

James H. Pickerell

110 Frederick Avenue, Suite A
Rockville, Maryland 20850
301-251-0720
Fax: 301-309-0941
E-mail: jim@chd.com

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Dear Photographer:

National Geographic has published a set of CD-ROM discs with every published story and picture in the 108 year history of the magazine.

They are paying the photographers and writers *nothing* for this use. The work of thousands of creators has been appropriated for this new commercial project.

We believe the creators have a right to compensation based on the following:

1 - Geographic has totally ignored the contracts *they* drafted and required photographers to sign before the photographers were given assignments. These contracts specify that the photographers will be paid for "further use" with a few very specific exceptions. Electronic use is not one of the exceptions.

2 - Normal stock licensing agreements prohibit any further use unless rights are negotiated prior to the use or release of the new product.

3 - This is clearly a new product on a different media, allowing different functions such as index search and printing out of pages, with a different copyright, very different advertising and marketed in a totally different way.

4 - They have sold advertising space on the CD-ROM discs to Kodak as well putting their own National Geographic ads on the discs and in the product package.

5 - They have transferred the rights to use the images, including all of their "collective works" copyrights to another company in violation of their agreements with stock agencies.

6 - Future Publishing in the United Kingdom, a wholly different company, has registered copyright to some of the work.

7 - Normal industry practices prohibit the transfer to third parties of images supplied to a publisher for use, unless the publisher has permission from the photographer. Geographic has made several such transfers in the process of producing and marketing this disc product.

8 - The images can be easily downloaded and printed without the photographer's name or copyright information attached. The quality is excellent and sufficient for many types of further reproduction.

9 - Geographic intends to sell this product for decades.

10 - Early sales are reported to be very brisk.

11 - Many photographers who did assignments for National Geographic have valid copyrights to the supplied images and these copyrights are registered with the U.S. Copyright office.

Our concern is not just for this particular use, but for the precedent it sets for all future electronic re-use of photographs initially published in magazines.

If a major publisher such as National Geographic Magazine can get away with such a blatant appropriation, in spite of contractual agreements and copyrights, other publishers are sure to follow. Re-use fees will be lost. In this new electronic environment years of re-use of any picture or story may be much more valuable than the initial use.

On the other hand, if we can find a way for photographers and their representatives to be compensated for these electronic uses it could also set a positive precedent for future uses.

A dozen photographers representing over 2700 images have hired a lawyer to open preliminary discussions with National Geographic. Geographic has shown a willingness to talk, but frankly that is not likely to last long if there is not strong evidence that photographers and stock agencies care enough about being paid for these electronic uses to fight.

Everyone is important. Suppliers of one or two images are just as important at major contributors. We need to be able to show the court that all image sellers are concerned about this use. If we are willing to allow this use with only minor and unorganized complaints, National Geographic will probably ignore those few who are currently leading the fight.

We need to demonstrate that we care enough to finally draw a line at the slow chipping away of our rights. We need to begin to build a fund as a preliminary step to filing suit, if that proves to be necessary.

To this end I would ask the following:

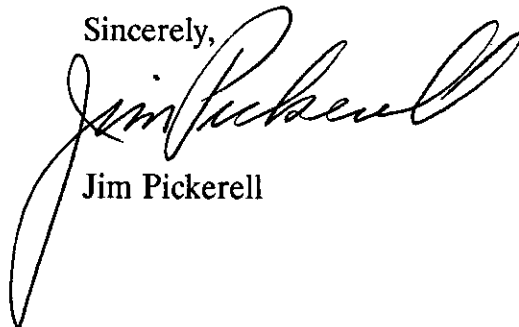
1 - Contribute \$50 (or \$2.00 per image published in National Geographic Magazine, if you have had more than 25 images published.) Make your check payable to Jim Pickerell and write on it "For Geographic Action." The check, now, simply shows a good faith interest to become involved. The funds will be held in a separate bank account and not used until we contact you later with a detailed plan for their use. At that point, if you do not agree with the proposed use, your money will be refunded. (You can contribute anonymously, if you like.)

2 - Check the enclosed list. If you know or have addresses for any of the photographers on the list please make a copy of this letter and sent it to the photographer. Encourage them to support our efforts. This list only covers photographers who were published between 1986 and 1995. There are many other photographers, published in National Geographic Magazine prior to 1986 that are equally entitled to compensation. If you know any of those who were published earlier, please send a copy of the letter to them also.

3 - Fill out the attached form below and return it with your check.

The future of compensation for re-use in the electronic environment is at stake.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Pickerell". The signature is fluid and cursive, with a long, sweeping underline that extends to the left and loops back under the name.

Jim Pickerell

To: Jim Pickerell

I believe freelance photographers have a right to compensation for the use of their images in "108 Years of National Geographic Magazine on CD-ROM" project that has already been published.

[] You may use my name in discussions with National Geographic.

[] Please do NOT use my name in discussions with National Geographic.

Signature

Print Name

Date

Mail to: Jim Pickerell, 110 Frederick Avenue, Suite A, Rockville, MD 20850