

☐ Match the lighted clue to its picture, then press the picture's number on the keyboard. ☐

The powerful, sweeping tail of this shark is nearly as long as its body.

This fearsome predator has jagged two-inch teeth, which make short work of seals, dolphins, and other sharks.

This shark is named for the unusual shape of its head.

The only shark species that lives both in salt and fresh water, it often enters rivers that empty into the sea.

White markings on the ends of its blunt fins identify this shark.

The fins of this shark sometimes end up in a gourmet soup.

Sharks

The ocean's 370 species of sharks come in many shapes and sizes. These powerful swimmers have no bones. Their skeletons are made of light, flexible cartilage. Not all sharks are dangerous to humans. Usually attacks on humans occur only when sharks mistake them for their natural prey—large fish

or marine mammals such as seals. Sharks play a major role in the ocean's food chain. These predators help keep the population of other sea creatures from growing too large for the food supply.

This nonaggressive shark sucks lobsters and other shellfish from underwater crevices.

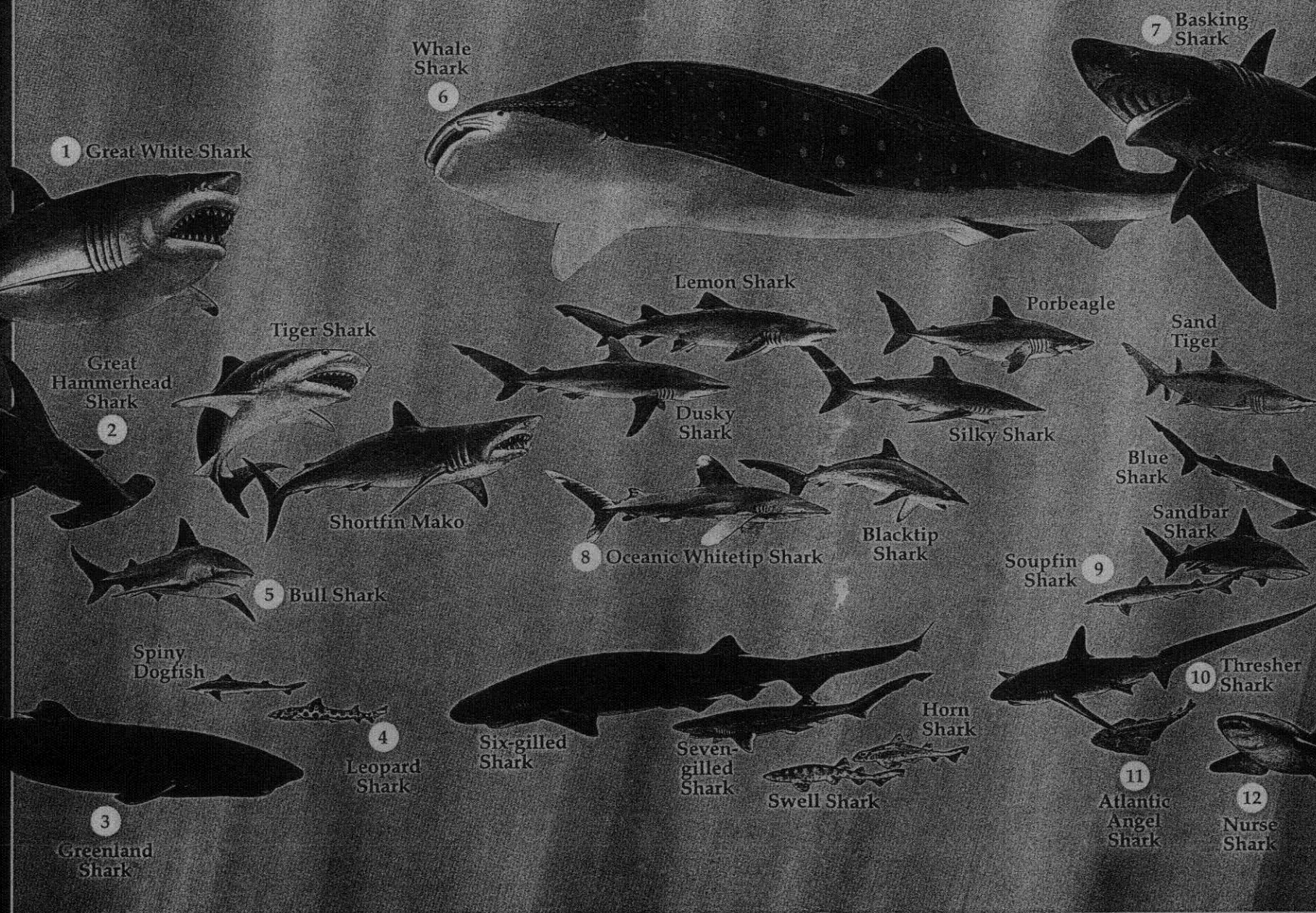
Although this is the world's largest fish and weighs as much as 11 cars, it eats mainly plankton and tiny fish.

This sleek fish glides along the coastal waters of an Arctic island.

This shark is as flat as a pancake.

Its spots resemble those of a stealthy jungle cat.

It appears to be sunning itself as it feeds on plankton at the sea's surface.



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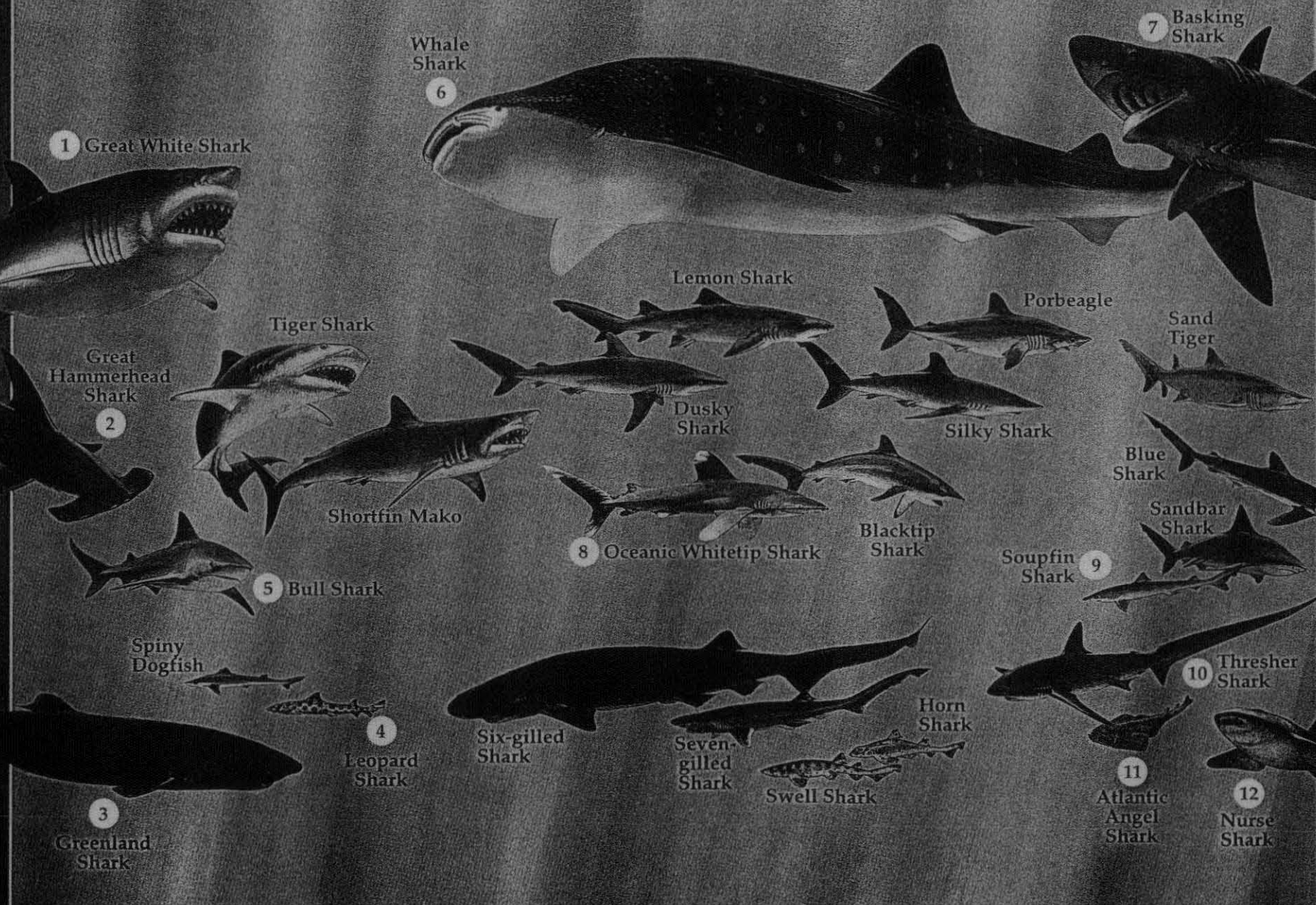
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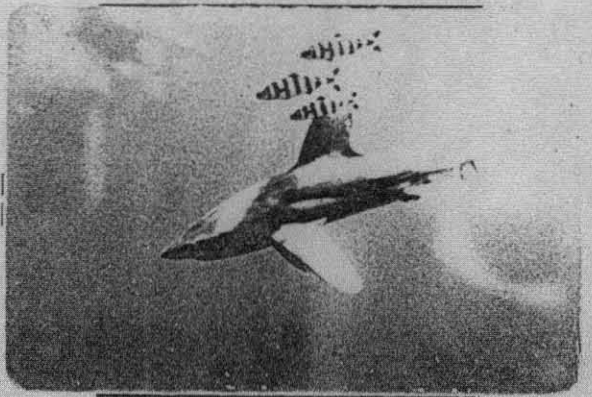
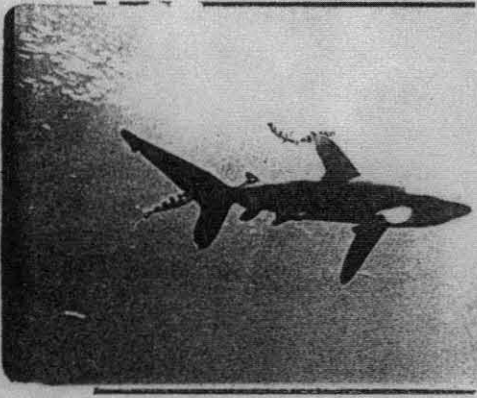
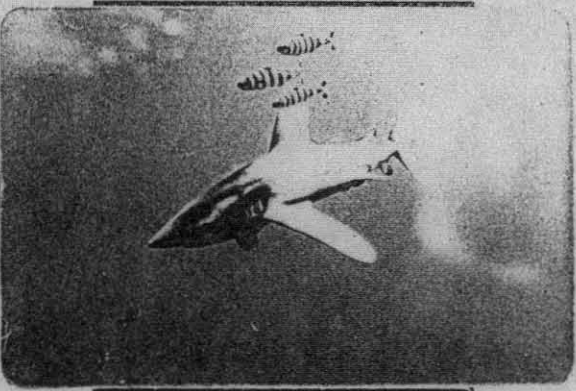
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The reproductions on this page are not indicative of the ultimate quality of the original transparency. The original is usually superior in (color balance &) sharpness. © Jerry Greenberg



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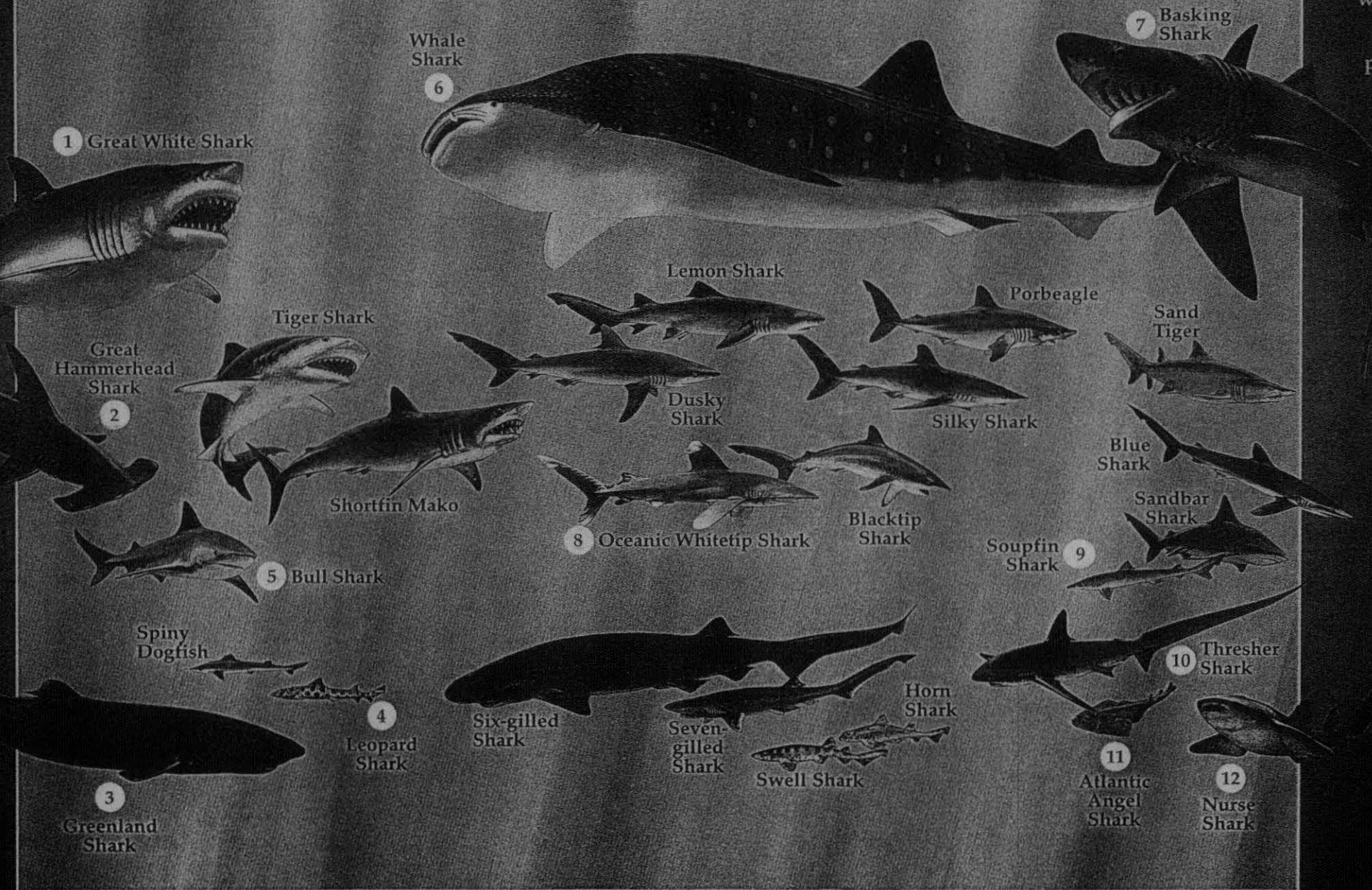
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BULL SHARK
FROM
WORLD BENEATH
THE WAVES
POSTER

