



Australian Government

Department of Education, Employment and Workplace Relations

CUSADM08A Address copyright requirements

Release: 1

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Modification History

Not applicable.

Unit Descriptor

This unit describes the skills and knowledge required to protect creative work and performance from unauthorised use.

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Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Not applicable.

Elements and Performance Criteria Pre-Content

Not applicable.

Elements and Performance Criteria

Elements and Performance Criteria

Element	Performance Criteria
1 Identify copyright issues for the protection and exploitation of products	<p>1.1 Apply knowledge of Copyright Act to products in terms of:</p> <p>protection against unauthorised use on own and other's works</p> <p>commercial exploitation of own work under copyright intellectual property and licensing legislation</p> <p>1.2 Seek advice, as required, to ensure that copyright issues are fully addressed in terms of own rights and the rights of others</p>
2 Ensure that copyright protection on creative works or performance is adequate locally and internationally	<p>2.1 Undertake all procedures necessary to ensure that created material are protected at local and international levels against illegal or unauthorised reproduction of work, or parts of work:</p> <p>in printed or recorded media</p> <p>in live performance</p> <p>in television, cable transmission or online media</p> <p>in any media for advertising or screen for other purposes</p> <p>2.2 Undertake all procedures necessary to ensure that work is protected at local and international level against adaptations of work whether printed, live or in any electronic media</p> <p>2.3 Undertake research and/or obtain reliable legal advice where necessary to ensure that artists'/copyright owners' rights are protected</p>
3 Assign copyright of creative works or performers	<p>3.1 Undertake strategic planning of negotiated deals for works/performances with an understanding of the difference between assignment of copyright and licensing</p> <p>3.2 Assign copyright for composers and/or performers only where artists are aware of all implications</p> <p>3.3 Confirm and agree with all relevant parties the degree to which artists and publisher may control</p>

- the use and exploitation of work under assignment of copyright
- 3.4 Ensure that the terms of assignments of copyright are written accurately into a formal contract that is available for legal advice where required, and understood and signed by all relevant parties
- 4 License rights to creative works or performance
- 4.1 Confirm and agree to the territories in which the licensing rights may be exercised with all relevant parties
- 4.2 Confirm and agree to the timeframe of the license with all relevant parties
- 4.3 Confirm and agreed to the terms of exploitation of the work/license with all relevant parties
- 4.4 Ensure that creative control of the work, including to what extent and how it may be recast, is confirmed and agreed by all relevant parties
- 4.5 Ensure that fees are negotiated whether outright fee, royalty, or a combination of both, relevant to the context of the deal
- 4.6 Ensure that responsibility for enforcement of the copyrights against infringement are confirmed and agreed
- 4.7 Ensure that all terms relating to the licensing deal are written accurately, confirmed and signed by all relevant parties
- 5 Comply with conditions of copyright agreement
- 5.1 Maintain documents relevant to the copyright agreement in a secure and accessible form allowing for retrieval where required
- 5.2 Undertake all responsibilities to ensure compliance with the conditions of the copyright agreement as and when required

Required Skills and Knowledge

Not applicable.

Evidence Guide

Evidence guide

Underpinning knowledge and skills

Assessment must include evidence of the following knowledge and skills:

copyright legislation, awareness of the Copyright Act

the difference between performing, mechanical and synchronisation rights

the difference between copyright for composition, a sound recording and a published edition

the conditions necessary for copyright to exist in composition and in sound recordings

procedures which need to be undertaken to show proof of ownership of composed work

the difference between assignment and licensing of copyright

the function of organisations such as the:

Australian Performing Rights Association

Australian Copyright Council

Australasian Mechanical Copyright Owners Society Ltd

Australian Copyright Council

Phonographic Performance Company of Australia

Audio-Visual Copyright Society

Copyright Agency Ltd

and international copyright and collection societies

communicating to achieve consensus

communicating to achieve agreed outcomes

understanding of the needs of all relevant parties

understanding of the rights of all relevant parties

awareness of copyright conventions in relation to:

intellectual property (using, producing and protecting)
publishing
new technology
music
lyrics
text
visual materials

Linkages to other units

This unit has strong linkages to the following units and combined training delivery and/or assessment is recommended:

CUSADM09A Address legal and administrative requirements

CUSGEN04A Participate in negotiations

Critical aspects of evidence

The following evidence is critical to the judgement of competence in this unit:

ability to research directly and/or seek appropriate assistance as required to manage copyright

understanding of the role of organisations relevant to copyright legislation and business

Method and context of assessment

Assessment may take place on the job, off the job or a combination of both of these. However, assessment of this unit would most effectively be undertaken on the job due to the specific workplace environment requirements. Off the job assessment must be undertaken in a closely simulated workplace environment.

Assessment may incorporate a range of methods to assess performance and the application of essential underpinning knowledge, and might include:

case studies and scenarios as a basis for discussion of copyright issues

work samples or simulated workplace activities

simulation of problem solving exercises

oral questioning on issues in copyright

projects/reports/logbooks

third party reports and authenticated prior achievements

authenticated samples of relevant work in managing copyright

portfolios of evidence

Assessment must take place over a period of time in order to determine competence in the ongoing implementation and monitoring aspects of this unit. Assessment should ensure that a sufficient range of tasks is covered.

Resource requirements

This unit requires access to the sources of information needed to manage copyright including the Copyright Act and a range of case studies. There is no specialist equipment required.

Key competencies

Level

Collecting, organising and analysing information	3
Communicating ideas and information	2
Planning and organising activities	1
Working with others and in teams	2
Solving problems	2
Using mathematical ideas and techniques	1
Using technology	1

Range Statement

Range of variables

Variable

Scope

Relevant parties may include:

artists

industry or artists' managers

agents

legal representatives

Copyright may be fixed to:

music presented in any media or format

artwork

photographs

flyers

record covers

original materials

performances

scripts

film scores

Copyright may involve:	ownership of materials term of license or assignment length of control period after expiration of term exploited reversion triggers non exploited reversion triggers
Term involves:	the period during which the material may be exploited
Territory involves:	areas in which the licensing rights can or cannot be exercised
License may apply to the use of work for:	performance film/video multimedia advertising broadcast
Creative control involves:	ways in which the work is exploited selection of material selection of producers right of approval of sub-licensing or assignments

Unit Sector(s)

Not applicable.