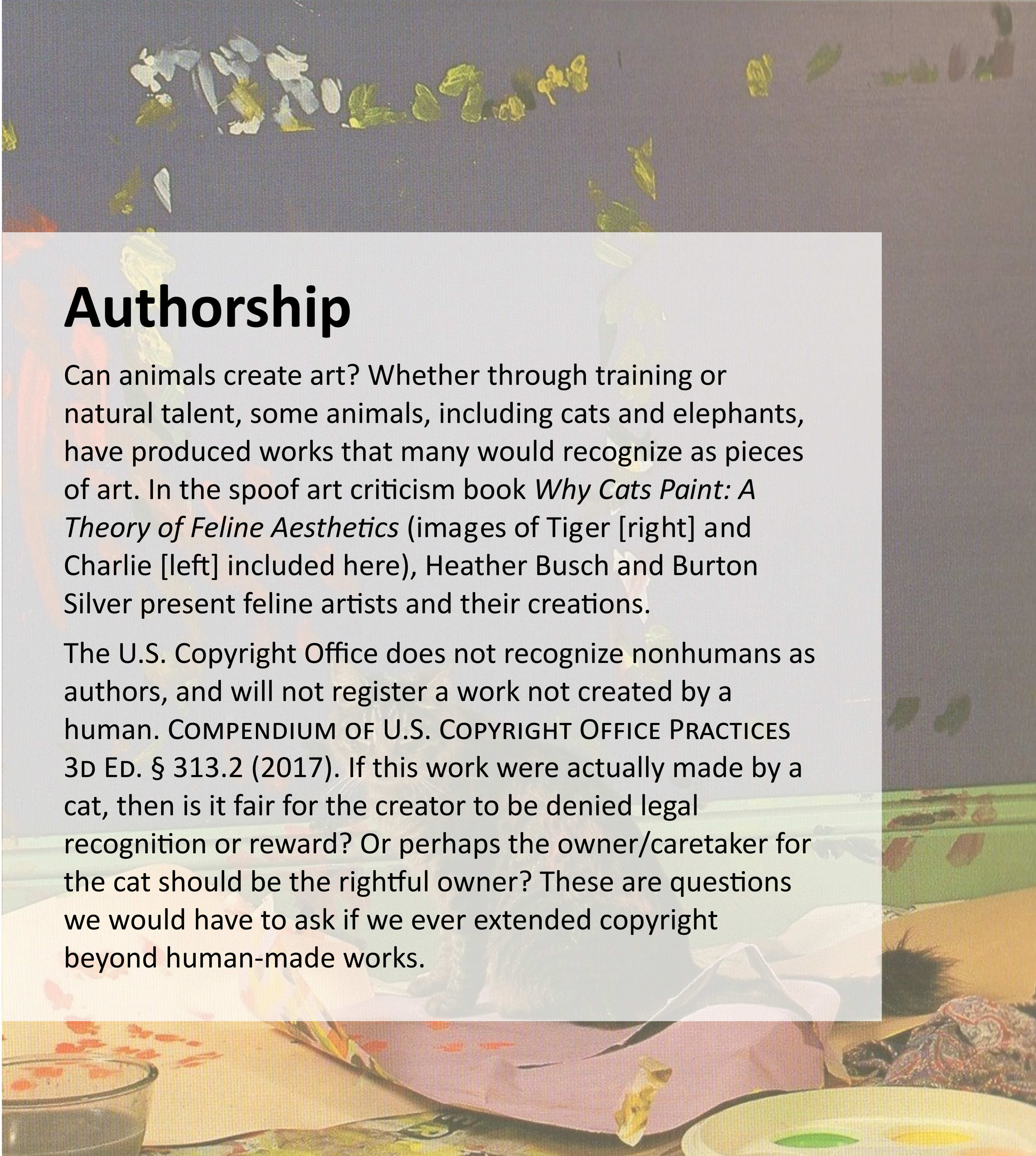
Incentive to Create

Developers have taught AI how to write text and music by applying machine learning algorithms to large collections of material. The AI then can create its own works based off the examples it has observed. Some programs are more advanced than others. Racter, the program that created this poem, generates English prose at random (though as you can see in the vote totals, more people thought a human wrote the text). Other programs apply sophisticated criteria when generating its products. Should these works have copyright protection? Perhaps the creators of the software deserve some credit, but they weren't motivated to make the AI just to make new works. A major purpose of copyright is to provide an incentive to create works. The AI needs no incentives, so perhaps no copyright is needed, either.

Copyright and Non-Humans

Written by Ben Keele, designed by Hannah Alcasid

The AALL Copyright Committee helps advocate for balanced copyright law and educates AALL members on copyright matters. More information on the Committee is online at <https://www.aallnet.org/about-us/who-we-are/committees-juries/copyright-committee/>



Authorship

Can animals create art? Whether through training or natural talent, some animals, including cats and elephants, have produced works that many would recognize as pieces of art. In the spoof art criticism book *Why Cats Paint: A Theory of Feline Aesthetics* (images of Tiger [right] and Charlie [left] included here), Heather Busch and Burton Silver present feline artists and their creations.

The U.S. Copyright Office does not recognize nonhumans as authors, and will not register a work not created by a human. COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES 3D ED. § 313.2 (2017). If this work were actually made by a cat, then is it fair for the creator to be denied legal recognition or reward? Or perhaps the owner/caretaker for the cat should be the rightful owner? These are questions we would have to ask if we ever extended copyright beyond human-made works.



Creative Contribution

Copyright protects original, creative works. When a user uses AI to alter or create a work, should the user have copyright over the finished work, even if much of what makes the work special was added by the AI, not the user?

For instance, this image was created using Google's Deep Dream AI tool (<https://deepdreamgenerator.com/>) to alter a photo of a gold coin. The user uploaded a file and clicked a few buttons. Do those actions meet the minimal standards of originality to receive copyright protection? If the AI did much of the work, should the AI creators have some interest?