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MARKETPLACE

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HEADLINE: Disney buys rights to story of rescue and liberation of miners in Pennsylvania.

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BODY:

DAVID BRANCACCIO, anchor:

This is MARKETPLACE. I'm David Brancaccio.

Nine coal miners and a rescuer from Pennsylvania are selling the story of the miners entombment and liberation to Disney, \$150 K each, \$1 1/2 million to the men. Sounds like a business of entertainment-esque story. Martin Kaplan, associate dean of the Annenberg School of Communication at USC, how does this stuff work?

Mr. MARTIN KAPLAN (Associate Dean, Annenberg School of Communication): Ka-ching. It's a great story. Everyone loves disaster survivals. And unlike reality television, it has an ending. We know where it's going. And so it's ready-made for television and for books, as it turns out, and for talk shows. And Disney, in this era of vertical integration, has all of those outlets. So they have paid this amount to the miners, so that Diane Sawyer could get the first get on the "Good Morning America" show--'get' is the big-time interview--infuriating Katie Couric. And Hyperion Books, which is a division of Disney, can get the rights to sell the book version of it. And Disney's ABC network can air the two-hour movie.

What's so interesting about this, of course, is that Disney didn't have to pay anything for these rights because most of the story is in the public domain.

BRANCACCIO: I could just write out--I've heard about this, and nine guys in the mine. I--I could come up with a screenplay.

Mr. KAPLAN: Yes.

BRANCACCIO: Wouldn't have to pay them a penny.

Mr. KAPLAN: And in fact, CBS allegedly has already been pitched a kind of cheesy quickie version of this story for a TV movie, and probably there are

producers who are going around town trying to get going without having to pay the rights. That's often been the case before where public domain disaster stories have occurred and people have decided there's enough in the record that they can use without locking up intellectual property and paying for it.

Do you remember Lenny Skutnik, the hero of the Air Florida disaster?

BRANCACCIO: January of 1982.

Mr. KAPLAN: Yes. He was the first person that Ronald Reagan singled out during his State of the Union, making the kind of recognition of a national hero a tradition in those joint sessions of Congress. He was offered \$1,500, which is a thousand times less than Disney shelled out in this case. He turned it down, not wanting to exploit the situation. And instead, a knockoff movie without his permission was made. His advice, interestingly, today to survivors to disaster is, 'Well, you may not want to exploit it, but go in and get the money. It's there, it's yours and this is your moment.'

BRANCACCIO: Miners' case a little different. Nobody died, and it was self-contained. There wasn't another group of aggrieved people or injured people in this coal mining event that would feel, 'Well, why didn't I get some of that money?'

Mr. KAPLAN: Well, that's true, but in this case it's interesting that the miners have been asked by Disney not to tell their story to news outlets, to the tabloids, to the other reporters who are crowding around waiting because their tragedy and triumph can be exploited just as every other kidnapping and murder in the news has been.

BRANCACCIO: A hundred and fifty grand--that's not a lot of money for that kind of gag order. I mean, after taxes, those people are going take home something like \$70,000.

Mr. KAPLAN: But think of the other people who are going to make money off of this. For example, within hours of the rescue, several agents from the big talent agency ICM were on a plane heading for Pennsylvania because they had managed to become the representative of the miners' rights in Hollywood. Right now the miners are hearing from producers who are pitching to them different approaches to their stories, so the miners can choose which one of them is going to develop and air what their story turns out to be. The producers, the writer, the directors, the agencies, all of them will get everything ranging from packaging fees to direct fees to residuals and so on. So it's a good deal for everybody.

BRANCACCIO: Marty Kaplan, thank you.

Mr. KAPLAN: Thank you.

BRANCACCIO: Martin Kaplan is also the director of the Norman Lear Center at USC.