VA-1-973
MARCH 20, 1973

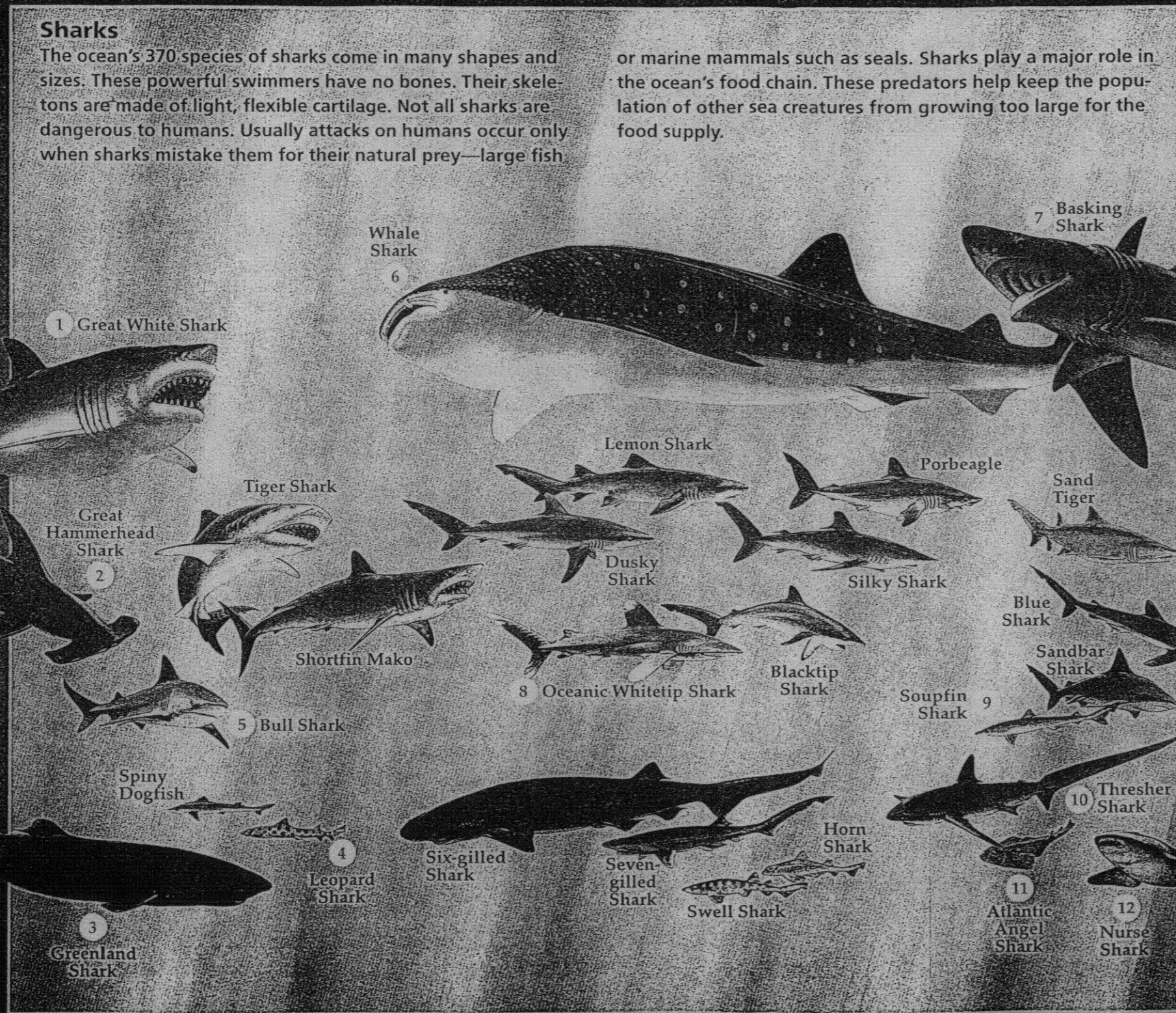
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Maximum points:36

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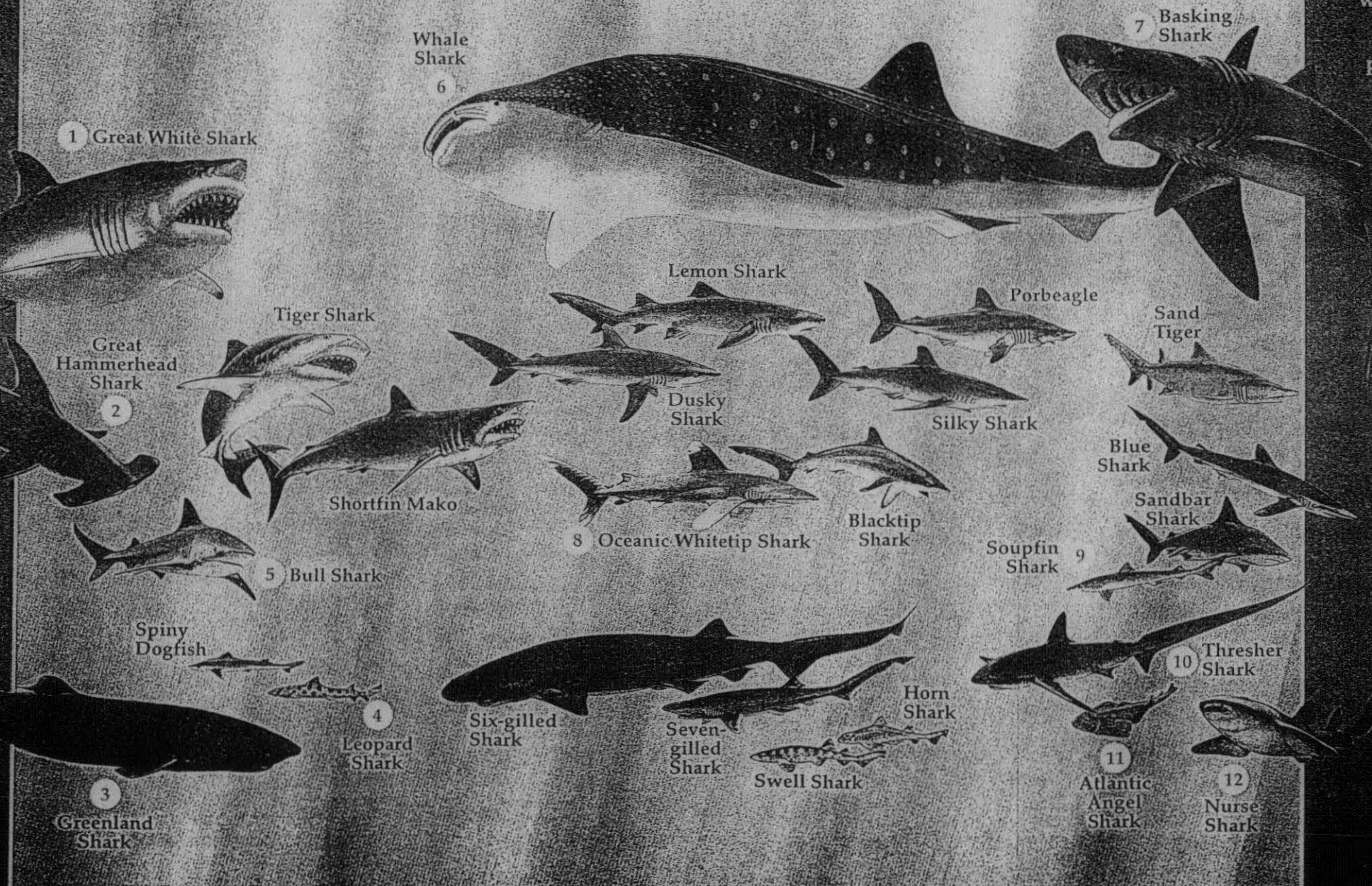
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POSTER

VA-1-973
MARCH 20, 1973

FISH OF THE CORAL REEF

Reefs and Oceans 1

CODE 2043

■ Match the lighted clue to its picture, then press the picture's number on the keyboard.

Maximum points: 30

The stripe through its eye and the spot on its tail confuse predators so they don't know which end to strike

This fish's defense weapon is a razor-sharp spine just in front of its yellow tail

Color-rimmed scales make this fish appear to be speckled.

Purple, orange, and yellow make this fish a spectacular sight. Can you find the black spot on its fin?

When this fish swims among tall coral, its dark, wide stripes hide it from view.

This colorful fish lives safely among the stinging tentacles of an anemone. In return for protection, it lures food to the anemone.

This snakelike creature's usual tactic is to lurk under coral ledges waiting for prey to come by

This bright-colored fish has a spike on its head to wound predators that try to swallow it

Fused teeth form a beaklike jaw to help this fish scrape algae from coral

If the male in a group of these fish is eaten by a predator, the largest female changes sex to take his place.

Reef Fish
Brimming with color and life, a coral reef shelters many kinds of fish, no two exactly alike. The special colors and patterns of each fish help others of their kind find them.



PARROTFISH, PARROTFISH,
MORAY EEL + LONG-HAIRED
DIVER FROM THE
LIVING REEF: COVER
+ PAGES 17, 49, 50,
83-84.

A-397-524

JAN. 11, 1973

PARROTFISH, PARROTFISH,
+ MORAY EEL FROM
THE CORAL REEF:
PAGES 26, 27 + 42-43

A-722127

DEC. 8, 1975

BENT-KNEE DIVER

ASSIGNMENT OF ©

DECEMBER 18, 1985

B-960824

MARCH 22, 1962

RENEWAL REGISTRATION
RE 478-546

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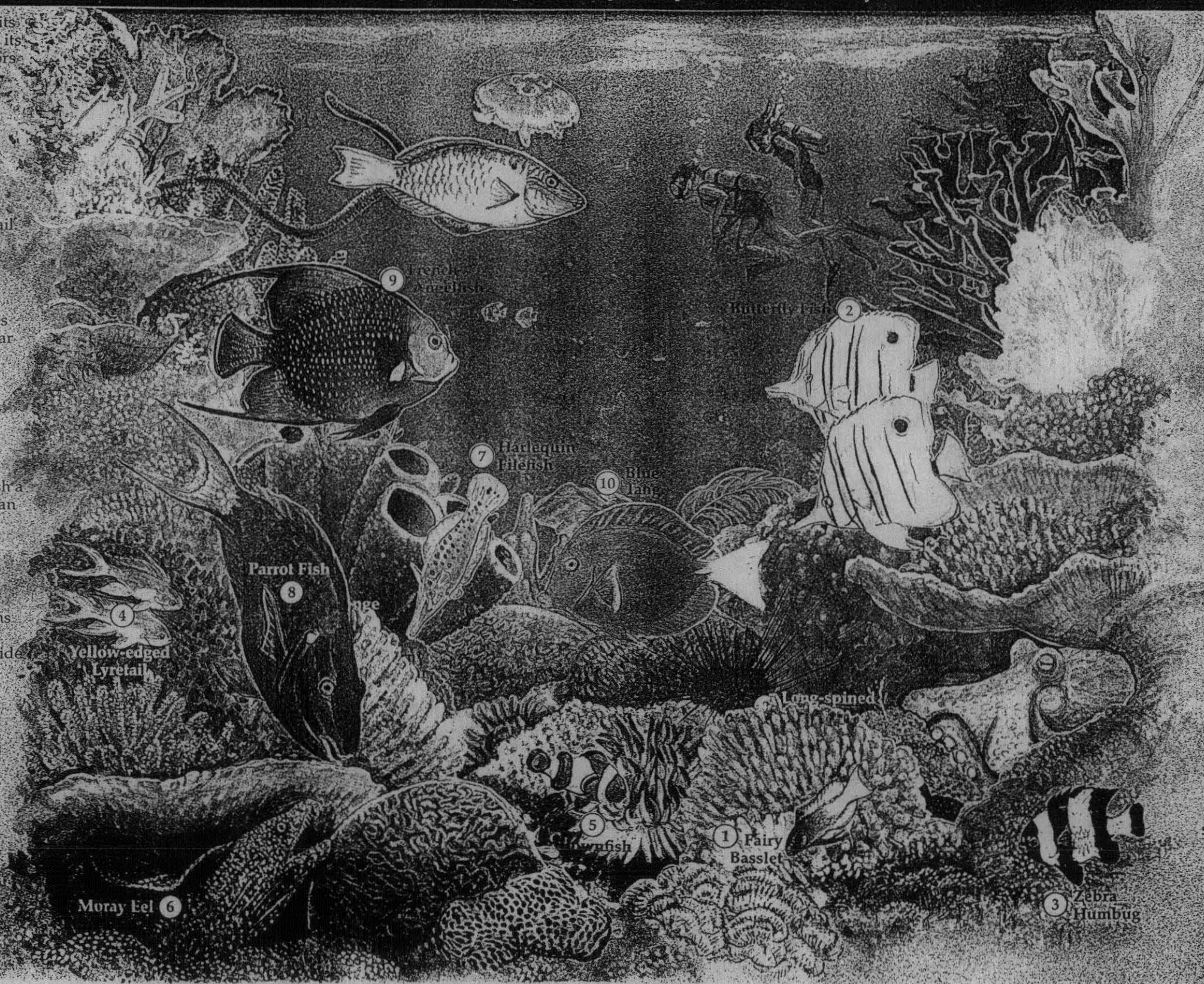
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1 Fairy Basslet 2 Surge wrasse 3 Clownfish 4 Yellow-edged Lyretail 5 Moorish Idol 6 Moray Eel 7 Parrotfish 8 Parrot Fish 9 Surge wrasse 10 Surge wrasse

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Moray Eel 6

Parrot Fish 8

Yellow-edged Lyretail 4

Long-spined

Fairy Basslet 1

Clownfish 3

9

7

10

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Parrot Fish 8

Yellow-edged Lyretail 4

Long-spined 1

Brain Parrot 5

9

7

10

2

- (1) Photo assignments by NGS -- photos used properly -- copyright assigned to JG

- (2) Photo assignments by NGS -- photos used properly -- NGS returned photos that were never used -- no copyright assignment -- JG has no rights in photos retained

- (3) 5 photo assignments by NGS -- photos sent to NGS were never published -- NGS unilaterally pulled selects before returning chromes to JG -- informed JG about retaining selects only after photo assignment was finished -- last four photo assignments were pursuant to written contract, providing that NGS would keep what was used, return others

- (4) 2 separate requests by NGS for photos -- written contracts provided for one-time use in a specific publication, for the first edition only -- some photos were used in subsequent editions, JG was paid -- JG was given copyright notice in articles -- NGS probably returned photos sent by JG, but may have retained some copies

- (5) 2 photo assignments for NGS -- pursuant to written contracts, NGS must return all used and unused photos -- NGS returned all originals, but kept dupes

NORMAN

IMPORTANT CORRESPONDENCE WITH NGS FOLDER # 4 (1964-1966)

VERY

DEC. 29, 1967
IMPORTANT

RE: MISSING SHARK TRANSPARENCIES "A MYSTERY WHICH WAS DEEPER THAN EITHER OF US SUSPECTED." "SEVERAL OTHER PICTURES OF YOURS WHICH I AM RETURNING." "THEY WERE IN THE POSSESSION OF BILL BOND, WHO USED THEM AS REFERENCE MATERIAL FOR HIS PRINTING IN THE SHARKS STORY." BRYAN HODGSON TO JB. PAINTING

JANUARY 5, 1968

RE: THANKS FOR RETURN OF JB MISSING FILE ITEMS AND ADDITIONAL SELECTS. ALSO ASKING FOR RETURN OF 8-BOXES OF CHROMES OF MOUNTED SHARKS. JB TO BRYAN HODGSON.

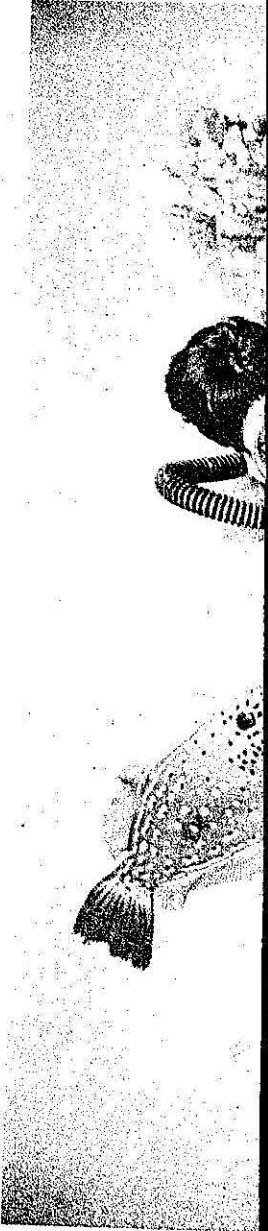
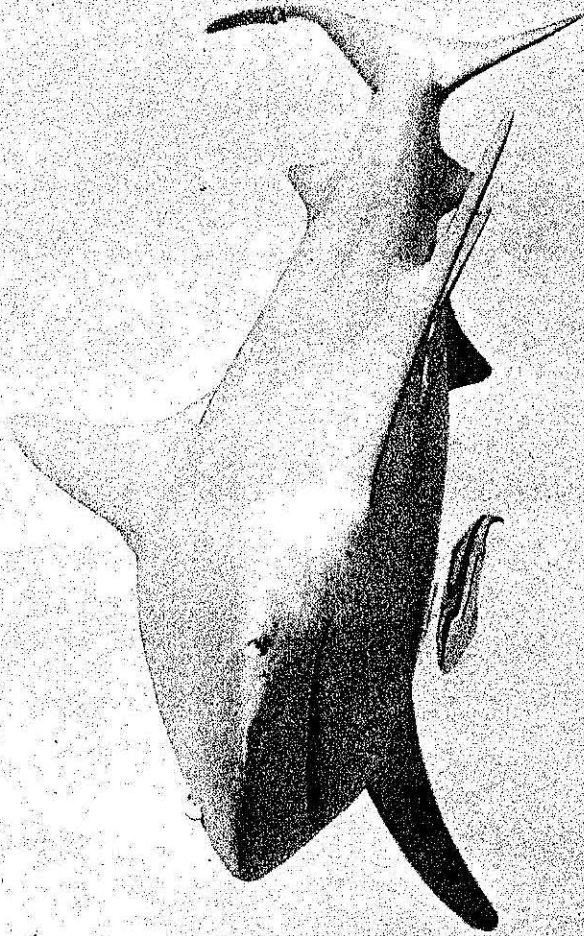
JANUARY 16, 1968

RE: THANKS FOR BUNDLE OF FEB. 1968 ISSUES ON NATIONAL GEOGRAPHIC MAGAZINE SHARK STORY "STILL TRYING TO LOCATE SOME SHARK ITEMS THAT WERE NOT RETURNED AND THAT WERE NOT USED IN THE ARTICLE." JB TO BRYAN HODGSON.

