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NGS FIGHTS ON

MIAMI—The National Geographic Society is seeking to overturn or at least reduce a $400,000 jury award in favor of Jerry Greenberg, who sued NGS for unauthorized use of his images on CDs containing the entire contents of back issues of *National Geographic* magazine.

The jury reached its verdict in March, two years after a federal appeals court ruled that NGS had violated Greenberg's copyright. The appeals court sent the case back to the Miami trial court to determine what damages, if any, NGS would be required to pay.

NGS has filed a motion to throw out the $400,000 jury verdict, a motion for a new trial, and a motion for remittitur, according to Geographic spokesperson Mary Jeanne Jacobsen.

Motions of remittitur are requests by defendants to reduce damage awards they consider to be excessive.

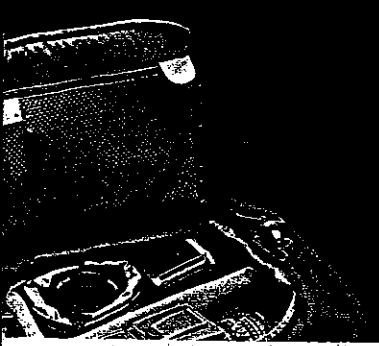
Meanwhile, former *National Geographic* photographer Nathan Benn has filed a breach-of-contract claim against NGS for reusing more than 300 of his images on the CD without paying him.

The images appeared in 20 different stories in *National Geographic* between 1973 and 1991. NGS owns copyright to many of Benn's images, so unlike Greenberg and others with cases pending against NGS, Benn is not claiming copyright infringement. Instead, Benn alleges that NGS violated oral and written agreements to pay him additional fees for reusing his images in other editorial, promotional, or advertising products.

Benn argues that since the NGS CDs are new products—as the appeals court ruled in the Greenberg case—NGS is obligated to make good on its promises to pay him additional usage fees.

He asserts that NGS has sold more than 2 million copies of the CDs and generated more than $25 million in revenue from those sales without sharing any of that money.

"This suit joins several others that are virtually identical on the same contractual issue before the same judge and the Geographic's position is exactly the same," says Jacobsen. Contrary to the appeals court ruling, NGS insists their CD-Rom "is like microfilm or microfische.... and National Geographic owns the collective-work copyright to the magazine."



