

CCSMP39

Ensure you operate within the boundaries of legislation relating to music publishing



Overview

This unit is about legislation that affects the musical and literary works (music and lyrics) created by songwriters or composers that are controlled by a music publisher. Basic copyright matters affecting the industry are covered in a separate unit MP30. You are required to have a basic understanding of the Copyright Designs and Patents Act 1988 (CDPA) as amended and other relevant legislation that affects the music publishing business. An understanding of the key parts of relevant legislation will help you to act responsibly. with regard to copyright and other intellectual property rights, data protection, contract law, competition law in the UK and Europe, distance selling regulations, territorial aspects and rights clearance

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Performance criteria

You must be able to:

- P1 ensure you work within the relevant legislation relating to music publishing that impacts upon your work role
- P2 make sure relevant people have a clear understanding of related policies and procedures and the importance of putting them into practice.
- P3 monitor the way policies and related procedures are put into practice and make recommendations for improvements
- P4 identify reasons for not meeting legal requirements and where appropriate amend/review the policies and procedures
- P5 provide full reports about any failures to meet the legal requirements to the relevant people within the organisation

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Knowledge and understanding

You need to know and understand:

- K1 the core provisions of the Copyright Designs and Patents Act 1988 (CDPA 1988) as amended and how they relate to music publishing and the wider music business,
- K2 the different types of copyright work and the ways in which each of these can be licensed.
- K3 relevant legislation that affects the music publishing industry, including data protection, contract and the Digital Economy Act
- K4 the broad legal implications of the UK's membership of the European Union
- K5 how Directives issued by the European Commission and cases decided by the European courts affect music publishing businesses in the UK
- K6 what a monopoly is and why in some instances monopolies, such as collecting societies, are allowed to exist and do business.
- K7 the role of the Competition Commission in the UK in restricting price fixing and regulating monopolies such as collecting societies or major publishing or record companies
- K8 the role of the Copyright Tribunal in setting licence fee levels for collecting societies
- K9 the role of international music and IP industry organisations and agreements such as WIPO, TRIPS, CISAC, IFPI and BIEM in the music industry

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