Subj: **AOL promotes NGS CDs**
Date: Tuesday, February 26, 2002 7:39:25 PM
From: fward@erols.com
To: lulukiku@aol.com

DEAR FRED: YOU ARE RIGHT! THIS IS OUTRAGEOUS! I WILL ASK NORMAN DAVIS IF HE CAN WORK THIS INFORMATION INTO HIS PLEADINGS. JERRY

Jerry,

I can hardly believe it. After all that's going on, NGS is still making new alliances and promoting all the abusive features of the CD sets.

Today my father was getting his messages on AOL when a screen came up advertising the CD sets. I captured 9 screen images (labeled Screens 2-10) that show even at this late date NGS is still encouraging users to use my images any way they like. You can read what NGS is saying in the small box on the AOL screen.

We've seen some of this kind of thing before, but after Tasini and Greenberg, NGS plunges on, encouraging and supporting infringements.

I think this is just amazing. They have learned nothing. And they are still saying, as you can see on images 2 and 3, that every image and every page, and every text is there ready to be taken.

Let me know that you have these, can view them, and can print them out.

Fred

---------- Headers ----------
Return-Path: <fward@erols.com>
Received: from rly-xg05.mx.aol.com (rly-xg05.mail.aol.com [172.20.115.202]) by air-xg03.mail.aol.com (v83.45) with ESMTP id MAILINXG35-0226183922; Tue, 26 Feb 2002 18:39:22 -0500
Received: from smtp-hub.mrf.mail.rcn.net (smtp-hub.mrf.mail.rcn.net [207.172.4.107]) by rly-xg05.mx.aol.com (v83.35) with ESMTP id MAILRELAYINXG51-0226183815; Tue, 26 Feb 2002 18:38:15 -0500
Received: from smtp02.mrf.mail.rcn.net ([207.172.4.61])
by smtp-hub.mrf.mail.rcn.net with esmtp (Exim 3.33 #10)
id 16frBI-0004zz-00
for lulukiku@aol.com; Tue, 26 Feb 2002 18:38:48 -0500
Received: from 66-44-16-104.s1628.apx2.lnh.md.dialup.rcn.com ([66.44.16.104] helo=erols.com)

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by smtp-hub.mrf.mail.rcn.net with esmtp (Exim 3.33 #10)
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Fred Ward Gem Book Series

GEM BOOK PUBLISHERS
7106 Saunders Court
Bethesda, MD 20817 USA
Tel 301-983-1990
FAX 301-983-3980
fward@erols.com http://www.erols.com/fward/

3/3/02

Jerry,

Here are the color images of the NGS ads for CD 112 on AOL. I made these off-screen images 2/26/02. If you read the small boxes you'll see 2 things—

1. NGS says every article and picture are in CD 112. And that's not true
2. They Tell customers they can use the images and print them—

Amazing!

Fred

SEAHAWK Products

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

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

DATE: March 10, 2002 Our FAX number 305/ 667-3572

TO: Fred Ward

FAX#: 1-301-983-3980

ATTN: Fred Ward

PAGES: 4 Including cover sheet

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

Dear Fred:

Thank you for your recent mailing of the AOL literature and your thoughtful note. It seems that the National Geographic and AOL are in the copyright-free photo clip art business.

When Dover Publications produce a "READY TO USE Dover Clip-Art* book, they commission an artist to do the drawings on the basis of a "work for hire" contract. They then produce the "clip-art" book with certain uses stated. Each firm that produces a "clip-art" product usually produces a set of rules for the customer to follow. If no rules are stated, then there are no limitations that the illustrations may be put to.

It seems that without the publication of rules for the end user of the CNGM CD-ROM the National Grographic Society are releasing photographs for unlimited and unlicensed applications.

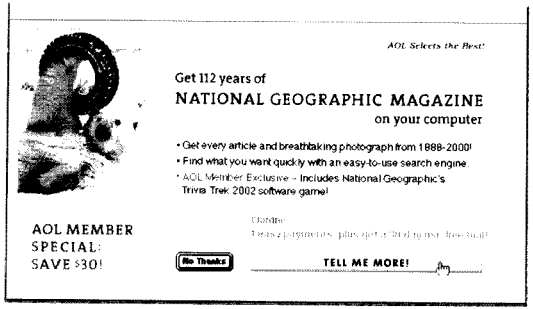
In the case of AOL, it seems that they have become the "Napster" of visual arts.