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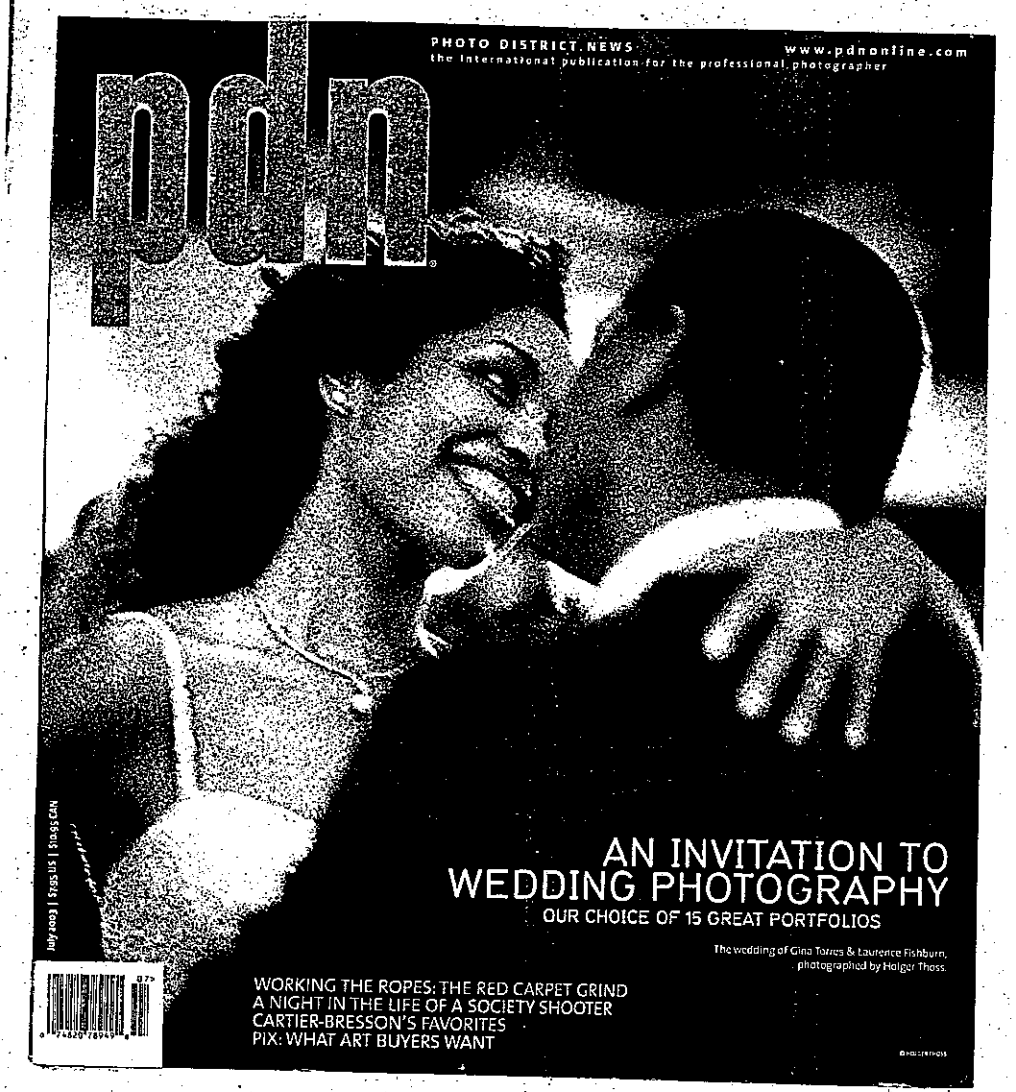
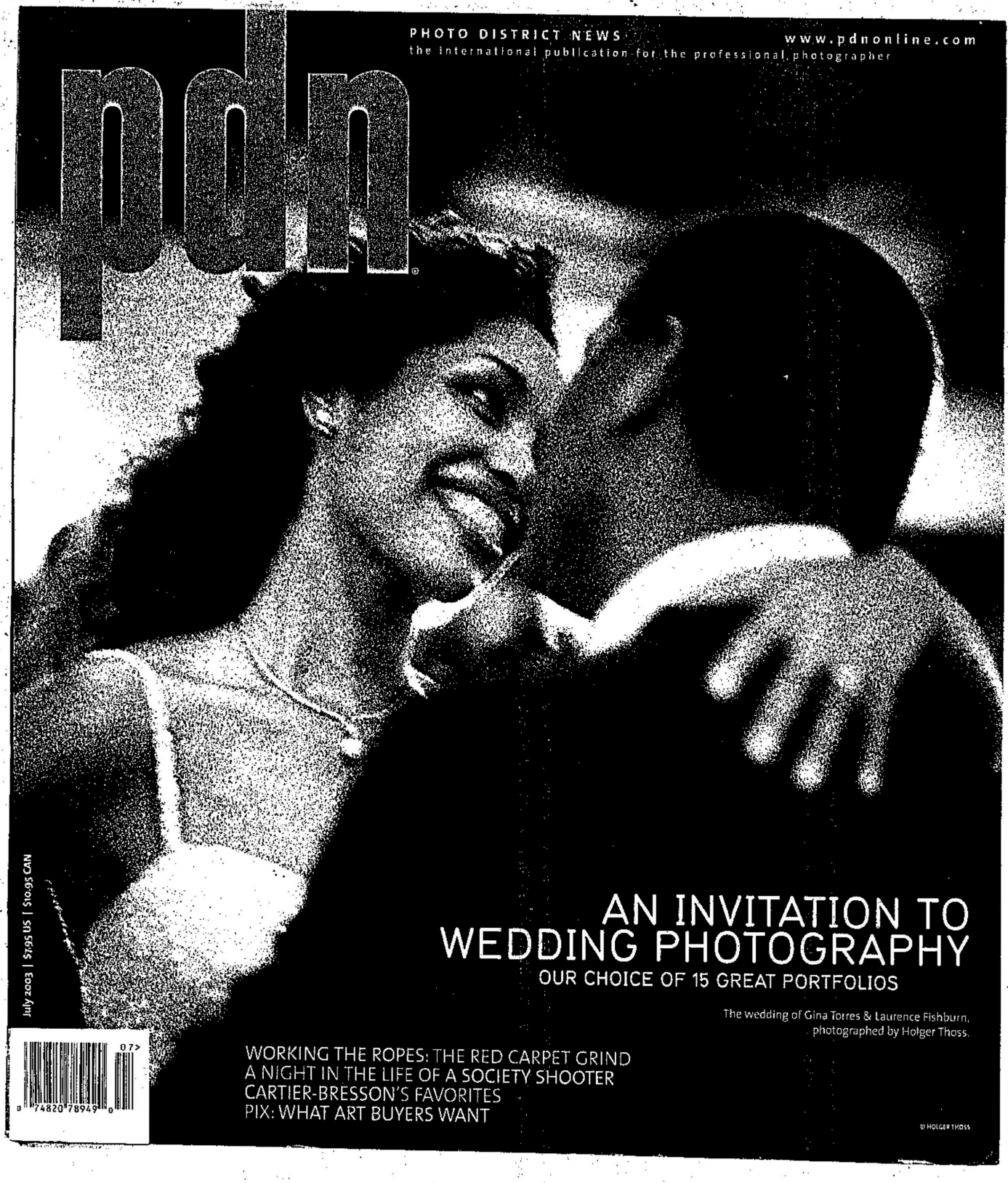


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