

HEARD ON THE BEAT
Republishing Rights:

By GREG MILLER

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Since 1888, National Geographic Society has undertaken some of the most daunting journalistic missions imaginable, sending writers and photographers to retrieve captivating images and stories from the most remote corners of the globe. Now the society's multimedia division is in the midst of a breathtaking mission of its own: cramming 108 years' worth of magazines into a boxed collection of CD-ROMs.

"The code name for the project is 'Everest,'" said Larry Lux, managing director of National Geographic Interactive in Washington. The project involves digitally scanning an estimated 175,000 pages of text, pictures and even advertisements, Lux said. But as it turns out, an even tougher task is acquiring the legal right to republish all that printed material in digital form.

Through its history, much of the magazine's content has been supplied by freelance writers and photographers who were paid by the assignment. Most of those contracts were drafted long before CD-ROMs even existed, so getting permission to republish the material digitally means new deals have to be negotiated.

The issue has become a thorny one for freelance photographers and writers, many of whom are concerned that unless they are diligent, they may see little of the revenue their old works generate in new electronic media. "I feel that photographers' rights are being eroded right now," said George Steinmetz, a Los Angeles photographer who has done about six assignments for National Geographic over the last decade.

Securing electronic publishing rights can be a challenge for a magazine trying to put together a year-end issue on CD-ROM, let alone one trying to encapsulate more than a century of material submitted by thousands of contributors, many of whom are no longer alive. Lux says the magazine still isn't sure how it will accomplish the task. "What we're doing is poring over" old contracts, he said, "and until we're done it's hard to say how it's going to shake out."

For starters, National Geographic has enlisted the help of a Mill Valley company, Total Clearance, that specializes in negotiating and clearing electronic publication rights. Jill Alofs, founder of the company, said Total Clearance has spent the last six years assembling a huge database of addresses and phone numbers for writers and photographers, as well as actors, announcers and any other professionals whose material might be of digital use.

Still, she said, a project like National Geographic's will take months to complete, and even then will involve compromise. "You're obligated to do your best to clear the rights," she said. "If we try to locate an individual and can't find him, but have a huge paper trail, we can say we've done due diligence. But you're still assuming a risk." The risks, she said, include being sued and having the product pulled from store shelves.

The whole process is being monitored by trade associations, such as the American Society of Journalists and Authors, and other groups whose members have something at stake in the project. The payments for electronic rights vary widely, depending on the work and the way it will be used. Steinmetz said that these days, publications will sometimes pay as much as \$100 extra per day to acquire upfront the digital rights to pictures from an assignment.

But in the case of National Geographic's CD-ROM project, he said, a fair payment might be a royalty of a few pennies for every 100 boxes sold. "The general guideline for pricing pictures is what it's worth to the end user," he said. Meanwhile, Lux and his staff are still shooting for a fall release of the boxed set, which will include about 30 CD-ROMs and cost about \$199.

Lux said the collection is designed primarily for use by schools and longtime subscribers who until now have kept copies of the yellow-bordered magazine in growing piles.

"This is not budgeted to be a profit generator," Lux said. "We're not doing Myst or Duke Nukem here."