[CH] Bill to Revise Copyright Legislation

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The Swiss Federal Council has published the Bill that will revise part of Swiss national legislation on copyright and related rights. The purpose of the Bill is to enable Switzerland to ratify the “Internet treaties” of the World Intellectual Property Organisation (WIPO) - the copyright treaty (WCT) and the performances and phonograms treaty (WPPT). This means that the new provisions will transpose into Swiss national law the standards of protection required by these treaties (see IRIS 2005-8: 11).

The Bill provides for prohibiting the circumvention of technical means of protection such as electronic techniques for controlling access to Internet services or anti-copying techniques used on CDs and DVDs. The prohibition also extends to the production and marketing of software that makes it possible to circumvent such measures. An observatory will nevertheless be instructed to report any abuse of technical means of protection so that there is no prevention of uses allowed by law - private copying in particular.

In addition, the new provisions give the performers, producers of phonograms and videograms and broadcasters the exclusive right to make works and other protected content available on the Internet through on-demand services. Rightsholders will thus be able to take to court Internet users who put music or films into circulation on peer-to-peer networks. On the other hand, the downloading of works for private purposes will remain authorised without restriction.

The Bill would introduce new restrictions on copyright that would bring Swiss legislation into line with the digital environment. Thus it is intended to extend the copyright exception to the advantage of libraries and other similar institutions so that they would be able to store their archives using digital technologies. Moreover, Internet service suppliers could not be held responsible for infringements of copyright committed by their clients. Also, a further copyright exception would make access to protected works easier for people with disabilities. The Bill also proposes making the reproduction rights of composers of musical works and performers and producers, when phonograms and videograms are used for broadcasting purposes, subject to compulsory collective management. Lastly, to avoid taxing users and consumers twice over, the reproduction of works accessible on demand through electronic pay services will be exempt from the remuneration receivable for reproduction for private use.

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Message du Conseil fédéral concernant l'arrêté fédéral relatif à l'approbation de deux traités de l'Organisation mondiale de la propriété intellectuelle et concernant la modification de la loi sur le droit d'auteur

http://www.admin.ch/ch/f/ff/2006/3263.pdf

Message from the Federal Council on the Federal Decree on approval of two World Intellectual Property Organisation treaties and amendment of legislation on copyright

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