JANUARY 30, 1968

RE: CONGRATULATIONS FOR SHARK COVER ON FEB. 1968 ISSUE OF MAGAZINE PAYMENT OF \$300.00 WHICH WILL BE DEDUCTED FROM

RD-13

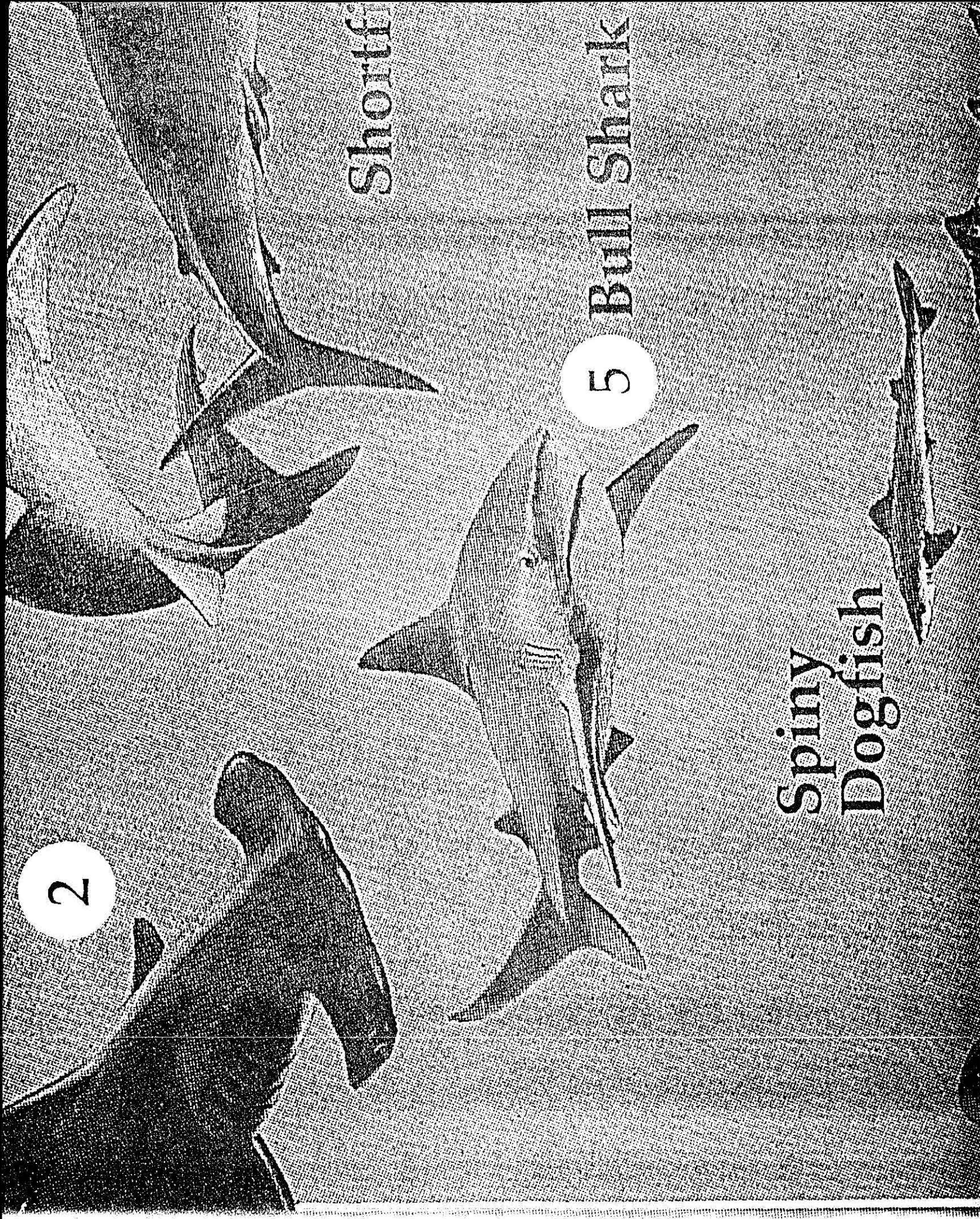


2

Shortfin

5 Bull Shark

Spiny
Dogfish



NOTEBOOK. PERSONAL FILE MATERIAL OK ON \$200.00
PRESENTATION FEE FOR JB FILE MATERIAL. "WORLD BENEATH THE
SEA." DAVE BRIDGE TO JB

APRIL 17, 1967

OF JG
RE: RETURNS ~~ON~~ ASSIGNMENT AND SUBMITTED MATERIAL FOR
OUR BOOK WORLD BENEATH THE SEA. WE ARE HOLDING 35-35MM
COLOR TRANSPARENCIES (13 FROM SUBMITTED MATERIAL AND 22
FROM ASSIGNED MATERIAL...DUPES OF THE 22 FROM ASSIGNED
MATERIAL...DUPES OF THE 22 FROM ASSIGNED MATERIAL ARE
ALSO ENCLOSED) AND 11 COLOR CUT FILM FROM ASSIGNED
MATERIAL.:" DAVE BRIDGE TO JB

MAY 6, 1967

RE: SENDING 4 GLASSINE SHEETS OF U/W ACOUSTIC MATERIAL.
(DR. STEINBERG & U/W SOUND SOURCE.) ALSO ENCLOSING 4X5
SHEET HOLDING 4-35MM JB FILE PANORAMA CHROMES. JB TO DAVE
BRIDGE.

MAY 5, 1969

RE: SHARK STORY BRYAN HODGSON TO JB. "YOU WERE
RIGHT...THESE DON'T FILL THE BILL. I HAD A COUPLE OF B&W PRINTS
MADE FOR THE ARTISTS REFERENCE, BUT HAVE MADE NO
SELECTS." ENCLOSED 30-35MM TRANSPARENCIES. TP

IMPORTANT

TP JG FILE MATERIAL
(BULL SHARK) &
OTHERS USE AS ART WORK REFERENCE

- 1-A ASSIGNMENTS THAT WERE GIVEN AND PUBLISHED WHERE GEOGRAPHIC KEPT THE ITEMS PUBLISHED AS PER CONTRACT
- 2-B ASSIGNMENTS THAT WERE GIVEN AND PUBLISHED WHERE GEOGRAPHIC ALSO KEPT SELECTS FOR "PERMANENT COLLECTION" OR A PICTURE EDITOR'S VIDEO DISC, AS PER CONTRACT.
- 3-C ASSIGNMENTS THAT WERE GIVEN BUT NEVER PUBLISHED WHERE "SELECTS" WERE PULLED FROM WORK-BOX FOR THE "PERMANENT COLLECTION" WITHOUT JG PERMISSION. NOR WAS THIS ARRANGEMENT AGREED TO UNDER EACH ASSIGNMENT CONTRACT

4-D OUTRIGHT UNAUTHORIZED USE OF 3-C CATEGORY OF "SELECTS" IN THE PERMANENT COLLECTION.

5-E UNAUTHORIZED USE INCLUDING COPYRIGHT INFRINGEMENTS OF JG FILE AND COPYRIGHTED MATERIAL.

6-F ASSIGNMENTS THAT WERE GIVEN AND PUBLISHED WHERE JG RETAINED POSSESSION OF ACTUAL CHROMES USED AND PULLED HIS OWN COPYRIGHTS ON PHOTOGRAPHS PUBLISHED

7-G VARIOUS ARTICLES AND PUBLICATIONS WHERE JG PERSONAL FILE PHOTOS WERE USED AS PART OF PUBLISHED PIECE. ARE THERE ANY DUPES OF THIS MATERIAL ON FILE IN THE "PERMANENT COLLECTION" OR VIDEO DISC?

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7-6

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FISH OF THE CORAL REEF

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The stripe in front of the eye and the spot on the tail make this predator so they don't glow, which can sink

This fish's deadly weapon is a pair of sharp spines in front of its yellow tail

Color-rimmed scales make this fish appear to be speckled

Purple, orange, and yellow make this fish's spectacular sight. Can you find the black spot on its fin?

When this fish swims among tall coral, its dark, wide stripes hide it from view

This colorful fish lives safely among the branching tentacles of an anemone. It has a burrow for protection, a flange for food, and a lantern for the anemone.

This sea urchin's usual tactic is to lurk under coral ledges, waiting for prey to drift by

This bright-colored fish has a spike on its head to avoid predators that try to swallow it

Pointed teeth form a beak-like jaw to help this fish scrape algae from coral

If the male in a group of these fish is eaten by a predator, the largest female changes sex to take his place

Reef Fish
Brimming with color and life, a coral reef shelters many kinds of fish. No two exactly alike. The special colors and patterns of each fish help others of their kind find them



Match the lighted clue to its picture, then press the picture's number on the keyboard.

Maximum points: 30

The stripe through its eye and the spot on its tail confuse predators so they don't know which end to strike.

This fish's defense weapon is a razor-sharp spine just in front of its yellow tail.

Color-rimmed scales make this fish appear to be speckled.

Purple, orange, and yellow make this fish's spectacular sight. Can you find the black spot on its fin?

When this fish swims among tall coral, its dark, wide stripes hide it from view.

This colorful fish lives safely among the stinging tentacles of an anemone. In return for protection, it lures food to the anemone.

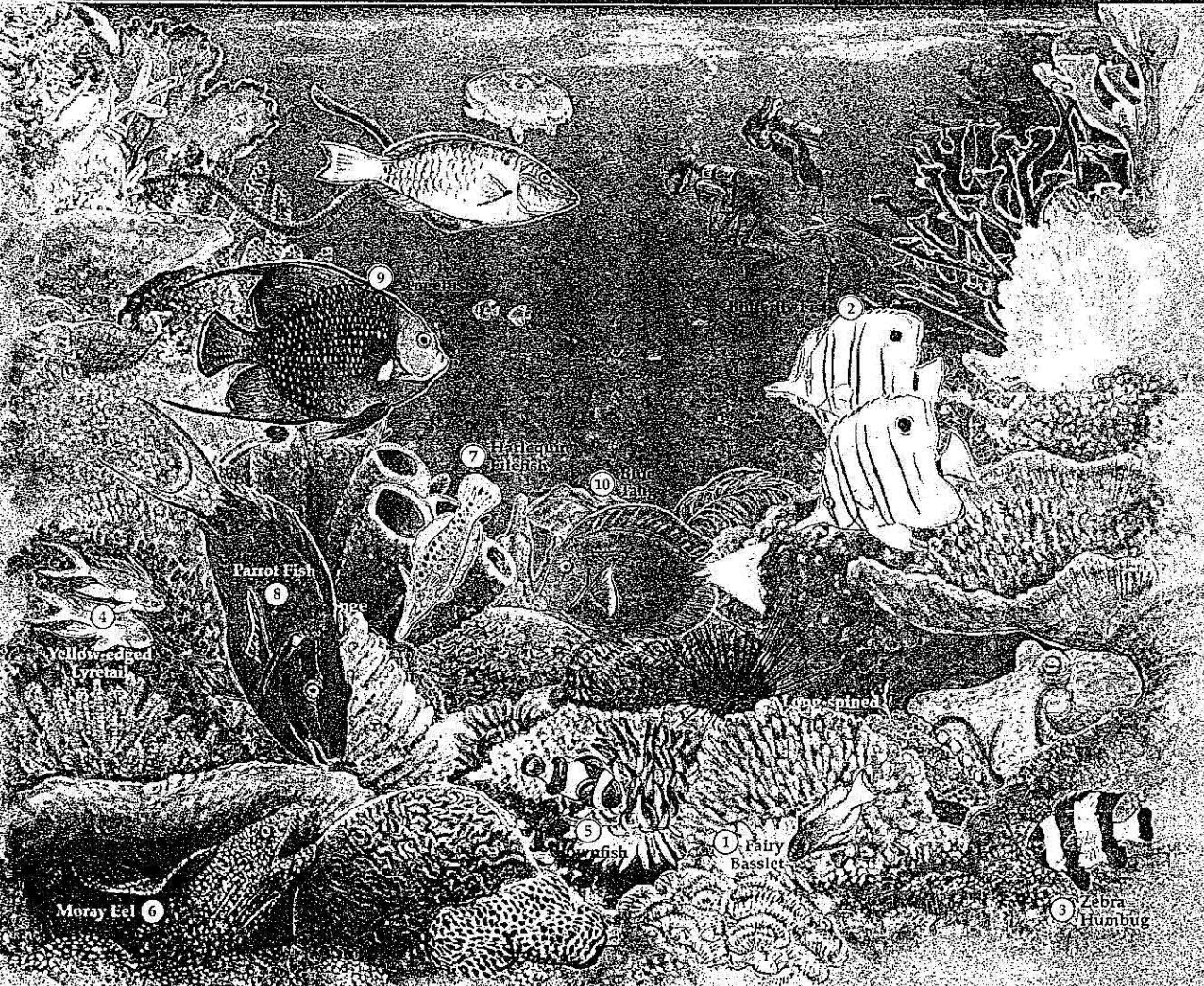
This snakelike creature's usual tactic is to lurk under coral ledges waiting for prey to come by.

This bright-colored fish has a spike on its head to wound predators that try to swallow it.

Fused teeth form a beaklike jaw to help this fish scrape algae from coral.

If the male in a group of these fish is eaten by a predator, the largest female changes sex to take his place.

Reef Fish
Brimming with color and life, a coral reef shelters many kinds of fish, no two exactly alike. The special colors and patterns of each fish help others of their kind find them.



PARROTFISH, PARROTFISH,
MORAY EEL + LONG-HAIRED
DIVER FROM THE
LIVING REEF: COVER
+ PAGES 17, 49, 50,
83-84.

A-397-524
JAN. 11, 1973

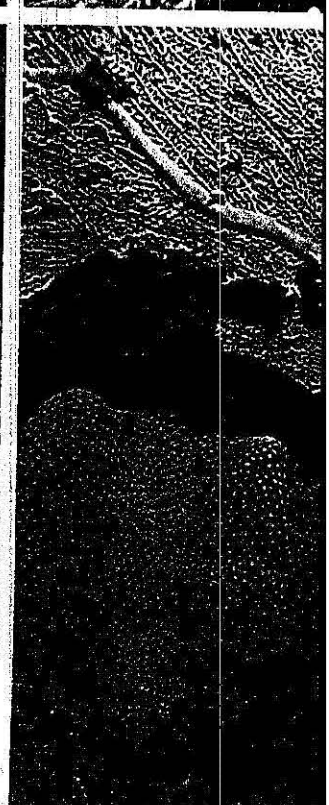
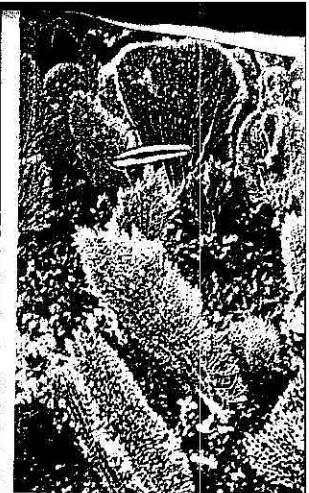
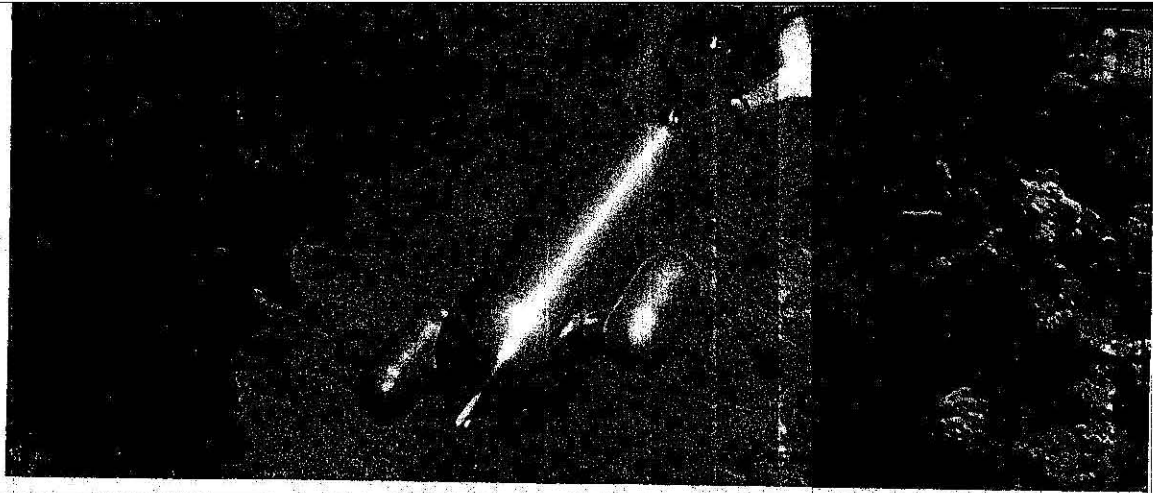
PARROTFISH, PARROTFISH,
+ MORAY EEL FROM
THE CORAL REEF:
PAGES 26, 27 + 42-43

