

FACT SHEET

ONLINE ADVERTISING CAMPAIGNS



- Online advertising campaign is defined as the placement of audiovisual productions, mainly on third-party websites or social media platforms,
- with an online media budget of more than CHF 1,000.

A. Which rights can be acquired?

The right to combine music with a commercial (known as synchronisation rights) remains as a rule with the author or their publisher and must be acquired from the latter directly. SUISA manages all other rights of use relating to commercials with music (e.g. reproduction rights, broadcasting rights, online rights, performance rights). With regard to the production of commercials, Tariff VN applies. Moreover, the rights for making available on the internet must also be remunerated. The making available of online (advertising) campaigns cannot be licensed under the flat-rate rule of Tariff VN. For more detailed information, please refer to the Licensing Terms and Conditions for online (advertising) campaigns.

In the case of campaigns using foreign production commercials or post-produced commercials (i.e. Swiss versions of commercials produced in other countries), SUISA may assume that the foreign making-available rights have been paid by the advertisers for Switzerland as well. Therefore, unless it receives notification to the contrary from the advertisers or the rightholders, SUISA does not intervene in these cases.

B. Licensing Terms and Conditions for Online Campaigns

Composers of advertising music have assigned and transferred their online making-available rights to SUISA. On behalf of its members, SUISA has prepared terms and conditions for this use. Composers, together with SUISA, are free to determine the price for the online use of their musical works. There is no regulatory supervision of tariffs in this area. Notwithstanding, SUISA has negotiated licensing terms and conditions for online campaigns with the Swiss Association of Advertisers and agreed on a licence fee of 2.15% of the online media budget, subject to a minimum fee of CHF 200 per campaign. If a campaign only contains the advertiser's jingle, to the exclusion of any other music, a flat fee of CHF 200 applies.

C. Advertisers' liability

The platforms on which the commercials are made available are responsible, jointly with the advertisers, for ensuring due and proper licensing (joint and several liability). However, in their general terms and conditions, platforms generally exclude any liability and require advertisers to hold them harmless from any claims. In placing their orders, the principals (advertisers) confirm that they hold all requisite rights, including the making-available rights. Moreover, conversely to conventional broadcasters who broadcast commercials as part of their programming, internet platforms are mostly unable to identify the advertising placed on their sites, or to report and license the music used. In view of this legal situation, the principals who commission online advertising are responsible for the proper licensing and due remuneration of the corresponding rights.

D. Are there any discounts?

Advertisers belonging to the Schweizer Werbe-Auftraggeberverband [Swiss Association of Advertisers] are granted a 10% discount provided they respect the Licensing Terms and Conditions for online campaigns.

E. Further information

For further information about online campaigns, please see our website:

www.suisa.ch/en/online-kampagne

Follow this link to license your online campaigns quickly and easily 24/7.

You may also contact our customer services weekdays by phone at 021 614 32 28.