
LEGAL ACTION - TASINI & GEOGRAPHIC UPDATES

March 6, 1998

A friend-of-the-court brief has been filed in the U.S. Court of Appeals for the 2nd Circuit of New York in support of the Tasini v. New York Times appeal.

This case was brought by authors against the Times and other publications which had re-used their work in electronic databases without notification or compensation. The case was tried in 1996 with the initial decision published in August 1997. The authors' brief in the appeal says that the copyright law "was twisted beyond recognition," due to the judge's "faulty analysis."

The brief was prepared by the American Society of Media Photographers (ASMP) and endorsed by the Professional Photographers of America (PPA), Advertising Photographers of America (APA), Picture Agency Council of America (PACA), American Society of Picture Professionals (ASPP), North American Nature Photography Association (NANPA), American Institute of Graphic Arts, American Society of Journalists and Authors, Authors Guild, Garden Writers Association of America, Graphic Artists Guild, Independent Writers of Southern California, Outdoor Writers Association of America, PEN Center USA West, Science Fiction and Fantasy Writers of America, Society of American Travel Writers Freelance Council, Volunteer Lawyers for the Arts, Washington Independent Writers, Writers Guild of America East and Writers Guild of America West.

According to Patricia Fetch of the Chicago law firm of Peterson & Ross, who is directing the appeal, final paperwork from both sides is due April 7, to be followed by oral arguments, probably in April or May.

Geographic CD-ROM

In December, Jerry and Idaz Greenberg filed suit against National Geographic for copyright infringement in connection with the use of their images in Geographic's 30-disc set of CD-ROMs. The case was brought in federal court in the Southern District of Florida.

Geographic refused to settle and has chosen to move ahead with litigation. It appears that Geographic believes any settlement will result in a landslide of claims from hundreds of photographers who would expect similar treatment. Therefore, it appears Geographic intends to force litigation of every claim.

The Greenbergs and their lawyer, Norman Davis, have a history of successful litigations against other infringers. In one case reported in the March 1994 issue of Taking Stock Stanley Michael's Inc. a T-shirt manufacturer settled for \$195,000 just prior to the case being heard in federal court.

The Greenberg case will probably be the first to go to trial, and this might take place as early as sometime this summer. Another suit has been filed in New York by Douglas Faulkner, Louis Psihoyos and Matrix stock agency. There are at least 40 other claimants who have retained counsel and will be closely watching the results of the Greenberg case.

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