

## Higher National Unit Specification

### General information for centres

**Unit title:** Music Industry Publishing 1

**Unit code:** DJ2T 34

**Unit purpose:** This Unit is designed to provide candidates with an understanding of the nature and workings of the music publishing industry. The activities carried out by authors, music publishers and the relevant collection societies will be considered and the practical considerations involved in the process of self-publishing will also be examined. The Unit is intended for those seeking knowledge and understanding of the management and administration of song rights within the music business.

On completion of the Unit the candidate should be able to:

1. Explain the role of the author.
2. Explain the role of the music publisher.
3. Explain the role and operating methods of the relevant collection societies.
4. Propose factors to be considered when embarking on the process of self-publishing.

**Credit points and level:** 1 HN Credit at SCQF level 7 (8 SCQF credit points at SCQF level 7\*)

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

**Recommended prior knowledge and skills:** It would be beneficial if candidates have undertaken, or are in the process of undertaking, the HN Units: Music Law 1, Working in the Creative Industries and Music Industry Infrastructure (SCQF Level 7). It is not necessary for candidates to have had practical experience of the music publishing industry. Candidates should also have good communication skills. These may be demonstrated by the achievement of core skill Communication at Higher level or by possession of Higher English and Communication or a suitable NQ Communication Unit (SCQF level 5/6).

**Core skills:** There may be opportunities to gather evidence towards core skills in this Unit, although there is no automatic certification of core skills or core skills components.

## General information for centres (cont)

**Context for delivery:** This is a mandatory Unit in the frameworks for HNC/D Music Business group awards. If this Unit is delivered as part of a group award, it is recommended that it should be taught and assessed within the subject area of the group award to which it contributes

**Assessment:** This Unit could be assessed by a single holistic instrument of assessment which would require candidates to produce a report, or answer questions based on a case study. It would also be possible to break this assessment down into separate assessments designed to cover each Outcome, or combine assessments for Outcomes.

Assessment could be carried out under controlled conditions (multiple choice and/or restricted response), or through self-directed research and study (extended response).

## **Higher National Unit specification: statement of standards**

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and evidence requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### **Outcome 1**

Explain the role of the author

#### **Knowledge and/or skills**

- ◆ Creative processes: music, lyrics and arrangement
- ◆ Performing and non-performing authors
- ◆ Interaction with music industry professionals
- ◆ Copyright regulations
- ◆ Registration of works
- ◆ Other legal requirements
- ◆ Moral rights

#### **Evidence requirements**

Candidates will need written and/or oral evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ demonstrate an understanding of the various creative inputs in songwriting - music, lyrics and arrangement and show an awareness of the likelihood of interaction with others in the music industry such as managers, artist and repertoire (A and R) representatives, producers and other songwriters
- ◆ explain the difference between artists/songwriters who write and perform their own material, and non-performing professional songwriters who create works for use by others
- ◆ explain how the work of the author can be legally protected in the form of intellectual property and how this has positive implications (copyright protection) as well as restrictions (e.g. with regard to sampling) for authors
- ◆ explain how and why works are registered with the relevant collection societies

## **Higher National Unit specification: statement of standards (cont)**

### **Unit title:** Music Industry Publishing 1

- ◆ explain moral rights and the implications for the granting of licenses and the exploitation of the works

Evidence for this Unit could be generated through an assessment undertaken in open book controlled conditions.

In order to ensure that candidates will not be able to predict what items will be assessed, a different sample of five of the seven knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all five items.

### **Assessment guidelines**

The assessment for this outcome will take the form of a presentation in written or oral form. It can be undertaken separately or as part of an integrated holistic assessment covering a combination of Outcomes.

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

### **Outcome 2**

Explain the role of the music publisher

#### **Knowledge and/or skills**

- ◆ Contractual basis of publisher's relationship with author
- ◆ The publisher as administrator
- ◆ The publisher as banker
- ◆ The publisher as exploiter
- ◆ The publisher as financier
- ◆ The publisher as nurturer
- ◆ The publisher as protector

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Music Industry Publishing 1

### **Evidence requirements**

Candidates will need written and/or oral evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ briefly explain key elements of the contract which will shape the music publisher's role and relationship with the author such as assignment of copyright, term, retention period, territories, advances, royalties, reversion, sub-publishing, accounting, warranties, governing laws clause
- ◆ explain the publisher's various practical roles e.g. administrator, banker, exploiter, financier, nurturer and protector.

Evidence for this Unit could be generated through an assessment undertaken in open book controlled conditions.

In order to ensure that candidates will not be able to predict what items will be assessed, a different sample of five of the seven knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all five items.

### **Assessment guidelines**

The assessment for this outcome will take the form of a presentation in written or oral form. It can be undertaken separately or as part of an integrated holistic assessment covering a combination of Outcomes.

