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The Pitfalls and Problems of Publishing Your Book
Benedikt Taschen on Revolutionizing Photo Books

In The New Issue of
The Future of Digital
The Fix Digital

RICHARD MISRACH LOOKS TO THE SKIES

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...city, where she
married Lomeo. The story goes that she
er the intercom about using a darkroom in
ing Lomeo managed, and he fell in love
voice he heard. They became inseparable
. For 50 years, they traveled and worked
Both prolific photographers, the couple
six books, including the critically ac-
iscany and *Provence*.

started shooting in black and white, but
y 1970s she and her husband turned to
trademark use of color and composition
al and painting like quality to the land-
/ documented. Their work has appeared
e and *Audubon* and has also been ex-
he Metropolitan Museum of Art, the In-
Center of Photography and numerous
worldwide.

phy is her life, Bullaty once said. "Be-
e is photography, I want to express with
e, experience and feel, a world real or

Sonja Bullaty with her husband Angelo Lomeo.

surreal, sad or funny, but a world uniquely my own.
Perhaps to live I needed to know there is beauty."

A retrospective of Bullaty's work is being planned
for next spring, says long-time friend and photog-
rapher Don Carroll. She could 'see things other peo-
ple couldn't see," he remembers. "You could be
driving down the road with her and she'd say, 'Stop!
Stop!' She'd see some little flower that you passed
at 75 miles an hour. She had an eye for nuances that
was really astounding."

—Dorothy Ho

LEGAL DEVELOPMENTS

Tough Words from Judges On Geographic CD

NEW YORK—Photographer Jerry Greenberg, who is
suing The National Geographic Society for copy-
right infringement, has won the sympathy of at
least two Federal Appeals Court judges in Atlanta.

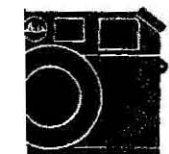
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From Andrew in Fort Lauderdale, Florida: As a freelancer, I was paid by a local magazine to take some photos. I signed nothing regarding usage or rights concern-

tional compensation would also be contractual unless the additional use exceeded the rights granted, in which case it might constitute copyright infringement.

A panel of three judges heard oral arguments in the case on October 3. Comments from two of the judges favored Greenberg's arguments, although a final ruling could be weeks or months away.

Greenberg sued for copyright infringement because the Geographic used his images without permission on a 1997 CD compilation of the entire National Geographic magazine archive.

The CD collection reproduces each back issue of the magazine page by page, but also includes a search engine, an introductory montage, and new advertising. At issue is whether the CD set is simply a revision of the original magazines in a different medium, as the publisher argues; or a derivative work requiring permission from copyright holders, as Greenberg argues.

According to some of the Appeals Court testimony reported by The Fulton County Daily Report, two of the judges appeared swayed by Greenberg's arguments.

They pondered the Geographic's argument that the CD was similar to binding back issues of the magazine, or reproducing them on microfilm or microfiche—all of which are allowed under copyright law. But judge Lanier Anderson reportedly said, "You say the medium makes no difference. But here the medium creates a new market."

As of December 1998, the Society said it had sold 300,000 copies of the CD. The suggested retail price is \$99.95.

A second judge, Stanley F. Birch, reportedly noted that "All this is about who gets the money, whether you [publishers] can get the money, or have to share it with some author."

After a 90-minute hearing, he reportedly concluded, "What you've got is a brand new work for a new medium for a new market. . . . It is as plain as day to me this is a derivative work, and the Society has exercised a right it does not have."

Afterward, Greenberg told *PDN*, "We had a fair shake. And if we don't prevail, I think we were treated fairly by the system. If we do prevail, it will be an enhancement for anyone who owns intellectual property."

The Geographic did not immediately respond to a request for comment.

The case is being watched closely by photographers, several of whom have claims similar to Greenberg's pending in federal courts.

Publishers are also awaiting the outcome of Greenberg's case. The New York Times, Time Inc., Times Mirror, and other publishers have filed a friend-of-the-court brief in the Greenberg case, saying a victory by the photographer would diminish public access to newspaper and magazine archives.