

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

JERRY GREENBERG, individually,  
and IDAZ GREENBERG, individually,

Plaintiffs,

CASE NO. 97-3924  
CIV-LENARD  
Magistrate Judge Turnoff

vs.

NATIONAL GEOGRAPHIC  
SOCIETY, a District of Columbia  
corporation, NATIONAL GEOGRAPHIC  
ENTERPRISES, INC., a corporation,  
and MINDSCAPE, INC., a  
California corporation,

Defendants.

---

**AFFIDAVIT OF JERRY GREENBERG**

Jerry Greenberg appeared before the undersigned authority and stated as follows:

1. My name is Jerry Greenberg. The statements in this affidavit are based on my personal knowledge.
2. I have been a professional photographer for more than 40 years. During most of that time, with Idaz Greenberg, I also have engaged in a small publishing business, based in Miami, Florida, under the name Seahawk Press.
3. Starting in the early 1960s, I provided to the National Geographic Society ("the Society") over a period of time many hundreds of photographs, some of which were utilized in various articles appearing in issues of the monthly Society magazine.

PRIME  
COPY

4. I have been advised by various managers and employees of the Society that the Society continues to have possession or control over hundreds of photographs taken by me, or duplicates, or electronically scanned images of the photographs. I have copyright in some of those photographs, and the Society has proprietary rights to others.

5. In 1997, I purchased in Miami, Florida a product called The Complete National Geographic, consisting of approximately 30 CD-ROM discs on which are produced more than 1,200 issues of the Society's monthly magazine ("the Complete Geographic").

6. More than a dozen photographs on which I hold exclusive copyright interest are included in the Complete Geographic. I was never asked for my consent to include those photographs, and I never provided consent in any form.

7. On December 18, 1985, the Society assigned to me copyright interest in my photographs that had appeared in issues of the monthly magazine in 1962, 1968 and 1971. That assignment was recorded in the U. S. Copyright Office on September 16, 1988. Copies of the assignment and Certificate of Recordation are attached to this affidavit and incorporated as Attachment 1.

8. As expiration neared for the copyright in the 1962 photographs, I renewed the copyright in December 1989. A copy of the renewal form is attached to this affidavit and incorporated as Attachment 2.

9. As expiration neared for the copyright in the 1968 photographs, I renewed the copyright in March 1996. A copy of the renewal form is attached to this affidavit and incorporated as Attachment 3.

10. On June 14, 1989, I entered into an agreement with the Society to produce original photographs to be incorporated in a 1990 magazine article on the Pennekamp Reef Park. In paragraph 5, the agreement provided that copyright in the new photographs to be taken for the 1990 article would inure to the Society, but that after publication all photographs would be returned to me along with all rights to said photographs. In addition, I provided to the Society \_\_\_\_\_ stock photos from my personal archive. A copy of the agreement is attached to this affidavit and incorporated as Attachment 4.

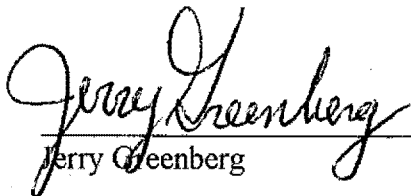
11. The photographs utilized in the article described in paragraph 10 above were returned to me by the Society in the spring of 1990. In July 1990, I registered my copyright with the U. S. Copyright Office. A copy of the registration form is attached to this affidavit and incorporated as Attachment 5.

12. Early in 1997 I became aware that the Society was intending to begin the distribution and sale of the Complete Geographic at some time in 1997. In 1997, through my legal counsel, I expressly informed the Society that I would not agree to the inclusion in that product of my copyrighted photographs, and I warned against their inclusion. The Society never responded on the matter.

13. I have read the Declaration of Thomas Stanton, an exhibit to the Memorandum of Law in Support of Defendants' Motion to Dismiss Count II and to Dismiss or for Summary Judgment on Counts III-IV of Plaintiffs' Amended Complaint. Mr. Stanton states, in paragraph 9, that he wrote a letter, dated May 11, 1997, notifying all contributors to the magazine of the pending release of the Complete Geographic. I never received that letter, or any communication from the Society, with reference to the Complete Geographic product.

