

CBS files suit on CATV copyright clearance

ITS AIM: NO CATV PICKUPS WITHOUT SHOW OWNERS' OK

Court action to establish principle that community antenna television systems may not transmit programs without permission of copyright owners was initiated by CBS Friday (Dec. 11) in suit against Teleprompter.

CBS said that "once copyright is established CBS will grant CATV systems permission to use its network television programs when those systems are the only means by which satisfactory television service will be available. In such circumstances CBS does not desire to cause an increase in the cost of the television service to the CATV subscribers and contemplates only a nominal fee to cover administrative costs."

Programs Named ■ Suit, filed in U. S. Southern District Court in New York, said Teleprompter systems in Farmington, N. M.; Johnstown, Pa. and Elmira, N. Y., had retransmitted CBS-TV network programs without permission of copyright holders. It asked that Teleprompter be enjoined and assessed statutory damages of \$250 per infringement over period of about two weeks. Programs named were *CBS Reports*, *Burden and Glory of John F. Kennedy*, *World War I*, *Danny Kaye Show*, *Dick Van Dyke Show* and *My Living Doll*.

CBS said owners of copyrights on those programs not copyrighted by CBS were joining as co-plaintiffs in action. These were identified as Calvada/Thomas Enterprises (Van Dyke), Dena Productions (Kaye) and Jack Chertok (Doll).

No Comment ■ Teleprompter officials in New York said they would withhold comment pending examination of complaint.

CBS said CATV systems duplicating network programs within service areas of network affiliates "may well jeopardize the value of the copyrighted program service" furnished by networks to those stations. If this forces stations to close down in some communities, CBS continued, present network system could break down, quality of TV service in U. S. could be impaired, network programs could be lost to areas not reached by CATV, and some communities could lose their local TV service.

"Television today is a service essentially free to the public," CBS said. "CBS proposes to assert its statutory rights and its rights as copyright licensee in the creativity of the programs

which it broadcasts, and thus aid in the preservation and extension of free television service."

One other lawsuit to establish copyright owners' rights against CATV was initiated by United Artists against West Virginia CATV operator in 1960. It has not yet come to trial.

CBS juggles its nighttime schedule

CBS-TV will drop *Mr. Broadway* and *The Reporter* at end of month, as part of 13 midseason changes of nighttime schedule. Changes, covering every night of week and coming after second November Nielsen report (see page 25), include bringing back *On Broadway Tonight*, summer replacements; *Celebrity Game*, midseason replacement last year, and reruns of *Danny Thomas Show*.

Changes, as disclosed to affiliates Friday (Dec. 11) by James T. Aubrey Jr., CBS-TV president:

Dec. 14—*CBS Reports* from 7:30-8:30 Wednesday to 10-11 Monday in place of *Slattery's People*; Dec. 15—*Joey Bishop* from 9:30-10 Sunday to 8-8:30 Tuesday replacing *World War I*; Dec. 16—*Mr. Ed*, 6:30-7 Sunday and *My Living Doll*, 9-9:30 Sunday will move to 7:30-8 and 8-8:30 Wednesday, respectively; Dec. 20—*World War I* replaces *Mr. Ed*, and on same date *Best of Danny Thomas* is put in 9-9:30 Sunday, followed by *Celebrity Game* 9:30-10. On Dec. 31 *Broadway Tonight* replaces *Password* and *Baileys of Balboa* in Thursday, 9-10 period; Jan. 1—*Password* and *Baileys* move into Friday, 8:30-9 and 9-9:30, respectively, in place of *The Entertainers*, and *Slattery* replaces *Reporter* at 10-11; Jan. 2—*Entertainers* replaces *Mr. Broadway*.

ABC alone in asking for Saturday baseball

Reports late Friday (Dec. 11) indicated ABC-TV stood alone in negotiating for Saturday afternoon baseball package offered by major league committee. ABC was said to be offering around \$5 million, but network spokesman said "deal is still in the negotiating

stage and far from completion."

Source close to baseball-network talks said NBC-TV had made offer to committee but withdrew it last Thursday.

Package is now said to be 25-game schedule which skirts blackout problems by telecasting different game into area where regular game in package would otherwise not be eligible for telecast. Only teams not participating at this point are New York Yankees and Philadelphia Phillies. It's said baseball committee reported final decision would be made this week.

Meanwhile CBS has been wondering how its *Game of the Week* plans will be affected. Worst that could happen from CBS standpoint would be limitation to telecasts of Saturday and Sunday afternoon home games of New York Yankees.

NLB merges with DCSS on Jan. 1

Needham, Louis & Brorby has merged with Doherty, Clifford, Steers & Shenfield, effective Jan. 1, creating new agency that will bill estimated \$82 million next year. At news conferences Friday (Dec. 11) in Chicago and New York, details were presented on new Needham, Harper & Steers, which has William Steers as board chairman and director of New York division and Paul Harper as president and chief executive officer with office in Chicago.

NL&B billed estimated \$55 million, and DCSS \$27 million this year. In broadcast, Chicago-based NL&B billed estimated \$36.2 million and New York-based DCSS \$19.6 million, for combined total of \$55.8 million. Negotiations had been underway for several weeks (BROADCASTING, Dec. 7).

Mr. Harper said at news conference that DCSS's Borden's Danish margarine account will be resigned because of conflict with NL&B's Kraft Foods' Parkay and Miracle margarine products. Merger was statutory through stock transfer and agency does not expect to go public in future, officials said.

NH&S will have offices in Chicago, New York, Los Angeles and in Canada.

Cooke buys 2 CATV's for \$1.1 million

American Cablevision Co., division of Jack Kent Cooke Inc., Beverly Hills, Calif., has bought community antenna