



## **BIEM Private Copying Forum**

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### **NATIONAL SITUATION FOR PRIVATE COPYING EXCEPTION – SWITZERLAND**

#### 1. Situation regarding tariffs for private copying

Since last year we have a tariff for mobile phones in force and collect levies for private copying on mobile phones. Until summer of 2014 we have not collected levies for mobile phones. The Swiss Arbitration Committee approved a tariff for mobile phones with mp3 player for the first time in March 2010. The associations of producers and importers appealed against this decision. In April 2011 the case was remanded due to procedural mistakes. The Swiss Administration Court did not decide anything substantial. In November 2011 the Swiss Arbitration Committee approved this tariff again. The associations of producers and importers appealed again.

In summer of 2014 we concluded a mutual agreement with the associations of producers and importers to withdraw the appeals. This agreement includes the payment of a lump sum for the past (including the year 2014) for the members of the associations we negotiated with and the acceptance of a new tariff for 2015 and 2016. For non-members the former tariffs came into force retroactively and can be applied retroactively.

#### 2. Situation regarding copyright law

In 2013 the Swiss Ministry of Justice set up a working group to investigate the possibilities for optimizing the collection of copyrights. Members of this working group are representatives of the artists, producers, associations of copyright users, consumers and administration.

As an outcome of the working group the Swiss Federal Council set up a first project for a revised Copyright Law and gave this project into consultation at the end of last year.

SUISA's and her Swiss sister societies' main requests are as follows:

- Copies made from online shops like iTunes are not to be levied. However, if e. g. iTunes allows the download on several devices all these copies should only be allowed in case the rightholders gave permission.
- The project of the new copyright law does not contain any suggestion regarding cloud computing. Swiss CMO's suggest to also put levies for private copying on cloud services and to treat service providers that grant access to online storage in the same way as importers of physical storage.
- So called ephemeral copies on consumer's devices when using streaming services are also private copies and should therefore also be levied.

Consultation ends March 31<sup>st</sup>. Depending from the outcome the project may be adjusted and afterwards it will be discussed in parliament.

Genossenschaft der Urheber und Verleger von Musik  
Coopérative des auteurs et éditeurs de musique  
Cooperativa degli autori ed editori di musica

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