14. In July 1997, I ordered from Mindscape Direct a CD-ROM excerpt from the Complete Geographic product that covered only the decade of the 1990s. The CD-ROM for that decade was delivered to me some weeks later. The invoice from Mindscape Direct covering the transaction is attached to and incorporated in this affidavit as Attachment 6.

AFFIANT SAID NOTHING FURTHER.

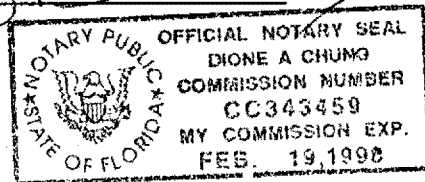
  
Jerry Greenberg

STATE OF FLORIDA     )  
                                  ) ss  
COUNTY OF DADE     )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of February, 1998, by Jerry Greenberg, who was sworn and who said that the information set forth above is true and correct to the best of his knowledge and belief. Mr. Greenberg is personally known to me, or produced known as personal identification.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



# National Geographic Society

WASHINGTON, D. C. 20036

SUZANNE DUPRÉ  
CORPORATE COUNSEL

December 18, 1985

Mr. Jerry Greenberg  
SEAHAWK PRESS  
6840 SW 92nd Street  
Miami, Florida 33156

Dear Mr. Greenberg:

In reply to your letter of November 15th to Mr. Garrett, the National Geographic Society hereby assigns to you all right, title and interest, including copyright, in your photographs appearing in National Geographic Magazine, as follows:

-- January, 1962  
Vol. 121, No. 1

Photos on cover and  
pages 58 through 89

Registration No. B-960824  
Date: March 22, 1962

-- February, 1968  
Vol. 133, No. 2

Photos on cover and pages 222-223, 225,  
226-227, 238, 240-241 and 251

Registration No. B-402772  
Date: January 31, 1968

-- May, 1971  
Vol. 139, No. 5

Photos on pages 674 through 683

Registration No. B-701984  
Date: July 15, 1971

District of Columbia

Subscribed and sworn to before

me this 18TH day of

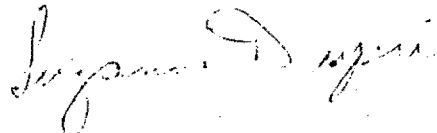
DECEMBER 1985

Jessie R. Bennett  
Notary Public

WASHINGTON, D. C.

My Commission Expires January 31, 1988

Sincerely yours,



cc: W. E. Garrett, Editor

Copyright  
Office  
of the  
United  
States

THE  
LIBRARY  
OF  
CONGRESS

3 - DIFFERENT  
NATIONAL  
GEOGRAPHIC  
COPYRIGHTS

Copy  
←

## Certificate of Recordation

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT WAS RECORDED IN THE COPYRIGHT OFFICE ON THE DATE AND IN THE PLACE SHOWN BELOW.

THIS CERTIFICATE IS ISSUED UNDER THE SEAL OF THE COPYRIGHT OFFICE.

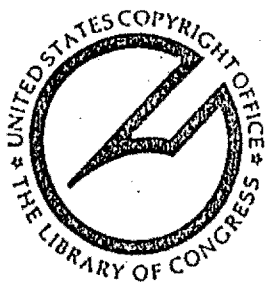
DATE OF RECORDATION

16Sep88

VOLUME PAGE

2391 422

VOLUME PAGE



OFFICIAL SEAL

Register of  
Copyrights and  
Assistant  
Librarian for  
Copyright  
Services

# CERTIFICATE OF RENEWAL REGISTRATION



This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 304 of title 17, United States Code, attests that renewal registration has been made for the work identified below. The information has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS  
United States of America

**FORM RE**  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER	
RE	478-546
EFFECTIVE DATE OF RENEWAL REGISTRATION	
DEC 29 1989	
(Month) (Day) (Year)	

