

Working with Arbitron's Copyrighted Estimates

As a licensed subscriber to Arbitron's radio local market reports, you have access to one of the most effective sales, marketing and programming tools available to a radio station. You also have an obligation to keep these data out of the hands of nonsubscribing stations. After all, why should a competing station get for free what you pay Arbitron for?

Here are some guidelines that will help get the most out of your investment in your Arbitron license agreement while you fulfill your obligation to keep Arbitron estimates from the prying eyes of nonsubscribers.

To understand the rationale behind these do's and don'ts, think about who will have access to the information you are distributing. The broader the audience for your communication, the fewer specific estimates you can publish. And always remember to include the copyright notice and the proper sourcing of the estimates on every piece you produce.

Inside Your Station

You may use the estimates in the ordinary course of business. Knock yourself out. You can print, swap, share and post any estimate that you're licensed to within your station. Just make sure an overzealous colleague doesn't take that sheet off the bulletin board and fax it to a buddy at another radio station across town. Just in case one of your internal sheets sneaks out the back door, be sure to include the appropriate copyright notice on whatever you route around the station.

In a One-on-One Pitch to an Advertiser

You have a broad right to quote any estimate in the book. After all, this is why you've invested in your Arbitron license agreement. You can share any and all estimates for your station and any other station in your market when you are trying to pitch that 52-week morning-drive package. Just don't leave books or copies of the books at the agency or with the advertiser. And remember, the Federal Trade

Commission requires that every estimate you cite is properly sourced. You have to list the survey period, the survey area, the demographic, the daypart, and the estimate cited, along with our copyright notice, for example: "© 2001 Arbitron Inc."

Direct Mail to a Targeted List of Advertisers

Like a one-on-one pitch, a targeted, direct-mail campaign to advertisers is what you want your Arbitron license agreement for. Use the same guidelines as the one-on-one pitch, except that you should strengthen the copyright notice. This is a sample phrase to use as your copyright notice on mailers and pitch sheets: "© 2001 Arbitron Inc. May not be quoted or reproduced without the prior written permission of Arbitron."

Newspaper and Magazine Ads

Who wouldn't want to take credit for your accomplishments by crowing "We're number one!" when you've earned top honors in your target demographic? Just remember, there are nonsubscribers out there who just might be able to take advantage of their strong #2 or #3 position if you chose to print a top 10 ranker in the body of your ad. Forgo that top 10 ranker—it gives 90 percent of your ad space to your competition. Talk about your station, your audience, your position in the marketplace. And don't forget the copyright notice and the proper citation.

On Your Own Air

Keep your claims simple and honest. Document your claim, but don't bore your listeners with more data than are necessary. And don't give your competition a free ride by talking about their ratings on your station's air.

Local Newspapers

Arbitron provides licensed trade press and local newspapers with access to Persons 12+ M-S 6AM-Midnight AQH Shares. We maintain that any specific estimate beyond 12+ exceeds the bounds of

continued...

“fair use,” the clause in the Copyright Act that permits bona fide news organizations to publish limited portions of copyrighted works for purposes of criticism, comment, news reporting, teaching, scholarship or research.

Arbitron constantly receives complaints from subscribing stations about newspaper reporters who print too much data. The source of this excessive information is usually a subscribing station that has simply faxed to a reporter an Arbitrends or another report packed with every available demo and daypart that the report specs allow.

Beyond 12+, you can give a reporter anything you'd like about your own station, but limit your analysis of specific estimates for other stations to characterizations. For example:

WXXX dropped from #2 to #4, slipping from a 7.3 12+ share to a 6.4 share. The “Rock of Hometown” took its biggest hit among men 18-34, plummeting from #1 to #5 in the key morning-drive time period. Still, the Alternative Rocker has a strong appeal among Hometown men who account for 70 percent of its audience.

To be sure, it takes more effort to distill the numbers from your ranker into observations that give the reader an insight into the dynamics of the radio audience. However, when you take the time to put the numbers in perspective for a reporter, the resulting article will be better for your efforts, particularly if your local radio reporter is overworked (always!) or underexperienced (all too often!).

If you *absolutely* feel that you must include in your press package to a local reporter a market ranker for a discrete demo or daypart, be sure to affix one of the “For Background Only” stickers to the ranker. This puts the reporter on notice that he or she can't take the “easy way out” and just print the ranker. They must analyze and characterize the data in the same manner we've prescribed above.

Your Station's Web Page

If your Web site is open to anyone with an Internet access account and a Web browser, then you are limited to citing only the Persons 12+ estimates for your station. You should not publish estimates of other stations in the market on your Web pages.

If access to any of your Web pages is password controlled, and you've designed the password-

controlled portion of your Web site for advertisers, then you have more leeway, within the guidelines for targeted mailings to advertisers.

Usenet Groups

These are the electronic equivalent of a public bulletin board where anyone can post a message and anyone can read those messages. Talk all you want about your station, but don't post any rankers except 12+, with estimates. Rankers without estimates are okay. Remind the employees of your station that Internet usenet groups are not the same as a conversation among friends at the local watering hole.

Important tip: If you haven't seen rec.radio.broadcasting, you might want to have someone show you around. Aside from Arbitron rankers, we've seen discussions of a station's programming and marketing strategies in the kind of detail reserved for confidential internal documents—that's why we believe a lot of the “loose lips” exchanges we see are the work of overzealous and misguided station employees. But remember, as management you are responsible for actions of your employees.

Protect Your Investment in Arbitron

We realize that we may not have covered every situation in these pages. If you are planning to use Arbitron estimates in a medium or a manner not covered by these guidelines, here are two questions you should ask yourself and principles you should keep in mind:

- “How easily can a nonsubscribing station get access to what I am publishing?” The easier it is for a nonsubscriber to read about its estimates and the estimates of other stations in the market, the less you should publish. After all, nonsubscribing stations are not entitled to our estimates.
- “How clear is it to a reader that the estimates are the copyrighted property of Arbitron and can only be used by licensed subscribers?” If a nonsubscribing station were to somehow gain access to a ranking report you provided to an advertiser, the copyright notice warns the non-subscriber that these estimates aren't there for the taking.

If you have any questions, please contact your Arbitron representative. If you need more guidance on how best to work with the local press, feel free to call Thom Mocarsky, vice president, Communications, at (212) 887-1314.



01-COR-180 12/01 © 2001 Arbitron Inc.

New York
142 West 57th Street
New York, NY 10019
(212) 887-1300

Chicago
222 South Riverside Plaza
Suite 1050
Chicago, IL 60606
(312) 542-1900

Atlanta
9000 Central Parkway
Suite 300
Atlanta, GA 30328
(770) 668-5400

Los Angeles
10877 Wilshire Boulevard
Suite 1600
Los Angeles, CA 90024
(310) 824-6600

Dallas
13355 Noel Road
Suite 1120
Dallas, TX 75240
(972) 385-5388

Washington/Baltimore
9705 Patuxent Woods Drive
Columbia, MD 21046
(410) 312-8000

Birmingham
3500 Colonnade Parkway
Suite 400
Birmingham, AL 35243