

## Higher National Unit Specification

### General information for centres

**Unit title:** Music Industry Publishing 2

**Unit code:** DR2T 35

**Unit purpose:** This Unit is designed to provide an evaluative insight into the management and administration of music publishing rights. Emphasis is placed on the working practices of the collection societies, the international context and opportunities/threats posed by new technologies. This Unit is suitable for those seeking a career in music publishing, and also for music business managers and practitioners who are seeking a greater understanding of this key industry sector.

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

- 1 Critically evaluate current UK collection society methods for the remuneration of songwriters and music publishers for the use of their music.
- 2 Explain how music publishing rights are administered and enforced within the international context.
- 3 Critically evaluate the application of music publishing rights with regard to new technologies.

**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 is at the discretion of the centre. It would be beneficial if candidates had undertaken or were in the process of undertaking the HN Units: Music Industry Publishing 1 (DJ2T 34), Music Law 1 (DJ2V 34), Music Law 2 (DR2K 35), Music Industry Infrastructure (DJ2M 34) and E-Commerce in the Music Industry (DR0R 35). 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 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.

## **General information for centres (cont)**

**Unit title:** Music Industry Publishing 2

**Assessment:** Assessments for Outcomes 1, 2 and 3 should take the form of either written answers to extended responses questions or an oral presentation. Assessments should be undertaken in open-book conditions. This will allow candidates to carry out independent study and research for all three Outcomes. Each Outcome, or any combination of Outcomes, could be assessed in this manner; or, alternatively, one holistic assessment may be used.

## Higher National Unit specification: statement of standards

**Unit title:** Music Industry Publishing 2

**Unit code:** DR2T 35

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 current UK collection society methods for the remuneration of songwriters and music publishers for the use of their music

#### Knowledge and/or skills

- ◆ Collection and distribution of mechanical royalties
- ◆ Collection and distribution of broadcasting royalties
- ◆ Collection and distribution of public performance royalties
- ◆ Investigations by governmental authorities
- ◆ Copyright Tribunal

#### Evidence Requirements

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

- ◆ critically evaluate the efficiency and effectiveness of current collection society methods and balance the perspectives of mechanical right owners (songwriters/publishers) against music users (those who produce physical products containing music)
- ◆ critically evaluate the efficiency and effectiveness of current collection society methods and balance the perspectives of broadcasting right owners (songwriters/publishers) against music users (TV, radio, web-casters etc)
- ◆ critically evaluate the efficiency and effectiveness of current collection society methods and balance the perspectives of public performance right owners (songwriters/publishers) against music users (eg concert venues, live music promoters, and businesses which play music in public — such as bars, restaurants, nightclubs, leisure centres etc)
- ◆ critically evaluate the efficiency and effectiveness of current collection society methods and balance the perspectives of the collection societies (UK and European context); monopoly power versus the quality of service to the membership
- ◆ critically evaluate the role of the Copyright Tribunal in settling UK disputes between the collection societies and users of copyrighted music by making reference to examples

Evidence for this Outcome should be generated through answers to extended response questions or an oral presentation. Assessment should be undertaken in open-book conditions.

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

### Unit title: Music Industry Publishing 2

Oral presentations should be recorded on a high quality format and kept as evidence for external moderation.

#### Assessment guidelines

This Outcome could be assessed in combination with other 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 how music publishing rights are administered and enforced within the international context

#### Knowledge and/or skills

- ◆ International copyright treaties
- ◆ The role of World Intellectual Property Organisation (WIPO)
- ◆ The role of Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique (BIEM)
- ◆ The role of International Confederation of Societies of Authors and Composers (CISAC) and European Grouping of Societies of Authors and Composers (GESAC)
- ◆ Reciprocal agreements between collection societies across the world
- ◆ Foreign sub-publishing