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

<b>1</b> Renewal Claimant(s)	RENEWAL CLAIMANT(S), ADDRESS(ES), AND STATEMENT OF CLAIM: (See Instructions)	
	1	Name... <u>Jerry Greenberg</u> Address... <u>6840 SW 92nd Street Miami, FL 33156</u> Claiming as... <u>creator Proprietor of copyright in a work made for hire *</u> <small>(Use appropriate statement from instructions)</small>
	2	Name..... Address..... Claiming as..... <small>(Use appropriate statement from instructions)</small>
	3	Name..... Address..... Claiming as..... <small>(Use appropriate statement from instructions)</small>

**TITLE OF WORK IN WHICH RENEWAL IS CLAIMED:**

National Geographic

**RENEWABLE MATTER:**

photographs appearing on cover and pages 58 thru 89

**CONTRIBUTION TO PERIODICAL OR COMPOSITE WORK:** Florida's Coral City Beneath the Sea.

Title of periodical or composite work: Key Largo Reef: America's First Undersea Park

If a periodical or other serial, give: Vol. 121 No. 1 Issue Date January, 1962

**3**

**AUTHOR(S) OF RENEWABLE MATTER:**

National Geographic Society \*

**4**

**ORIGINAL REGISTRATION NUMBER:**

\* VA 402-545

**ORIGINAL COPYRIGHT CLAIMANT:**

National Geographic Society : original claimant assignment of copyright to Jerry Greenberg 12/18/85 Cert. of Recordation 16/Sept88, Vol 2391, pg.422

**ORIGINAL DATE OF COPYRIGHT:**

• If the original registration for this work was made in published form, give:

DATE OF PUBLICATION: March 22, 1962

(Month) (Day) (Year)

OR

• If the original registration for this work was made in unpublished form, give:

DATE OF REGISTRATION: .....

(Month) (Day) (Year)

Facts of Original Registration

*Amended by Copyright Office RE 478-546	EXAMINED BY: <i>BC</i>	RENEWAL APPLICATION RECEIVED:	FOR COPYRIGHT OFFICE USE ONLY
	CHECKED BY: .....	JAN 23 1990 <del>DEC 2 9 1989</del>	
	DEPOSIT ACCOUNT FUNDS USED: <input type="checkbox"/>	REMITTANCE NUMBER AND DATE:	

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

**RENEWAL FOR GROUP OF WORKS BY SAME AUTHOR:** To make a single registration for a group of works by the same individual author published as contributions to periodicals (see instructions), give full information about each contribution. If more space is needed, request continuation sheet (Form RE/CON).

5

Renewal  
for Group  
of Works

1	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
2	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
3	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
4	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
5	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
6	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)
7	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: .....	(Month) (Day) (Year)

**DEPOSIT ACCOUNT:** (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: .....

Account Number: .....

**CORRESPONDENCE:** (Give name and address to which correspondence about this application should be sent.)

Name: Jerry Greenberg

Address: 6840 SW 92nd Street

Miami, Florida 33156

(City) (State) (ZIP)

6

Fee and  
Correspondence

**CERTIFICATION:** I, the undersigned, hereby certify that I am the: (Check one)

renewal claimant  duly authorized agent of: .....

of the work identified in this application, and that the statements made by me in this application are correct to the best of my knowledge.

Handwritten signature: *Jerry Greenberg*

Typed or printed name: Jerry Greenberg

Date: January 16, 1990

7

Certification  
(Application  
must be  
signed)

Jerry Greenberg

(Name)

6840 SW 92nd Street

(Number, Street and Apartment Number)

Miami, Florida 33156

(City) (State) (ZIP Code)

MAIL  
CERTIFICATE  
TO

(Certificate will  
be mailed in  
window envelope)

8

Address for  
Return of  
Certificate



# CERTIFICATE OF REGISTRATION

# FORM RE

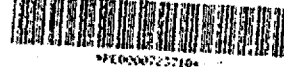
UNITED STATES COPYRIGHT OFFICE



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Margbeth Peters*

RE 723-710



\*PC000025710\*

EFFECTIVE DATE OF RENEWAL REGISTRATION

March ..... 12 ..... 1996 .....

