John Doe MACAQUE, Plaintiff-Appelant
Sulawesi, Indonesia

V.

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (PETA), Defendant
Norfolk, VA

COMPLAINT

Plaintiff John Doe Macaque, through his attorneys, brings this Class Action against Defendant People for the Ethical Treatment of Animals (PETA) for himself and all other animals similarly situated alleging as follows:

1. In the operation and Public Relations initiatives of its organization, Defendant PETA knowingly and improperly exploited the popularity and extraordinary creative accomplishment of Mr. Macaque by falsely claiming to represent his interests—and by extension the interests of all animals of the known world—when Defendant filed suit against the human photographer David Slater for copyright infringement of a self-portrait ("selfie") photograph made by Mr. Macaque.

2. By this false representation of Plaintiff Mr. Macaque's interests the Defendant PETA knowingly and improperly committed a libelous act, causing potential harm to Plaintiff's reputation at a critical juncture in his professional career.

FACTS

11. During discovery, we affirm that Mr. Macaque stipulated—by means of nodding his head in an excited fashion—that he did on the day in question cause a camera belonging to Mr. Slater to make a frontal photograph of his own head and torso—a "selfie". Counsel then asked Mr. Macaque what his intentions were regarding protection

of the image under copyright. The Plaintiff's verbal response defies spelling in any known language, but he did curl his lips back to bear his gums and waggled his tongue at associate counsel. This was not deemed to be a sufficient response to determine the Plaintiff's wishes with regard to his copyright interest in the photograph.

12. It is the determination of counsel that Plaintiff could not give a monkey's fart regarding any use of the photograph in question and that Plaintiff did not, therefore, engage Defendant to represent his copyright interests in litigation against Mr. Slater.

13. People for the Ethical Treatment of Animals is a 501(c)(3) Corporation registered in the United States and which operates globally and campaigns for the humane treatment of all manner of fauna everywhere. Defendant's efforts on behalf of animals are various, but are broadly included under the corporation's motto: *"Animals are not ours to eat, wear, experiment on, use for entertainment, or abuse in any other way."*

14. PETA asserted in federal court that Mr. Macaque has a copyright in the photograph known as the "monkey selfie" and demanded an award of damages on behalf of Plaintiff and various associates of Plaintiff.

15. Although the Court ruled that the US Copyright Act does not appear to extend to the interests of animals, including primates, Plaintiff avers that in pursing the litigation against Mr. Slater, Defendant demonstrated a firm belief that animals are entitled to own copyrights.

16. Plaintiff therefore asserts that if it is Defendant's firm belief that animals may own copyrights, then it stands to reason that, in the mind of the Defendant, animals are likewise entitled to other intellectual property protections, including a right of publicity. Indeed, this assumption is consistent with Defendant's stated motto that "Animals are not ours to … use for entertainment." Not only do the actions and stated mission of Defendant indicate it would uphold a right of publicity for animals in principle, but in the case of *PETA v. Slater*, Mr. Macaque asserts that PETA specifically infringed his right of publicity and also violated Defendant's own prohibition of "using animals for

entertainment." Since the copyright case in question can only serve one of two purposes as follows: a) promote the mission of PETA; and/or b) amuse the piss out of anyone who hears about it, Plaintiff argues the litigation was an act of exploitation for both public relations and entertainment purposes.

17. Furthermore, Plaintiff asserts that by falsely representing his interests in court, Defendant has not only infringed Mr. Macaque's right of publicity but has also committed a libelous act by creating a conflict stemming from Plaintiff's own violations of Defendant's publicly stated principles, namely in regard to the "killing and eating of animals."

18. Counsel was able to determine that although Plaintiff is 70% *frugivorous* (a fruit eater), he has personally slain and eaten, or has eaten while still living, numerous birds, small vertebrates, and frogs. Hence, by falsely claiming to represent his interests, PETA has publicly made Mr. Macaque appear hypocritical, potentially damaging his reputation as an up-and-coming maker of "selfies".

20. The potential earnings for a popular "selfie star" can be considerable, and Plaintiff will demonstrate that his own potential market value in this regard is substantial owing to the fact that he is "a fine looking monkey."

Prayer for Relief

WHEREFORE, Plaintiff respectfully requests relief from this Court as follows:

a. Defendant shall be enjoined from further claiming to represent the Plaintiff or the interests of any animal in litigation regarding intellectual property.

b. Defendant shall be enjoined from further referring to Plaintiff as "Naruto" because that name is stupid.

c. An award for damages in the amount of (7) bananas, (2) lizards, and (1) frog, plus legal expenses.

d. Plaintiff reserves the right to throw poo at agents, employees, and/or representatives of Defendant with impunity.