#### Evidence Requirements

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

- ◆ demonstrate an understanding of the key role played by the Berne Convention (Berne Convention for the Protection of Literary and Artistic Works) and other relevant international treaties for the administration of music publishing rights across international territories
- ◆ explain the central role performed by WIPO (World Intellectual Property Organisation) in Geneva, Switzerland with regard to the protection of music publishing rights across international territories
- ◆ explain the function of the BIEM agreements (Bureau International des Sociétés Gérant les Droits d'Enregistrement et de Reproduction Mécanique) in overseeing the collection of royalties from the international manufacturing of recorded music products
- ◆ explain the role performed by CISAC (International Confederation of Societies of Authors and Composers) and GESAC (European Grouping of Societies of Authors and Composers) in enhancing and protecting the rights of creators of music worldwide

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

### Unit title: Music Industry Publishing 2

- ◆ identify overseas collection societies and explain the nature of any reciprocal agreements currently in place for the collection and distribution of royalties between collection societies across the world (for example the UK bodies and their relationships with equivalent agencies in the USA, Japan, France, the Netherlands, Germany, Republic of Ireland, Australia etc)
- ◆ explain the rationale behind international sub-publishing, and evaluate the overseas royalty implications of ‘*at source*’ versus ‘*receipts-based*’ agreements between songwriters and music publishers

Evidence for this Outcome should be generated through answers to extended response questions or an oral presentation. Assessment should be undertaken in open-book conditions.

Oral presentations should be recorded on a high quality format and kept as evidence for external moderation.

### Assessment guidelines

This Outcome could be assessed in combination with other 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

Critically evaluate the application of music publishing rights with regard to new technologies

#### Knowledge and/or skills

- ◆ The internet and music
- ◆ Mobile phone technologies and music
- ◆ New technologies and legal frameworks

#### Evidence Requirements

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

- ◆ provide a critical and evaluative discussion of the extent to which music publishing rights are currently enforced and administered with regard to the online environment incorporating changing distribution/consumption patterns, legal models, streaming and broadcasting royalties, downloading and mechanical royalties, web-casting and internet radio

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

### **Unit title:** Music Industry Publishing 2

- ◆ provide a critical and evaluative discussion of the extent to which music publishing rights are currently enforced and administered with regard to mobile phone technologies incorporating changing distribution/consumption patterns, legal models, downloading and mechanical royalties, and broadcasting income streams
- ◆ provide a critical and evaluative discussion of the general extent to which music publishing rights are legally enforceable with regard to fast moving technological environments

Evidence for this Outcome should be generated through answers to extended response questions or an oral presentation. Assessment should be undertaken in open-book conditions.

Oral presentations should be recorded on a high quality format and kept as evidence for external moderation.

### **Assessment guidelines**

This Outcome could be assessed in combination with other 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:** DR2T 35  
**Unit title:** Music Industry Publishing 2  
**Superclass category:** KH  
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### History of changes:

Version	Description of change	Date
02	Removal of Word Count and Presentation Length.	20/05/11

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

### **Unit title: Music Industry Publishing 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 designed to build on the concepts and principles which were introduced in the HN Unit: Music Industry Publishing 1 (DJ2T 34). The Unit enhances candidates' knowledge and understanding of the broader music publishing environment and provides an evaluative framework in which to focus on new technologies, the international context and the working practices of the (monopolistic) collection societies.

#### **Outcome 1**

Candidates should seek to build a detailed understanding of the systems used by the collection societies to register works, administer rights, collect royalties due and distribute these monies. This will allow them to move on to a more critical and evaluative platform.