REGISTER OF COPYRIGHTS  
United States of America

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

**1 RENEWAL CLAIMANT(S), ADDRESS(ES), AND STATEMENT OF CLAIM: (See Instructions)**

**1**  
Renewal Claimant(s)

1	Name <b>Jerry Greenberg</b> Address <b>6840 SW 92nd Street, Miami, Florida 33156</b> Claiming as <b>Proprietor of copyright in a work made for hire.</b> <small>(Use appropriate statement from instructions)</small>
2	Name ..... Address ..... Claiming as ..... <small>(Use appropriate statement from instructions)</small>
3	Name ..... Address ..... Claiming as ..... <small>(Use appropriate statement from instructions)</small>

**TITLE OF WORK IN WHICH RENEWAL IS CLAIMED:**

**NATIONAL GEOGRAPHIC Sharks: Wolves of the Sea**

**RENEWABLE MATTER:**

**photographs appearing on cover and on pages 222, 223, 225, 226, 227, 238, 240, 241, 251, 256 & 257**

**CONTRIBUTION TO PERIODICAL OR COMPOSITE WORK: SHARKS: Wolves of the Sea.**

Title of periodical or composite work: **SHARKS: Wolves of the Sea**  
If a periodical or other serial, give: Vol. **133** No. **2** Issue Date **February, 1968**

**3 AUTHOR(S) OF RENEWABLE MATTER:**

**National Geographic Society**

**4 ORIGINAL REGISTRATION NUMBER:**

**B-402-772**

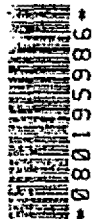
**ORIGINAL COPYRIGHT CLAIMANT:**

**National Geographic Society: original claimant  
Assignment of copyright to Jerry Greenberg 12/18/85  
Certificate of Recordation 16/Sept 88, Vol. 2391  
page 422**

**ORIGINAL DATE OF COPYRIGHT:**

• If the original registration for this work was made in published form, give: DATE OF PUBLICATION: **January \*12, 51, 1968** } OR { • If the original registration for this work was made in unpublished form, give: DATE OF REGISTRATION: .....

COLLECTION



\*080195986\*

*Amended by Copyright Office	EXAMINED BY: .....	RENEWAL APPLICATION RECEIVED:	FOR COPYRIGHT OFFICE USE ONLY
	CHECKED BY: <i>JG</i>	JAN 11 1996	
	DEPOSIT ACCOUNT FUNDS USED: <input type="checkbox"/>	REMITTANCE NUMBER AND DATE:	
		FUND RECEIVED MAR 12 1996	

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

**RENEWAL FOR GROUP OF WORKS BY SAME AUTHOR:** To make a single registration for a group of works by the same individual author published as contributions to periodicals (see instructions), give full information about each contribution. If more space is needed, request continuation sheet (Form RE/CON).

5

Renewal for Group of Works

1	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
2	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
3	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
4	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
5	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
6	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	
7	Title of Contribution: .....	Vol. .... No. .... Issue Date .....
	Title of Periodical: .....	Registration Number: .....
	Date of Publication: (Month) (Day) (Year)	

**DEPOSIT ACCOUNT:** (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: .....

Account Number: .....

**CORRESPONDENCE:** (Give name and address to which correspondence about this application should be sent.)

Name: **Jerry Groenberg**

Address: **6840 SW 92nd Street**

**Miami, Florida 33156** (Apt.)

(City) (State) (ZIP)

6

Fee and Correspondence

**CERTIFICATION:** I, the undersigned, hereby certify that I am the: (Check one)

renewal claimant       duly authorized agent of: .....

of the work identified in this application, and that the statements made by me in this application are correct to the best of my knowledge.

