

+Professional Studies



A Case Study Report Concerning The Concepts And Issues raised In Professional Studies.

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26th March 2009

Issues and Concerns Raised within Professional studies

In this report you will find individual case studies targeting the main issues and concerns within professional studies. Each case study provides an in depth detail on the concerns raised and how the media industry and its laws tackles such concerns. Along with the enclosed DVD on 'What are the concerns and issues raised in professional studies' this case study report is to reflect a study for each area of concern. The areas are as follows:

- Regulation
- Ethics – Taste and decency
- Health & Safety
- Budgeting & Scheduling

All case study reports are accurate at time of printing. On the enclosed DVD it refers to page numbers to indicate a specific case study, these can be found in the top right hand corner of every page.

Regulation

The law is an ever-growing side to the media. Media law is ultimately there to protect people's work and to regulate the use.

Media Law cover aspects such as:

- Intellectual Property
- Copyright Control
- Contracts & Agreements
- Freelance Working

Copyright gives the creator of an original piece of work the exclusive rights to the piece for a certain amount of time, included the ability to publicise, distribute and adapt. After the copyright is up, the said work is to enter the 'public domain' where the rights of the intellectual property are for open use. Copyrights standard allows the intellectual property to enter the public domain after fifty to a hundred years after the author's death.

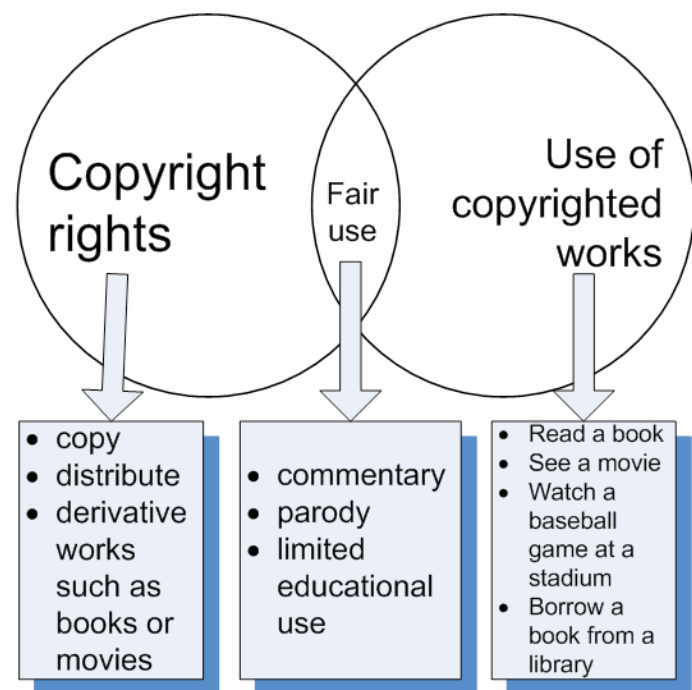
Because the cost of obtaining exclusive rights to a piece of work is fairly high some creators establish evidence of ownership by mailing it to themselves. This was known as 'Poor Mans Copyright'. This was common law until 1978, although it is still considered proof of creation in places such as the UK and the Netherlands. The phrase "exclusive right" means that only the copyright holder is free to exercise those rights, and others are prohibited from using the work without the holder's permission.

The development of the Internet, digital media, computer network technologies, such as peer-to-peer file sharing are making it more difficult to keep copyrighted material for its intended use and form. Music is very easily obtainable off the Internet as are movies; this can lead to people being prosecuted for breach of copyright.

Several exclusive rights typically attach to the holder of a copyright:

- To produce copies or reproductions of the work and to sell those copies.
- To import or export the work
- To adapt the work
- To perform or display the work publicly
- To sell or assign these rights to others
- To transmit or display by radio or video

Three ways to use copyrighted works



Regulators are set up to regulate the use of media material and who uses it. The RIAA (The Recording Industry Association of America) is a company set up to regulate the use of copyrighted music and to make sure those no-one breeches the rules of copyright. Another regulator company is Ofcom (office of communications); they regulate everything related to broadcasting. Ofcom regulates the content shown of television, phone in competitions, unacceptable content, swearing, nudity e.t.c. So therefore regulators are set up in order to censor out what is deemed unsuitable for the viewing public.