The following operational issues could therefore be subject to scrutiny in Outcome 1:

#### **Mechanical Rights**

- ◆ the current mechanical royalty rate formulae for different music products
- ◆ commission rates
- ◆ unlicensed manufacturing and piracy
- ◆ AP schemes
- ◆ mechanical royalties from overseas manufacturing
- ◆ time lags in distributing royalties
- ◆ the duplication of roles (no unitary collection society)
- ◆ paperwork
- ◆ the current level of technology use in rights administration

#### **Public Performance and Broadcasting Rights**

- ◆ broadcasting royalty rate formulae for different broadcasters
- ◆ sampled versus monitored output
- ◆ royalties from overseas broadcasting
- ◆ current public performance royalty rate formulae for live performances
- ◆ the public performance of different genres of music
- ◆ 'black box' income from annual licence fees from business users
- ◆ the enforcement of public licensing and current tariffs for different businesses using music
- ◆ time lags in distributing royalties
- ◆ the duplication of roles (no unitary collection society)
- ◆ paperwork
- ◆ the current level of technology use in rights administration

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

### Unit title: Music Industry Publishing 2

#### Outcome 2

This Outcome takes cognisance of the international nature of the modern music industry and seeks to explain how the rights of creators and music publishers are enforced, administered and protected worldwide. As the UK is a significant exporter of music, this aspect is pertinent to the interests of the UK music publisher and songwriter. The Berne Convention is the key treaty for the implementation of music rights around the world and particular attention should be paid to this document and its application. This Treaty (available online) was originally established in 1886 but has since been amended and updated on a number of occasions. Other intellectual property treaties of note for music publishers would include the WIPO Copyright Treaty (1996).

Foreign collection societies should be identified and reciprocal royalty arrangements with UK music rights bodies should be explained, such as:

- ◆ American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music Incorporated (BMI), Harry Fox Agency — USA.
- ◆ Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) –Japan.
- ◆ Australasian Performing Right Association (APRA) and the Australasian Mechanical Copyright Owners Society (AMCOS) — Australia.
- ◆ Société des Auteurs, Compositeurs, et Editeurs de Musique (SACEM ) — France.
- ◆ Irish Music Rights Organisation (IMRO) — Republic of Ireland
- ◆ Gesellschaft für Musikalische Aufführungs und Mechanische Vervielfältigungsrechte (GEMA) — Germany, etc.

The websites of the overseas collection societies are a useful source of information. Note that most foreign territories do not have advanced systems for collecting and distributing royalties; so a focus on other industrialised nations may be appropriate. Furthermore, note that most overseas territories have a unified collection society for mechanical, broadcasting and public performance rights (unlike the UK). This aspect may also be discussed in Outcome 1 when discussing the (in)efficiency of having two collection societies in UK music publishing.

The regulation and arbitration role undertaken by the government's Copyright Tribunal should incorporate case study examples. Set up in 1989 (but originally the Performing Right Tribunal from 1957), this organisation is instrumental in balancing the competing views of music users and music rights organisations. It also provides an outlet for formal complaints with regard to the working practices of the (monopolistic) collection societies. Case studies may include landmark decisions, eg on the establishment of MCPS (Mechanical Copyright Protection Society) AP schemes and specific MCPS formulae. However it should be noted that much Copyright Tribunal casework is actually settled out of court by the parties before a full hearing is considered necessary.

#### Outcome 3

Candidates should be aware of recent developments in new technologies and their application to the distribution and consumption of music. Music publishing rights should be examined within a critical and evaluative framework of current law and technology.

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

### Unit title: Music Industry Publishing 2

The following issues could be focused upon:

- ◆ current opportunities and threats
- ◆ the current legal framework
- ◆ the lag between the law and technology
- ◆ internet piracy
- ◆ the sourcing of product from international servers, and
- ◆ how new distribution/consumption patterns are impacting on the interests of music publishers and songwriters
- ◆ the impact on income streams should also be evaluated

Due to the evolving nature of copyright law, it is essential in Outcomes 2 and 3 that those involved with the delivery of this Unit pay particular attention to current legislative provisions eg UK law, European Copyright Directives or international treaty obligations which may impinge upon the UK.

This Unit should have a business emphasis throughout. Consequently, the content and context should not focus on the practical nature of songwriting or the technological intricacies behind emergent consumption/distribution models of music.

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

This is an optional Unit in the framework for the HND Music Business Group Award. As a result, liaison should take place, where appropriate, with all those involved with the delivery of the Group Award in order to pool collective knowledge and resources eg copyright law, music publishing contracts, the work of the collection societies, e-commerce in the music industry and global music industry issues.

