

Identify and negotiate copyright issues

Overview

This Standard involves ensuring that copyright issues relating to all relevant materials are identified and concluded before production commences.

It is about ensuring that systems are in place so that copyright issues relating to archive, intellectual property and music are monitored throughout the production process.

This Standard is for those involved in identifying and negotiating copyright issues including Production Managers and legal teams.

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Performance criteria

You must be able to:

1. use information from reliable sources to identify the original sources of materials within productions which may be subject to copyright
2. assess the use of materials against current copyright regulations
3. obtain information and advice from specialist sources when materials are subject to complex or unusual copyright regulations
4. agree terms, conditions and extent of use of copyright materials with copyright owners or license holders
5. confirm that terms, use and cost of copyright materials meet production requirements, are within the budget, and are consistent with standard industry rates
6. verify that copyright clearances have been obtained from appropriate people,
7. make sure that clearances are obtained within production timescales and that payments are within budget
8. confirm that accurate records of copyright clearances are kept in line with organisational procedures
9. suggest alternative clearable and less expensive materials when it is not possible to obtain copyright clearance for originals

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Knowledge and understanding

You need to know and understand:

1. how to identify copyrighted material, as well as the source and ownership of materials
2. how to access sources of specialist advice on copyright
3. the different types of copyright and the type of materials they apply to
4. the rights, territories and clearances required by broadcasters and all parties
5. what to cover in negotiations with copyright owners and licence holders regarding the conditions of use of copyright materials
6. how the use of material from and in different countries may affect copyright regulations
7. accepted rates for copyright fees
8. Chain of Title, where appropriate for feature films
9. laws of copyright and intellectual property as they apply to film and TV production
10. organisational processes for storing copyright clearances
11. where to access alternative sources of materials

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