2017 Annual Report Summary



Genossenschaft der Urheber und Verleger von Musik Coopérative des auteurs et éditeurs de musique Cooperativa degli autori ed editori di musica Cooperative Society of Music Authors and Publishers

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159.2 mm

turnover

In 2017, SUISA's turnover consisted of revenues from the authors' rights and secondary income.

131.4 mn

for authors and publishers

In 2016, SUISA reported revenues of CHF 131.4 mn which were passed on to publishers, lyricists and composers.

2.7 mn

for Swiss music

In 2017, SUISA promoted Swiss music by allocating CHF 2.7 mn for this purpose to the FONDATION SUISA.

From this, composers profited.

22I

employees

SUISA serves the needs of its members and clients with a staff of 221 employees, corresponding to 183.25 full-time jobs.

Ever closer to our members

The year 2017 showed how important music has become in our country. For SUISA it was a record year with total revenues reaching CHF 159 million. It was also a year motivated by the determination to be ever closer to our rightsholders. Be it through more frequent settlements (four a year since 2015), improved informatics services or constant attention to market developments, we are committed to spearheading evolving best practices.

Now that, fortunately, the "No Billag" cloud has dispersed, the two main challenges facing us in the future are the revision of the Copyright Act on the one hand, and our fully competitive position in the free global market for digital rights management on the other.



I believe SUISA is extremely well-placed in both cases to turn these challenges into opportunities. The consolidation of copyright law in Switzerland is an opportunity to make our voice heard in political spheres and by public opinion. After all, artistic creation and its place in modern-day society are at the very core of the debate. The various campaigns against the "No Billag" initiative demonstrated Switzerland's extraordinary creative diversity: it would seem that public opinion has become aware how much art and culture contribute to our everyday lives. We must now carry this momentum forward into the debate on the revision of copyright law. On another note, the prospects for the management of our members' online digital rights have been further consolidated by the creation of "Mint", a joint venture destined to become a key player on the European market.

Lastly, any growth in SUISA's revenues is good news for our social and cultural activities. In addition to distributing royalties to rightsholders, SUISA contributes to Switzerland's cultural development through Fondation SUISA, and to social security

through its Pension Fund.

With all these good news in mind, I wish to extend my warmest thanks to my colleagues on the Board, to the Executive Committee, and to all staff members for their valuable cooperation in this stimulating and rewarding year.

Xavier Dayer President

Record distributions for authors and publishers

Andreas Wegelin and Vincent Salvadé

Never before has SUISA been able to pay so much to music authors and publishers as from the 2017 revenues. Altogether, music composers, lyricists and publishers receive CHF 131.4mn – that is CHF 2.5mn more than the previous year. Overall, SUISA collected total domestic and foreign rights management revenues of CHF 150 mn (prior year: CHF 141.5 mn), a 2% increase over 2016. The lion's share of the growth in revenues was generated by online usages. For the first time ever, revenues from streaming and downloading were higher than revenues from the production of recordings. The average cost deduction on authors' and publishers' settlement statements was 12.41% (prior year: 12.37%)

Online: streaming is well on track, but there is still room for improvement

In 2017, online usage of music continued to grow. In streaming in particular, SUISA recorded a sharp increase of 52% over the prior year; revenues from downloading remained stable, however. Overall, SUISA collected revenues of CHF 7.9 mn in the online area, an increase of 29.5% compared with 2016 (CHF 6.1 mn). But the surge in revenues should not mask the fact that the growth benefits primarily the large international internet companies and not the composers, lyricists and publishers of music. SUISA will continue to focus its efforts on ensuring that artists are more equitably remunerated for their work – through its joint venture Mint Digital Services on the one hand, and through political lobbying in the framework of the copyright law revision on the other (see pages 8 and 9).

Levies: more storage capacity and more private copying

SUISA also recorded an increase in levy revenues last year: levies increased from CHF 10.2 mn to CHF 11.2 mn, an increase of 10% over the prior year. The main drivers here were higher storage capacities and the increase in private copying on digital television using set-top boxes.

Performance rights: slight growth in the concert area

2017 was another good year for the Swiss concert market. SUISA recorded a 1% increase in performance revenues, from CHF 46.4 mn in 2016 to CHF 46.9 mn in 2017. As in prior years, concerts accounted for the lion's share of these revenues; in 2017, concerts generated CHF 21.8 mn, i.e. nearly one-half of the total revenues from performance rights.