Contracts are the basic backbone of business law. A contract is created whenever the involved parties intend to be bound by their agreement. The law will generally enforce contracts usually when in writing. An example of a type of contract used in the media would be a non-disclosure/confidential disclosure contract. This is a contract that prevents information being leaked by the said person whether they are working on a secret TV broadcast or a major Hollywood sequel, it prevents anyone

finding out information that is being kept under wraps. Another type of contract would be a consent form, this is a contract that gives production company's the right to use someone's face or voice in a television show, radio e.t.c The contract is there so that the company could not be sued for using individuals in media productions without there consent.

Contracts may follow the following rules:

- Sometimes they have to be witnessed.
- Sometimes they have to be acknowledged before being made public.
- Sometimes they have to be registered with a special office.

Multimedia contracts take into account various types of media and how it could be used elsewhere. For instance, developments in computing and technology mean that a film clip could now be used as:

- Part of a film
- Televised by satellite
- Televised via digital television
- Made available as streaming media on a website
- Made available on video or DVD

And no doubt more possibilities will arise as new technology is developed.

Most media productions have different contracts whether it's a contract with a single company or separate contracts for cameraman, soundman e.t.c. There may be contracts for actors, presenters, scriptwriter, score writer, the list goes on. An agreement of using copyrighted music or film clips will have a contract to ensure permission is granted.

When hiring a crew for a production the majority of people will be hired as **freelance** workers (medieval word for mercenary – hired for any given task). This means that they work for themselves and would be approached by a production company to work. Workings as a freelancer you have

complete control over what work you do, you are your own boss. You would pay less tax but would not get a pension. When working for yourself you need to give consideration to the amount you are being paid, you would need to consider the hours you would be doing inside and outside the job, billable and non billable hours, any overheads, your salary and finally any profit you wish to gain. Overheads may be such things as supplies, software, taxes and all business expenses. Working freelance is the general way people work in the media industry.

Case Study: Single mum convicted of music theft

Date: October 2007

Location: Minneapolis, Minnesota

During October 2007 a US judge convicted a woman of pirating music on the Internet. The judge demanded the woman pay \$US 222,00 for damages to record companies.

It was Jamie Thomas, a single mother from Minnesota's first conviction. She was convicted on the ground she was conducted online piracy in the United States for sharing 24 songs through the 'Kazaa' peer-to-peer file sharing network.

The six record companies she was ordered to pay damages to were - Capital Records, Sony BMG Music, Arista Records, Interscope Records, Warner Bros Records and UMG Recordings. She was ordered to pay \$US220, 000 or \$US9250 per song.

The RIAA (The Recording Industry Association of America) and major music labels have stood up against thousands of people in the United States for illegally downloading and sharing music, with most agreeing to settlements of between 3,000 and 5,000 US dollars.



Ethics

Media ethics are rules and guidelines that deal with specific principles and standards of media, including:

- Broadcast media,
- Film
- Theatre
- The arts
- Printable media
- The Internet

Ethics can cover many varied and highly controversial topics, ranging from war journalism to cigarette advertising. In most countries there are laws preventing the media from doing or saying certain things, when in doing so would breach another person's rights this is called **defamation**.

For instance **slander**, this would occur when a person's good name is unfairly slurred by spoken word. Another instance would be **libel**; this would be an attack on someone through written or recorded means such as television broadcast, radio, and newspapers e.t.c. Sometimes there is middle ground where the public feel they have a "right to know", this often occurs when reporting into the private lives of public figures.

Codes of practice in the media industry are rules and guidelines that are expected to be followed, either by freelance employees, organizations, production companies e.t.c. Codes of practice are normally set up to establish good practice and courtesy, even so they are not said to be laws and are followed voluntarily. These guidelines are normally set up within an informal group to ensure practices and procedures in a certain field are undertaken to a professional standard.

Other Ethics in the media include:

- Marketing tactic is the placement of products in entertainment media such as in films. The producers of such media may be paid high sums to display branded products. The practice is controversial and largely unregulated.

