

Newslines

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US District Court rules in favor of Jerry Greenberg vs. *National Geographic*

The U.S. District Court in Miami, Fla., in the matter of Greenberg vs. *National Geographic* has awarded statutory damages of \$100,000 for each of four works infringed. The trial took seven days ending on March 5. The possibility of appeal by both parties still exists. ASMP has been a major supporter of the photographer, Jerry Greenberg, in this case, providing financial assistance to Greenberg, consultations with him and his attorney, and an amicus curiae ("friend of the court") brief on his behalf.

This is a big win for photographers, and both Jerry Greenberg and his attorney, Norman Davis, of Steel Hector & Davis in Miami, Fla., should be commended by all photographers for pursuing this case which centered around the electronic re-use of Greenberg's images by *National Geographic*.

Greenberg contended that the CD-Rom was a new work that contained substantial elements in addition to the republication of *Geographic's* monthly magazine. *Geographic* contended that they were merely reproducing their monthly magazine and not creating a new work. The trial court originally said that *Geographic* could reproduce the work, based on the same theory as in the trial court

decision in *The New York Times* vs. Tasini case.

The 11th Circuit Court of Appeals in Greenberg's case did the same thing that the Circuit Court did in Tasini: reversed and ruled in favor of the photographers and authors. The appeals court also ruled that Greenberg was entitled to damages, court costs and attorney's fees, which were to be determined by the same lower court that had first rejected his claims. *National Geographic* petitioned the Supreme Court, asking it to accept the Greenberg Case for full review. The Supreme Court declined, so the 11th Circuit Court of Appeals sent the case back to Miami for a determination of damages. That was accomplished in the trial that just ended awarding Greenberg statutory damages of \$100,000.00 for each of four works infringed.

In a statement after the decision, *National Geographic* said it disagrees with the jury verdict but will withdraw the *Complete National Geographic* on CD-ROM until specific authority is obtained from an appropriate judicial authority. "We look forward to arguing the motion to set aside the verdict, which is still pending with the trial judge in Miami, and will further pursue every legal remedy available to us," the statement said.

DIGITAL PHOTOGRAPHY RESOURCE ON ASMP'S NATIONAL SITE

Doing business in the digital environment is complex, and confusing for many photographers so ASMP is taking the lead in developing business standards in the accelerating world of digital photography. To that end, ASMP has created an ongoing resource at its national Web site [www.asmp.org].

The resource is aimed at helping photographers keep abreast of business trends and developments in this environment through arti-

cles and other information compiled by expert practitioners in the field. An ASMP committee, headed by Maryland photographer, Peter Krogh, is addressing the complex issue of standards in digital photography. The work-in-progress is being made available on the ASMP Web site, under the section Digital Photography.

Photographers are encouraged to make use of the information, which is available for free. Topics with links currently include: • ASMP's Digital Photography Standards and Practices Project

Feature articles on the business of digital photography and other useful articles • Better, faster, cheaper? An article of interest to buyers and photographers. Additionally, there are many links to manufacturers, suppliers, and review sites and other industry resources.

AWARD FOR CHASAN

ASMP member Wayne Chasan has won the best photography award in the IV *Communications & Media Awards/City of Marbella*, Spain,

and along with it approximately \$6,500. The jury based their decision on a selection of his photographs of Marbella published during the last year, as well as his accomplishments over the last 20 years. The president of the jury described Chasan's work as "surprising." Of the honor, Chasan commented: "As an American integrated in Spain and its culture, there's a deep personal satisfaction in receiving this award from my 'adoptive' hometown." Chasan's images can be seen at: [www.chasan.com].