Candidates should be encouraged to undertake directed research to expand their knowledge of the collection societies, the international context and the application of music publishing rights to new technologies.

**Outcome 1** should carefully consider and examine the practical methods employed by the collection societies to collect and distribute royalties. It should be noted that a number of criticisms have been levied at the UK collection societies to the extent that the government has, in the past, reviewed their internal procedures in response to complaints from the membership (through the Monopolies and Mergers Commission).

In order to provide a balanced overview, it is recommended that guest speakers from the relevant collection societies be invited to present their views and explain how their working methods are subject to regular review and change. Videos and other official materials from the collection societies should also be sourced to assist delivery and maintain currency.

The sourcing of official government investigation documents would be useful for evaluating any criticisms. These are widely available online.

**Outcome 2:** background information pertaining to this Outcome can mainly be found online. The official websites of WIPO, BIEM, CISAC, GESAC and overseas collection societies provide useful overviews of their activities.

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

### Unit title: Music Industry Publishing 2

Due to the subject matter (the international context), this particular Outcome is essentially based on an ability to explain — rather than critically evaluate.

**Outcome 3** requires a detailed understanding of how music publishing rights are applied and enforced within the context of modern technologies. This is a fast moving area and candidates will be required to demonstrate a critical understanding of the contemporary situation. Sources of information should also include industry press and relevant articles.

New technologies have created alternative models for the distribution and consumption of music — but to what extent are songwriters and music publishers currently being protected and remunerated for the use of their works through these new models?

Candidates should explore these issues through a critical and evaluative perspective.

Assessments for each of the Outcomes should take the form of either written answers to extended responses questions or an oral presentation.

Assessments should be undertaken in open-book conditions. This will allow candidates to carry out independent study and research for all three Outcomes.

Alternatively, one holistic assessment may be used.

There may be scope to integrate the assessment(s) for this Unit with other Units within the framework. Those involved with the delivery of the Group Award are encouraged to consider implementing this integrative approach where feasible.

### Open learning

This Unit could be delivered by open 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 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](http://www.sqa.org.uk).

## General information for candidates

### Unit title: Music Industry Publishing 2

This Unit is designed to develop your knowledge and understanding of the application and enforceability of music publishing rights.

The efficiency and effectiveness of current collection society methods will be focused upon. These societies enjoy a monopoly situation in the UK and have been subject to a number of criticisms by their own membership. You will be expected to develop a detailed grasp of their working methods and then use this knowledge to provide a critical insight into their activities.

As the music industry is a global business and the UK is at the forefront of exporting to overseas markets, you will be asked to examine how music publishing rights are applied and protected internationally. This will involve a study of the treaties that govern intellectual property worldwide and the organisations that oversee and facilitate this process. The inter-relationships between UK collection societies and their overseas partners will be examined.

As music formats have continued to evolve from sheet music through to vinyl, cassettes, CDs and other easily transferable digital formats, you will also be asked to undertake a critical examination of how modern technologies are impacting upon copyright protection, income streams and the general interests of music publishers and songwriters. You will be required to focus on the latest in technological developments and to critically evaluate the current legal framework against any developing trends in the consumption and distribution of music.

The Outcomes in this Unit are:

- 1 Critically evaluate current UK collection society methods for the remuneration of songwriters and music publishers and their music.
- 2 Explain how music publishing rights are administered and enforced within the international context.
- 3 Critically evaluate the application of music publishing rights with regard to new technologies.

Assessment will be undertaken within open-book conditions. This will allow you the scope to investigate and research the knowledge areas. The use of a variety of printed materials and online sources is encouraged.

A critical but balanced perspective will be sought where applicable.

You do not need to be a songwriter or to have worked for a music publisher to undertake this Unit. This Unit will give you a comprehensive insight into current application and enforcement issues within this key sector of the industry.