

Bathroom Reader

The More You Go, The More You Know

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MONKEY BUSINESS



Can a monkey own a copyright in a photo?

Such was the issue in the case of the famous "monkey selfie."

In 2011 David Slater traveled to Indonesia to photograph the vast array of wildlife. While on his expedition, Slater ran into some crested black macaques and one of the curious monkeys began to fiddle with Slater's camera. The unexpected result: a perfect, candid selfie.

Four years later, PETA sued Slater on behalf of Naruto, the monkey who took the selfie, to defend his copyright in the "monkey selfie." The U.S. District Court for the Northern District of California ruled against poor Naruto in holding that the Copyright Act does not extend to animals. PETA appealed to the Ninth Circuit but has now entered into a tentative settlement with Slater which will entail PETA dropping the suit and Slater donating 25% of any future earnings from the monkey selfie to Indonesian monkey-related charities.

DO YOU KNOW WHERE YOUR BEER COMES FROM?

After discovering that their pricey Hawaiian-themed beer was actually made on the mainland, two

Californian beer-enthusiasts sued the maker of Kona Craft beer for deceptive marketing.

The plaintiffs argued that the beer bottle's imagery of Hawaiian scenery and culture (beaches, volcanos, surfing, hula dancing, etc..) leads consumers to reasonably believe that Kona beer was made in and imported from Hawai'i, which would induce them to pay more. In reality, Kona Brewing Co. does have a brewing facility and pub in Hawai'i that serves as one of many such facilities. But the pricey Big Waves consumed on the mainland are typically brewed in New Hampshire, Oregon, Tennessee, or Washington state.

Kona Brewing Co. argues that despite their product's exotic labeling, the true origin of each beer is clearly displayed on the packaging.

The plaintiffs seek class action status which means the suit could potentially result in refunds for Kona-beer-purchasers nationwide. Interestingly enough, this is just one of the many deceptive marketing lawsuits against beer makers in the U.S.



NETFLIX: "PLEASE DON'T RESIST OUR CEASE-AND-DESIST LETTER"



Cease-and-desist letters are one of the more *threatening* forms of legal discourse (less Mr. Rogers, more Conan the Barbarian). They're unregulated, so authors tend to err on the side of scaring recipients into surrender. So, heads were turned when lawyers at Netflix sent a *friendlier* cease-and-desist to the operators of a bar themed after the hit show, *Stranger Things* (which is totally a throwback to the 80's culture, but what-ever!).

Netflix's letter was peppered with cute references to the show, plus some downright politeness: "You're obviously creative types, so I'm sure you can appreciate that it's important to us to have a say in how our fans encounter the worlds we build," (and again, the 'world' they 'built' is 1980s America). But the creativity and tone of the letter show a growing awareness that actions of corporate lawyers are a reflection on the corporate brand, so be a righteous dude.