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Administrative Law: Schurz Communications, Inc. v. Federal Communications Commission and United States Of America, Nos. 91-2350, 91-2597, 91-2598, 91-2684, 1-2855, 1-2883, 92-1117, 92-1120, 92-1484, 1992 U.S. App. LEXIS 28898 (7th Cir. Nov. 5, 1992)

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§1983 for any violation of his rights that may have been secured by these statutes. Plaintiff was able to bring an action under §1983 that may have otherwise been foreclosed, but he was not thereby provided a right to damages where none had existed before. *Affirmed.*

P.J.

## ADMINISTRATIVE LAW

SCHURZ COMMUNICATIONS, INC. v. FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA, Nos. 91-2350, 91-2597, 91-2598, 91-2684, 91-2855, 91-2883, 92-1117, 92-1120, 92-1484, 1992 U.S. App. LEXIS 28898 (7th Cir. Nov. 5, 1992).

*Coalitions of producers and of independent television stations, in addition to the NBC, CBS, and ABC television networks, petitioned the court to invalidate new Federal Communications Commission (FCC) "financial interest and syndication" rules. Petitioners challenged FCC rules originally enacted in 1970 and revised in 1991 aimed at regulating the syndication of television programs. The rules were intended to prevent monopolistic competition among the networks and to ensure diversity in programming. Petitioners argued that the rules as promulgated were arbitrary and capricious, and prayed that they be repealed.*

*Held:* The FCC's justification for establishing its rules fails the standard for judicial review of administrative action. That standard requires that the statement of the basis for a rule's enactment must demonstrate that in light of all the arguments presented for and against the rule, the rule was a reasonable response to the problem which confronted the agency. The FCC's articulation of its grounds for enacting its financial interest and syndication rules was unreasoned and unjustifiable. Important concepts were not explained, critical evidence was overlooked, key arguments were not addressed, and ambiguities were ignored. *Order Vacated.*

J.B.

## COPYRIGHT LAW

D.C.I. COMPUTER SYSTEMS, INC. v. BILL PARDINI, No. 91-15890, 1992 U.S. App. LEXIS 29951 (9th Cir. Nov. 5, 1992).

*Plaintiff, D.C.I. Computer Systems, Inc., appeals summary judgment granted in favor of the defendant, Bill Pardini, in plaintiff's copyright infringement action. D.C.I. argues that it may claim copyright protection for a computer software program which it licensed to automobile dealers for six years before the copyright was*