

feet above average terrain. Broker: Blackburn & Co.

▪ KGUD-AM-FM Santa Barbara, Calif.: Sold by Dick Clark to Harold S. Greenberg and others for \$310,000. Mr. Clark an ABC-TV personality, is host of the network's *American Bandstand* program. Mr. Greenberg was formerly vice president and general manager of KDWB-(AM) Minneapolis-St. Paul. KGUD(AM) is a daytimer on 990 khz with 1 kw-directional. KGUD-FM operates on 99.9 mhz with 34 kw and an antenna 550 feet above average terrain. Broker: Blackburn & Co.

### Cable TV

▪ Multiple-CATV owner Videcomm of Saugerties (N.Y.) Inc. has purchased systems in Seneca Falls and Waterloo, both New York, from Leghorn Corp. Consideration was not disclosed. Videcomm is owned by Alan Gerry, who operates systems in Liberty, Boonville, Saugerties and Walden, all New York. Broker: Hamilton-Landis & Associates.

### Spectrum of speakers for NAEB convention

The National Association of Educational Broadcasters, which is putting the final touches on the agenda for its convention next month (Oct. 17-20) in Miami Beach, has added the names of Dean Burch and Clay T. (Tom) Whitehead to its list of speakers.

FCC Chairman Burch will address the convention's opening session on Monday, Oct. 18; Mr. Whitehead, director of the Office of Telecommunications Policy, will speak Oct. 20.

(Another FCC commissioner—H. Rex Lee—will speak to the Instructional Television Fixed Service committee and may address the NAEB's executive board on Oct. 17. Neither of those sessions has traditionally been public.)

At a morning session on Oct. 19, the speaker will be Dr. Sidney Marland, U.S. Commissioner of Education.

The intervening workshops and specialized meetings will for the most part feature luminaries from public broadcasting and education. Among the exceptions is a session on cable and community service, for which one of the panelists will be Wally Briscoe, managing director of the National Cable Television Association. Other sessions will cover such topics as public "telecommunications centers," minorities, broadcast instruction and long-range financing. A drop of at least 10% is expected from last year's attendance of 6,000.

On the technical side, 70 exhibitors have signed up to display their wares. The exhibits will be located in the Miami Beach Convention Center, near that city's Fontainebleau hotel, the site of this year's convention.

## CATV and copyright in court again

### CBS infringement suit against Teleprompter begins trial in New York

A lawsuit to determine the copyright liability of cable-TV systems that import distant signals, originate programs, carry advertising, transmit through the air and interconnect with one another went to trial in New York last week.

It was the copyright infringement suit brought by CBS Inc. and three production companies against Teleprompter Corp., a leading CATV operator, in 1964. CBS sources regard it as a test of the scope of the Supreme Court's 1968 decision, in the so-called "Fortnightly" case, that CATV systems that merely provide reception services for local TV signals are not liable for copyright infringement.

The principal witnesses at the opening of the trial on Wednesday (Sept. 22) in the U.S. Southern District Court in New York were Richard W. Jencks, CBS Washington vice president, who pointed to the operational similarities between cable systems and TV stations,

and Edwin W. Davis, CBS engineering staff consultant, who cited the organizational parallels between CATV installations and TV outlets.

The plaintiffs in the suit along with CBS, are Calvada Productions, Jack Chertok Television Inc. and Dena Pictures Inc.

In support of CBS's contention that Teleprompter cable systems are subject to the copyright laws, as TV stations are, Mr. Jencks said they import distant signals, originate programming, transmit through the air, carry advertising and interconnect with one another. Under questioning from CBS counsel, Mr. Jencks said there were significant differences between the Teleprompted case and the Fortnightly case.

Mr. Jencks testified that in the Fortnightly case there was no involvement with importation of distant signals, or with the origination of programming, or with commercial sponsorship. The issue in that case, he said, was whether the transmittal of a local signal was subject to copyright regulation.

In an attempt to show cable television is different from network television, counsel for Teleprompter asked Mr. Jencks to comment on this proposition: Network TV is a mass medium, supported by national advertisers and one that relies heavily on such factors as

# 25

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