

Higher National Unit Specification

General information for centres

Unit title: Music Law 2

Unit code: DR2K 35

Unit purpose: This Unit is designed to expand the candidates' knowledge of music industry law, building on the principles covered in Music Law 1 (DJ2V 34). This is a specialist Unit primarily intended for candidates who aspire to take up a managerial role within a music industry organisation. It covers the general knowledge of legislation impacting on the music industry that would be required of anyone taking up such a role.

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

- 1 Critically evaluate a range of music industry agreements.
- 2 Explain and evaluate the law as it relates to intellectual property.

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

**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: Access to this Unit will be at the discretion of the centre. However, it is recommended that candidates should have completed the HN Unit Music Law 1 (DJ2V 34). Candidates should have good communication skills. These may be demonstrated by the possession of Core Skill Communication at Higher level or Higher English and Communication or a suitable NQ Communication Unit (SCQF level 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.

Context for delivery: 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: There will be separate assessments for each of the two Outcomes:

Outcome 1 — Five questions on given contracts (one per agreement as in evidence requirement). This should be assessed under open-book conditions.

Outcome 2 — Restricted response questions. The assessment event should take place under restricted, open-book conditions.

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

Critically evaluate a range of music industry agreements

Knowledge and/or skills

- ◆ Function of the agreement
- ◆ Major clauses within the agreement
- ◆ Advantages and disadvantages of the agreement

Evidence Requirements

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

- ◆ Explain the functions of the following agreements:
 - artist's agreement with agent
 - promoter's agreements with artist/artist's agents
 - merchandising agreement between artist as licensor and merchandising licensee
 - endorsement agreement between manufacturer and artist
 - agreement amongst band members
- ◆ Identify and evaluate major clauses within these agreement
- ◆ Critically evaluate these agreements as they apply to the respective parties to the agreement

Evidence will be generated by responses to questions on various aspects of given contracts. Candidates should be given a range of five music industry agreements as outlined above. They will be asked to evaluate and explain the function of each contract, identify the major clauses within them and critically evaluate the validity of each. Responses for each contract will be held under controlled conditions. The assessment event should last approximately three hours.

Candidates will be given the relevant contracts in advance of the assessment so that they can undertake the necessary research. Candidates will be allowed access to one sheet of A4 notes prepared prior to the assessment.

Higher National Unit specification: statement of standards (cont)

Unit title: Music Law 2

Assessment guidelines

It is recommended that evidence is generated at more than one assessment event, possibly two or three.

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 and evaluate the law as it relates to intellectual property

Knowledge and/or skills

- ◆ Copyright, trademarks and passing off
- ◆ Parallel imports
- ◆ Performers' rights

Evidence Requirements

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

- ◆ explain the law of trademarks and the registration procedure
- ◆ under the delict of passing off, explain how unregistered trademarks are protected
- ◆ discuss the appropriate applications of intellectual property when creating and using a website in the music industry
- ◆ explain which works can/cannot be protected by trademark/copyright
- ◆ critically evaluate the concept of parallel imports within international law and its significance within the music industry
- ◆ apply and discuss possible defences to copyright infringement
- ◆ critically evaluate the law of performers' rights and its application in the music industry

Evidence will be generated by written answers to a series of restricted response questions covering the knowledge and/or skills above. The assessment event should last for approximately two hours and will be held under open-book, controlled conditions.

Assessment guidelines

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: DR2K 35
Unit title: Music Law 2
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Version	Description of change	Date
02	Removal of Word Count.	06/06/11

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Higher National Unit specification: support notes

Unit title: Music Law 2

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 intended to expand the candidate's knowledge of music law and its application within the industry. It will help prepare those candidates who intend taking up administrative or managerial roles within the music industry and will provide an in-depth understanding of the functions of various contracts and of intellectual property as applied within the industry.

The Unit will investigate how:

- ◆ a number of significant legal agreements, not touched upon in Music Law 1 (DJ2V 34), operate within the industry
- ◆ various aspects of intellectual property operate and their significance within the industry

Outcome 1 looks at five different legal agreements (artist's agreement with agent; promoter's agreements with artist/artist's agent; merchandising agreement between artist as licensor and merchandising licensee; endorsement agreement between manufacturer and artist; agreement amongst band members) in detail and examines each of their functions within the industry.

Outcome 2 examines copyright (including the workings of parallel imports within and outwith the European Union), trademarks and passing off; it further evaluates where each of those is appropriately applied within the music industry.

Guidance on the delivery and assessment of this Unit

This has been developed as a mandatory Unit within the HND Music Business and optional Unit in the HND Music Group Award frameworks and is likely to be undertaken and delivered as part of one of these Group Awards. As a result, liaison should take place, where appropriate, with those delivering other Units within the course programme, in order to pool collective knowledge and resources eg the workings of music industry infrastructure bodies such as record company trade groups and collection societies. Guest speakers from law firms, legal advisors and collection societies will enhance the learning experience as well as provide the opportunity for candidates to ask direct questions.

Assessments for this Unit are as follows:

Outcome 1 — Five questions on given contracts (one per agreement as in evidence requirement). These should be assessed under restricted, open-book conditions.

Outcome 2 — Restricted response questions. This should be assessed under open-book conditions.

Higher National Unit specification: support notes (cont)

Unit title: Music Law 2

Open learning

This Unit could be delivered by open or 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 single assessment for Outcomes 1 and 2 are delivered in a supervised environment under controlled conditions.

For further information and advice please refer to *Assessment and Quality Assurance for Open and Distance Learning* (SQA, — 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 Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs*, which is available on the SQA website www.sqa.org.uk.

General information for candidates

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This Unit is intended to expand your knowledge of music law and its application within the industry. It will help prepare those of you who intend taking up administrative or managerial roles within the music industry and will provide an in-depth understanding of the functions of various contracts and of intellectual property as applied within the industry.

In this Unit you will investigate how:

- ◆ a number of significant legal agreements, not touched upon in Music Law 1 (DJ2V 34), operate within the industry
- ◆ various aspects of intellectual property operate and their significance within the industry

Outcome 1 you will look at five different legal agreements in detail and examines each of their functions within the industry. These agreements are:

- ◆ artist's agreement with agent
- ◆ promoter's agreements with artist/artist's agents
- ◆ merchandising agreement between artist as licensor and merchandising licensee
- ◆ endorsement agreement between manufacturer and artist
- ◆ agreement amongst band members

Outcome 2 you will examine copyright (including the workings of parallel imports within and out-with the European Union), trademarks and passing off; you will further evaluate where each of those is appropriately applied within the music industry.

Assessments for this Unit are as follows:

Outcome 1 — There will be five questions (one per agreement) based on given contracts.

Outcome 2 — There will be a series of restricted response questions.