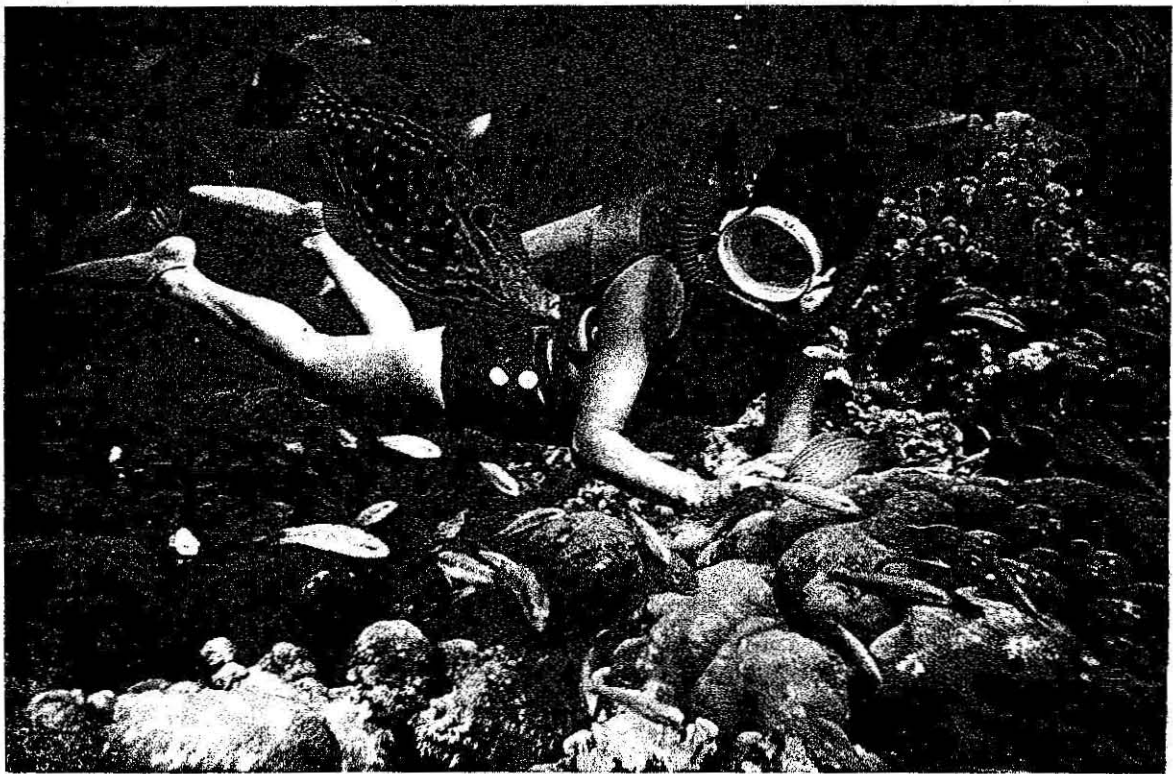
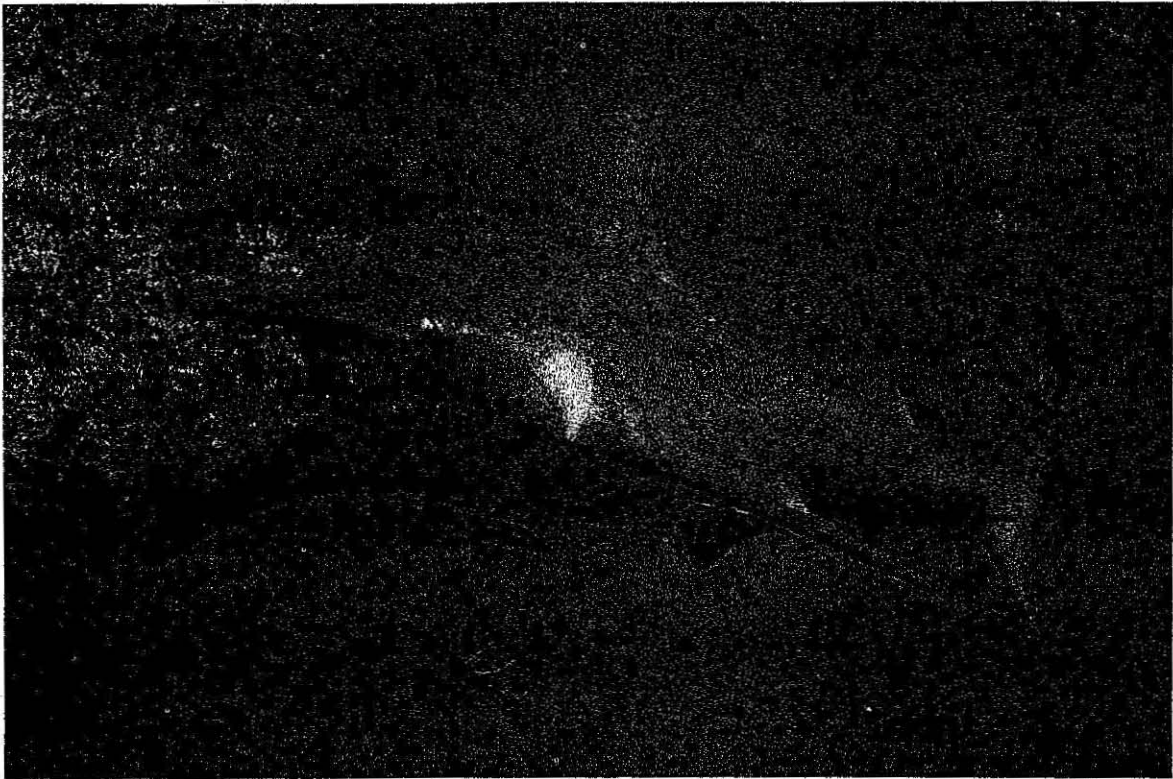
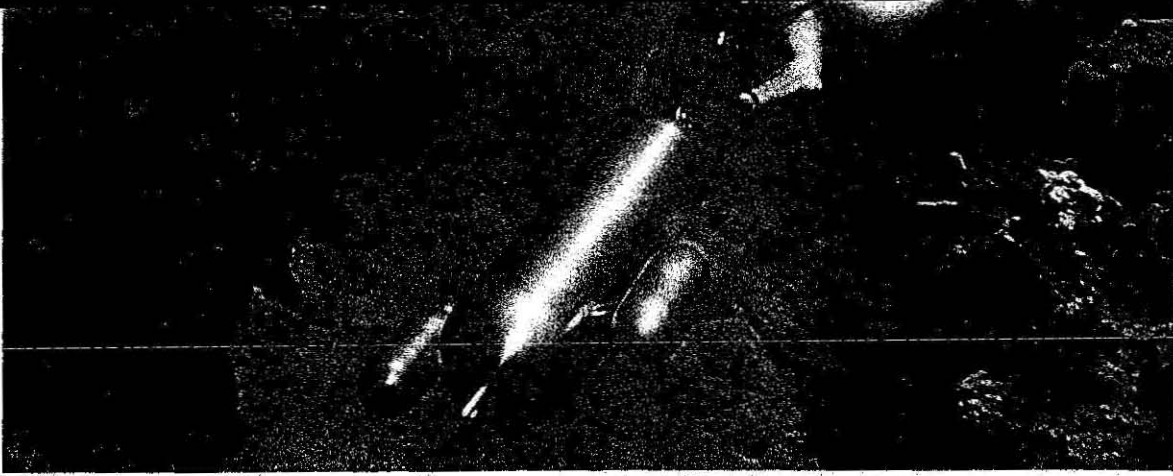
A-722127
DEC. 8, 1975

BENT-KNEE DIVER

ASSIGNMENT OF ©
DECEMBER 18, 1985
B-960824
MARCH 22, 1962

RENEWAL REGISTRATION
RE 478-546





Match the lighted clue to its picture, then press the picture's number on the keyboard.

Maximum points: 26

BULL SHARK FROM

WORLD BENEATH THE WAVES POSTER

VA-1-973
MARCH 20, 1973

The powerful, sweeping tail of this shark is nearly as long as its body.

This fearsome predator has jagged two-inch teeth, which make short work of seals, dolphins, and other sharks.

This shark is named for the unusual shape of its head.

The only shark species that lives both in salt and fresh water, it often enters rivers that empty into the sea.

White markings on the ends of its blunt fins identify this shark.

The fins of this shark sometimes end up in a gourmet soup.

Sharks

The ocean's 370 species of sharks come in many shapes and sizes. These powerful swimmers have no bones. Their skeletons are made of light, flexible cartilage. Not all sharks are dangerous to humans. Usually attacks on humans occur only when sharks mistake them for their natural prey—large fish

or marine mammals such as seals. Sharks play a major role in the ocean's food chain. These predators help keep the population of other sea creatures from growing too large for the food supply.

This nonaggressive shark sucks lobsters and other shellfish from underwater crevices.

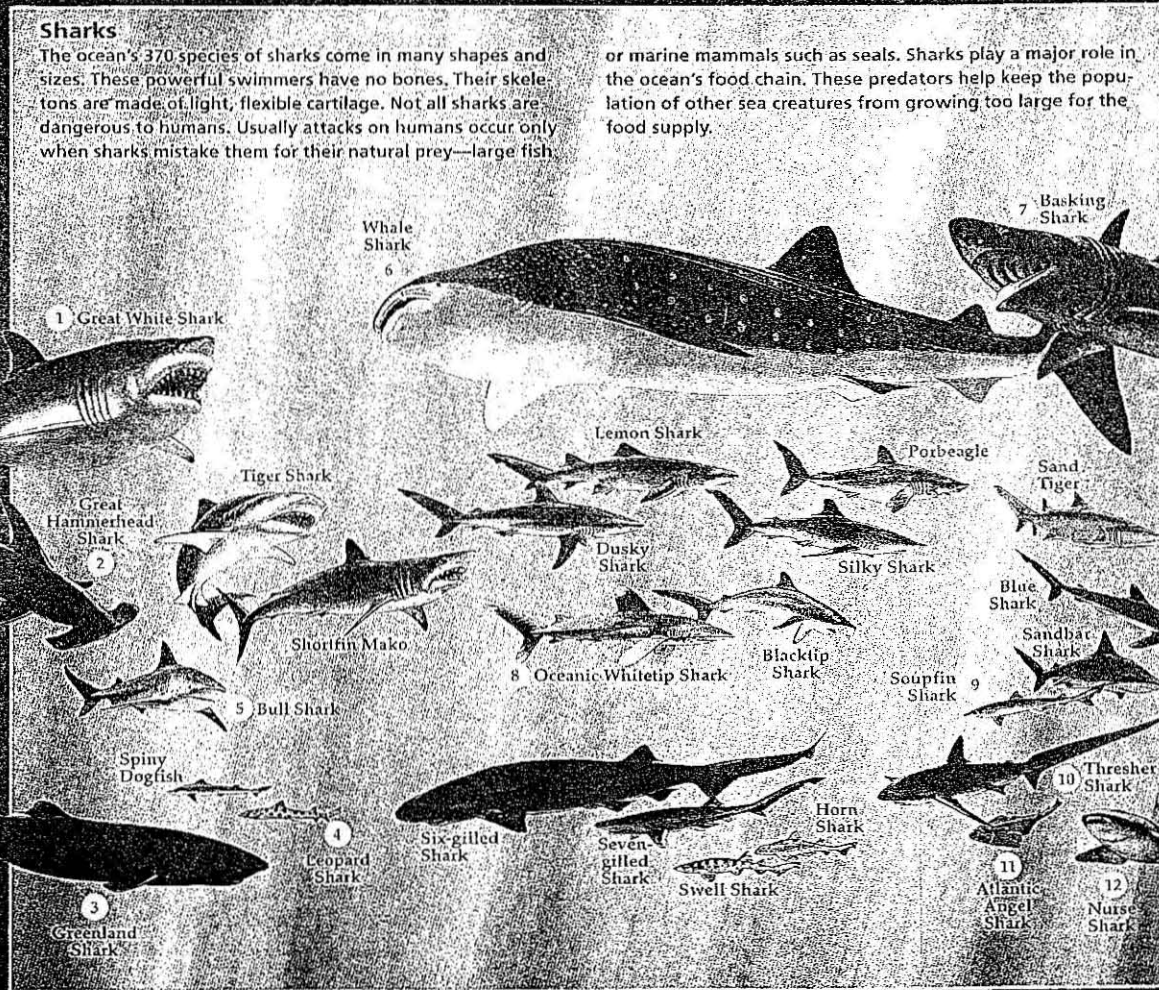
Although this is the world's largest fish and weighs as much as 11 cars, it eats mainly plankton and tiny fish.

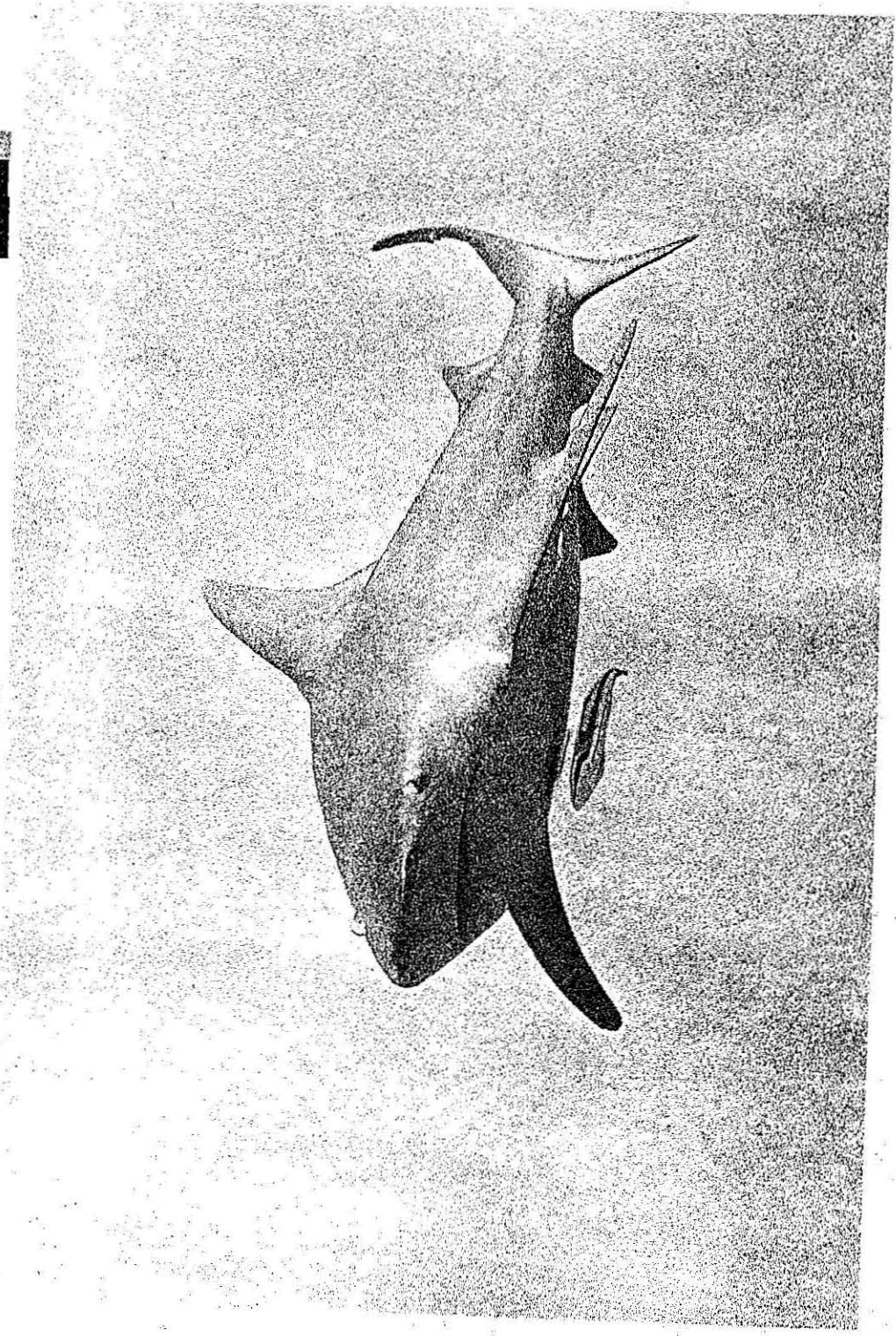
This sleek fish glides along the coastal waters of an Arctic island.

