



Australian Government

Department of Education, Employment and Workplace Relations

CUFCMP501A Manage and exploit copyright arrangements

Revision Number: 1

CUFCMP501A Manage and exploit copyright arrangements

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to manage and exploit individual or collaborative copyright arrangements.</p> <p>This unit is related to CUFCMP301A Implement copyright arrangements.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.</p>
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Application of the Unit

Application of the unit	<p>This unit addresses the management and exploitation of copyright arrangements, including assigning and licensing rights and ensuring copyright is protected locally and internationally. It has application to people involved in exploiting original works, including literary works, computer programs, compilations, artistic works, dramatic works, musical works, cinematograph films, sound recordings, broadcasts, photographs, photographic imagery and published works.</p> <p>This unit is appropriate for artists, artists' managers, agents, industry managers, legal representatives, music licensors and music publishers.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
Identify exploitation opportunities for original works	<ol style="list-style-type: none"> 1. Confirm original work is protected against unauthorised use 2. Research potential for commercial exploitation of original work under copyright, intellectual property and licensing legislation 3. Seek advice, as required, to ensure that copyright issues are fully addressed in terms of copyright owners exclusive rights and the rights of others
Protect original works locally and internationally	<ol style="list-style-type: none"> 4. Confirm original work is protected at local and international levels against illegal or unauthorised reproduction (in part or full) 5. Confirm original work is protected at local and international levels against adaptations 6. Confirm original work is protected at local and international levels against unauthorised communications 7. Research and/or obtain reliable legal advice to ensure artists'/copyright owners' rights are protected
Assign copyright of original works	<ol style="list-style-type: none"> 8. Undertake appropriate planning in preparation to negotiate deals for original work 9. Ensure implications of assigning copyright are understood by relevant parties 10. Assign copyright to new owner according to legislative requirements 11. Confirm and agree with relevant parties the degree to which artists/publishers may control use and exploitation of original work under assignment of copyright 12. Accurately record terms of assignment of copyright into a formal contract that is signed by relevant parties
License rights to original works	<ol style="list-style-type: none"> 13. Confirm and agree to territories in which licensing rights may be exercised with relevant parties 14. Confirm and agree to the timeframe of the licence with relevant parties 15. Confirm and agree to the terms of exploitation of the original work/licence with relevant parties 16. Confirm and agree on the creative control of the original work with relevant parties 17. Negotiate fees relevant to the context of the deal with relevant parties

ELEMENT	PERFORMANCE CRITERIA
	18. Confirm and agree on the responsibility for enforcing copyright against infringement 19. Accurately record and store terms relating to the licensing deal into a formal contract that is signed by relevant parties
Maintain copyright documentation	20. Store copyright <i>documentation</i> in a secure and accessible form (for retrieval where required) 21. Identify and confirm responsibility to comply with conditions of copyright agreement

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- numeracy skills sufficient to negotiate fees and to determine the term of a copyright licence
- literacy skills sufficient to interpret relevant legislation and to complete copyright documentation
- communication skills sufficient to:
 - negotiate deals and achieve agreed outcomes
 - interpret the needs and rights of relevant parties
 - explain the difference between assignment and licensing of copyright
 - explain the difference between performing/mechanical/synchronisation rights and communicating to the public rights
- teamwork skills sufficient to work with relevant parties when negotiating deals
- problem solving skills sufficient to solve problems arising from negotiating deals
- technology skills sufficient to use documentation systems for preparing formal contracts and recording/storing copyright agreements

Required knowledge

- copyright, intellectual property and licensing legislation relevant to managing and exploiting copyright arrangements
- industry organisations dealing with copyright, intellectual property and licensing
- recognised procedures to determine copyright ownership
- function of the Australian Copyright Council as it relates to own work context
- function of copyright collection societies as they relate to copyright exploitation
- copyright conventions in relation to intellectual property (using, producing and protecting), publishing and new technology.

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the following is essential:

- ability to research and/or seek appropriate assistance to manage and exploit copyright
- understanding of the difference between assignment and licensing of copyright
- understanding of the role of organisations relevant to copyright legislation and business.

Context of and specific resources for assessment

Assessment must ensure:

- access to copyright, intellectual property and licensing legislation, including the Copyright Act 1968 and Copyright Amendment (Digital Agenda) Act 2000
- access to an environment where original work can be commercially exploited under copyright
- access to reliable legal advice where required
- access to appropriate technology to prepare copyright documentation
- access to appropriate learning and assessment support when required
- use of culturally appropriate processes and techniques appropriate to the language and literacy capacity of learners and the work being performed.

Method of assessment

The following assessment methods are appropriate for this unit:

- direct observation of the candidate managing and exploiting copyright arrangements
- case studies to assess ability to research commercial exploitation opportunities
- written and verbal questioning or interview to test knowledge of assigning and licensing of copyright
- problem solving activities to assess ability to solve problems arising from negotiating deals
- review of portfolios of evidence and third party workplace reports of on-the-job performance.

EVIDENCE GUIDE**Guidance information for assessment**

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:

- BSBSMB401A Establish legal and risk management requirements of small business
- FNSICGEN402A Participate in negotiations.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<i>Original works</i> may include:	<ul style="list-style-type: none"> • artistic works, e.g. paintings, drawings, cartoons, sculpture, craft work, architectural plans, buildings, photographs, photographic imagery, maps, plans, special effects make-up • broadcasts, e.g. television, radio • cinematograph films, e.g. film, video, DVD • compilations, e.g. anthologies, directories, databases • computer programs • dramatic works, e.g. choreography, screenplays, plays, mime pieces, performances • musical works/performances • published editions • sound recordings/performances • textual material, e.g. journal articles, novels, screenplays, poems, song lyrics, reports.
<i>Copyright issues</i> may include:	<ul style="list-style-type: none"> • exploited reversion triggers • length of control period after expiration of term • non-exploited reversion triggers • ownership of materials • term of licence or assignment.
<i>Exclusive rights</i> may include:	<ul style="list-style-type: none"> • communicating the work to the public • importing the work into Australia • licensing and assigning the work • making an adaptation of the work • making the work public for the first time • performing/showing/transmitting the work in public • reproducing the work • synchronising the work • translating the work.
<i>Relevant parties</i> may include:	<ul style="list-style-type: none"> • agents/artists' managers/industry managers • artists

RANGE STATEMENT	
	<ul style="list-style-type: none"> • employee associations/union representatives • industry/industry association representatives • legal representatives • licensors/publishers.
<i>Licence</i> may include:	<ul style="list-style-type: none"> • exclusive licence • implied licence • non-exclusive licence.
<i>Creative control</i> may include:	<ul style="list-style-type: none"> • right of approval of sub-licensing or assignments • selection of material • selection of producers • to what extent and how the work may be recast • ways in which the work is exploited.
<i>Fees</i> may include:	<ul style="list-style-type: none"> • advance recouped against royalty • outright fee or royalty, or a combination of both.
<i>Documentation</i> may include dated copies of:	<ul style="list-style-type: none"> • artwork • contracts • digital media products • footage • letters or other communications with people who have access to the original work • manuscripts • music, presented in any media or format • negatives/photographs/photographic imagery • recordings • scores (music/film).

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Regulation, licensing and risk - Compliance
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Co-requisite units

Co-requisite units		