Handwritten signature: (X) *Jerry Groenberg* (Name of renewal claimant)

Typed or printed name: **Jerry Groenberg**      Date: **January 10, 1996**

7

Certification (Application must be signed)

**Jerry Groenberg** (Name)

**6840 SW 92nd Street** (Number, Street and Apartment Number)

**Miami, Florida 33156** (City) (State) (ZIP code)

MAIL CERTIFICATE TO

(Certificate will be mailed in window envelope)

8

Address for Return of Certificate

# National Geographic Magazine

WASHINGTON, D. C. 20036

KENT J. KOBERSTEEN  
ASSISTANT DIRECTOR OF PHOTOGRAPHY

June 14, 1989

Mr. Jerry Greenberg  
6840 S.W. 92nd Street  
Miami, FL 33156

Dear Jerry:

This letter, when signed by both parties, will constitute your agreement as a freelance photographer with the National Geographic Society ("NGS") to photograph Pennockamp Reef Park (#05738) for National Geographic Magazine.

1) This assignment will extend for 20 days. Your compensation will be at the rate of:

(a) \$350 per day for days spent shooting or in field research (i.e., research directly germane to producing the coverage); and

(b) one half of the above rate per day for days spent in travel (including arranging or waiting for travel); on standby, in the field or elsewhere; or in consulting with NGS editors ("editorial days").

2) Your compensation is subject to the following provisions:

(a) Work beyond the anticipated assignment days mentioned above will be compensated at the same daily rates as above. Should it become necessary to extend this assignment for additional days, you must get authorization to do so from the Director of Photography, the Assistant Director of Photography or the Illustrations Editor assigned to the project.

(b) The total compensation paid to you for this assignment will be applied against the page rate of \$300 a page for the National Geographic Magazine, or a minimum of \$100 a transparency, whichever is greater.

3) When working for NGS, you will carefully avoid doing similar work for publications which NGS would consider to be editorially competitive with it. You will advise NGS promptly of any possible conflict of interest that may develop. You also will take care not to grant any prepublication interviews or assist in any way in the preparation of any prepublication articles or other press coverage in any medium which would reveal the subject matter, editorial content or the scheduling of an assignment, article or story for the National Geographic Society.

4) By this Agreement you warrant to NGS that publication of any photographs taken by you on this assignment will not infringe upon any right of privacy, copyright or any other proprietary right of a third party.

5) All photographs taken by you under this Agreement will be considered as specially commissioned for use by NGS and upon creation all rights, including the copyright and world publication rights, to these photographs will automatically, by virtue of this Agreement, be deemed transferred exclusively and indefinitely to NGS, subject to the following provisions:

(a) all photographs will be returned to you along with all rights to said photographs under the following conditions: (i) none may be made available to anyone for publication until sixty days after NGS has published its selections; (ii) it is understood that any necessary rights clearance or release for non-NGS publication is your independent responsibility; and (iii) NGS may make and retain copies of some of the photographs ("reference selects") for reference purposes only in its Illustrations Library;

(b) you grant to NGS without additional charge the right to use your name, likeness and biographical material in connection with the publication of any photographs retained by NGS under this Agreement;

(c) NGS may crop your photographs.

6) You undertake all work under this Agreement as an independent contractor. NGS assumes no responsibility for your health, safety or property or that of any person accompanying or assisting you. While on assignment in the field you will be covered by NGS's accident insurance policy, which provides a payment of \$200,000 to you in the event of total disability or to your beneficiary, specified below, in the event of death, and lesser coverage for other injuries. The policy also provides up to \$10,000 for excess medical coverage, i.e. for costs beyond those covered by your own personal accident and health coverages. The above coverage is restricted to you alone.

7) While you are on NGS assignment, NGS will pay or reimburse you for all reasonable expenses and will supply you with film and processing. At the close of this assignment you will provide NGS with a diary of your activities while on assignment, including an accurate and complete record of the people and places represented in your photographs. A final accounting of expenses, supplies, etc. for an assignment will be due to NGS no later than two weeks after the work on that assignment is finished. Failure to reconcile expense/supply accounts with NGS in a timely manner may impede payment of fees.