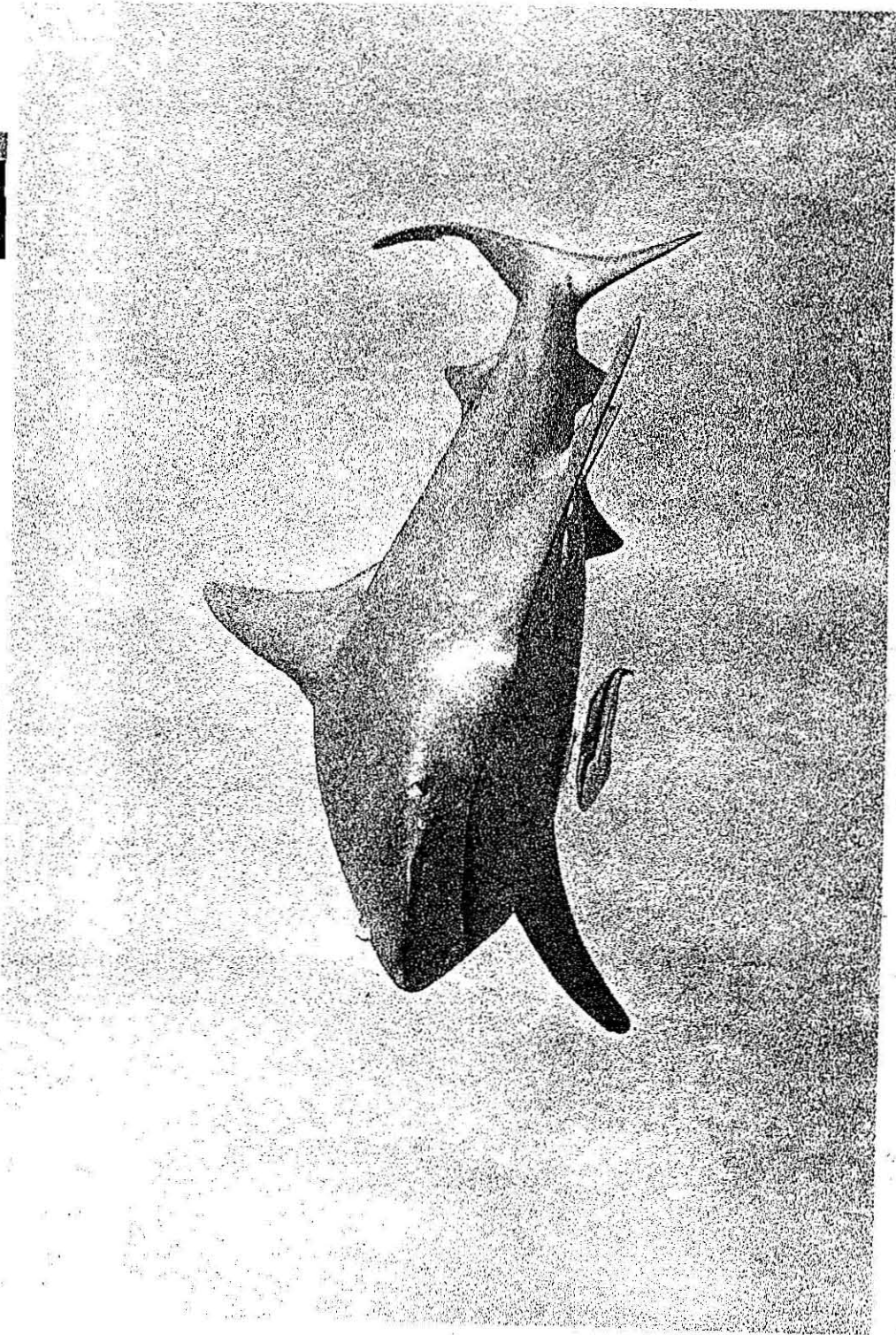
This shark is as flat as a pancake.

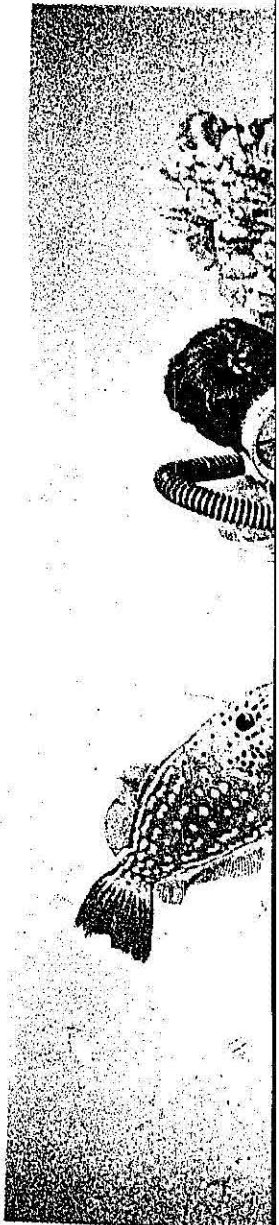
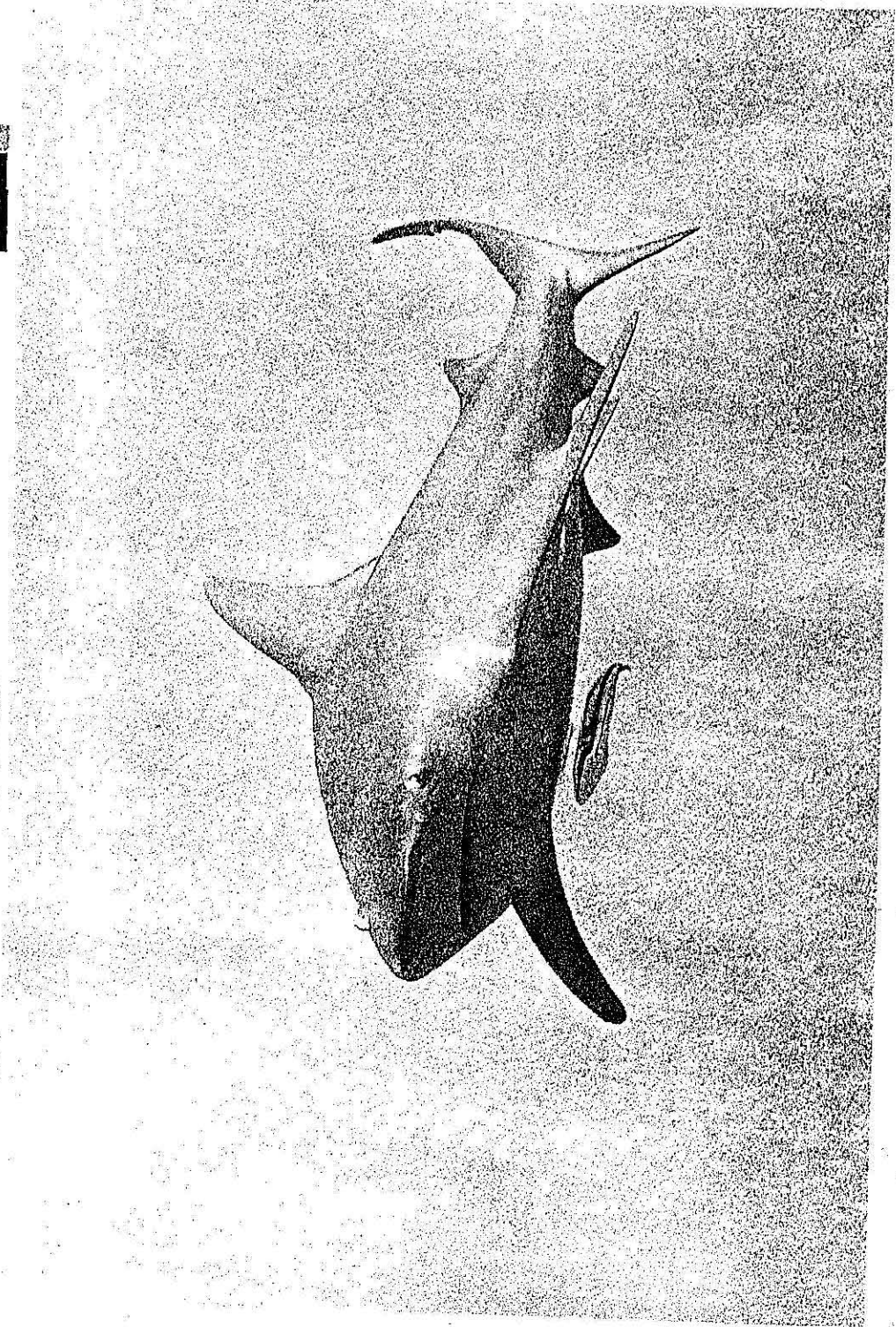
Its spots resemble those of a stealthy jungle cat.

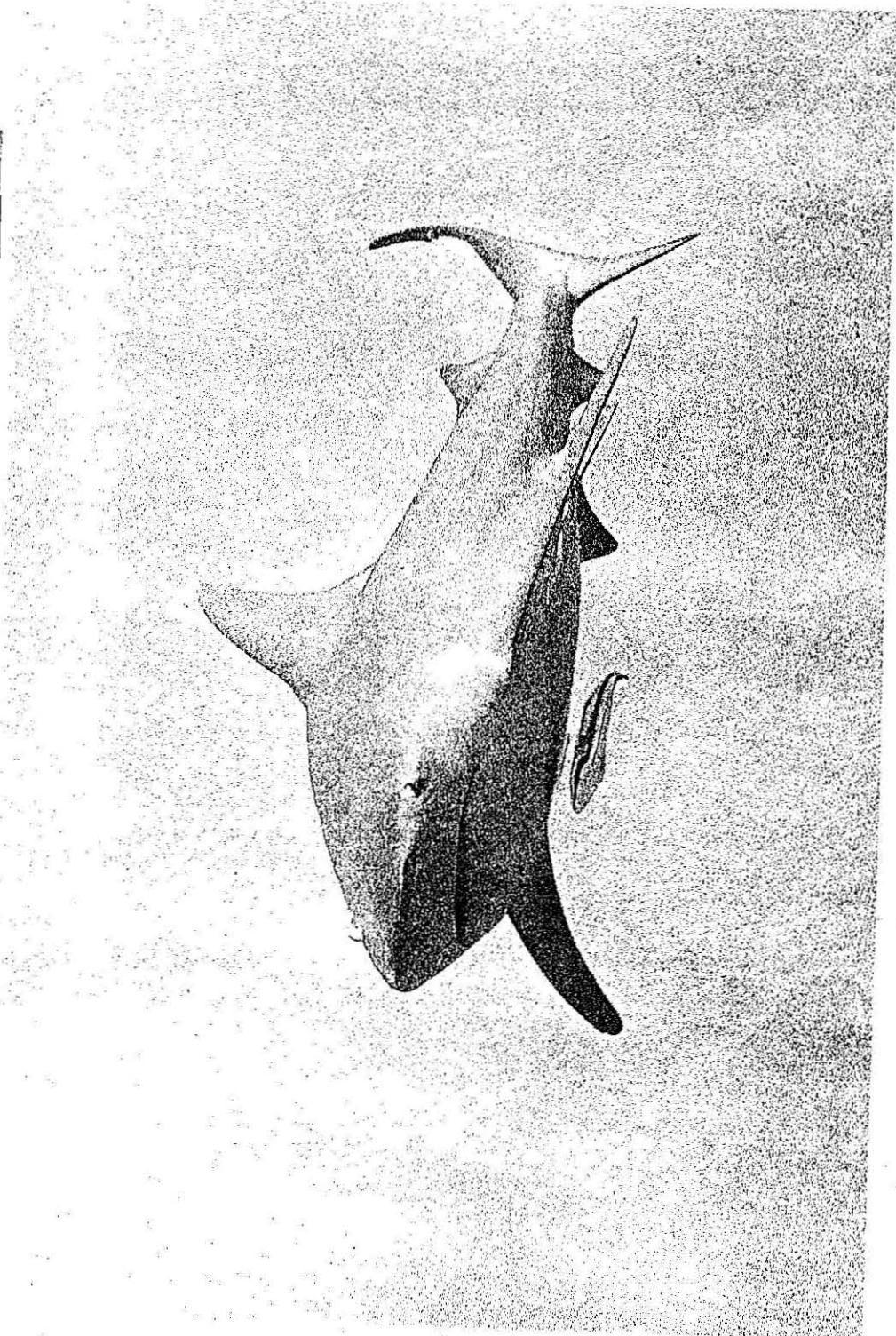
It appears to be sunning itself as it feeds on plankton at the sea's surface.