Broadcasting rights: highly stable

Music is mainly used on television and the radio. Broadcasting

accounts for 47.9% – nearly one-half – of SUISA's domestic revenues. The SRG SSR broadcasting stations contribute a major portion of these revenues. Revenues from broadcasting remained altogether stable at their previous relatively high level last year, totalling CHF 66.7 mn compared with CHF 66.8 mn the year before (–0.1%).

Mechanical Rights: on a continuing downward trend

Revenues from sound and audiovisual recordings have been falling constantly for several years. The trend continued last year, although at 1% the decrease was slight. In 2017, revenues from mechanical rights amounted to CHF $6.5\,\mathrm{mn}$.

Administration costs and supplementary distribution

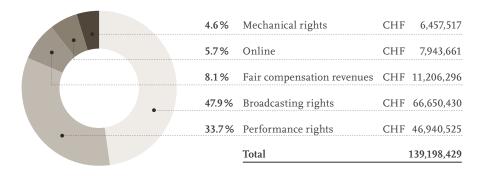
From net rights management revenues of CHF 150 mn (prior year CHF 147.1 mn), CHF 18.6 mn (prior year CHF 18.2 mn), or 12.41%, were deducted to cover administrative costs. Other operating income, financial income and rental income, for a total of CHF 9.2 mn (prior year: CHF 7.1 mn), was also allocated to cover administrative costs. Since 2015, SUISA has been distributing licensing revenues four times a year. If the rightsholders in a work cannot be identified before the settlement date, SUISA sets the amount aside and pursues its efforts to identify them. If, despite our best efforts, the amounts set aside cannot be distributed within five years of invoicing, they are applied to general operating costs. This year again, these amounts will also be used for an additional distribution of CHF 7 mn, or 7 %, on the amounts payable to rightsholders in 2018 (excluding back settlements). Thus, in arithmetical terms, the average cost-coverage deduction was reduced by 5.63% to 6.75% of the distributed amounts.

The 2017 financial year

in CHF 1,000

| Revenue | 2017 | 2016 | +/-% |
|--|----------|----------|---------|
| Net income from collective administration (domestic and international) | 150,040 | 147,130 | 2.0% |
| Secondary income | 9,202 | 7,144 | 28.8% |
| Total revenues | 159,242 | 154,274 | 3.2% |
| Expense | | | |
| Total operating expense | 157,454 | 152,603 | 3.2% |
| less distribution authors' rights | -129,641 | -125,047 | 3.7% |
| Financial expense, real estate costs, changes in del credere and losses on receivables | 1,788 | 1,670 | 7.0% |
| Total expense | 29,601 | 29,227 | 1.3% |
| (in,% of revenues) | 18.6% | 18.9 % | -1.9% |
| Calculation of average cost-coverage deduction for settlements: | | | |
| Total expense | 29,601 | 29,227 | 1.3% |
| less secondary income (other operating, financial and real estate income) | -9,202 | -7,144 | 28.8% |
| less allocation from the cost compensation fund | 0 | -2,977 | -100.0% |
| less allocation from liabilities from settlements | -1,782 | -900 | 98.1% |
| Net expense | 18,616 | 18,206 | 2.3 % |
| (in,% of net income from collective administration) | 12.41% | 12.37 % | 0.3% |

2017 domestic revenues



Average cost-coverage deduction

| Average cost-coverage deduction | 12.41% | |
|---|---------|-----------|
| International revenues | 3.99% | |
| Online | 14.97 % | |
| Domestic mechanical rights and fair compensation revenues | 10.31 % | max. 15 % |
| Domestic performance and broadcasting rights | 13.36% | max. 15 % |

The average cost-coverage deduction in 2017 was 12.41% (compared with 12.37% in the prior year).

