

## PRESS RELEASE

### **No subsidies for hoteliers at the expense of artists – call for fair play from parliament**

**On 10 and 12 September, the Swiss parliament will be clearing up the last remaining issues in its revision of the Copyright Act (CopA). One of those issues is an idea that would favour hoteliers by putting Swiss artists at a disadvantage. It would see hotel operators and holiday apartment owners being able to use the copyright-protected works of artists without payment – even though they allow their guests to consume film and music on receivers in hotel rooms and holiday apartments as part of their commercial services. Swiss artists refuse to accept this coercion on the part of the hospitality industry and, in an open letter, are calling on the President of HotellerieSuisse and National Council candidate Andreas Züllig to play fair.**

Lausanne/Bern/Zurich, 9 September 2019 – Swiss artists short-changed: owners of hotels and holiday apartments may soon be exempt from copyright levies, even though they offer guests music and films on devices in their rooms as part of their commercial services. Rather than being paid fairly for the commercial usage of their works and services, musicians, film makers, actors and other artists would be subsidising the Swiss hospitality industry with their work. The National Council will be debating the issue on 10 September. In spring 2019, the Council of States decided that the proposal should be disregarded.

#### **Jeopardising a hard-won compromise**

The proposal infringes the fragile compromise won through the laborious negotiations of the copyright working group (AGUR 12). The call to (suddenly) exclude hoteliers came at a very late stage in the bill's progress through the National Council. Yet in the interests of compromise, authors and rights holders had already made numerous concessions.

And there is precedent – in December 2017, the Federal Supreme Court decided that payment would continue to apply to the transmission of radio and television programmes in hotel rooms and holiday apartments if hoteliers and holiday apartment owners make the necessary devices available, including televisions and radios. Because this service is billed to the guest, it cannot be considered private consumption.

#### **International law disregarded – Swiss artists at a disadvantage**

This new article of the CopA would contravene the Berne Convention, an international treaty for the protection of literary and artistic works. This was the conclusion of a report by the University of Lausanne commissioned by Swisscopyright, the association of the five Swiss collecting societies. For this reason, if Switzerland wishes to comply with its international obligations, the article could only be applied to Swiss artists. This would represent discrimination against Swiss artists: they would no longer receive compensation from hotels, although the hotels would still be obliged to pay for the works of foreign artists. This ruling would also infringe other international agreements: the World Copyright Treaty (WCT) and the WTO free trade agreement TRIPS. This could result in economic sanctions being imposed on Switzerland.

### **No demand from the cantons**

The article would also exempt hospitals and prisons from copyright levies. But neither cantonal penal institutions nor hospitals are calling for this measure. It would be an exception created purely at the insistence of the hospitality industry. For artists, this measure introduced at the behest of the private sector would rob them of millions of francs.

As representatives of artists, the Swiss collecting societies in Swisscopyright – ProLitteris, SSA, SUIA, SUISIMAGE and SWISSPERFORM – are calling on parliament to respect the work and service of Swiss artists and reject this proposal.

([Open letter](#) in German to the President of HotellerieSuisse: see attached document)

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### **About the Swiss collecting societies**

The Swiss copyright societies ProLitteris, SSA, SUIA and SUISIMAGE and the society for neighbouring rights SWISSPERFORM represent the rights to artistic works and performances. The societies belong to the authors (composers, writers, directors, etc.), the performing artists (musicians, actors, etc.) as well as the producers of audiovisual recording media and the broadcasting companies. The societies grant permission to perform, broadcast and reproduce copyright-protected works and performances, for which they collect agreed licensing fees and distribute them to the rights owners whose works are used.

[www.swisscopyright.ch](http://www.swisscopyright.ch)