



## Higher National Unit specification

### General information

**Unit title:** Intellectual Property (SCQF level 6)

**Unit code:** H7FH 33

**Superclass:** EC

**Publication date:** July 2014

**Source:** Scottish Qualifications Authority

**Version:** 01

### Unit purpose

This Unit is designed to provide learners with an overview of intellectual property and copyright law. Learners will gain an awareness of the different rights of the creator and owner of copyright works and an understanding of how they can protect their own original material. They will also research an example of copyright infringement and gain an understanding of the ways in which a copyright work can be exploited to generate income.

This Unit introduces learners to the legal principles and practice covering copyright and intellectual property as stated in the United Kingdom Copyright, Designs and Patents Act 1988 and its subsequent amendments. Copyright legislation covers many diverse areas including music, theatre, web development, photography, painting and other visual artistic works, written and spoken word and television and film. Learners will gain a broad understanding and awareness of the legislation which should be contextualised within their area of study.

This Unit is particularly suitable for learners on creative industries courses and those undertaking programmes of study where they are creating or altering original material and need an awareness of the rights of anyone who creates an original work.

### Outcomes

On successful completion of the Unit the learner will be able to:

- 1 Demonstrate knowledge and understanding of intellectual property.
- 2 Demonstrate an understanding of fundamental copyright legislation.
- 3 Investigate an infringement of a copyright work.
- 4 Investigate examples of intellectual property.

## **Higher National Unit Specification: General information (cont)**

**Unit title:** Intellectual Property (SCQF level 6)

### **Credit points and level**

1 Higher National Unit credit at SCQF level 6: (8 SCQF credit points at SCQF level 6)

### **Recommended entry to the Unit**

Entry is at the discretion of the centre.

### **Core Skills**

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

### **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.

### **Equality and inclusion**

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website [www.sqa.org.uk/assessmentarrangements](http://www.sqa.org.uk/assessmentarrangements).

## Higher National Unit specification: Statement of standards

**Unit title:** Intellectual Property (SCQF level 6)

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

### Outcome 1

Demonstrate knowledge and understanding of intellectual property.

#### Knowledge and/or Skills

- ◆ Difference between intellectual and physical property
- ◆ Difference between a public domain work and a copyright work
- ◆ Key organisations administering intellectual property
- ◆ Function of organisations administering intellectual property

### Outcome 2

Demonstrate an understanding of fundamental copyright legislation.

#### Knowledge and/or Skills

- ◆ Methods of establishing ownership of intellectual property
- ◆ Rights of the copyright owner
- ◆ Rights of the creator of copyrighted work
- ◆ Moral rights and economic rights
- ◆ Types of infringement

### Outcome 3

Investigate an infringement of a copyright work.

#### Knowledge and/or Skills

- ◆ Breach of copyright
- ◆ Types of infringement
- ◆ Prevention of infringement

### Outcome 4

Investigate examples of intellectual property.

#### Knowledge and/or Skills

- ◆ Intellectual property within a given product
- ◆ Intellectual property exploitation for economic gain

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

**Unit title:** Intellectual Property (SCQF level 6)

### Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes.

Any legislation referenced by learners must be the most up-to-date version.

Learners are required to produce written and/or oral evidence which covers all of the knowledge and skills outlined in Outcomes. This evidence will be produced under open-book conditions at appropriate points in the Unit.

#### Outcome 1

Learners will be required to:

- ◆ describe the difference between intellectual and physical property.
- ◆ describe the difference between public domain and copyright work.
- ◆ specify the duration that copyright lasts in relation to works created in their area of study.
- ◆ identify the key organisations that administer intellectual property.
- ◆ describe three primary functions of key organisations that administer intellectual property.
- ◆ identify organisations responsible for distributing income which is generated through copyright ownership.

As different forms of intellectual property are administered by different organisations and agencies those mentioned by the learner will be specific to their area of study.

The learner's evidence should be answered in relation to the learner's primary focus of study, eg sound/music production, television or literary arts.

#### Outcome 2

Learners will be required to:

- ◆ describe at least three methods of establishing ownership of intellectual property.
- ◆ describe the three principal rights of the copyright owner in relation to an original piece of work referring to current copyright legislation.
- ◆ explain the difference between moral economic rights of the creator of a copyrighted piece of work, including both paternity and integrity rights.
- ◆ identify at least three different types of infringement.
- ◆ describe the difference between infringement and secondary infringement.

Evidence for Outcome 2 should be appropriate to the learner's area of study.