SUISA domestic and international royalty collections

in CHF

| Broadcasting rights A SRG broadcasts CT 1 Cable networks (retransmission of broadcasts) CT 2a Retransmission via repeaters (retransmission of broadcasts) CT 2b Internet/mobile phones (retransmission of broadcasts) W Advertising window S Broadcasters (SRG excluded) Y Pay radio/TV Total broadcasting rights Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas CT 3a General background music | 32,850,000 18,753,940 22,400 179,466 1,274,947 12,553,601 1,016,077 66,650,430 | 32,850,000 17,612,451 28,534 215,566 1,513,288 12,998,082 1,584,516 66,802,436 |
|--|---|---|
| CT 1 Cable networks (retransmission of broadcasts) CT 2a Retransmission via repeaters (retransmission of broadcasts) CT 2b Internet/mobile phones (retransmission of broadcasts) W Advertising window S Broadcasters (SRG excluded) Y Pay radio/TV Total broadcasting rights Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 18,753,940 22,400 179,466 1,274,947 12,553,601 1,016,077 66,650,430 | 17,612,451 28,534 215,566 1,513,288 12,998,082 1,584,516 66,802,436 |
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| CT 2b Internet/mobile phones (retransmission of broadcasts) W Advertising window S Broadcasters (SRG excluded) Y Pay radio/TV Total broadcasting rights Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 179,466 1,274,947 12,553,601 1,016,077 66,650,430 | 215,566 1,513,288 12,998,082 1,584,516 66,802,436 |
| CT 2b Internet/mobile phones (retransmission of broadcasts) W Advertising window S Broadcasters (SRG excluded) Y Pay radio/TV Total broadcasting rights Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 1,274,947 12,553,601 1,016,077 66,650,430 | 1,513,288 12,998,082 1,584,516 66,802,436 |
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| S Broadcasters (SRG excluded) Y Pay radio/TV Total broadcasting rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 1,016,077 66,650,430 | 1,584,516 66,802,436 |
| Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 66,650,430 | 66,802,436 |
| Performing rights B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | | |
| B Brass bands Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 388,823 | |
| Choirs and other instrumental associations (brass bands, church choirs and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | 388,823 | |
| and yodelling excluded) Yodelling Orchestras C Churches D Concert institutes E Cinemas | | 407,506 |
| Orchestras C Churches D Concert institutes E Cinemas | 310,975 | 326,743 |
| C Churches D Concert institutes E Cinemas | 76,639 | 76,639 |
| D Concert institutes E Cinemas | 37,051 | 37,176 |
| E Cinemas | 581,199 | 581,213 |
| | 1,068,630 | 886,600 |
| CT 3a General background music | 2,351,372 | 3,001,424 |
| | 13,312,350 | 13,348,312 |
| CT 3b Trains, airplanes, coaches, ships, carneys, advertising vehicles | 271,715 | 262,829 |
| CT 3c Giant screens | 1,388 | 7,877 |
| H Hospitality industry | 3,672,392 | 3,529,037 |
| Hb Music performances for dancing and entertainments (hospitality industry excluded) | 2,157,202 | 2,162,009 |
| HV Hotel videos | 14,587 | 18,015 |
| K Concerts (concert institutes excluded) | 21,813,274 | 20,873,938 |
| L Dance schools | 702,865 | 717,608 |
| MA Jukeboxes | 84,445 | 82,175 |
| Z Circus | 95,618 | 115,491 |
| Total performance rights | 46,940,525 | 46,434,593 |