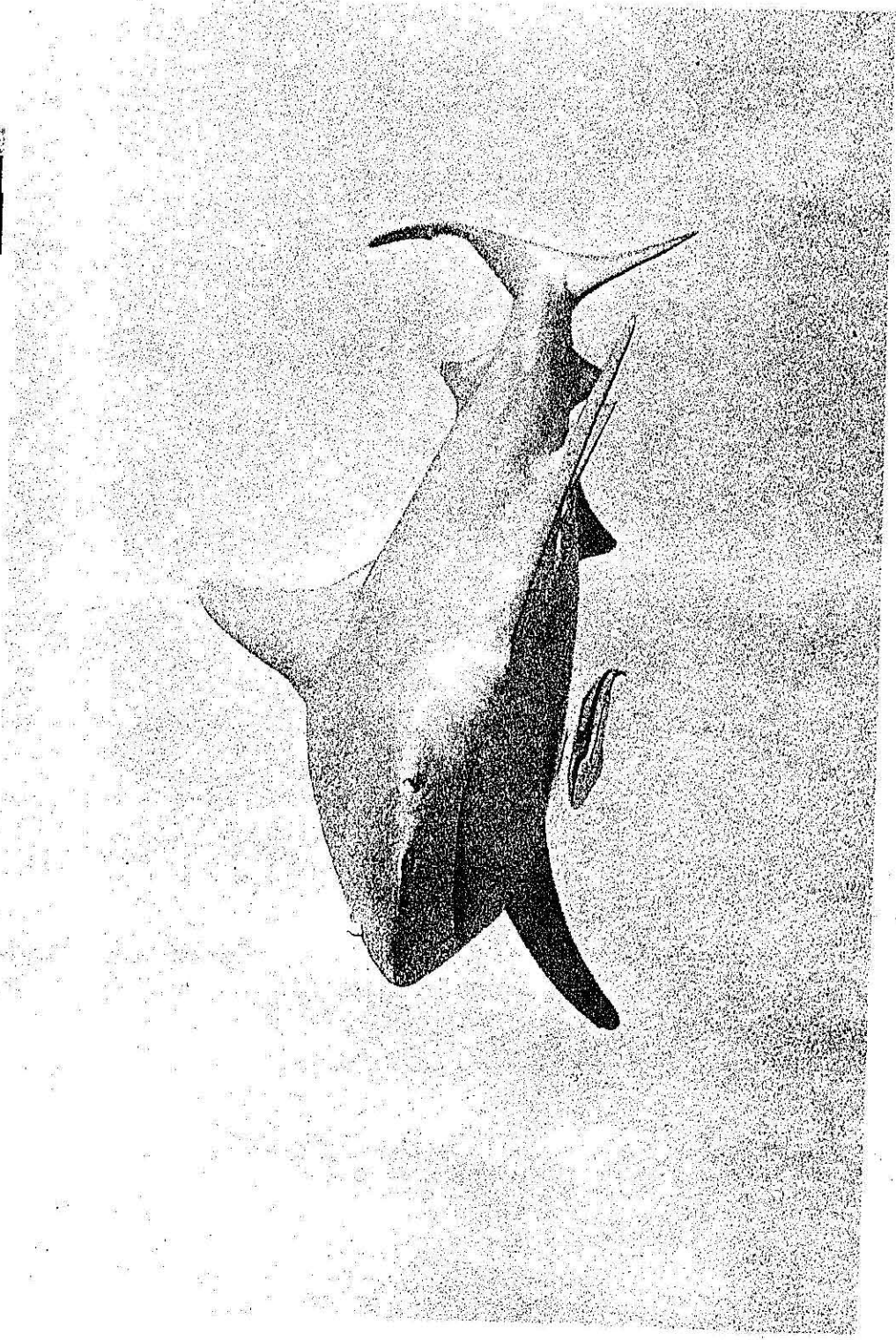


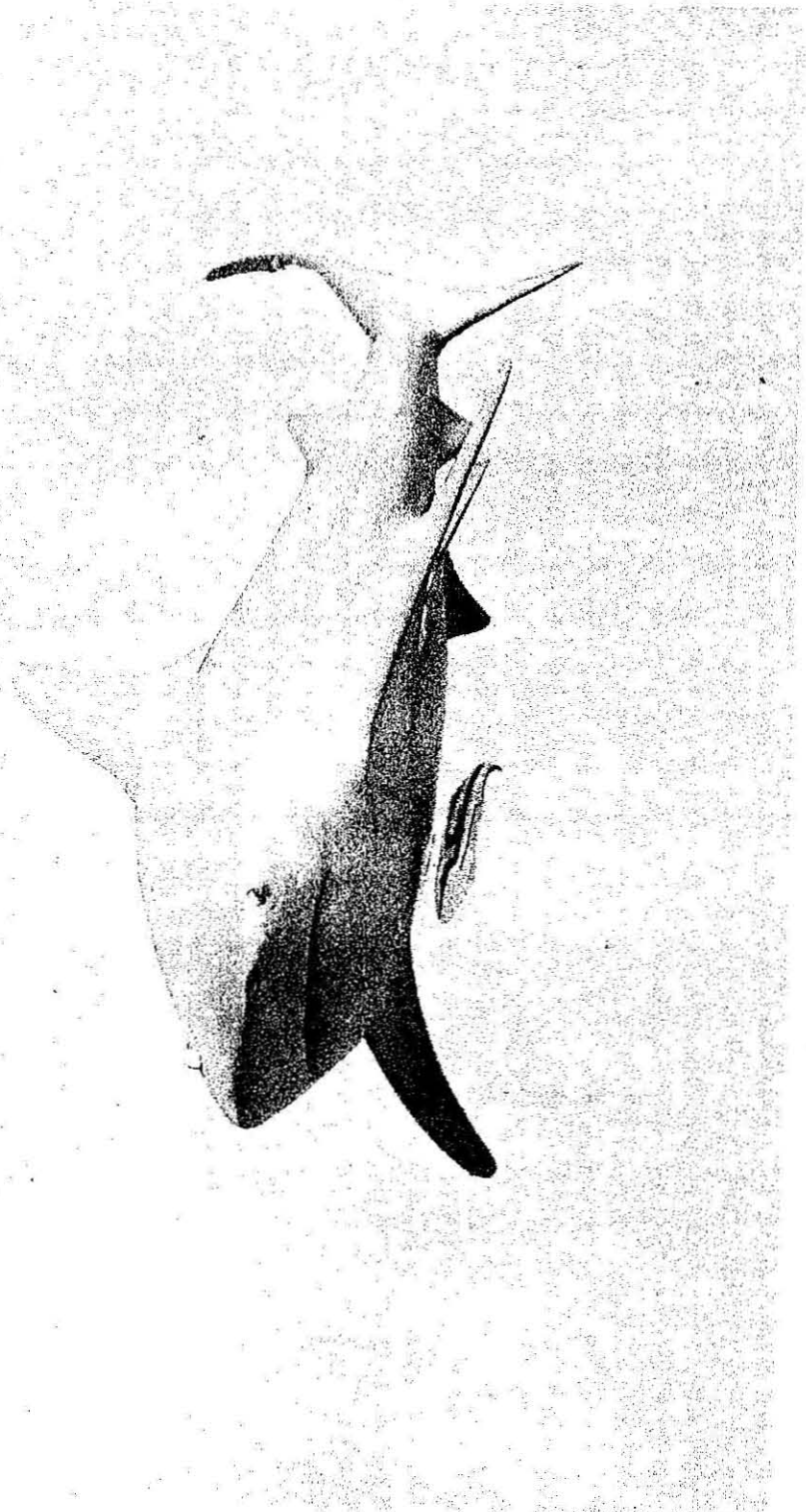


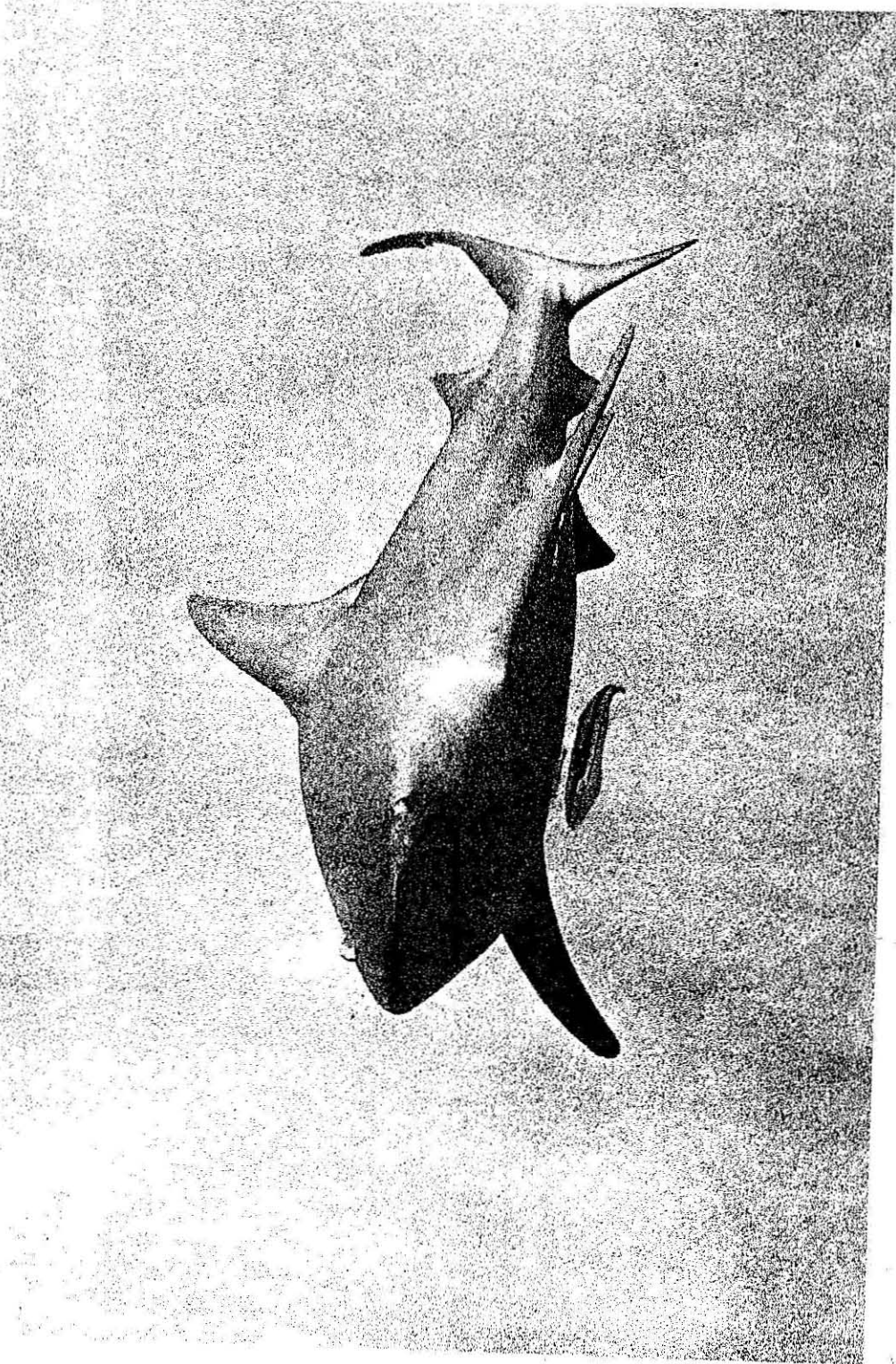


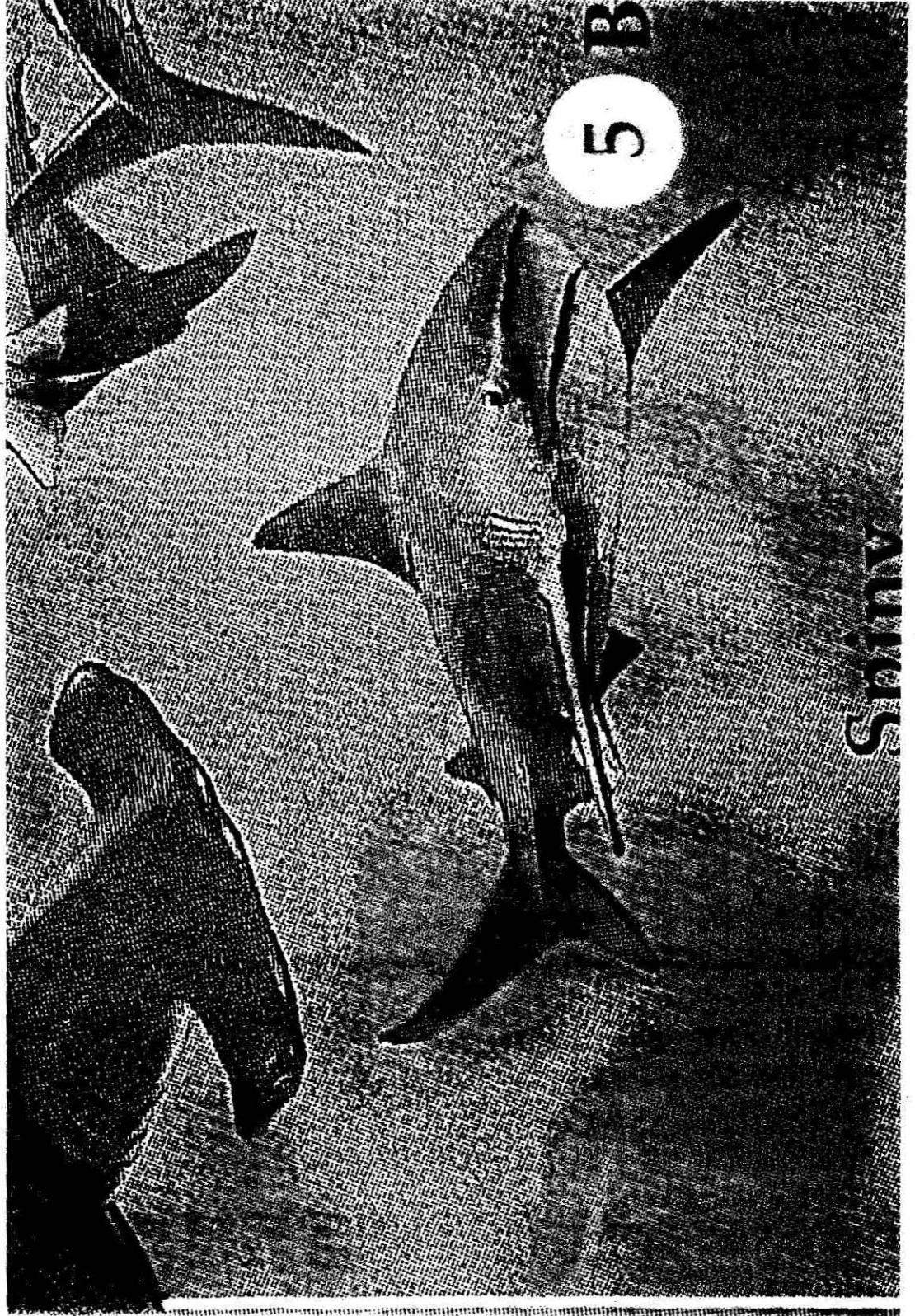








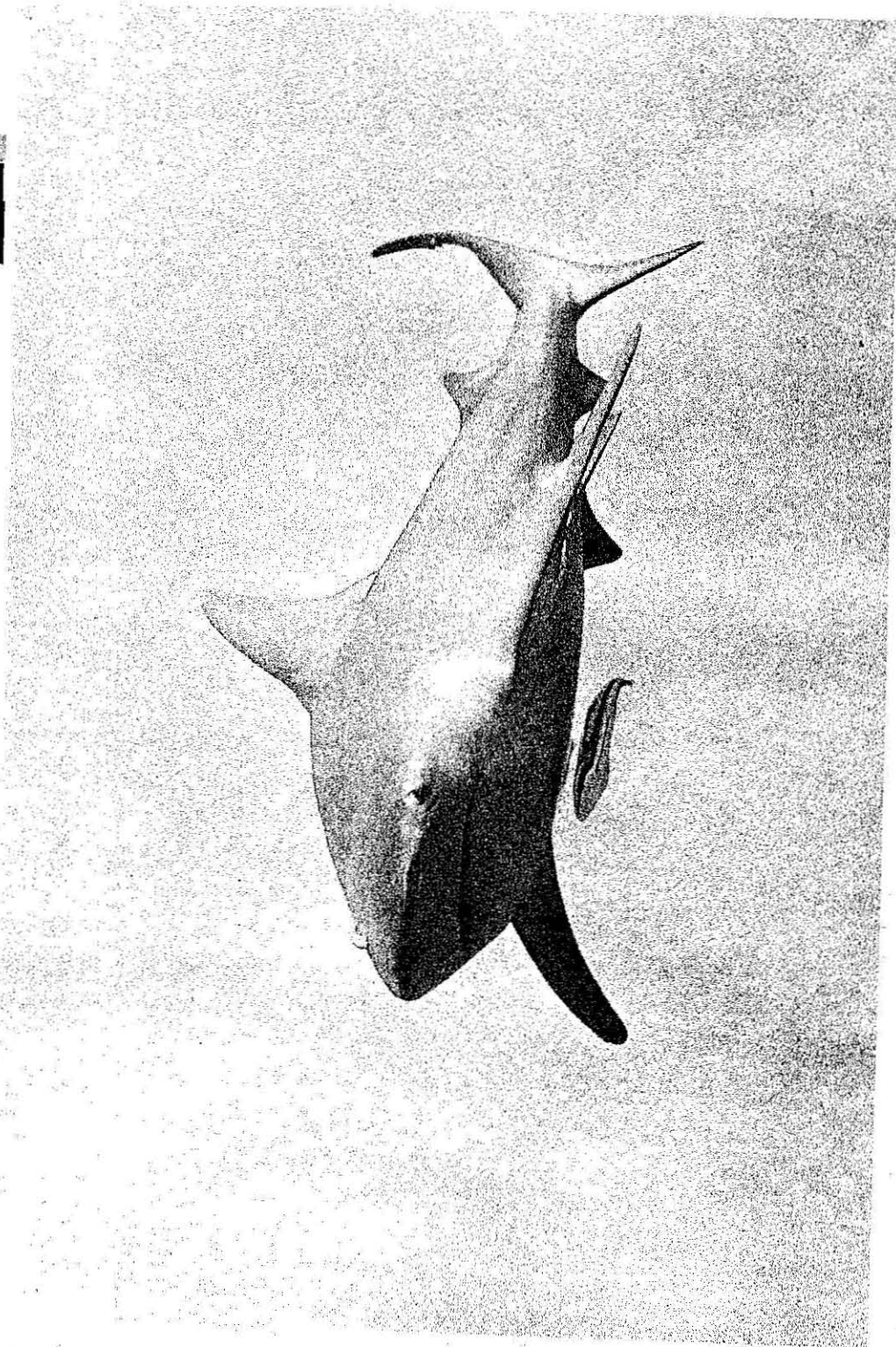




5

B

SPINY



DRAFT

December 19, 1996

Suzanne Ross McDowell
Assistant Vice President
National Geographic Society
1145 17th Street, N. W.
Washington, DC 20036-4688

Dear Ms. McDowell:

This pertains to your letter to me dated November 18, 1996. I regret the inordinate delay; preparations for a trial absorbed the bulk of my time in recent weeks. Your letter states that your response is to my letters of July 16, 1996 and October 15, 1996 to Educational Insights, Inc. ("Educational Insights"), and you indicate that your response is pursuant to a "mutual agreement" between the National Geographic Society ("the Society") and Educational Insights.

In the circumstances we are reluctant to pursue the matter with the Society, at this stage at least, because our clients believe that one or more infringements has occurred in the publication and sale of the disputed materials by Educational Insights. We are aware that the Society's copyright notice appears on those materials, but our initial attempts to resolve the matter will be directed to the using party. If the Society will accept responsibility for uses of the materials by Educational Insights -- that has not yet occurred -- we will reconsider our approach. I can say as a general proposition that we are not persuaded by the Society's position, as set forth in your letter, that no infringement has occurred. We will elaborate on that proposition when the proper party or parties has been more adequately identified. If that identification is not forthcoming, we will proceed by dealing directly with Educational Insights.

I look forward to your response.

Sincerely,

Norman Davis

Match the lighted clue to its picture, then press the picture's number on the keyboard.

Maximum points:36

The powerful, sweeping tail of this shark is nearly as long as its body.

This fearsome predator has jagged two-inch teeth, which make short work of seals, dolphins, and other sharks.

This shark is named for the unusual shape of its head.

The only shark species that lives both in salt and fresh water, it often enters rivers that empty into the sea.

White markings on the ends of its blunt fins identify this shark.

The fins of this shark sometimes end up in a gourmet soup.

Sharks

The ocean's 370 species of sharks come in many shapes and sizes. These powerful swimmers have no bones. Their skeletons are made of light, flexible cartilage. Not all sharks are dangerous to humans. Usually attacks on humans occur only when sharks mistake them for their natural prey—large fish

or marine mammals such as seals. Sharks play a major role in the ocean's food chain. These predators help keep the population of other sea creatures from growing too large for the food supply.

This nonaggressive shark sucks lobsters and other shellfish from underwater crevices.

