



28 February 2022

(22-1855)

Page: 1/3

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: French

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 63.2 OF THE TRIPS AGREEMENT**

SWITZERLAND: FEDERAL LAW ON COPYRIGHT AND NEIGHBOURING RIGHTS

Notifying Member	SWITZERLAND
-------------------------	-------------

Details of the notified legal text

Title	<i>Loi fédérale sur le droit d'auteur et les droits voisins</i> (Federal Law on Copyright and Neighbouring Rights)
Subject matter	Copyright and related rights
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2022/IP/CHE/22_0943_00_f.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/CHE/C/8 , IP/N/1/CHE/E/2 , IP/N/1/CHE/6

Brief description of the notified legal text

Definition of a work and its author, the existence, acquisition and scope of copyright and neighbouring rights, term of protection, copyright societies (rates and monitoring), civil and criminal proceedings, Customs measures, etc.

Most recent amendments:

Article 2.3*bis*:

- Protection of photographs without individual character

Article 13a:

- Right to remuneration for making available audiovisual works (can only be exercised by copyright societies)

Article 22b:

- Use of orphan works (broadening of scope, conditions, etc.)

Article 24.1*bis*:

- Archive and back-up copies (adaptations)

Article 24c:

- Restriction for the benefit of persons with disabilities (adaptations necessary for the ratification of the Marrakesh Treaty, broadening of the scope and conditions of application)

Article 24d:

Use of works for the purposes of scientific research (authorization to make the copies necessary for the automated analysis of large volumes of data)

Article 24e:

- Privilege for inventories

Article 29.2*bis* and 29.4:

- Term of protection for photographs without individual character (50 years after production)

Article 35a:

- Right to remuneration for the making available of performances in audiovisual works (can only be exercised by copyright societies)

Article 39.1:

- Extension of the term of protection of performances, phonograms and audiovisual fixation (70 years from performance, publication or production)

Article 39d:

- Requirement for internet hosting providers creating a specific risk of copyright infringement to ensure that content removed from their servers is not reinstated (stay down requirement)

Article 43a:

- Extended collective licences

Article 60.4:

- Electronic notification of users

Article 62.1*bis*:

- Preferential rate for libraries to rent copies of works

Article 74.2:

- Violation of the stay down requirement constitutes a risk of infringement of copyright and neighbouring rights
- Streamlining of the tariff approval procedure

Article 77i:

- Authorization to process personal data for the purposes of criminal prosecution of copyright infringement

Throughout the Law, "supervisory authority" is replaced by "IPI".

Language(s) of notified legal text	French
Entry into force	1 April 2020
Other date	Adoption: 27 September 2019

Notification details

Submission date of notification	20 January 2022
--	-----------------

Other information	
Agency or authority responsible	<i>Institut Fédéral de la Propriété Intellectuelle</i> , IPI (Federal Institute of Intellectual Property) Stauffacherstrasse 65/59g CH – 3003 Berne Switzerland Telephone: +41 31 377 77 77 Email: info@ipi.ch

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.