- Both advertising and entertainment media make heavy use of stereotypes. Stereotypes may negatively affect people's perceptions of themselves or promote socially undesirable behaviour.
- The details of the lives of public figures is a central content element in many media. Publication is not necessarily justified simply because the information is true. Everyone has a right to privacy but this may be justified if you are of a public status.
- Fantasy is an element of entertainment, which is a main goal of media content. Journalism may mix fantasy and truth, with resulting ethical dilemmas.
- Photojournalists who cover war and disasters confront situations that may shock the sensitivities of their audiences. For example, human remains are rarely screened. The ethical issue is how far should one risk shocking an audience in order to correctly and fully report the truth.

Case Study: Journalist caught fabricating elements of his stories

Date: May 2003

Location: New York

Born in Maryland, March 1976 Jayson Blair is a journalist who resigned from the New York Times in May 2003, after he was caught plagiarizing and fabricating elements of his stories. He wrote over 600 stories in his four years at the paper.



In 2000 Blair's editors were already reporting him to the times for the amount of errors in his articles and his sloppy work habits. Despite the errors Blair was making, he was made a full time staff reporter in January 2001. It was said that Jayson Blair made more mistakes than anyone in the Metro section of 'The New York Times', despite writing one third more stories than any reporter in the section.

Finally after many corrections The Times took notice of Blair's reporting. Blair meanwhile had moved on to the coverage of the war in Iraq. On April 28 2003 The Times editor confronted Blair about the similarities between one of his articles and an article by a 'San Antonio Express' reporter. It was said that he had copied quotes word for word from the Express article. When The Times asked Blair if he could prove that he actually interviewed the woman in question, he said he was unable to.

After being unable to prove this he resigned from The Times in May 2003, thus conducting a full investigation of all Blair's articles. Later it was made apparent that 36 of the 73 national news story's he had wrote were rightly accused of fabrication and copying stories from other source

Health & Safety

Working in the industry today as a freelancer you would do much of the work yourself and if communications break down in planning or co-ordination the serious accidents can happen.

The arrangements and responsibilities for health and safety are set out in the Health and Safety at Work etc Act 1974.

Accidents cause a lot of trouble and expense:

- People get injured
- All those involved had time taken up during investigations
- There could be uninsured losses
- There could prosecutions in court

Risk assessment is now the basis for most health and safety legislation.

Failure to make a proper risk assessment could be one of the charges on which a production company could be found guilty if an accident were to occur.

All accidents and any dangerous or unhealthy situations are usually reported to the person in charge of the production. These may be recorded in an accident book, including accidents to employees, self-employed people and members of the public. The employer must control the risks to health and safety that arise from the work activity.

Apart from employers, there are legal duties imposed on people in other positions. Those who are self-employed must take care of their own health and safety and also that of anyone else who might be affected by their work.

The most common injury in the media is RSI (repetitive strain injury), this affects the muscles and tendons in the hands, and this comes from improper positioning when using a computer for long periods of time. To ensure that you do not harm your self you should always ensure you have a good posture while sitting in front of a computer and that you have regular breaks to avoid straining your eyes.

Case Study: Television programme causes seizures

Date: December 1997

Location: Japan

Weeks before Christmas 1997, the majority of Japanese school kids turned on the television to watch the latest episode of japons most popular show 'Pokémon', then out of no where the unexpected happened, about 12,000 kids fainted and were hospitalised. This was one of the most extensive cases of 'mass hysteria' of recent times.

During the incident Pokémon was being broadcast from 37 television stations around the country and set the benchmark for television popularity. The news of collapsed children spread like wild fire around Japan and idiotically some media news station broadcast the sequence for a second time, causing even more children to fall ill. Millions of people watched the broadcast. In one area of Japan an estimated 70 per cent of the 24,000



primary school students and 35 per cent of the 13,000 high school students watched it, giving a total of over 21. In Tokyo, the local boards of education investigated all schools in the area and found that 50,714 students watched the episode.

The effects from the broadcast according to doctors were, “children went into a trance-like state, similar to hypnosis, complaining of shortness of breath, nausea, and bad vision.”

