emption from copyright liability on the grounds that it does not directly serve the public. The court said the definition of "public," in the Copyright Act is broad enough to include indirect transmission to the public through cable systems to which United Video feeds WGN-TV's signal.

Vertical blanking interval teletext material that is not directly a part or extension of the copyrighted newscast does not fall under copyright protection, Judge Posner wrote. Since teletext transmission must be an "integral part of [the] program," it comes under the Copyright Act because WGN Continental is offering "related images," and the appeals decision said such images need not be viewed sequentially to be protected.

But the appeals court was careful to point out that WGN Continental does not "own" the vertical blanking interval, and that it is content, not method, that the court addressed. "WGN may not . . . create two or three or 30 channels of unrelated programing and force it all down the throats of any cable system that wants just the 9 o'clock news. But if WGN wants to create multichannel news or entertainment for viewers willing to switch back and forth between channels, we cannot find anything in the Copyright Act to prevent it from copyrighting its video smorgasbord."

David Silverman, an attorney for United Video in Washington, said no decision has been made as to what his client will do next. Silverman said that the appeals court decision may have opened a can of worms by seeming to imply that cable systems must set aside a separate channel to carry the teletext transmissions.

As of last Friday, United Video was still stripping WGN-TV's teletext, according to James Klenk and David Maher, attorneys for WGN-TV in Chicago. They said the next move is now up to United Video. □

Metromedia-Field deal in the works

Sale of WFLD-TV Chicago for $125 million rumored; WMET(FM), WXIX(TV), WTCN-TV also for sale

Field Enterprises would only say it had "no announcement" to make, and Metromedia officials didn't return phone calls, but it's known that Metromedia is talking to Field about the purchase of WFLD-TV, the UHF independent in that market which Field put on the block weeks ago (BROADCASTING, July 26) along with its four other UHF properties. The dollar amount quoted on the street and in Chicago is $125 million. The total price Field was said to be seeking for the five stations was $300 million-$350 million, and with San Francisco, Detroit, Boston and Philadelphia the other markets in question, $125 million in Chicago would put Field well on the way to achieving that goal. Field has previously indicated it was talking with "interested parties" regarding the stations up for sale, but declined to discuss specifics.

At $125 million, a WFLD transfer would top the proposed $110 million cash swap deal under which Taft Broadcasting would acquire WCIX-TV Miami as the highest figure paid for an independent, and dwarf the $18 million value involved in Media General's proposed deal for WJKS-TV Jacksonville, Fla., to date the top price for a UHF.

Metromedia, in making such a purchase would have to sell not only one of its other TV properties, but also its Chicago FM, WMET, to comply with FCC rules. Talk in brokerage circles was that Metromedia had secured an unnamed buyer for WXIX-TV in the Cincinnati suburb of Newport, Ky., at a price of $48 million, and had further put its Minneapolis station, WTCN-TV, up for sale. When Metromedia last year announced its intention to purchase WCVB-TV Boston (at $220 million, the richest-ever station purchase), WTCN-TV was one of the two properties Metromedia considered selling to raise cash and comply with FCC rules; it settled on KMBC-TV Kansas City, Mo., which brought it $79 million, and it's estimated WTCN-TV would fetch about the same. If Metromedia was able to put together those side deals, it could well end up with all the cash needed to finance WFLD-TV's purchase.

The reports didn't thrill the stock market. Metromedia shares, already dragging under the pressure of some published reports that focused on its heavy debt load (about $424 million), dropped to $196.625 on Thursday from the week earlier's $222.

One analyst, Drexel Burnham Lambert's John Reidy, said: "It boggles my mind. . .I'm not sure they would be a better company for being in Chicago"—a reflection of Reidy's feeling that trading a network VHF in a top 20 market (WTCN-TV) for an independent UHF, wherever, is a questionable decision. Others disagree. Dennis Leibowitz of Donaldson, Lufkin, Jenrette, for one, said Metromedia "was never able to turn [WTCN] around" (some analysts think Metromedia is less than happy about its NBC affiliation there) while WFLD's "current level of earnings really doesn't suggest its true potential."

And Susan Watson of E.F. Hutton made note of another development should the Metromedia/Field deal materialize as rumored, including the two spinoffs. With stations in New York, Los Angeles, Chicago, Boston, Washington and Houston, Metromedia's coverage of television households would move ahead of that of the three network's O&O's. Indeed, based on Arbitron's latest figures for ADI households (see "Closed Circuit," page 7), Metromedia would serve 18.1 million homes, to ABC's 17.1, CBS's 16.9 and NBC's 16.3. □

Premiere revisited

Paramount, MCA and Warner reportedly want to buy 25% of the Movie Channel for about $75 million

"Premiere II: Revenge of the Filmmakers." Were it one of their releases, that might be the title employed by the motion picture producers involved in the latest joint venture plans to surface in pay cable. Word last week was that Paramount Pictures, MCA and Warner Bros. were in discussions on a proposal to put up $25 million each to buy a quarter interest in the premium cable service, The Movie Channel, that's offered by Warner Amex Satellite Entertainment Co. (WASEC), itself a joint venture between Warner Bros.' corporate parent, Warner Communications, and American Express. Although formal announcement had initially been expected last week, negotiations were said to still be under way at the end of last week.

The inevitable comparison being made was to the Premiere joint venture, which was shot down in 1981 by the federal courts after the Justice Department charged it with being in violation of the antitrust laws (BROADCASTING, Jan. 5, 1981). Paramount and MCA had been partners in Premiere, which was generally conceded to be the producers' response to what they considered insufficient returns from licensing their product to the dominant force in pay cable—Time Inc.'s Home Box Office. Indeed, as court testimony indicated, the Premiere partners had earlier attempted to enlist either WASEC or HBO's other rival, Showtime, in a joint venture in pay programing, but were turned down.

As available details were scarce, it was difficult to say just how the proposal under consideration would both differ from Premiere and yet still achieve the presumed objective of securing higher payments from HBO. It is understood that the producer partners would not intend to sell their films exclusively to The Movie Channel—while Premiere's exclusivity arrangement was one of the principal objections Justice had to that venture.

And much has happened in the pay industry since Premiere. The other two partners in the venture, Columbia Pictures and 20th Century-Fox, have made various arrangements of their own—Fox with CBS in home video, and Columbia and HBO have a deal that, in return for pre-buy financing from HBO, gives the pay service exclusive rights to certain Columbia products.

Another unanswered question is what this venture portends for Paramount and MCA's relationship with HBO's parent, Time Inc. Together they are one-third owners of USA Network, and when they bought into USA, it was said one of their interests was eventual development of pay-per-view opportunities. □