[CH] Copyright Act to be amended

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On 22 November 2017, the Bundesrat (Federal Council) adopted a bill amending the Swiss Copyright Act. The bill was based on a compromise agreed upon by the AGUR12 working group in March of this year. Various pressure groups are represented in the working group, which includes creative artists, producers, cultural intermediaries and consumers. The bill is yet to be voted on in parliament.

The Bundesrat hopes that, by adopting the draft, it will be able to take resolute action against illegal piracy websites in order to strengthen the rights and interests of creative artists and the cultural industry. The goal is to protect creative artists more effectively without criminalising Internet users. For this reason, the measures proposed in the bill are primarily aimed at hosting providers. Hosting providers are Internet service providers who make storage space available to their customers for the purpose of storing information. They can ensure that piracy sites are not hosted on their servers and quickly remove content that infringes copyright. In future, hosting providers who present a particular risk for copyright infringement must therefore ensure that such content is not re-posted after it has been removed (“stay down obligation”). The bill also allows data to be processed for the purposes of prosecuting copyright infringement, although it makes no provision for Internet blocking.

Meanwhile, the bill does not alter the fact that legal action cannot be taken against consumers of illegal content. They will not be prosecuted and will still be allowed, for example, to download music made available on the Internet without the rightsholder’s permission for their own private use.

The bill also contains innovative reforms designed to adapt copyright law to recent technological developments. The new opportunities of digitisation will therefore be opened up to the area of copyright.

For example, under a new rule, researchers and libraries will be able to use their inventories for specific purposes without the explicit consent of rightsholders.

Another innovation improves the situation of producers by extending the copyright protection for performances from 50 to 70 years. This is designed to reduce the imbalance between the increasing online use of works and stagnating proceeds, since it gives producers more time to recoup their investments.

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Creative artists will also benefit from a broader protection for photography and a more efficient management of video-on-demand rights. For consumers, however, these changes should not lead to higher costs.

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https://www.admin.ch/gov/en/start/documentation/media-releases/media-releases-federal-council.msg-id-68908.html

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