8) Your work on this assignment will not be considered complete until so indicated by the Illustrations Editor. At the end of the assignment you will deliver to NGS all photographs you have taken on this assignment as well as complete captions for your photographs. You will be available for a projection session with the editor to explain your work. If you are

Mr. Jerry Greenberg  
(Pennekamp Reef Park/#05738)

June 14, 1989

called back for editorial consultation, you will be paid a fee of \$175 per day plus expenses.

9) This agreement cannot be modified except by written instrument signed by both of us.

If the foregoing is acceptable, please sign and return the enclosed copy of the Agreement to me.

Sincerely yours,  
NATIONAL GEOGRAPHIC SOCIETY

By Kent J. Kobersteen  
Kent J. Kobersteen

Agreed to and Accepted:

Jerry Greenberg  
Name

JUNE 14, 1989  
Date

# 431-523-822  
Social Security/  
Federal ID#

JERRY GREENBERG  
Check to be Written  
to the Order of

JERRY GREENBERG  
Credit Line to read

ALL RIGHTS RESERVED

IDAZ GREENBERG  
Insurance Beneficiary

WIFE  
Relationship to you

6840 SW 92ND ST  
Address

MIAMI, FL. 33156  
Address

Address

(For NGS records):  
Executed copy received:

\_\_\_\_\_  
Date

KJK/mac

# CERTIFICATE OF COPYRIGHT REGISTRATION



This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

**ORM VA**  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER  
VA **417 426**

EFFECTIVE DATE OF REGISTRATION  
VA **JUL 27 1990** VAU

Month Day Year  
JUL 27 1990

OFFICIAL SEAL

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

**1** FLORIDA'S CORAL REEFS ARE IMPERILED

NATURE OF THIS WORK ▼ See instructions

photographs

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

National Geographic Magazine

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼ On

Vol. 178, No.1 July, 1990 pgs. 114-132 + assgmt

NAME OF AUTHOR ▼

**2** a Jerry Greenberg

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼  
1927

Was this contribution to the work a "work made for hire"?  
 Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country  
OR { Citizen of ► USA  
Domiciled in ► USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

photographs on pages 114, 115, 118, 119, 120, 121, 122, 123, 126, 127, 130, 132 +

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼ On Assign

Was this contribution to the work a "work made for hire"?  
 Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of country  
OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
 Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country  
OR { Citizen of ►  
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

**3** a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases.  
1990 Year

**3** b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published. Month ► July Day ► 1 Year ► 1990

**4** COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Jerry Greenberg  
6840 SW 92nd Street  
Miami, Florida 33156

APPLICATION RECEIVED  
JUL 27 1990  
ONE DEPOSIT RECEIVED  
JUL 27 1990  
TWO DEPOSITS RECEIVED

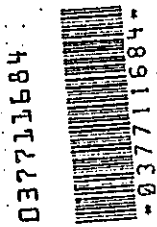
TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

REMITTANCE NUMBER AND DATE

**MORE ON BACK** ► Complete all applicable spaces (numbered) on this page. See detailed instructions.

DO NOT WRITE HERE  
Page 1 of 2 pages

**NOTE**  
Under the law, the "author" of a work is the person who creates the work.



\* Amended by C.O. per authority of telephone call on October 17, 1990 with Jerry Greenberg.

VA 417 426

EXAMINED BY *me*

FORM VA

CHECKED BY *JB*

CORRESPONDENCE  
Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼
- This is the first published edition of a work previously registered in unpublished form.
- This is the first application submitted by this author as copyright claimant.
- This is a changed version of the work, as shown by space 6 on this application.

5

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

B-960824

March 22, 1962

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

U/W panorama on pages 118, 119 & 120 originally appeared on pages 58-59 in January, 1962 edition Vol. 121, No.1 issue of National Geographic Magazine

See instructions before completing this space.

6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Reconstruction of coral reef panorama in color and details on pages 118, 119, & 120 and additional new photographs listed at space 2.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Jerry Greenberg  
6840 SW 92nd Street  
Miami, Florida 33156

Area Code & Telephone Number ▶ 305/ 667-4051

Be sure to give your daytime phone number.

