



National Unit specification: general information

Unit title: Intellectual Property

Unit code: FT2D 12

Superclass: EC

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Summary

This Unit is designed to provide candidates with an overview of intellectual property and copyright law. Candidates 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 candidates 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. Candidates 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 candidates 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

- 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.

Recommended entry

Entry is at the discretion of the centre.

General information (cont)

Unit title: Intellectual Property

Credit points and level

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

**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.*

Core Skills

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

The Unit provides opportunities for candidates to develop aspects of the following Core Skills:

- ◆ Communication
- ◆ Information and Communication Technology
- ◆ Problem Solving

These opportunities are highlighted in the Support Notes of the Unit Specification.

National Unit specification: statement of standards

Unit title: Intellectual Property

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.

Performance Criteria

- (a) Describe the difference between intellectual and physical property.
- (b) Describe the difference between a public domain work and a copyright work.
- (c) Identify the key organisations which administer intellectual property.
- (d) Explain the function of these organisations.

Outcome 2

Demonstrate an understanding of fundamental copyright legislation.

Performance Criteria

- (a) Describe different methods of establishing copyright.
- (b) Describe the rights of the copyright owner.
- (c) Describe the rights of the copyright creator.
- (d) Identify different types of copyright infringement.

Outcome 3

Investigate an infringement of a copyright work.

Performance Criteria

- (a) Identify an example of copyright infringement and describe which rights were infringed.
- (b) Describe the outcome of the infringement.
- (c) Investigate how this infringement could have been prevented.

Outcome 4

Investigate examples of intellectual property.

Performance Criteria

- (a) Identify examples of intellectual property within a given product.
- (b) Describe how intellectual property can be exploited for economic gain.

National Unit specification: statement of standards (cont)

Unit title: Intellectual Property

Evidence Requirements for this Unit

Evidence is required to demonstrate that candidates have achieved all Outcomes and Performance Criteria.

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

Outcome 1

Candidates are required to produce written and/or oral evidence which covers all of the Performance Criteria outlined in Outcome 1. This evidence will be produced under open-book conditions at appropriate points in the Unit.

When describing the difference between public domain and copyright work in PC (b) the candidate must specify the duration that copyright lasts in relation to works created in their area of study.

PC (c) and (d) should be answered in relation to the candidate's primary focus of study, eg music, television or literary arts. Candidates must describe the three primary functions of the organisations identified as well as identifying 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 candidate will be specific to their area of study.

Outcome 2

Candidates are required to produce written and/or oral evidence which covers all of the Performance Criteria outlined in Outcome 2. Evidence for Outcome 2 should be appropriate to the candidate's area of study. This evidence will be produced under open-book conditions at appropriate points in the Unit.

For PC (a) candidates will describe at least three methods of establishing ownership of intellectual property.

In relation to PC (b), the candidate will refer to Chapters I and II of the Copyright, Designs and Patents Act 1988. The candidate must be able to describe the three principal rights of the copyright owner in relation to an original piece of work.

For PC (c), the candidate will refer to Chapters II and IV of the Copyright, Designs and Patents Act 1988. The candidate will demonstrate an understanding of the moral rights of the creator of a copyrighted piece of work, to include both paternity and integrity rights.

Candidates will identify the difference between infringement and secondary infringement when undertaking PC (d) and must identify at least three different types of infringement.

National Unit specification: statement of standards (cont)

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Outcome 3

Candidates are required to produce written and/or oral evidence which covers all of the Performance Criteria outlined in Outcome 3. This evidence will be produced under open-book conditions at appropriate points in the Unit.

The evidence 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 candidate's area of study.

Outcome 4

Candidates are required to produce written and/or oral evidence which covers all of the Performance Criteria outlined in Outcome 4. The candidate 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.

For PC (a) a product or object will be specified which candidates must examine. Candidates will identify at least three main components of the object which are covered by the Copyright, Designs and Patents Act 1988. This may include logos, trademarked slogans, imagery, packaging design and content of media, for example music.

For PC (b) candidates will describe three ways in which the given copyright work could be commercially exploited for economic gain.

This evidence will be produced under supervised conditions at an appropriate point in the Unit.

National Unit specification: support notes

Unit title: Intellectual Property

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 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 candidates 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 candidate 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 Drama, Theatre Studies, Music, Film, Photography, Media Studies, Design and Graphics and it is intended that it may be interpreted to fit all areas of creativity.

The content of this Unit will help candidates who create intellectual property 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 who 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.

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

In addition to understanding the fundamentals of copyright in relation to creating work, Outcome 4 allows candidates an opportunity to consider the opportunities which exist to generate income from intellectual property.

National Unit specification: support notes (cont)

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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 learning and teaching approaches for this Unit

This Unit offers an ideal opportunity to introduce candidates 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.

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 candidate, which will help to contextualise the Unit content. It should be noted, however, that this Act periodically changes so teaching staff and candidates 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 candidates 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 candidates when undertaking research. In addition, there are many other websites that address copyright which candidates may wish to visit, however they should always take care to ensure that information is accurate.

Candidates 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.

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. Candidates 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.

National Unit specification: support notes (cont)

Unit title: Intellectual Property

Opportunities for developing Core Skills

Candidates 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*.

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

In Outcomes 3 and 4 candidates 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*.

Guidance on approaches to assessment for this Unit

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 candidate's area of study, for example film, literature, photography, etc. The candidate 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 candidate's area of study. This should be undertaken in the form of a research project.

Outcome 4 should be related to the candidate's area of study. The candidate 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. Candidates should then consider how the product can be exploited to generate income. Where appropriate, relevant organisations who administer income should be referenced.

Opportunities for the use of 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 e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

History of changes to Unit

Version	Description of change	Date

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