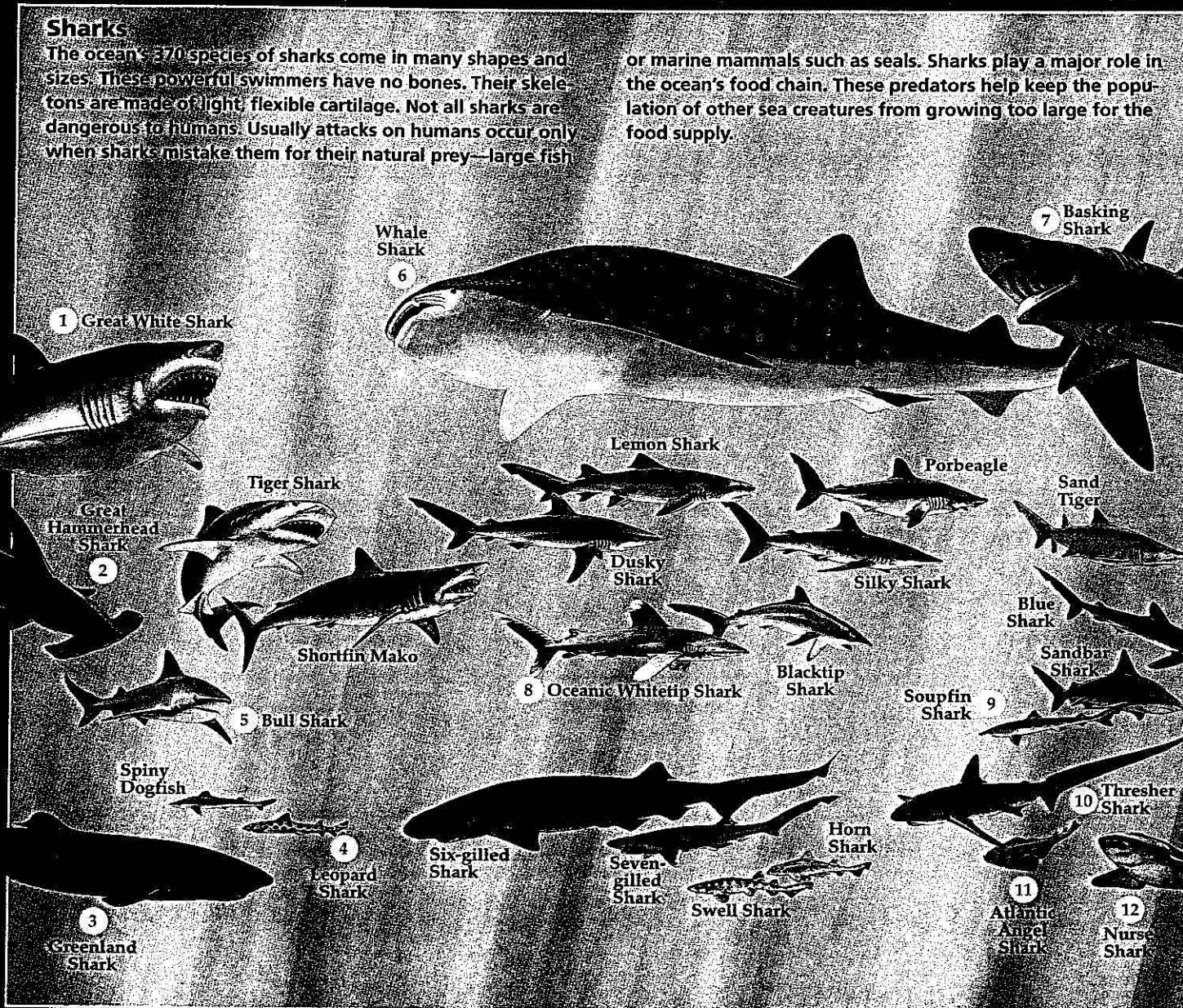
Although this is the world's largest fish and weighs as much as 11 cars, it eats mainly plankton and tiny fish.

This sleek fish glides along the coastal waters of an Arctic island.

This shark is as flat as a pancake.

Its spots resemble those of a stealthy jungle cat.

It appears to be sunning itself as it feeds on plankton at the sea's surface.





SEAHAWK

PH: 305/ 667-4051
FAX: 305/ 667-3572 1

Products

6840 S.W. 92nd St., Miami, Fla. 33156

DATE: November 21, 1996 Our FAX number 305/ 667- 3572

TO: STEEL HECTOR & DAVIS

FAX#: 577-7001

ATTN: Norman Davis

PAGES: 2 Including cover sheet

Difficulty with FAX transmission, please phone 305/ 667-4051

Dear Norman:

Thank you for faxing on the National Geographic Society's initial letter to you. Idaz & I had a great laugh on their comments. It was D&D (dumb & disappointing). Perhaps they are testing you for copyright smarts. You can always sight them line & verse of Section 106 of Title 17, U.S. Code.

On both of the two parrotfishes they are exact copies of my photographs (male redband parrotfish is about 67% of my published photograph and the stoplight parrotfish artwork is exactly 95% of my published photograph). Both direct copies. The other material (moray eel & 2-divers) are in my opinion derivate works based on my copyrighted photographs.

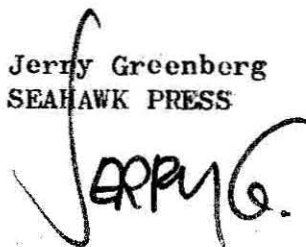
When you craft your reply to them, perhaps you might also advise them that four of the shark illustrations also will be disputed. I have excellent back-up material for you in regards to the Bull shark. Also available is additional information on their sources for the hammerhead, Oceanic whitetip and Silky sharks.

Later on in future correspondence, you might want to drop the other shoe and let them know that the Educational Insight is the 4th copyright infringement on their part of my material.

When I get a chance to sit down with you next week, I will go over the details on the photographic sources that they used for the shark art-work plate.

Sincerely yours,

Jerry Greenberg
SEAHAWK PRESS



ENTIRE EDUCATIONAL INSIGHT/NATIONAL GEOGRAPHIC
SOCIETY GEOSAFARI PRODUCT IS EI-7980.
THE INSIDES ARE LISTED AS FOLLOWS:

FISHES OF THE CORAL REEF
REEFS AND OCEANS 1
CODE 2043

CREATURES OF THE OPEN OCEAN
REEFS AND OCEANS 9-A
CODE 3907

NORMAN'S NEXT LETTER TO THE NGS SHOULD ALSO LAY CLAIM TO THE
FOUR DIFFERENT SHARK IMAGES SHOWN ON EDUCATIONAL INSIGHTS /
NATIONAL GEOGRAPHIC GEOSAFARI SHARK PLACARD (CODE 3907).

THESE ITEMS AND HISTORY ARE:

³⁶
BULL SHARK (RD-13) A COPYRIGHTED COLOR CATALOG ITEM
SENT UP TO SUPPLEMENT PHOTOGRAPHIC COVERAGE ON
THE SHARK ASSIGNMENT. LATER ON, USED IN SEAHAWK PRESS
BOOK: FISH MEN FEAR, SHARK!. COPYRIGHT 1969. THIS ITEM
WAS ORIGINALLY PHOTOGRAPHED DURING THE 1961 COVERAGE
OF THE PENNEKAMP PARK ASSIGNMENT FOR NATIONAL GEOGRAPHIC
MAGAZINE AS WAS RETURNED TO ME AFTER PUBLICATION OF
ARTICLE IN JANUARY 1962.

²⁶
GREAT HAMMERHEAD SHARK (ROLL FILM Y-6). A COPYRIGHTED CATALOG
ITEM SENT UP TO SUPPLEMENT PHOTOGRAPHIC COVERAGE ON THE
SHARK ASSIGNMENT. THIS ITEM WAS ORIGINALLY PHOTOGRAPHED
DURING THE 1961 PENNEKAMP PARK ASSIGNMENT FOR NATIONAL
GEOGRAPHIC MAGAZINE AND WAS RETURNED TO ME AFTER THE
PUBLICATION OF THE ARTICLE IN JANUARY 1962

OCEANIC WHITETIP SHARK: UNAUTHORIZED PULL FROM T.O.T.O. SHARK
COVERAGE. SEE TERMS OF ASSIGNMENT FOR SHARK ASSIGNMENT
FROM BOB GILKA (JUNE 20, 1963). PHOTOGRAPH LATER ON USED
IN SEAHAWK PRESS BOOK FISH MEN FEAR, SHARK! COPYRIGHT 1969

SILKY SHARK: UNAUTHORIZED PULL FROM T.O.T.O. SHARK COVERAGE.
SEE TERMS OF ASSIGNMENT FROM BOB GILKA (JUNE 20, 1963)

NGS Option A

1. Pay \$20,000 for past use of the disputed images in Educational Insight's product, Reefs and Oceans EI-7980. This payment allows sale of that product throughout 1997. The disputed images are:
 - a. Redtail parrotfish, stoplight parrotfish, moray, bent-knee diver and flowing hair diver. All found in Educational Insight's Fishes of the CoralReef, Reefs and Oceans1, code 2043.
 - b. Bull shark, great hammerhead shark, oceanic whitetip shark and silky shark. All found in Educational Insight's Creatures of the Open Ocean, Reefs and Oceans 9-a code 3907.
2. After 1997, a license payment of \$1,000 due in January of each year, should Educational Insights wish to continue using these images in its product.
3. Assignment of © for disputed images only. We supply the proper forms.
4. This fee and terms will also cover the unauthorized use of the sea fan image in the NGS Jason Project of 1996. See letter to JG from Rock Wheeler, October 26, 1995 re: sea fan image.
5. Furnish a visual image printout of all JG photographs in the NGS Image Collection, the permanent collection and any other storage or retrieval file, either as chromes, dupes, prints or digital images.
6. Return all chromes or copies of JG images that are derived from:
 - a. JG's personal collection sent to NGS or special pubs. Some items were used and others never published. (See 7-G folder)
 - b. JG © owned images (statutory copyrights from NGS). This includes items covered under the formal assignment of © by NGS dated December 18, 1985 to JG of photos appearing in the Pennekamp Park story, Jan. 1962, Sharks, Feb. 1968 and the Buck Island story, May 1971.
 - c. Unauthorized selects pulled from unpublished assignments.
Gil Voss Coral Reef, August 1962
Sealab 1, December 1964
Virgin Island National Park September 1965
Green Turtle, January 1966
See complete listing in 3-C folder.
 - d. Return of duplicate items of JG © images that appeared in Traveler Magazine, winter and NGS Magazine in April, 1990.
7. Blanket assignment of © to JG for all the above.

D. [UNAUTHORIZED SELECTS PULLED FROM PUBLISHED ASSIGNMENTS]

NGS Option B

1. Pay \$5,000 for past use of the disputed images in Educational Insight's product, Reefs and Oceans EI-7980. This payment allows sale of that product throughout 1997. The disputed images are:
 - a. Redtail parrotfish, stoplight parrotfish, moray, bent-knee diver and flowing hair diver. All found in Educational Insight's Fishes of the Coral Reef, Reefs and Oceans1, code 2043.
 - b. Bull shark, great hammerhead shark, oceanic whitetip shark and silky shark. All found in Educational Insight's Creatures of the Open Ocean, Reefs and Oceans 9-a code 3907.
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Green Turtle, January 1966
Buck Island family dive, January 1966
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7. Purge all JG images from NGS's file systems with an appropriate blanket assignment of © to JG for all images.

D. UNAUTHORIZED SELECTS PULLED FROM PUBLISHED ASSIGNMENTS

NGS Option A

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3. Assignment of © for disputed images only. We supply the proper forms.
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NGS Option B

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7. Purge all JG images from NGS's file systems with an appropriate blanket assignment of © to JG for all images.

- (1) Photo assignments by NGS -- photos used properly -- copyright assigned to JG

- (2) Photo assignments by NGS -- photos used properly -- NGS returned photos that were never used -- no copyright assignment -- JG has no rights in photos retained

- (3) 5 photo assignments by NGS -- photos sent to NGS were never published -- NGS unilaterally pulled selects before returning photos to JG -- informed JG about retaining selects only after photo assignment was finished -- last four photo assignments were pursuant to written contract, providing that NGS would keep what was used, return others

- (4) 2 separate requests by NGS for photos -- written contracts provided for one-time use in a specific publication, for the first edition only -- some photos were used in subsequent editions, JG was paid -- JG was given copyright notice in articles -- NGS probably returned photos sent by JG, but may have retained some copies

- (5) 2 photo assignments for NGS -- pursuant to written contracts, NGS must return all used and unused photos -- NGS returned all originals, but kept dupes

NGS Option A

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IMPORTANT CORRESPONDENCE FROM NGS FOLDER # 2 (1962-1964)

AUGUST 8, 1963

RE: THE REPRODUCTION RIGHTS OF 6 COLOR
TRANSPARENCIES TO BE USED IN NGS BOOK OF FISHES. "NGS
PUBLICATIONS AND FOR OTHER PURPOSES RELATED TO THE
SOCIETY'S OBJECTIVES" IMPORTANT! THIS IS NOT IN KEEPING WITH
THE ORIGINAL ARRANGEMENT MADE WITH ART TERRY "ONE TIME
REPRODUCTION RIGHTS...." (JUNE 25, 1962).

AUGUST 30, 1963

VERY IMPORTANT

RE: DESCRIPTION OF "WORK BOX" OF 7 SHARK ASSIGNMENT
CHROMES. IMPORTANT MENTION OF LEONARD GRANT COMING BY
TO "REVIEW MY SELECTS" FOR HIS BOOK USE NOT IN SHARK
ASSIGNMENT MADE WITH GILKA. (JUNE 20, 1963).

THIS
WAS
NOT

JANUARY 27, 1964

RE: ASSIGNMENT TO DO PHOTOGRAPHS FOR NEW
GEOGRAPHIC BOOK WORLD BENEATH THE SEA. BOB GILKA TO
JG.

MARCH 26, 1964

PAYMENT FOR 2-CHROMES (UNDERWATER RESEARCH) "FOR
OTHER PURPOSES RELATED TO THE SOCIETY'S OBJECTIVES"
(\$500.00).

APRIL 1, 1964

RE: PAYMENT FOR BULL SHARK PHOTO (RA-18). TERMS OF THEIR

IMPORTANT CORRESPONDENCE WITH NGS FOLDER # 4 (1964-1966)

AUGUST 12, 1966 RE: JB UNAUTHORIZED USE OF NGS TYPE AND LAYOUT OF JOHN PENNEKAMP PARK MAP. EDWIN SNIDER TO JB .

AUGUST 17, 1966 RE: JB UNAUTHORIZED USE OF NGS TYPE AND LAYOUT JB ANSWER TO EDWIN SNIDER.

AUGUST 24, 1966 RE: JB UNAUTHORIZED USE OF NGS TYPE AND LAYOUT MEL PAYNE ANSWER TO JG.

FEBRUARY 19, 1967 RE: DISCUSSION ABOUT JB DOING MORE SHARK PHOTOGRAPHS FOR ASSIGNMENT ALSO MENTION THAT "UNUSED OR UNPUBLISHED PHOTOGRAPHS WILL BE RETURNED TO ME" JB TO BRYAN HODGSON.

VERY IMPORTANT

FEB. 21, 1967 RE: OK ON ADDITIONAL SHARK PHOTO COVERAGE BRYAN HODGSON TO JB

FEB. 20, 1967 RE: ASSIGNMENT OF U/W COVERAGE OF ED LINK SUBMARINE IN FREEPORT, BAHAMAS AND OK ON ADDITIONAL SHARK PHOTO COVERAGE. BRYAN HODGSON TO JB

FEB. 24, 1967

RE: JB ACCEPTANCE OF LINK U/W ASSIGNMENT FOR BOOK USE. 'ALL

MARCH 29, 1963

RE: PAYMENT FOR 1-COLOR TRANSPARENCY.

JERRY GREENBERG NOTE

APRIL 4, 1963

FOR MARINE BIOFLUORESCENCE. I BELIEVE THIS WAS A JG FILE CHROME BUT MAY HAVE BEEN PART OF THE GARRETT "54 SELECTS" (JANUARY 2, 1961). ARTICLE APPEARED IN AUGUST, 1963 NATIONAL GEOGRAPHIC MAGAZINE.

APRIL 25, 1963

RE: 8-COPIES OF UNDERWATER PHOTOGRAPHY SIMPLIFIED SENT TO NGS PHOTOGRAPHIC DEPT.

JUNE 20, 1963

VERY IMPORTANT!

ASSIGNMENT OF SHARK STORY. BOB GILKA TO JG IMPORTANT!
"UNUSED OR UNPUBLISHED PHOTOGRAPHS WILL BE RETURNED TO YOU. AFTER THE PUBLICATIONS OF OUR MAGAZINE STORY ALL RIGHTS...."

JUNE 25, 1963

RE: THE STATUS OF JG FILE SHARK PHOTOS THAT ARE USED IN ARTICLE TO BE RETURNED TO ME. DUPES HELD, OK, JG TO BOB GILKA.