| Music reproduced on sound recordings intended for the public: foreign licensing 2,249,729 2,331,261 | | | 2017 | 2016 |
|--|---------|--|-------------|-------------|
| Pl | Mecha | nical rights | | |
| Pl | PA | Music boxes | 31.397 | 29.417 |
| Foreign licensing 2,249,729 2,331,261 PN Music reproduced on sound recordings not intended for the public 35,792 50,025 VI Music reproduced on audiovisual recordings intended for the public 471,857 463,447 VM Music video – domestic licensing 0 0 50 Music video – foreign licensing 40,391 82,094 VN Music reproduced on audiovisual recordings not intended for the public 2,151,682 1,946,182 Total mechanical rights 6,457,517 6,548,263 Fair compensation revenues | PI | | | 1,645,788 |
| VI Music reproduced on audiovisual recordings intended for the public 471,857 463,447 VM Music video – domestic licensing 0 50 Music video – foreign licensing 40,391 82,094 VN Music reproduced on audiovisual recordings not intended for the public 2,151,682 1,946,182 Total mechanical rights 6,547,517 6,548,263 Fair compensation revenues CT 4 Blank media levy video 114,523 143,904 CT 4 Blank media levy audio 7,603,047 6,598,86 CT 5 Rental of work copies 2,098 3,829 CT 6 Rental of work copies in libraries -22 52,091 CT 7 Use in schools 266,893 268,347 CT 8 Reprographic rights 0 362,210 CT 9 Business internal networks 168,665 372,204 CT 10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues 11, | | | 2,249,729 | 2,331,261 |
| VM Music video – foreign licensing 0 50 Music video – foreign licensing 40,391 82,094 VN Music reproduced on audiovisual recordings not intended for the public 2,151,682 1,946,182 Total mechanical rights 6,457,517 6,548,263 Fair compensation revenues CT 4 Blank media levy video 114,523 143,904 CT 5 Rental of work copies 2,098 3,829 CT 6 Rental of work copies in libraries 2,098 3,829 CT 6 Rental of work copies in libraries 2,098 3,829 CT 7 Use in schools 266,893 268,347 CT 8 Reprographic rights 0 362,210 CT 9 Business internal networks 168,665 372,204 CT 10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues 11,206,296 10,157,899 Online 5,015,265 3,308,580 | PN | Music reproduced on sound recordings not intended for the public | 35,792 | 50,025 |
| Music video – foreign licensing 40,391 82,094 | VI | Music reproduced on audiovisual recordings intended for the public | 471,857 | 463,447 |
| Number N | VM | Music video – domestic licensing | 0 | 50 |
| Total mechanical rights | | Music video – foreign licensing | 40,391 | 82,094 |
| Fair compensation revenues | VN | Music reproduced on audiovisual recordings not intended for the public | 2,151,682 | 1,946,182 |
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| CT 4 Blank media levy audio 7,603,047 6,509,886 CT 5 Rental of work copies 2,098 3,829 CT 6 Rental of work copies in libraries -22 52,091 CT 7 Use in schools 266,893 268,347 CT 8 Reprographic rights 0 362,210 CT 9 Business internal networks 168,665 372,204 CT 10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues 11,206,296 10,157,899 Online Streaming 5,015,265 3,308,580 Download 2,928,396 2,836,667 Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International mechanical rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | Fair co | npensation revenues | | |
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| CT7 Use in schools 266,893 268,347 CT8 Reprographic rights 0 362,210 CT9 Business internal networks 168,665 372,204 CT10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues 11,206,296 10,157,899 Online Streaming 5,015,265 3,308,580 Download 2,928,396 2,836,667 Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International mechanical rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | CT 5 | Rental of work copies | 2,098 | 3,829 |
| CT 8 Reprographic rights 0 362,210 CT 9 Business internal networks 168,665 372,204 CT 10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues 11,206,296 10,157,899 Online Streaming 5,015,265 3,308,580 Download 2,928,396 2,836,667 Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International mechanical rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | CT 6 | Rental of work copies in libraries | -22 | 52,091 |
| CT 9 Business internal networks 168,665 372,204 CT 10 Works for persons with disabilities 0 49,724 CT12 Rental of set-top boxes 3,051,093 2,395,705 Total fair compensation revenues Online Streaming 5,015,265 3,308,580 Download 2,928,396 2,836,667 Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International performance and broadcasting rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | CT 7 | Use in schools | 266,893 | 268,347 |
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| Streaming 5,015,265 3,308,580 Download 2,928,396 2,836,667 Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International performance and broadcasting rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | | Total fair compensation revenues | 11,206,296 | 10,157,899 |
| Download 2,928,396 2,836,667 | Online | | | |
| Total online 7,943,661 6,145,247 Total domestic collections 139,198,430 136,088,438 International International performance and broadcasting rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | | Streaming | 5,015,265 | 3,308,580 |
| Total domestic collections 139,198,430 136,088,438 International International performance and broadcasting rights International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | | Download | 2,928,396 | 2,836,667 |
| International International performance and broadcasting rights International mechanical rights International mechanical rights International collections | | Total online | 7,943,661 | 6,145,247 |
| International performance and broadcasting rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | | Total domestic collections | 139,198,430 | 136,088,438 |
| International performance and broadcasting rights 8,459,022 8,416,157 International mechanical rights 2,382,461 2,624,966 Total international collections 10,841,482 11,041,123 | Interna | tional | | |
| International mechanical rights2,382,4612,624,966Total international collections10,841,48211,041,123 | | | 8,459,022 | 8,416,157 |
| Total international collections 10,841,482 11,041,123 | | | | 2,624,966 |
| Net income from collective administration (domestic and international) 150,039,912 147,129,561 | | | | 11,041,123 |
| | Net inc | ome from collective administration (domestic and international) | 150,039,912 | 147,129,561 |

Revision of copyright law: the bill is before Parliament Vincent Salvadé

On 22 November 2017, the Federal Council presented its Message on the revision of the Federal Copyright Act (FCA), and referred it with the copyright bill (FCA-B) to the two houses of Parliament. The bill reflects the compromise reached by the AGUR12 II working group in early March 2017. Parliament will start debating it in the course of 2018.