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

**Unit title:** Intellectual Property (SCQF level 6)

### **Outcome 3**

Learner's evidence for Outcome 3 will include a brief analysis of a real case where the copyright owner or creator's rights have been breached and should identify which type of infringement(s) has occurred and the ways in which it could have been prevented, for example seeking clearance through the owner of the intellectual property. The evidence should be specific to the learner's area of study.

### **Outcome 4**

The learner will identify a minimum of three examples of intellectual property within a given product. This will be different for each product depending upon the medium chosen.

A product or object will be specified which learners must examine. Learners will identify at least three main components of the object which are covered by current copyright legislation. This may include logos, trademarked slogans, imagery, packaging design and content of media, for example music.

Learners will also be required to describe three ways in which the given copyright work could be commercially exploited for economic gain.



## Higher National Unit Support Notes

**Unit title:** Intellectual Property (SCQF level 6)

Unit Support Notes are offered as guidance and 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 should be considered as an introduction to principles of intellectual property and copyright law. It is designed to raise awareness of intellectual property and copyright issues however, due to the extensive nature and legal complexities of the Copyright, Designs and Patents Act 1988, it does not fully examine legal issues regarding copyright and all of its intricacies. This Unit is intended as an introduction to issues regarding intellectual property and copyright and learners are not expected to be aware of all content of the Act. However, they should know about the latest amendments and most up-to-date legislation.

The Unit is intended for use by any learner who works or studies subjects within the creative industries and wishes to understand the basics of protecting work they have created and how they can use the work of others. They will also investigate how the Copyright, Designs and Patents Act 1988 may be used to safeguard income generated from intellectual property. This Unit may be delivered in the context of many programmes of study such as Sound and Music Production, Drama, Theatre Studies, Music, Film, Photography, Media Studies, Design and Graphics etc. and it is intended that it may be contextualised to all areas of creativity.

The content of this Unit will help learners who either, create intellectual property (IP), use the IP of others in their own work and/ or work as a third party with those who create/use IP, to better understand how income can be generated through copyright protection as well as the economic and moral rights of the copyright owner. They will also have a better understanding of the organisations that represent owners of copyright and how these organisations interact with each other in the various different categories represented, such as music and sound recordings, printed media, broadcast material, printed works and film.

Outcomes 1 and 2 provide an introduction to the concept of intellectual property, the organisations which administer it and an overview of fundamental legislation.

References should be made to current copyright legislation. At the time of writing this would be Chapters I, II and IV of the Copyright, Designs and Patents Act 1988.

The final two Outcomes of this Unit should be treated as research-based study for learners and allow each learner to focus on a particular area of interest. Where possible, learners should examine real life examples of infringement when undertaking Outcome 3.

## Higher National Unit Support Notes (cont)

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In addition to understanding the fundamentals of copyright in relation to creating work, Outcome 4 allows learners an opportunity to consider the opportunities which exist to generate income from intellectual property. Learners should refer to current copyright legislation (Copyright, Designs and Patents Act 1988 at the time of writing).

Although there is much scope to focus the assessment of this Unit on specific areas of the creative industries, there are no restrictions to studying the Unit as a stand-alone introduction to copyright and intellectual property rights. It can be included as an element of programmes of study which are perhaps not directly related to the creative industries or do not directly involve the creation of intellectual property but are more focused upon business, administration or industry related subjects.

### Guidance on approaches to delivery of this Unit

This Unit offers an ideal opportunity to introduce learners to concepts of intellectual property origination and protection and how a creator or owner can generate income through exploiting their product. It is important to emphasise how the protection of intellectual property is necessary in order for artists, designers, writers, musicians, etc to sustain a career within the creative industries. The ways in which different organisations interact with and help secure payments to the copyright owner will also be valuable information. For sound engineers and producers of music there are important nuances with regard to licensing and infringement of copyright. The main organisation that they should seek information from, at the time of writing in the UK, is the PRS for Music organisation, incorporating the Mechanical Copyright Protection Society (MCPS) and the Performing Rights Society (PRS) which both represents creators/owners and licences musical works. Learning could also be enhanced through everyday examples of the impact of copyright, for example music playing in a restaurant or advertisements on public transport.

Throughout the delivery of this Unit it will be necessary to refer to the Copyright, Designs and Patents Act 1988 and very important to focus on the area of interest or study for each learner, which will help to contextualise the Unit content. It should be noted, however, that this Act periodically changes so teaching staff and learners should be aware of the latest amendments or additions.

Many of the organisations and agencies who represent copyright owners have an educational remit or may be able to send a representative to a centre for an educational visit. Where this can be organised it would be highly beneficial for the learners who would be able to get accurate and up-to-date information.