IMPORTANT CORRESPONDENCE WITH NGS FOLDER # 4 (1964-1966)

VERY

DEC. 29, 1967
IMPORTANT

RE: MISSING SHARK TRANSPARENCIES "A MYSTERY WHICH WAS DEEPER THAN EITHER OF US SUSPECTED." "SEVERAL OTHER PICTURES OF YOURS WHICH I AM RETURNING." "THEY WERE IN THE POSSESSION OF BILL BOND, WHO USED THEM AS REFERENCE MATERIAL FOR HIS ~~PRINTING~~ IN THE SHARKS STORY." BRYAN HODGSON TO JB & PAINTING

JANUARY 5, 1968

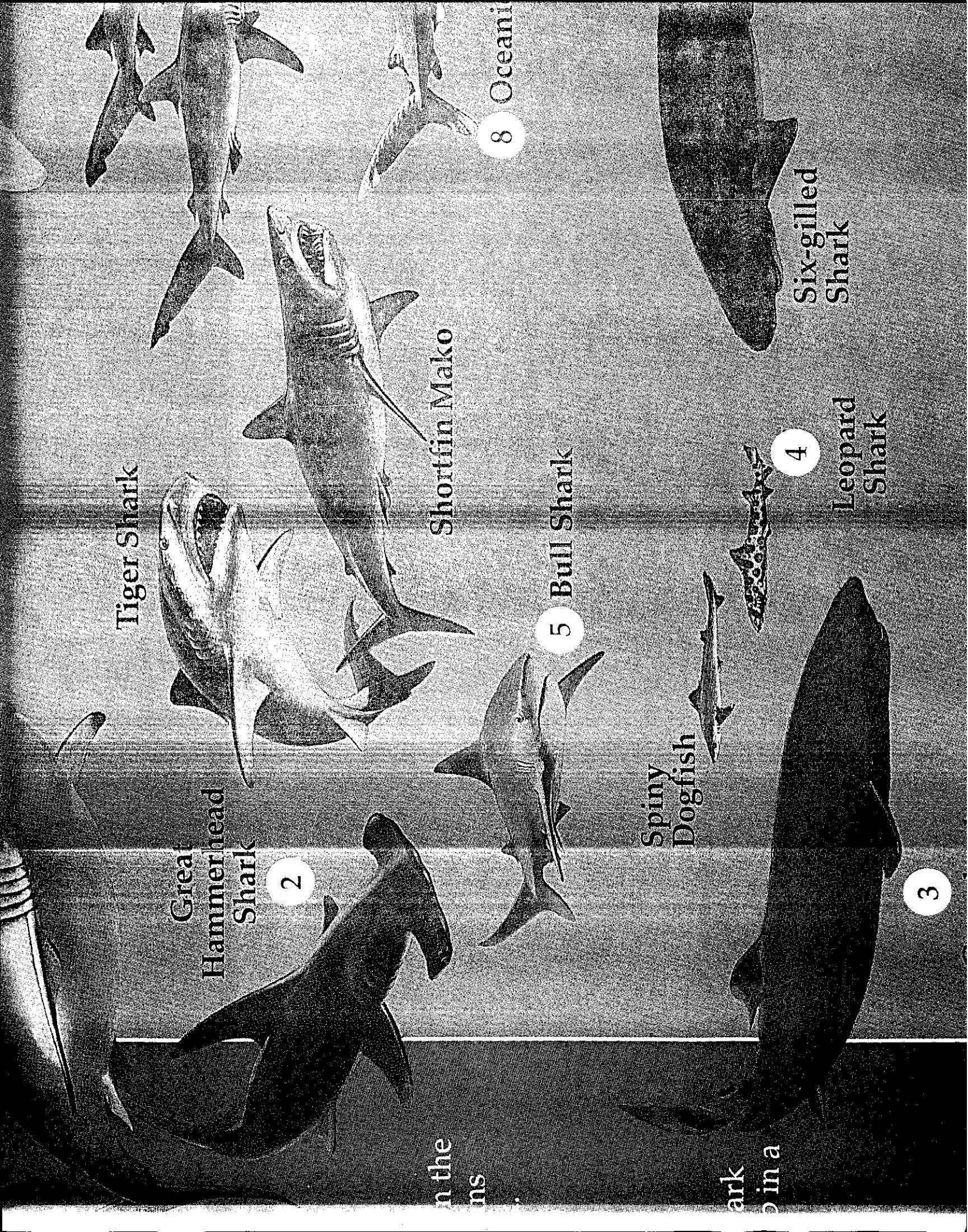
RE: THANKS FOR RETURN OF JB MISSING FILE ITEMS AND ADDITIONAL SELECTS. ALSO ASKING FOR RETURN OF 8-BOXES OF CHROMES OF MOUNTED SHARKS. JB TO BRYAN HODGSON.

JANUARY 16, 1968

RE: THANKS FOR BUNDLE OF FEB. 1968 ISSUES ON NATIONAL GEOGRAPHIC MAGAZINE SHARK STORY "STILL TRYING TO LOCATE SOME SHARK ITEMS THAT WERE NOT RETURNED AND THAT WERE NOT USED IN THE ARTICLE." JB TO BRYAN HODGSON.

JANUARY 30, 1968

RE: CONGRATULATIONS FOR SHARK COVER ON FEB. 1968 ISSUE OF



Tiger Shark

Great Hammerhead Shark

2

Shortfin Mako

Bull Shark

5

Spiny Dogfish

Leopard Shark

4

Six-gilled Shark

8 Oceani

3

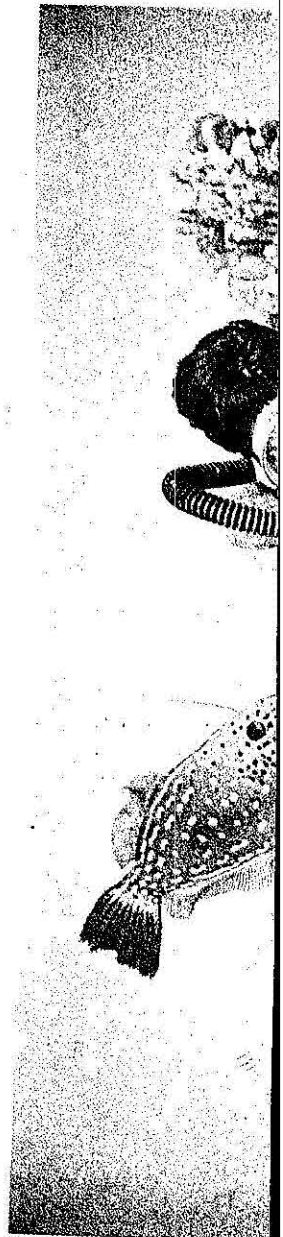
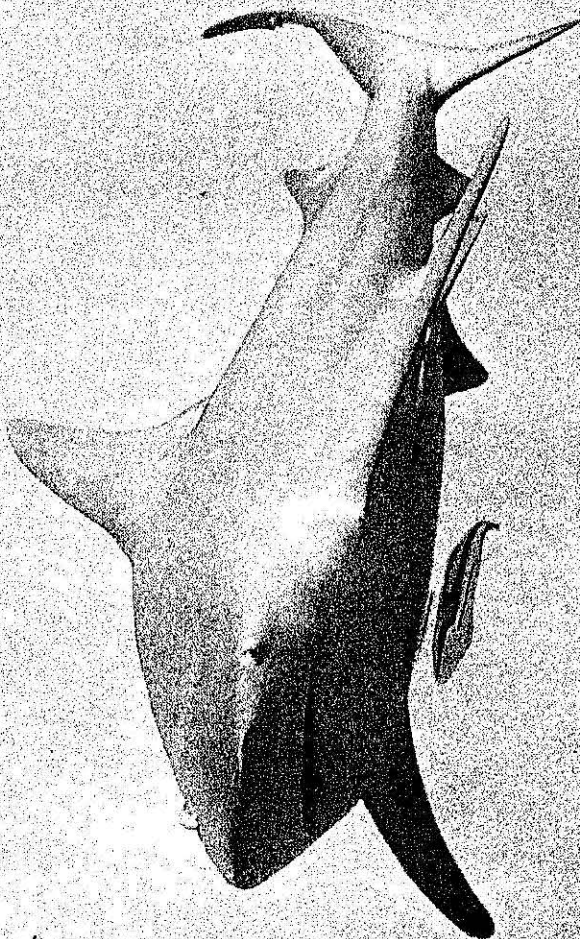
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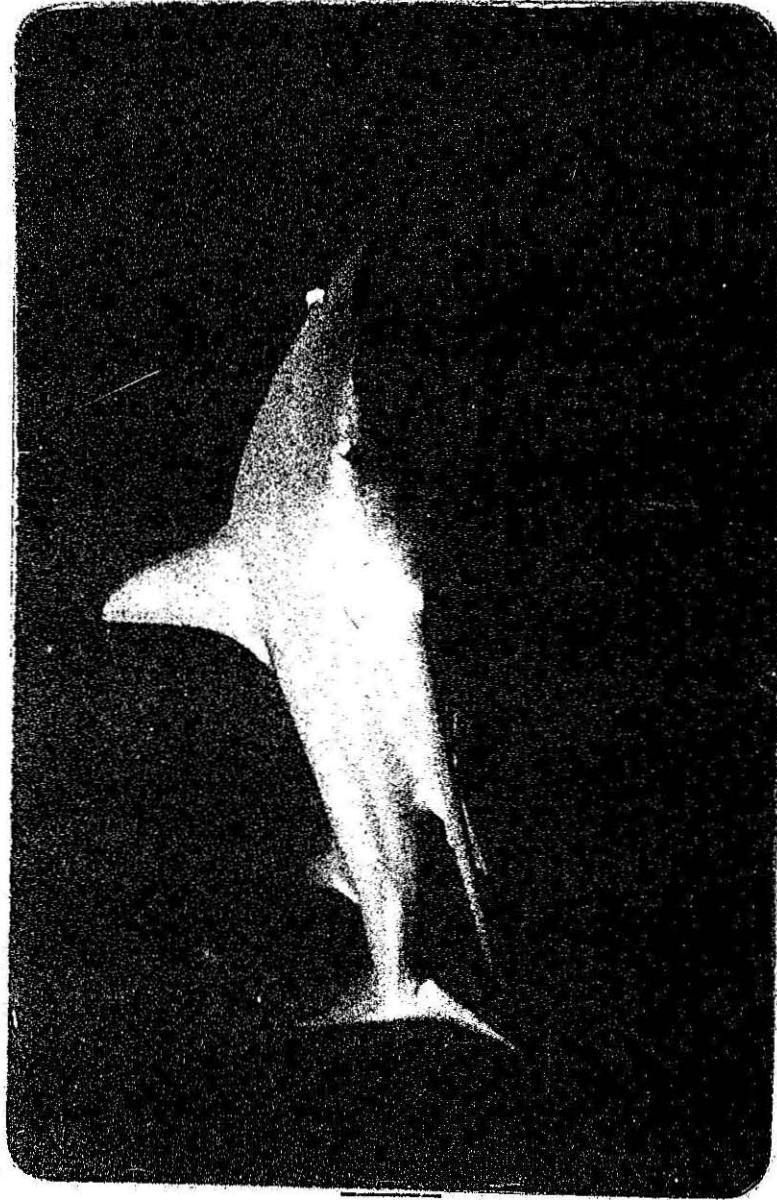
FROM
PRESS
PROOF
FOR
POST
CARDS
WHICH
WERE
PUBLISHED
AND

COPYRIGHTED



RD-13

FROM
"BLUE"
ROLL FILM
PHOTO
CATALOG



or in (color balance &) sharpness. © Jerry Greenberg

RD-14

JIHAD THOUGHTS ON EDUCATIONAL INSIGHTS & NATIONAL GEOGRAPHIC

IF A COPYRIGHT INFRINGEMENT SUIT HAS TO BE FILED, IT SHOULD BE AGAINST BOTH PARTIES IN SOUTHERN DISTRICT OF FLORIDA. BOTH PARTIES SHOULD BE AWARE OF THIS FROM THE VERY BEGINNING OF INITIAL CORRESPONDENCE.

EDUCATIONAL INSIGHTS SHOULD BE ALLOWED TO CONTINUE TO MARKET THE CORAL REEF PRODUCT AND ALL NEGOTIATIONS SHOULD BE DONE WITH NGS. TWO REASONS FOR THIS. ① WE DO NOT WANT TO DISRUPT OR INTERFERE WITH THEIR RELATIONSHIP & ② THE CONTINUED AND UNINTERRUPTED SALE OF THE PRODUCT IS AN ASSET TO US ESPECIALLY WHEN WE RECEIVE AN ASSIGNMENT OF COPYRIGHT OF DISPUTED IMAGES. A YEARLY LICENSING FEE (AFTER INITIAL SETTLEMENT) SHOULD BE PAID TO US BY NGS, NOT EDUCATIONAL INSIGHTS. THE PUBLISHER (EDUCATIONAL INSIGHTS) SHOULD NOT BE BOTHERED IN ANY WAY, EXCEPT IN THE CASE OF AN ACTUAL SUIT BEING FILED. THE ADDED ADVANTAGE OF DEALING DIRECTLY WITH NGS IS THAT THEY ARE THE LICENSEE AND THEY ALSO ARE IN POSSESSION OF ABOUT 500 JG IMAGES IN THEIR PERMANENT COLLECTION OR DIGITAL FILE WHICH ARE EITHER JG PERSONAL FILE CHROMES OR UNAUTHORIZED "SELECTS."

TWO POTENTIAL AVENUES OF SETTLEMENT WITH NGS

THERE CAN BE NO BLANKET PAYMENT AS SETTLEMENT TO COVER PAST INFRINGEMENTS ON EDUCATIONAL INSIGHT PRODUCT AND CONTINUED USE OF SAME IMAGES. INSTEAD THE THE DIRECTION SHOULD BE :

1.) FOR THE PAYMENT OF _____ PLUS THE RETURN OF ALL J.G. IMAGES FROM THEIR "PERMANENT COLLECTION" & DIGITAL FILE. PLUS AN ASSIGNMENT OF COPYRIGHT OF DISPUTED IMAGES FROM THE EDUCATIONAL-INSIGHT PRODUCT. THE GREENBERGS WILL THEN LICENSE THE NGS FOR THE CONTINUED USE OF THESE IMAGES ON THE EDUCATIONAL-INSIGHT PRODUCT.

2.) FOR THE PAYMENT OF _____ PLUS THE RETURN ALL ALL J.G. PERSONAL FILE IMAGES & UNAUTHORIZED "SELECTS" FROM THEIR "PERMANENT COLLECTION" & DIGITAL FILE. PLUS AN ASSIGNMENT OF COPYRIGHT OF DISPUTED IMAGES FROM THE EDUCATIONAL-INSIGHT PRODUCT. THE GREENBERGS WILL THEN LICENSE THE NGS FOR THE CONTINUED USE OF THESE IMAGES ON THE EDUCATIONAL-INSIGHT PRODUCT.

IN EITHER OF THE ABOVE SITUATIONS, WE WOULD INSIST THAT NGS PROVIDE US WITH A VISUAL INVENTORY OF ALL J.G. IMAGES ON FILE (PERMANENT COLLECTION OR OTHERWISE).

TWO POTENTIAL AVENUES OF SETTLEMENT WITH NGS

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National Geographic Magazine

WASHINGTON, D. C. 20036

GILBERT M. GROSVENOR

EDITOR

March 18, 1977

Dear Jerry:

My congratulations to you on THE CORAL REEF and, in particular, the coral and fish identification book which I am returning as you requested. I am amazed that you and Idaz were able to put together such a beautiful pictorial representation of fish and coral through artwork. I must confess I was somewhat skeptical about the quality when we talked over the phone but I assure you I'm not now! As you know, the Geographic has always leaned heavily toward the photograph when possible but you have certainly made artwork in the identification area extremely attractive. I look forward to purchasing several of these books when they are published and I am confident that thousands of other people will feel the same way.

Your Coral Reef Park poster is excellent and I am particularly impressed with the texoprint material. I wish we could use the same material for our Close-Up: USA maps. In fact right now the production people are determining what the increased cost would be for our overall package of 15 maps.

Again, my thanks and appreciation for your interest in my publishing problems. I hope to find an excuse to fly to Miami soon. If so, I will come without my 7-year-old so that my time will be more flexible. I want very much to visit with both you and Idaz. You are a fortunate couple in that both of you possess great talent in similar fields and that you can work together so harmoniously.

Your many friends up here join in sending best regards.

Sincerely,



jam

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

National Geographic Society

WASHINGTON, D. C. 20036

LEONARD J. GRANT
ASSOCIATE SECRETARY

October 24, 1975

Mr. Jerry Greenberg
Seahawk Press
6840 SW 92nd Street
Miami, Florida 33156

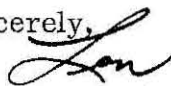
Dear Jerry:

I have just returned from a brief overseas trip and find your new publication on "The Coral Reef," which I am delighted to add to my growing collection of books on marine subjects. The pictures are beautifully reproduced and remind me of those more carefree days when I was picture editing your wonderful material for the magazine and for the Fish Book, which has gone out of print. With all the exciting underwater pics produced in recent years and the fresh, new styling of our recent books, I'd like to see the Geographic do an entirely new fish volume. But that will depend on the market research surveys that are continually being conducted here.

I don't know of any new developments on the case with the Canadian publisher who "stole" the numerous shark and piranha pictures from our publications and, no doubt, from other unauthorized sources. Those matters usually are handled by Ed Snider, who works directly with Dr. Payne and our General Counsel on copyright violations. It is incredible how many of these infringements turn up weekly, but the Canadian shark magazine was one of the most flagrant examples we have seen. Ed is away from the office this week, but I would not be surprised to learn that this fly-by-night outfit has gone out of business after ripping-off a good hunk of the market.

Again, many thanks for the latest example of your beautiful photography. I hope it does well.

Sincerely,



LJG:ngb