Other Recent Health & Safety Accounts:

- A short film promoting the 2012 London Olympics was blamed for triggering seizures in people with photosensitive epilepsy. One registered epileptic charity had reports of people being affected by viewing on television and online, some reports said that even the new logo was causing seizures. The Olympic committee have since changed the segment of film.
- An accident occurred during the recording of a stunt for a children's television programme. In the stunt a motorbike was to emerge from a covered lorry and drive off the tailboard, automatically igniting some pyrotechnic effects. The presenter could not hear the instructions given to her to start the introduction because of the noise from the motorbike, so the director agreed to give her a visual cue. When the cue was given to the presenter it was mistaken as the cue for the motorcyclist. The motorbike drove off the tailboard, narrowly avoiding the presenter, and the pyrotechnic effects were discharged. The presenter was burned on the face and one hand.

Budgeting & Scheduling

Budgeting is a very important part in professional practice and is the hardest aspect aside from the actual media production.

Lets take film making for instance:

A rough budget is estimated during script writing and then this is finalized to an exact amount during pre-production.

Film budgeting is usually divided into four sections, these could be applied to many media productions, and they are:

- Above the line costs

In the production budget - the amounts to be spent on "the principal creative elements," such as story and script, producer, director, and lead performers.

- Below the line costs

In a production budget - all the amounts to be spent on the production of the film that are not included in above-the-line costs, including cast (other than leading performers), crew, travel/living expenses, laboratory, legal and accounting fees, insurance, financing expenses, and post-production expenses.

- Contingency

An extra allowance added to the production budget to cover unexpected expenses. The contingency normally is at least 10 percent of the above-the-line and below-the-line expenses.

Typical costs of film making include:

- A good film screenwriter can get paid £500,00 to £1 million just to write a few drafts of scripts and an additional £500,000 bonus.
- A top movie producer earns a seven-figure pay with bonuses. Also, most film producers get a 40% share of the total profits.
- A movie director can receive a pay of £8,000 per week for at least ten weeks of work. A-list movie directors, they may receive £4 to £5 million. But usually, the director receives at least 7% of the total film budget.
- A-list actors can get at least £10 to £15 million with additional 1.5 million in bonuses and a 20% of the gross profits. Sometimes actors and actresses accept a small fee in exchange for a profitable share of the total profits just like

For example Bruce Willis who made a total amount of \$100 million for the Sixth Sense.

- Production is also a very difficult part in film budgeting. Typically, the shooting costs amount to £25 million for 100 days of shoot.
- Visual effects are also included in film budgeting. Getting hundreds of employees in charge of special effects can be very expensive especially with the use of Computer Generated Imagery (CGI) in postproduction.
- The last thing included in film budgeting is the music. The best music composer can ask for a fee not less than \$1 million or an original song from famous artists can cost \$1 million per song.

One of the most overlooked aspects of filmmaking is the planning and **scheduling** stage, before anything is ever shot there needs to be an accurate schedule of events and procedures which are to be undertaken. Locations have to be scouted and arranged, sets have to be decorated, permits have to be obtained, a complete crew has to be assembled, the proper equipment has to be prepped, storyboards and script breakdowns have to be completed and on top of all that stuff you need to find a way to pay everyone.

The three steps to a successful film production are:

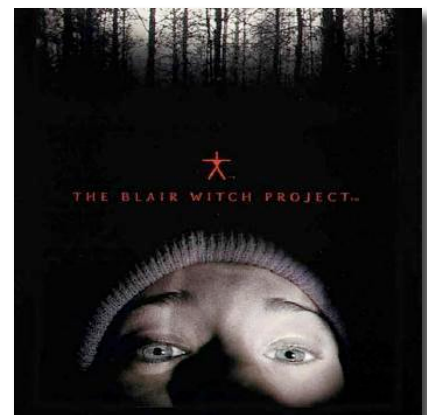
- Pre Production
- Production
- Post Production

Case Study: Film is Hollywood classic on minimal budget

Date: Summer 1999

Location: U.S.A, Worldwide

The success of summer 1999 was 'The Blair Witch Project', a film that was made on almost no budget. A couple of young student filmmakers outshone Hollywood studios by making a box office smash on a budget of \$30,000 - \$50,000. With no script,



unknown actors, directors and producers they were able to make the history books. In October 99 'The Blair Witch Project' had grosses \$140.3 million in the U.S alone (not including video sales/rentals) making it the most profitable films of all time.