



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CUSMGT403A Manage licensing of music**

**Revision Number: 1**

## CUSMGT403A Manage licensing of music

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit covers the performance outcomes, skills and knowledge required to manage, promote and negotiate licensing of musical works.</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

<b>Application of the unit</b>	<p>Employees of music publishing companies apply the skills and knowledge described in this unit. They are responsible for promoting the use of material in a publisher's catalogue to prospective clients. They then negotiate licensing agreements with clients who want to use this material for their own purposes, such as in screen productions, broadcasts and mobile phone ringtones, and as mood music in public buildings. At times an artist manager may perform this role on behalf of artists.</p>
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### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

<b>Prerequisite units</b>		

<b>Prerequisite units</b>		

## Employability Skills Information

<b>Employability skills</b>	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
Promote works to clients	<ol style="list-style-type: none"> <li>1. Plan <i>strategies</i> to promote listed <i>works</i> and <i>originators of works</i></li> <li>2. Research and assess marketing opportunities for listed works using appropriate <i>sources</i></li> <li>3. Identify and research <i>users of publicly performed music</i> to compile a list of potential clients</li> <li>4. Pitch material to potential clients</li> <li>5. Respond to requests for information on listed works from prospective clients</li> </ol>
Negotiate contracts	<ol style="list-style-type: none"> <li>6. Confirm that licensing of rights in works has been agreed by originator</li> <li>7. Discuss and confirm <i>terms and conditions of licensing contract</i> with originator</li> <li>8. Ensure licensing contract with client is free of conflicting claims or licences already granted or pending</li> <li>9. Support all parties during licensing negotiations, and resolve disputes as required</li> <li>10. Confirm licensing contract is accurate, understood by all parties and delivered within agreed timeframe</li> <li>11. Organise the <i>assignment of rights</i> in works as required</li> </ol>
Administer licensing policy and contracts	<ol style="list-style-type: none"> <li>12. Ensure all licensing contracts comply with licensing policy and royalty obligations</li> <li>13. Ensure <i>licensing documentation</i> is securely stored and readily available for retrieval to facilitate accurate royalty receipts and payments</li> <li>14. Ensure licensing documentation is regularly monitored and updated</li> </ol>

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- research skills sufficient to:
  - analyse markets
  - assess promotional opportunities for listed works
  - monitor industry developments affecting the licensing of music
- literacy skills sufficient to interpret licensing contracts
- numeracy skills sufficient to facilitate accurate royalty payments and records
- communication skills sufficient to negotiate licensing contracts and resolve disputes relating to licensing of listed works
- initiative and enterprise skills in the context of:
  - identifying commercial potential of listed works
  - pitching material to prospective clients
- learning skills sufficient to maintain currency of music licensing knowledge
- planning and organisational skills sufficient to plan effective promotional strategies
- self-management skills sufficient to set priorities to achieve planned outcomes
- teamwork skills sufficient to work constructively with users of listed works and originators of works
- technical skills sufficient to use online copyright licensing software

#### Required knowledge

- copyright legislation as it relates to licensing, publishing, rights and royalties:
  - Copyright Act 1968
  - Copyright Amendment (Digital Agenda) Act 2000
- differences between:
  - assignment and licensing of copyright
  - copyright for composition, sound recordings and published editions
  - mechanical, performing and synchronisation rights
- revenue structures in the music industry
- rights and obligations of publishers and originators of works
- role and functions of national and international music industry associations, such as:
  - copyright
  - collection
  - performing/mechanical rights
  - publishing
- routine recordkeeping procedures

<b>REQUIRED SKILLS AND KNOWLEDGE</b>
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| <ul style="list-style-type: none"><li>• typical features of and terminology used in licensing contracts</li></ul> |
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## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>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.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> <li>• administer and negotiate licensing contracts</li> <li>• administer and negotiate assignment of rights contracts</li> <li>• promote listed works to potential clients.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> <li>• access to copyright and licensing legislation, including the Copyright Act 1968 and Copyright Amendment (Digital Agenda) Act 2000</li> <li>• access to copyright licensing software</li> <li>• access to industry association agreements</li> <li>• access to a list of works that could be licensed</li> <li>• use of culturally appropriate processes, and techniques appropriate to the language and literacy capacity of the candidate and the work being performed.</li> </ul>
<b>Method of assessment</b>	<p>The following assessment methods are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• case studies to assess ability to negotiate licensing contracts</li> <li>• direct observation of candidate managing, promoting and negotiating licensing of works</li> <li>• written or oral questioning to assess knowledge of the legal and economic aspects of promoting the used of listed works.</li> </ul>
<b>Guidance information for assessment</b>	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.</p>

## 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.

<b><i>Strategies</i></b> may include:	<ul style="list-style-type: none"> <li>• persuading artists and record companies to record listed works</li> <li>• persuading film and television production companies to commission new works from listed originators or use listed works</li> <li>• promoting listed works to advertising agencies for use in commercials</li> <li>• promoting reputation of listed originators.</li> </ul>
<b><i>Works</i></b> may include:	<ul style="list-style-type: none"> <li>• recorded music:             <ul style="list-style-type: none"> <li>• background music</li> <li>• demonstration and audition recordings</li> <li>• digital downloads and mobile phone ringtones</li> <li>• educational recordings</li> <li>• original soundtrack material</li> <li>• premiums</li> <li>• prerecorded and released</li> <li>• production music (library music)</li> <li>• sound samples and sequences</li> </ul> </li> <li>• sheet music.</li> </ul>
<b><i>Originators of works</i></b> may include:	<ul style="list-style-type: none"> <li>• arrangers</li> <li>• composers</li> <li>• group collaborators</li> <li>• lyricists</li> <li>• performers</li> <li>• writers.</li> </ul>
<b><i>Sources</i></b> may include:	<ul style="list-style-type: none"> <li>• industry associations:             <ul style="list-style-type: none"> <li>• Australasian Music Publishers Association (AMPAL)</li> <li>• Australasian Performing Rights Association (APRA)</li> <li>• Australasian Mechanical Copyright Owners</li> </ul> </li> </ul>