The revision in a nutshell

The following main changes are proposed by the Federal Council:

- for photographs without individual character, a protection period of 50 years from their making (Articles 2(3)^{bis} and 29(2)(a)^{bis} FCA-B);
- for video on demand, a non-transferable and unwaivable right to remuneration for the authors and performers of audiovisual works (Articles 13a and 35a FCA-B);
- new regulations governing the assertion of rights in orphan works, i.e. works whose authors are unknown or untraceable (Article 22b FCA-B);
- copyright exception for the use of works for scientific research (Article 24d FCA-B);
- a provision enabling public libraries and similar institutions to reproduce short extracts of works in their inventories (Article 24e FCA-B);
- for neighbouring rights, an extension of the protection period for artists and producers, from currently 50 years to 70 years (Article 39(I) FCA-B); however, for broadcasting institutions (radio and television), the existing 50-year protection period would be maintained;
- anti-piracy measures: under certain conditions, hosting
 providers would be required to durably prevent unlawful
 content from reappearing on their platform (stay down
 obligation, Article 39d FCA-B); moreover, rightsholders
 would be allowed to process personal data for the purpose of
 instituting criminal proceedings against the pirates
 (Article 77i FCA-B);
- creation of an "extended collective licence" (Article 43a FCA-B);
- measures to improve collective rights management: users would be required to communicate their declarations to collecting societies in electronic form in order to facilitate automatic processing (Article 51 FCA-B); collecting societies would be authorised to exchange the data delivered by users (Article 51(1^{bis}) FCA-B); accelerated tariff appeals procedure (Article 74(2) FCA-B); the Federal Arbitration Commission in charge of tariffs would be permitted to hear witnesses (see draft of new Article 14(1) lit. g of the Administrative Procedure Act);

civil proceedings for the recovery of remuneration rights could now be brought before Swiss courts even if the defendant has his main office or domicile abroad (see draft of new Article 109(2^{bis}) of the Act on Private International Law).
 Moreover, the Federal Council proposes ratifying two international treaties (the Treaty of Beijing and the Treaty of Marrakesh) which do not require any changes in current Swiss law, apart from updating Article 24c FCA on the use of works by persons with sensory impairments.

Assessment

SUISA supports the compromise reached in the AGUR12 II working group, and accordingly the Federal Council's proposal, which could, however, still be improved.

The principle of unwaivable remuneration for video on demand (VoD) is essential for artists and authors in the audiovisual sector. In the musical field, however, the proposal adds little: the current collective management system for exclusive rights already entitles composers of film music to fair remuneration. A new right to unwaivable remuneration may actually be counterproductive in certain circumstances. Accordingly, we had proposed that music be excluded from the scope of Article 13a FCA-B and, in counterpart, that the composer's right to a fair share of the collective management proceeds compared with other rightsholders be firmly anchored in the law. The underlying concept already exists in Article 49(3) FCA for concerts, music broadcasts or the sale of CDs. Pursuant to this Article, SUISA could not pay 100% of the rights to a publisher because the author is also entitled to a fair share of the remuneration. This rule does not apply to VoD because the area has so far escaped State regulation. Unfortunately, the Federal Council did not accept our proposal. During the parliamentary debates, we will put forward this proposal again to ensure that the new provisions do not have any adverse effects on composers and their publishers.

The Federal Council's proposals for new anti-piracy measures would improve the situation. Platforms presenting significant piracy risks would be subject to the stay-down obligation under Article 39d FCA-B. The possibility of processing data for criminal prosecution purposes (Article 77i FCA-B), should be included in the FCA since the Federal Supreme Court ruled that collecting information on pirates (in particular their IP addresses) is not currently admissible under the Law on Data Protection. One could certainly have hoped for more new anti-piracy measures, such as, in particular, the right to block access to foreign sites that breach copyright. But the bill proposed by the Federal Council does not go beyond the compromise reached by AGUR12 II. Parliamentary debate is thus unlikely to produce any additional measures.

On the other hand, the proposal for an "extended collective licence" is extremely positive. Collecting societies could thus grant a blanket authorisation for certain uses, even for rightsholders they do not represent contractually; this would improve the level of legal certainty for users and secure additional remuneration for rightsholders. The blanket authorisation would apply in the case of uses which cannot be individually controlled by rightsholders; collecting societies would act as a sort of insurance for users.

The rule proposed by the Federal Council reflects that negotiated by SUISA within AGUR12 II. We welcome the will to introduce the extended collective licence system (already well-known in north European countries) in Switzerland. The extended collective licence underscores the collecting societies' role as facilitator.

All measures conducive to improving collective management constitute real progress: they enable SUISA to be more effective while reducing administrative costs in certain instances.

What about "transfer of value"?

One theme the Federal Council hardly touched upon and which has been the subject of intensive debate in Europe for a number of years is the "transfer of value". The debate hinges on the fact that online intermediary service providers realise significant revenues thanks to the creative content placed on their websites (music, videos, texts, etc.) while the authors of the content do not participate proportionately in the added value generated by their works. A great part of this value is therefore transferred to the intermediaries.