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

### **Outcome 3**

Explain the role and operating methods of the relevant collection societies

#### **Knowledge and/or skills**

- ◆ Concept of copyright control
- ◆ Legal sources: UK context
- ◆ Rights: mechanical, performance and broadcasting

## **Higher National Unit specification: statement of standards (cont)**

### **Unit title:** Music Industry Publishing 1

- ◆ Historical Development: Mechanical Copyright Protection Society (MCPS), Performing Right Society (PRS) and MCPS-PRS Alliance
- ◆ Registration of works
- ◆ Collection methods: formulae, rates, monitoring and sampling
- ◆ Distribution of royalties.

### **Evidence requirements**

Candidates will need written and/or oral evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ briefly explain the underlying nature of copyright control which underpins the music publishing industry – songs as intellectual property
- ◆ explain relevant legislation within the UK context in relation to the rights of authors: mechanical rights, performing rights and broadcasting rights
- ◆ explain the rationale for the existence of collection societies and outline their historical development – MCPS, PRS and MCPS-PRS Alliance. Reference should be made to collection and distribution methods - formulae, rates, monitoring and sampling.

Evidence for this Unit could be generated through an assessment undertaken in open book controlled conditions.

In order to ensure that candidates will not be able to predict what items will be assessed, a different sample of five of the seven knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all five items.

### **Assessment guidelines**

The assessment for this outcome will take the form of a presentation in written or oral form. It can be undertaken separately or as part of an integrated holistic assessment covering a combination of Outcomes.

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Music Industry Publishing 1

### **Outcome 4**

Propose factors to be considered when embarking on the process of self-publishing

#### **Knowledge and/or skills**

- ◆ Obtaining a catalogue
- ◆ Copyright protection measures
- ◆ Direct membership of the collection societies
- ◆ Business structure for trading
- ◆ Back office functions (administration)
- ◆ Accounting and taxation
- ◆ Industry associations and trade bodies
- ◆ Industry conventions

#### **Evidence requirements**

Candidates will need written and/or oral evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ describe why it is important to develop a music-publishing catalogue – through the writing of new works or acquiring third party catalogues on the market
- ◆ outline and explain the range of factors to be considered when self-publishing - copyright protection measures, arranging direct membership of the collection societies and/or by setting up a new music publishing enterprise e.g. sole trader, partnership, limited company), basic administrative and financial functions
- ◆ describe the benefits to be gained from joining industry trade associations such as the Music Publishers' Association
- ◆ describe the benefits for independent music publishers of exploiting networking opportunities such as MIDEM, Popkomm and SXSW

Evidence for this Unit could be generated through an assessment undertaken in open book controlled conditions.

In order to ensure that candidates will not be able to predict what items will be assessed, a different sample of five of the eight knowledge and/or skills items is required each time the Outcome is assessed. Candidates must provide a satisfactory response to all five items.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Music Industry Publishing 1

### **Assessment guidelines**

The assessment for this outcome will take the form of a presentation in written or oral form. It can be undertaken separately or as part of an integrated holistic assessment covering a combination of Outcomes.

Should there be ambiguity regarding a candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding. The lecturer should note questions and responses.

## Administrative Information

**Unit code:** DJ2T 34  
**Unit title:** Music Industry Publishing 1  
**Superclass category:** KH  
**Original date of publication:** September 2004  
**Version:** 03

### History of changes:

Version	Description of change	Date
02	Last paragraph of evidence requirements for each Outcome on pages 4, 5, 6 and 7, has been changed to read, '.....all five items' instead of four	13/06/07
03	Removal of Word Count and Presentation Length.	20/05/11

**Source:** SQA

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## **Higher National Unit specification: support notes**

### **Unit title:** Music Industry Publishing 1

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

### **Guidance on the content and context for this Unit**

This Unit is a core Unit in the group awards of HNC/D Music Business.

The Unit is intended as a comprehensive introduction to music publishing and the work of music publishers and collection societies. As signing to a music publishing company is not a legal requirement, the option of self-publishing should be discussed and proposed as an alternative model throughout the context of this Unit.

A UK context should be assumed throughout. International elements may be briefly touched upon at various junctions e.g. with regard to the ‘territory’ clause in music publishing contracts or the possibility of sub-publishing overseas. These considerations can be discussed and developed more fully in the HN Unit: Music Publishing 2.

It should be acknowledged that the author is ultimately legally responsible for their own administrative matters such as tax returns (although in practice these may be delegated).

Candidates must be able to explain the publisher’s various practical roles:

- ◆ Administrator - works registration, catalogue monitoring and the issuing of licences
- ◆ Banker - collection and distribution of music publishing income – from sheet music, mechanical royalties, performing and broadcasting royalties, synchronisation fees, the printing of lyrics and new media
- ◆ Exploiter - interactions with third party music users, finding the unsigned artist/writer a recording contract, the granting of licenses, seeking out synchronisation use in films, TV, advertisements etc
- ◆ Financier - providing advances and paying royalties after recoupment
- ◆ Nurturer - role of A and R department, development time, arranging collaborations with other authors, providing equipment and studio time, guidance and support
- ◆ Protector - copyright control and third parties, and the pursuit of legal remedies where appropriate in order to protect the works.