<b>RANGE STATEMENT</b>	
	<p>Society (AMCOS)</p> <ul style="list-style-type: none"> <li>• Australian Recording Industry Association (ARIA)</li> <li>• advertising agencies</li> <li>• film and television production companies</li> <li>• record companies</li> <li>• electronic and print media providing: <ul style="list-style-type: none"> <li>• articles</li> <li>• journals</li> <li>• magazines</li> <li>• news</li> <li>• reviews</li> <li>• subscriptions</li> </ul> </li> <li>• industrial relations publications, such as: <ul style="list-style-type: none"> <li>• bulletins</li> <li>• letters</li> <li>• magazines</li> <li>• newsletters</li> </ul> </li> <li>• industry publications, such as: <ul style="list-style-type: none"> <li>• directories</li> <li>• information sheets</li> <li>• reference books</li> <li>• technical publications</li> </ul> </li> <li>• internet</li> <li>• libraries and archives</li> <li>• retail outlets selling recorded music, including audiotapes, CDs, digital downloads, ringtones and vinyl</li> <li>• retail outlets selling sheet music</li> <li>• suppliers of products and services.</li> </ul>
<p><i>Users of publicly performed music</i> may include:</p>	<ul style="list-style-type: none"> <li>• screen production companies</li> <li>• advertising agencies</li> <li>• aerobic and fitness classes</li> <li>• background music users</li> <li>• churches</li> <li>• cinemas and film screenings</li> <li>• dance clubs, e.g. mobile discos</li> <li>• dance schools</li> <li>• digital service providers</li> </ul>

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"> <li>• electrical appliance shops</li> <li>• function centres and halls</li> <li>• jukebox and video jukebox operators</li> <li>• live music venues, e.g. clubs and hotels</li> <li>• public transport operators</li> <li>• radio stations, including:               <ul style="list-style-type: none"> <li>• commercial</li> <li>• community</li> <li>• narrowcast</li> </ul> </li> <li>• ringtone providers</li> <li>• schools</li> <li>• shopping centres and malls</li> <li>• sporting arenas and stadiums</li> <li>• television stations, including:               <ul style="list-style-type: none"> <li>• public</li> <li>• commercial</li> <li>• community</li> <li>• narrowcast</li> <li>• subscription</li> </ul> </li> <li>• webcasters.</li> </ul>
<p><i>Terms and conditions</i> may include:</p>	<ul style="list-style-type: none"> <li>• accounting</li> <li>• advances</li> <li>• creative control</li> <li>• credits</li> <li>• duration, e.g. term and retention</li> <li>• enforcement of rights</li> <li>• exclusive and non-exclusive rights</li> <li>• goods and services tax (GST)</li> <li>• independent advice</li> <li>• jurisdiction</li> <li>• notices</li> <li>• obligation to exploit</li> <li>• overseas income</li> <li>• productivity commitment</li> <li>• promises and warranties</li> <li>• recoupment</li> <li>• royalty splits:               <ul style="list-style-type: none"> <li>• public performance/communication</li> <li>• sheet music</li> </ul> </li> </ul>

<b>RANGE STATEMENT</b>	
	<ul style="list-style-type: none"> <li>• synchronisation and covers</li> <li>• schedule</li> <li>• special negotiations:               <ul style="list-style-type: none"> <li>• distribution of fees for collaborative projects</li> <li>• fees for translators</li> <li>• payment policies for producers, additional writers or accidental co-writers</li> <li>• proportion of fees for music arrangements shared between originator and arranger</li> <li>• whether payment should be a split with the originator on royalty payment as opposed to one-off fee for service</li> </ul> </li> <li>• termination</li> <li>• territory.</li> </ul>
<i>Licensing contract</i> may include:	<ul style="list-style-type: none"> <li>• mechanical</li> <li>• public performance or broadcast</li> <li>• sheet music</li> <li>• sundry</li> <li>• synchronisation</li> <li>• a combination of the above.</li> </ul>
<i>Assignment of rights</i> involves:	<ul style="list-style-type: none"> <li>• copyright owner or authorised person signing an agreement that transfers or sells one or more rights in the copyright owner's work to another entity</li> <li>• specifying the terms under which the rights are assigned.</li> </ul>
<i>Licensing documentation</i> may include:	<ul style="list-style-type: none"> <li>• broadcast reports</li> <li>• collection agency reporting and return forms</li> <li>• copyright records</li> <li>• distribution files</li> <li>• prescribed notices</li> <li>• sales records and reports.</li> </ul>

## Unit Sector(s)

<b>Unit sector</b>	
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## Competency field

<b>Competency field</b>	Management and leadership - management
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## Co-requisite units

<b>Co-requisite units</b>		