

INSIDE RADIO[®]

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Dear Executive:

CAUTION AHEAD OVER PIRATE RADIO.

KQLZ-FM, Los Angeles owner Westwood One is making imitators walk the plank. Threatened to sue KGON-FM, Portland; EZ Communications' WIOQ-FM, Philadelphia. KGON-FM backed off by week's end. WIOQ-FM persists. Says PD Mark Driscoll created slogan with Westwood One programmer Scott Shannon. Shannon says of Driscoll, "He's a damn liar." Era of new aggressiveness dawning over slogans. Mike Joseph defending "Hot Hits," Edens protecting "Morning Zoo," Metropolitan enforcing its rights over "The Wave." Westwood may take KQLZ-FM's format nationwide via satellite and/or license Pirate Radio. It ran an ad in R&R recently to invite stations to call a 900 number to sample the new format -- allowing Westwood first national use of the term. Consultant George Harris intends to use Pirate Radio for an adult rock format. Says Westwood can't protect it since he used it on WYNF-FM, Tampa in 1982. Best course: avoid the slogan unless you are prepared for costly litigation.

WHEN CAN A SLOGAN BE PROTECTED?

When you can prove you were first to use it. That's the main advantage of registering it with the federal government. If you don't the trademark is the inherent property right of the station that begins using it first. Registering it tells everyone that it's yours. That doesn't prevent a slogan's use in another city until the originators introduce it there. You can only use a term originated elsewhere until it's introduced in your market by the originator. Then you have to give it up. Here's a significant change coming effective November 19: stations or group owners will be able to register trademarks before they put them on the air. The slogan will then be protected for up to six months before you plan to use it, and extensions are possible. Call letters can now be trademarked to prevent unauthorized use in merchandising. But it might not prevent a competitor from picking up abandoned call letters. You have to use trademarks or lose the rights.

ABC SUING WESTWOOD ONE OVER AMERICAN TOP 40.

ABC in court last week trying to stop Westwood One's Casey's Top 40 with Casey Kasem from using the term "CT-40" on air. Alleges it's too close to the "AT-40" that ABC's American Top 40 has been using. Also seeking to prevent Westwood One from using the colors red, white and blue in promotion literature for Casey's Top 40 saying it is too close to the red, white and blue which has been the standard for American Top 40 printed logos. Cap Cities/ABC asked for expedited discovery. The Judge refused.

WHY PARNEGONI IS LEAVING NAB.

To buy radio stations on the east coast. Senior Radio VP Dave Parnegoni is already shopping around.