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▼

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of \_\_\_\_\_

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Jerry Greenberg

date ▶ July 25, 1990

Handwritten signature (X) ▼

*Jerry Greenberg*

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name ▼	Jerry Greenberg
Number/Street/Apartment Number ▼	6840 SW 92nd Street
City/State/Zip ▼	Miami, Florida 33156

**YOU MUST!**

- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL 3 ELEMENTS IN THE SAME PACKAGE!**

1. Application form
2. Non-refundable \$10 filing fee in check or money order payable to Registrar of Copyrights, Deposit material.

REGISTRAR OF COPYRIGHTS  
U.S. DEPARTMENT OF COMMERCE  
WASHINGTON, D.C. 20540

9

\* 17 U.S.C. 1506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# Mindscape Direct

1351 Ocean Avenue · Emeryville · CA · 94608-1128  
(510) 652-5464 - offices · (510) 652-5040 - fax

STATEMENT ENCLOSED

# INVOICE

Invoice 792299  
Customer 6740106



### SHIP TO:

JEROME GREENBERG  
SEAHAWK PRODUCTS  
6840 SW 92ND ST  
MIAMI FL 33156

### BILL TO:

JEROME GREENBERG  
SEAHAWK PRODUCTS  
6840 SW 92ND ST  
MIAMI FL 33156

PLEASE OPEN IMMEDIATELY

ORDER DATE 07/28/97	INVOICE DATE 09/15/97	SHIP VIA UPS Ground	SALES REP F800	DISK SIZE CD	AUTHORIZED MARIA
PAYMENT Visa	TERMS 10 Days	CHK/CC NUMBER partial: 4340		CHK/CC DATE 11/30/1998	AUTHORIZATION PREVIEW

# CODE	ITEM DESCRIPTION	REGISTRATION CODE	QTY	UNIT	EXTENDED
1 NG4-ABODE	Universe Beyond	1351	1	0.00	0.00
2 NG4-ABODE	N. Geographic: Continuity for Win	1762	1	9.95	9.95

RED DOT

SEND CHECK

#1581  
PAID

Thank You

SUBTOTAL	TAX AMOUNT	SHIPPING	TOTAL	BALANCE DUE
9.95	0.00	3.95	13.90	13.90

Detach here and keep this top portion for your records.  
Return this bottom portion with your payment.

JEROME GREENBERG  
SEAHAWK PRODUCTS  
6840 SW 92ND ST  
MIAMI FL 33156

Invoice 792299  
Customer 6740106

#### Payment Method

VISA  MasterCard  American Express

Discover  Check/Money Order  
PAYABLE TO MINDSCAPE DIRECT

Account Number

Expiration Date

Signature (required for credit card purchases)

Thank you for ordering your FREE, 10-day preview of National Geographic: The '90s! If you are not completely satisfied, simply call 1-800-888-9078 to arrange for the product to be returned at our expense. If we've not heard from you by 10/15/97, your acceptance of this product will be assumed, your credit card will be charged the amount indicated below and you'll be sent the next decade in the series for another FREE, 10-day preview.

PS. Enjoy the Complete National Geographic 30 CD-ROM set and save \$69.10 right now, by returning this form with one payment of only \$149.95 plus S&H charges. And as with all National Geographic products, your satisfaction is 100% guaranteed!

Check the box to indicate your purchase choice and payment amount — Thank you!

Here's my payment. Please send me the next decade in the National Geographic series.

NOTE: If we don't hear from you, your previously provided credit card will be charged the amount indicated below.

OR

Subtotal	Sales Tax	Shipping	Total	Balance Due
9.95	0.00	3.95	13.90	13.90

YES, rush me all remaining decades of the Complete National Geographic 30 CD-ROM set!

Subtotal	Sales Tax	Shipping	Total	Balance Due
149.95	0.00	9.95	159.90	159.90

For faster service simply call 1-800-888-9078  
or FAX this form to 1-800-933-0571.