The Federal Council sees the right to unwaivable remuneration for VoD as being a possible remedy. We doubt, however, that it suffices. In Europe, the value gap is mainly due to the fact that Directive 2000/31 (adopted in 2000) regulating electronic commerce foresees an exemption of liability for certain intermediary service providers. This is not the case in Switzerland: intermediary online service providers are subject to the normal system of civil and criminal liability. However, the value gap phenomenon exists in our country too. This might be because normal liability rules are difficult to apply in the case of copyright violations on the internet. Before you can claim damages, you have to prove that the intermediary is at fault. Given the huge volume of data circulating on the internet, it is practically impossible to prove that an intermediary was aware (or should have been aware) that one of its clients was violating copyright. In Switzerland as elsewhere, the value gap could conceivably be eliminated through a general reform of liability rules - but not by case-by-case measures like the introduction of a stay-down obligation, or an unwaivable right to remuneration for VoD.

A general strengthening of liability rules for intermediaries is unlikely to succeed politically in the framework of the revision

of copyright law. Moreover, it makes sense to wait and see how the situation evolves in Europe. We are confident that, sooner or later, the Swiss legislative will have to question whether the current legal framework is adequate to prevent the transfer of value to the detriment of cultural creation.

Members and distribution

Member statistics

Authors and publishers first join SUISA as associate members. Persons who have been registered with SUISA for at least one year and have collected at least CHF 2,000 in royalties are then admitted to full membership with voting and election rights.

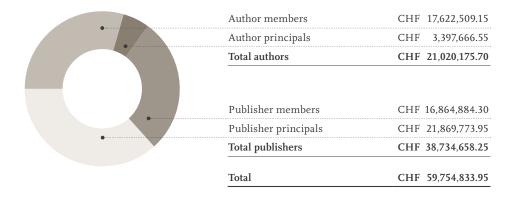
In 2017, 1,084 new members and associate members joined SUISA. The number of works registered increased once again compared to the previous year, reaching a new record. Notifications of sub-publishing agreements also increased considerably due to a number of large publishers changing their names.

| | | Authors | | Publishers | | Total |
|---|--------|---------|-----------|------------|-----------|-----------|
| Authors and publishers in figures | 2017 | 2016 | 2017 | 2016 | 2017 | 2016 |
| Total full members | 11,223 | 10,903 | 513 | 530 | 11,736 | 11,433 |
| of which from Liechtenstein | 20 | 19 | 10 | 11 | 30 | 30 |
| Total associate members | 24,293 | 23,549 | 1,718 | 1,681 | 26,011 | 25,230 |
| of which from Liechtenstein | 72 | 72 | 30 | 29 | 102 | 101 |
| Total (full and associate) | 35,516 | 34,452 | 2,231 | 2,211 | 37,747 | 36,663 |
| Total Liechtenstein | 92 | 91 | 40 | 40 | 132 | 131 |
| Work registrations by members | 40,800 | 32,317 | 1,708,856 | 1,654,105 | 1,750,467 | 1,686,422 |
| Declarations of sub-publishing agreements | | | 105,581 | 40,959 | 105,581 | 40,959 |

Breakdown of settlements by member groups

The settlements to publishers far exceed those made to authors. This is due to the fact that the major international publishers are direct members of SUISA, whereby SUISA manages and licenses their repertoire worldwide. This also

explains the high proportion of settlements for publisher associate members. Since 2015, SUISA has made quarterly settlements to its members.



These figures comprise all settlements made in 2017, including back payments.

International settlements

Thanks to reciprocity agreements signed with about 100 sister societies worldwide, SUISA represents what is known as the world repertoire of music. Switzerland is a net importer of music: much more foreign music is played in Switzerland

than Swiss music is played abroad. The largest payment flows into Switzerland and Liechtenstein come from the immediate neighbours France, Germany, Italy and Austria.