The primary source of intellectual property and copyright advice, research and information should always be the legally established organisation(s) representing the specific industry area. Many of the agencies who represent copyright owners have useful websites. These are valuable sources of information for learners when undertaking research. In addition, there are many other websites that address copyright which learners may wish to visit, however they should always take care to ensure that information is accurate.

Learners who wish to pursue further study into copyright may wish to refer further to the Copyright, Designs and Patents Act 1988 which may be obtained through the government's Office of Public Sector Information.

## Higher National Unit Support Notes (cont)

**Unit title:** Intellectual Property (SCQF level 6)

There are many high profile and highly publicised examples of copyright infringement throughout the creative industries which may be studied and researched during Outcome 3 and the internet could prove to be a valuable source of information for this. Learners may be encouraged to look at examples such as music, CD/DVD piracy, product copying such as mobile phones or reproduction and distribution of written materials.

### Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Outcomes 1 and 2 could be assessed holistically in the form of a report or presentation, however Outcomes 3 and 4 should be treated as discrete assessments. All assessments should be focused upon the learner's area of study for example; sound and music production, film, literature, photography, etc. The learner will not be expected to have a comprehensive understanding of copyright but should understand the fundamental issues regarding infringement and rights of ownership for their chosen field.

It is also possible that Outcome 1 may be assessed through a restricted response assessment.

Outcome 3 should be based upon a real life example related to the learner's area of study. This should be undertaken in the form of a research project.

Outcome 4 should be related to the learner's area of study. The learner should be issued with a product or object to examine. Examples include a CD box, DVD, a book of photography, a textbook, a website or a designed product, any of which must contain at least three examples of intellectual property. Learners should then consider how the product can be exploited to generate income. Where appropriate, the relevant organisations that administer income should be referenced.

### Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at [www.sqa.org.uk/e-assessment](http://www.sqa.org.uk/e-assessment).

## Higher National Unit Support Notes (cont)

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### Opportunities for developing Core and other essential skills

Learners will be producing writing and/or oral communication evidence as part of the assessment for all Outcomes. This offers ideal opportunities to develop aspects of the Core Skill of *Communication*.

Learners will also have the opportunity to develop aspects of the Core Skill of *Information and Communication Technology (ICT)*, should they choose to carry out research using the internet.

In Outcomes 3 and 4 learners will undertake investigations and suggest possible courses of actions to avoid copyright infringement and to generate income from intellectual property. They will select and discard information in order to make decisions. This offers opportunities to develop aspects of the Core Skill of *Problem Solving*.

## History of changes to Unit

Version	Description of change	Date

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## General information for learners

### Unit title: Intellectual Property (SCQF level 6)

This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

This Unit is designed to provide you with an overview of intellectual property and copyright law. You will gain an awareness of the different rights of the creator and owner of copyright works and an understanding of how you can protect and exploit your own original material. You will also research an example of copyright infringement and gain an understanding of the ways in which a copyright work can be exploited to generate income.

The Unit introduces you to the legal principles and practice covering copyright and intellectual property as stated in the United Kingdom Copyright, Designs and Patents Act 1988 and its subsequent amendments. Copyright legislation covers many diverse areas including music, theatre, web development, photography, painting and other visual artistic works, written and spoken word and television and film. You will gain a broad understanding and awareness of the legislation which tutors will contextual for your area of study.

This Unit is particularly suitable if you are undertaking a creative industries qualification which requires you to create or alter original material and need an awareness of the rights of anyone creating an original work.

In sound production the engineer is often regarded in law as the person most likely to infringe copyright material, eg use of unlicensed samples, manufacture of un-licensed CDs, etc. It is also possible that as an engineer/producer you may create substantive works yourself. This Unit is essential guidance for your career in the creative industries.

The Unit has four Outcomes:

- 1 Demonstrate knowledge and understanding of intellectual property.
- 2 Demonstrate an understanding of fundamental copyright legislation.
- 3 Investigate an infringement of a copyright work.
- 4 Investigate examples of intellectual property.

Outcomes 1 and 2 are likely to be assessed holistically through a report or presentation and will be focused on your area of study, for example film, literature, photography, etc.

Outcome 3 should be based upon a real life example related to your area of study. This is likely to take the form of a research project.

For Outcome 4 you will be issued with a product or object to examine. Examples could include a musical work, DVD/Blu-Ray, Computer Game, a book of photography, a textbook, a website or a designed product. You will then be asked to consider how the product can be exploited to generate income.

The above assessment methods are just examples; your tutor will be able to provide you with more information on the types of assessment that you will carry out.