[CH] Swiss Government Wants To Modernise Copyright

IRIS 2014-8:1/15

Patrice Aubry
RTS Radio Télévision Suisse, Geneva

The Federal Council (Switzerland's Government) is to adapt the country's legislation on copyright in keeping with the new demands placed on it by the Internet. It intends to adopt measures affecting Internet access providers (IAPs) as well as performers and consumers. The aim of the revised legislation is to strengthen the position of performers without affecting consumers' rights. On 6 June 2014, the Federal Council therefore invited the Federal Department of Justice and Police to draw up draft legislation by the end of 2015, to be submitted to the parties concerned for consultation. The draft could take up the recommendations made by the working party on copyright (AGUR12), and should also take into account the conclusions of an interdepartmental working party set up to look into the civil liability of platform operators and IAPs.

The AGUR12 working party has been instructed by the Federal Council to draw up recommendations for improving the collective management of copyright and neighbouring rights, and to adapt the legislation to the present state of the art. The members of the working party represent performers, producers, users, consumers, and the Federal Administration. AGUR12's mission included identifying involuntary restrictions on use, and undesirable barriers to competition. It was also to draw up proposals aimed at improving the effectiveness of collective management and reducing its cost, while at the same time combating piracy and ensuring fair remuneration for the use of protected content; it published its final report on 6 December 2013.

AGUR12 believes that the IAPs should adopt measures to remove from their platforms any content which infringes copyright, and prevent it being made available again. In the event of serious violation, and at the request of the authorities, they should block access to unlawful content and sources. In exchange for these new obligations, aimed at stepping up the fight against piracy on the Internet, AGUR12 proposes waiving the liability of IAPs.

AGUR12 also recommends sending a message to consumers who seriously breach the ban on sharing protected content (by using a peer-to-peer network, for example) informing them of the possible consequences of their acts, and inviting them to alter their behaviour. If they persist, their identity is to be communicated to the rightsholders concerned, so that they can uphold their rights. The Federal Council is in favour of the principle behind this proposal, but would like to carry

© European Audiovisual Observatory (Council of Europe) 2026

out an in-depth examination of the conditions and methods for implementing this approach.

While the sharing and uploading of protected works will still be illegal, downloading for private purposes will be authorised. Particular attention will be paid to data protection and the guarantee of legal redress (access to the courts). Lastly, the Federal Council does not wish to introduce general flat-rate remuneration covering all forms of use on the Internet, preferring rather the present approach, which combines more or less flat-rate collective remuneration and individual management.

Communiqué du Conseil fédéral suisse, « Le Conseil fédéral veut moderniser le droit d'auteur », 6 juin 2014

https://www.news.admin.ch/message/index.html?lang=fr&msg-id=53259

Communiqué from Switzerland's Federal Council: 'The Federal Council wants to modernise copyright', 6 June 2014

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026