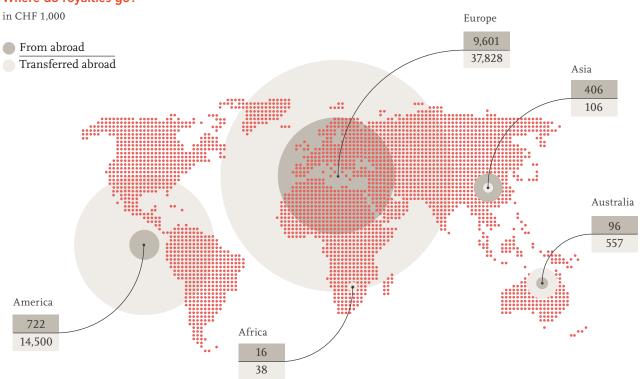
Top ten trading partners

in CHF

For a detailed list of SUISA's international settlements with its sister societies, see: www.suisa.ch/international

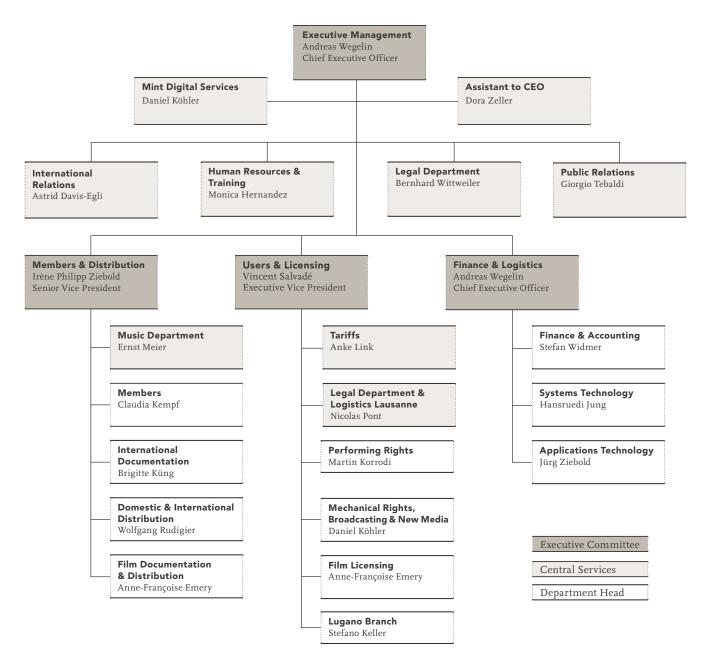
| Rank | Country | Societies | From abroad | Transferred abroad |
|------|-------------|--|--------------|-----------------------|
| 1 | France | SACEM, SDRM | 2,868,462.71 | 7,471,347.10 |
| 2 | Germany | GEMA, VG Musikedition | 2,834,888.89 | 12,455,363.40 |
| 3 | Italy | SIAE | 1,280,908.30 | 2,972,240.10 |
| 4 | Austria | AKM, AUME | 737,565.50 | 3,044,980.25 |
| 5 | USA | AMRA, ASCAP, BMI, GOOGLE INC, HFA, MUSIC REPORTS, NMPA, RAVEN ENT, SESAC | 446,398.40 | 13,294,553.40 |
| 6 | Spain | SGAE | 372,917.71 | 608,994.80 |
| 7 | Japan | JASRAC | 344,057.78 | 74,280.95 |
| 8 | Netherlands | BUMA, STEMRA | 333,700.26 | 645,405.90 |
| 9 | Belgium | SABAM | 247,934.61 | 297,779.05 |
| 10 | Denmark | KODA, NCB | 161,036.48 | 430,962.55 |
| | | | | |

Where do royalties go?



Organisation chart

Status: spring 2018



SUISA Board of Directors

Xavier Dayer, Composer, Bern, Chair Marco Zanotta, Management Consultant, Zurich, Deputy Chair

Committee for Finance and Controlling

Bertrand Liechti, Music Publisher, Geneva, Chair

Marco Neeser, Composer, Music Publisher, Zurich

Philipp Schnyder von Wartensee, Composer, Music Publisher, Zurich Christian Siegenthaler, Producer, Music Publisher, Bern

Committee for Organisation and Communication

Géraldine Savary, Member of the Council of States, Lausanne, Chair

Zeno Gabaglio, Composer, Vacallo Irene Kunzelmann, Music Publisher, Adliswil Christian Wicky, Lyricist, Composer, Lausanne

Committee for Tariffs and Distribution

Reto Parolari, Composer, Music Publisher, Winterthur, Chair

Rainer Bischof, Music Publisher, Zurich Roman Camenzind, Composer, Producer, Zurich

