

PRESS RELEASE

Addressing the compensation flaw for authors: the Federal Council and Council of States both in favour of a contemporary lending right

The Council of States referred Peter Bieri's postulate "Revision of the Federal Copyright Law (URG). Introduction of a lending right" on 19 March, representing an important step in ensuring fair compensation for authors. The small chamber is mirroring the Federal Council, which recommended in February that the postulate be adopted. The Federal Council and the Council of States are thereby reinforcing their commitment to introducing the analogue and digital lending right as part of the impending partial revision of the Federal Copyright Law.

Bern/Lausanne/Zurich, 19/03/2015 – Swisscopyright, the network of the Swiss collecting societies ProLitteris, SSA, SUISA, SUISSIMAGE and SWISSPERFORM and the umbrella association Suisseculture, are committed to ensuring fair and contemporary compensation for authors. "We are pleased that the Federal Council and the Council of States are showing clear support for the introduction of the lending right," said Werner Stauffacher, Vice President of ProLitteris, on behalf of Swisscopyright. "The lending right has very strong international roots. Switzerland, as a culturally rich country, makes a big commitment to promoting literature and reading. It is now high time that legal measures are taken to ensure that the basic rights of authors are respected. We need a contemporary regulation to govern the lending of their works."

Swiss authors left empty-handed

When it comes to compensation for authors, Swiss law has been flawed: Unlike in surrounding countries, authors in Switzerland still do not receive any compensation when their works are lent out – whether for electronic lending or conventional, analogue lending in libraries. The introduction of the lending right is a pressing matter: The nationwide merging of libraries for the purpose of providing shared services has enabled increasingly widespread access to books, audio books, magazines and newspapers. This expansion of both the analogue and digital range is resulting in a sharp rise in the use of these works. However, despite this increase in multiple usage, the authors are still left empty-handed.

Switzerland is lagging behind the rest of Europe in this sense: The EU realised early on that new technology and its increasingly widespread use could have "potential consequences for how the internal market and lending activities function". It already responded to this in 1992 by introducing a *rental and lending rights directive* for printed works, combining these rights with a definite entitlement to appropriate compensation by authors and performing artists. In the same year, Switzerland decided against introducing the lending right during a total revision of its copyright law, opting to only incorporate the hiring right into the fully revised legislation.

Revision of Federal Copyright Law must address urgent matters

In the form of numerous political initiatives, politicians have since been campaigning for the introduction of the lending right in Switzerland. In addition to the postulate of Councillor of State Bieri, a motion by National Councillor Kurt Fluri from 2013 is still pending. The Federal Council responded to Fluri's motion by referring to the ongoing process of "AGUR 12". This working group was initiated by Federal Councillor Simonetta Sommaruga in summer 2012, with the aim of bundling and debating a whole range of parliamentary copyright initiatives.

Swisscopyright is pleased that a further urgent copyright matter is being addressed in the impending revision through support for the introduction of the lending right. At the end of 2015, the Federal Department of Justice and Police (FDJP) will submit a consultation draft for the revision of the Federal Copyright Law.

Modernising and updating this law is an important matter. "The revision should be extensive, contemporary and benefit everyone, not just the authors but any institutions that lend out works," emphasised Johanna Lier, President of Suisseculture. "It is therefore important to rectify the existing flaws in the compensation of authors."

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About the Swiss collecting societies

The Swiss copyright societies ProLitteris, SSA, SUIISA and SUISSIMAGE and the society for neighbouring rights SWISSPERFORM represent the rights to artistic works and performances. The societies belong to the authors (composers, writers, directors, etc.), the performing artists (musicians, actors, etc.) as well as the producers of audiovisual recording media and the broadcasting companies. The societies grant permission to perform, broadcast and reproduce copyright-protected works and performances, for which they collect agreed licensing fees and distribute them to the rights owners whose works are used.

About Suisseculture

Suisseculture is the umbrella association of the organisations for Swiss artists and media professionals and the Swiss copyright societies. As an umbrella association, Suisseculture is primarily devoted to the national and overriding interests of its affiliated association's and organisations. Suisseculture aims to promote the moral, economic and social interests of the creators and composers of copyright protected works.