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## HOCKEY THEME SONG CHANGES NETWORK

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In June 2008, hockey fans protested loudly when the CBC, (“Canadian Broadcasting Corporation”), affirmed that it would stop using the musical theme “Hockey Night in Canada” which had preceded all hockey matches broadcast on the CBC since 1968.

According to reports, it appears that Ms. Dolores Claman, the author of the theme, and the CBC were unable to agree on the terms of renewal of the licence agreement which permitted the CBC to use the musical theme. The parties have also been embroiled in litigation relating to the use of the theme and the payment of royalties for several years.

Notwithstanding the fact that negotiations were still ongoing between the CBC and Ms. Claman, private broadcaster CTV surprised both the CBC and hockey fans alike by acquiring the rights to the “Hockey Night in Canada” musical theme. As a result of this agreement, the theme will now be heard on the *Réseau des sports* (“RDS”), *Television Sports Network* (“TSN”), as well as during the Vancouver Olympic Games of 2010.

Certain media reported that CTV had acquired “perpetual rights” to the musical theme. However, in Canada, a copyright has a term of the life of the author, plus fifty (50) years, after which the rights fall into the public domain.

Clearly, the proper drafting of an agreement by specialists who are knowledgeable about the legal consequences of contractual provisions is of utmost importance, since the terms of an agreement can often be impacted or changed by the existing laws and those applicable under the contract.

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