



The Lurking Danger of Limited License Durations

February 21, 2011 by Bob Tarantino

Eriq Gardner at THR, Esq. reported earlier this month about a recent lawsuit filed in the United States: [CBS Sued Over 63-Year-Old Song Used in 'Family Ties'](#). A copy of the complaint can be [found here](#). The facts of the claim, as set out in the complaint, are fairly straightforward: in 1985, the producers of the sitcom *Family Ties* entered into a license agreement with the owners of copyright in a song entitled "The Texaco TV Star Theatre Theme Song". The license agreement authorized use of the song in the television broadcast. In 2008, the current owners of the rights in the sitcom decided to release episodes of the show on DVD - and only subsequently released that they had undertaken an activity which lay beyond the scope of the license they had entered into twenty-three years previously. Attempts to enter into a retroactively effective license were unsuccessful, and the plaintiffs elected to bring the copyright infringement claim.

The dispute highlights the dangers, for producers of film, TV and other audio-visual content, of the dangers of entering into licenses for content which have a limited duration or a limited scope of authorized media. It would have been a remarkably prescient individual in 1985 who could have foreseen that popular television shows would have an economically valuable afterlife as home video products - but bargaining for rights "in perpetuity, in all media whether now known or hereafter devised" would have saved some headaches down the line.

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