Christian Fighera, Producer, Music Publisher, Lausanne

Marie Louise Werth, Composer, Lyricist, Sachseln

Balance sheet

| of SUISA, Cooperative Society of Music Authors and Publishers, Zurich CHF in 1,000 | 31.12.2017 | 31.12.2016 |
|---|------------|------------|
| Assets | | |
| Cash | 75,079 | 90,002 |
| Securities | 88,793 | 73,628 |
| Receivables from services | 11,262 | 11,062 |
| Other short-term receivables | 6,129 | 6,267 |
| Prepayments and accrued income | 584 | 389 |
| Current assets | 181,847 | 181,349 |
| Movable assets | 812 | 635 |
| Real estate (operating) | 9,157 | 9,371 |
| Real estate (non-operating) | 2,785 | 2,718 |
| Investments | 35 | 0 |
| Intangible assets | 959 | 822 |
| Non-current assets | 13,748 | 13,547 |
| Total assets | 195,595 | 194,896 |
| Liabilities and equity | | |
| Copyright liabilities | 6,251 | 7,452 |
| Payables from goods and services | 663 | 673 |
| Other short-term liabilities | 12,960 | 13,270 |
| Short-term provisions | 91,545 | 87,537 |
| Accrued liabilities and deferred income | 9,665 | 9,430 |
| Current liabilities | 121,083 | 118,362 |
| Non-current provisions | 74,512 | 76,534 |
| Non-current liabilities | 74,512 | 76,534 |
| Total liabilities | 195,595 | 194,896 |
| Capital | 0 | 0 |
| Total equity | 0 | 0 |
| Liabilities and equity | 195,595 | 194,896 |

The strict application of the rounding-up rule may result in a variance between the rounded-up total amount and the sum of the rounded-up figures.

Statement of operations

| of SUISA, Cooperative Society of Music Authors and Publishers, Zurich CHF in 1,000 | 2017 | 2016 |
|--|---------|---------|
| | | |
| Tariff revenues performance rights | 48,298 | 47,795 |
| Tariff revenues broadcasting rights | 67,037 | 67,167 |
| Tariff revenues mechanical rights | 6,458 | 6,548 |
| Tariff fair compensation revenues | 11,466 | 10,376 |
| Tariff revenues online rights | 7,944 | 6,145 |
| Third-party collection charges | -2,004 | -1,943 |
| Tariff revenues international | 10,841 | 11,041 |
| Net income from collective administration | 150,040 | 147,130 |
| Other operating income | 5,668 | 5,022 |
| Changes in del credere/loss on receivables | -1,085 | -556 |
| Total operating income | 154,622 | 151,595 |
| Distribution authors' rights | 129,641 | 125,047 |
| Personnel | 20,282 | 19,482 |
| Governing bodies and committees | 455 | 460 |
| Depreciation on movable assets | 582 | 472 |
| Depreciation on fixed assets | 218 | 218 |
| Depreciation on investments | 65 | 0 |
| Depreciation on intangible assets | 643 | 556 |
| Other operating expense | 5,568 | 6,368 |
| Total operating expense | 157,454 | 152,603 |
| Operating result | -2,832 | -1,008 |
| | 2.007 | 4.600 |
| Financial income | 3,037 | 1,620 |
| Financial expense | 591 | 1,009 |
| Financial result | 2,446 | 611 |
| Ordinary result | -386 | -397 |
| Income from real estate | 497 | 502 |
| Real estate expense | 111 | 105 |
| Non-operating result | 386 | 397 |
| Profit/loss for the year | 0 | 0 |
| Non-operating result Profit/loss for the year | 0 | |

The strict application of the rounding up rule may result in a variance between the rounded-up total amount and the sum of the rounded-up figures.

 $\mathsf{CHF}\, 88_{\,\mathsf{per}\,\mathsf{CHF}}\, \mathbf{IOO}$

for the artists

For each CHF 100 in revenues, SUISA distributes CHF 88 to rightsholders.

8.8_{mn}

broadcasts

In 2017, SUISA licensed about 8.8 mn radio and television broadcasts, representing more than 275,000 works.

1,750,467

declarations of works

SUISA has never received as many declarations of works as in 2017. This demonstrates how active composers are.

8.1 mn

for social security

7.5% of the revenues from performance and broadcasting rights in Switzerland and Liechtenstein are contributed to the social security of our members. In 2017, this represented CHF 8.1 mn.

IOO

sister societies

In Switzerland, SUISA represents the world repertoire of music and clears authors' rights with over 100 sister societies worldwide.

29.6 mn

administration expenses

Secondary income (CHF 9.2 mn) covers a portion of the expenses. The rest is financed by deducting a contribution from the settlements distributed to beneficiaries.

This cost-coverage deduction was 12.41% on average.

SUISA is a cooperative society which belongs to its members. At the end of 2017, SUISA represented the rights of 37,747 full and associate members, of which 35,516 authors and 2,231 publishers.

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