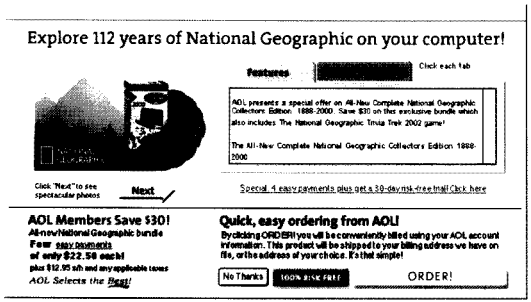
In regards to the above mentioned cases, if National Geographic owned all of the copyrights to the material appearing in the product, there would be no problem. The fact is that do not and have been releasing the copyrighted works of others to be used in an unlicensed and unlimited manner.

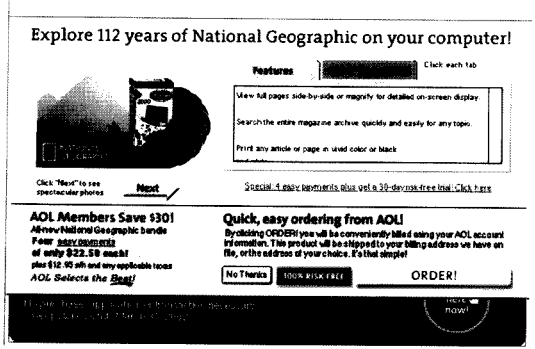
I will pass on your material to Norman Davis and give him my point of view on this matter.

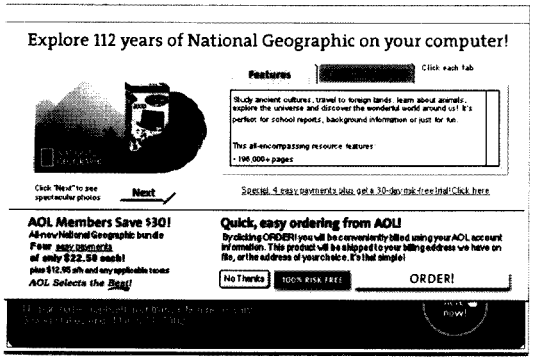
Sincerely yours, JERRY G Jerry G

* In the case of one of the Dover Publications Clip*Art series, I found some of the illustrations (2-3) that were derivative versions of my copyrighted photographs. I made Dover pay me, provide me with an assignment of copyright and remove the disputed images from future editions of the book.

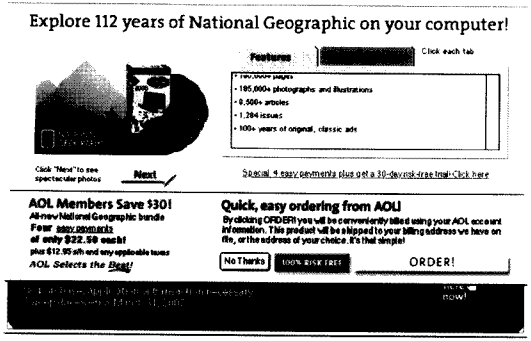


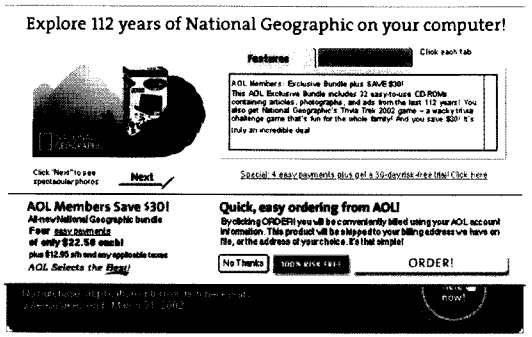


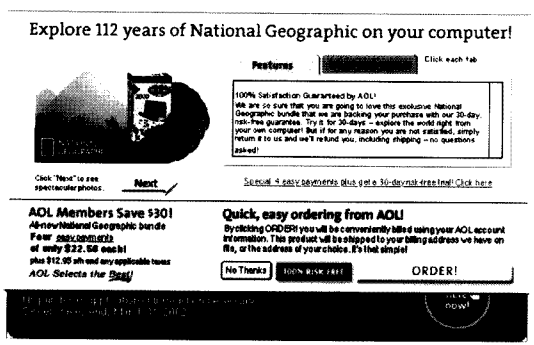


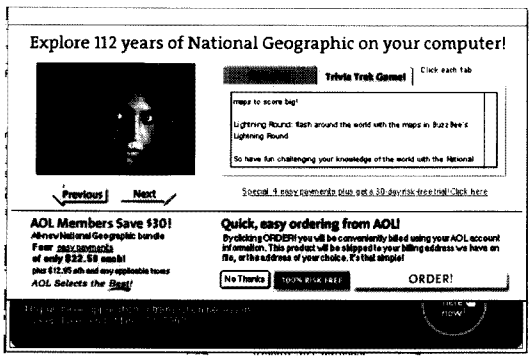


A series of "pop up" ads on AOL promoting the "Complete National Geographic" CDs 2/26/02
Even after Tasini and Greenberg, NGS continues to promote infringing actions with its CD products









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