## **Higher National Unit specification: support notes (cont)**

### **Unit title: Music Industry Publishing 1**

The historical development of the collection societies should be briefly outlined and their collection and distribution methods should be clearly explained – MCPS (registration of works, setting of mechanical rates, granting of licences to manufacture, AP schemes and commission), PRS (registration of works, rates for broadcasters, public performance licensing, gross receipts formulae for live event income, set lists, cue sheets, monitoring and sampling procedures, analogies and commission).

Music publishers and record labels should be compared and contrasted in order to make a distinction as to their respective roles.

### **Guidance on the delivery and assessment of this Unit**

This Unit is likely to be undertaken and delivered as part of a group award. As a result, liaison should take place, where appropriate, with other deliverers in order to pool collective knowledge and resources e.g. of copyright law, music publishing contracts, the work of the collection societies and self-publishing.

This Unit should have a business emphasis throughout. Consequently, delivery should not focus to any great extent on the practical nature of songwriting when discussing the role of authors (Outcome 1). A more suitable practical activity would, for example, be the completion of a typical MCPS-PRS Joint Notification of Works Form in order to appreciate the importance of registering works.

Note that those songwriters who transfer rights to music publishers are legally required to sign a contract. This Unit is not a law Unit; however, in order to explain the role of the publisher, the contractual elements of typical music publishing contracts must be briefly outlined when delivering Outcome 2. The assessment for this may be integrated with Music Law 1. Publishing contracts should be discussed before proceeding to explain the various roles of the music publisher.

Due to the evolving nature of copyright law, it is essential that those delivering this Unit pay attention to current legislative provisions e.g. in the form of UK law or European Copyright Directives which may impinge upon the UK.

Likewise, the changing nature of music publishing in response to broader market developments, such as the Internet or mobile phone technologies, should be integrated into various sections of the Unit – e.g. when examining the role of publisher as banker and exploiter (income stream opportunities) and when discussing copyright control (online licensing).

## **Higher National Unit specification: support notes (cont)**

### **Unit title:** Music Industry Publishing 1

Knowledge gained from the HN Unit: Employment in the Creative Industries will be useful when discussing Outcome 4 and the considerations involved in self-publishing and starting a new commercial enterprise. Knowledge gained from the HN Unit: Music Industry Infrastructure will be useful when examining the functions of the MCPS and PRS.

In order to enrich the candidates' learning experience, guest speakers e.g. from the local collection societies, should be encouraged to provide an input to the delivery process.

Videos and other official materials from the collection societies should also be sourced to assist delivery and maintain currency.

Online sources should be utilised for company information and other news on developments in music publishing; in particular the official websites of the MCPS, PRS, British Music Rights and the Music Publishers' Association are likely to be useful sources of information.

One holistic assessment may be used to cover this Unit and is encouraged. Alternatively, each Outcome may be assessed separately or by combination.

### **Open learning**

This Unit could be delivered by distance learning. However, it would require planning by the centre to ensure the sufficiency and authenticity of candidate evidence. Arrangements would have to be made to ensure that the assessment(s) are delivered in an appropriate manner.

For further information and advice please refer to *Assessment and Quality Assurance for Open and Distance Learning (SQA, February 2001 – publication code A1030)*.

### **Candidates with additional support needs**

This Unit specification is intended to ensure that there are no artificial barriers to learning or assessment. The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments or considering alternative Outcomes for Units. For information on these, please refer to the SQA document *Guidance on Special Assessment Arrangements for Candidates with Additional Support Needs* (BA 2399, SQA, due 2004).

## **General information for candidates**

### **Unit title:** Music Industry Publishing 1

This core Unit within the group awards of HNC/D in Music Business is designed to enable you to understand and appreciate the important role which music publishing plays in the modern music industry.

Authors and the role of the publisher will be examined in the first two Outcomes.

In Outcome 3 a number of interlinking factors will then be discussed – such as the basic clauses to be found in typical music publishing contracts, the various income streams available to today’s songwriters and publishers, and the work of the collection societies, namely, the MCPS (Mechanical Copyright Protection Society) and the PRS (Performing Right Society), which function at a practical level to collect and distribute certain royalties.

You will examine the laws which protect songs as intellectual property. It is therefore essential that you appreciate that songs are legally separate from sound carriers (such as CDs or MP3s).

For the purpose of choice and empowerment, you will also consider the practical methods through which self-publishing may be achieved as an alternative business model. This will be discussed in Outcome 4 and throughout the Unit.

Note that you do not need to be a songwriter or to have worked for a music publisher to undertake this Unit. By doing so though, you will gain a useful insight into the concepts and practice behind this music industry activity.