



SUISA
Swiss Cooperative Society for Authors and Publishers of Music

Distribution Rules

Status as at 01.03.2023

(Terms designating people are gender-neutral; for ease of reading, the gender-neutral pronouns "they/their/them" are also used as singular pronouns instead of "he/she, his/hers, him/her".)

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SUISA Bellariastrasse 82, Postfach 782, CH-8038 Zürich, Tel +41 44 485 66 66, Fax +41 44 482 43 33
SUISA Avenue du Grammont 11bis, CH-1007 Lausanne, tél +41 21 614 32 32, fax +41 21 614 32 42
SUISA Via Soldino 9, CH-6900 Lugano, tel +41 91 950 08 28, fax +41 91 950 08 29
www.suisa.ch, suisa@suisa.ch

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(Status as at 01.03.2023)

I Revenues from Switzerland and Liechtenstein

1 Entitled parties

1.1 Members and principals of SUISA or one of its foreign sister societies

1.1.1 Entitled parties

The following parties are in any event entitled to a share of the income from the protected works created, co-created, or published by them:

Composers,

Lyricists,

Translators,

Publishers,

or their heirs or legal successors. The same applies to arrangers in the case of arrangements of free works qualifying for protection.

1.1.2 Other entitled parties

¹ Persons who arrange works, or their heirs or legal successors, are also entitled to a share of the income from their arrangements of protected works provided the authors or publishers of the arranged works agree that such persons shall receive a share of the income from the work.

² Persons who sub-publish works, their heirs or legal successors are also entitled to a share of the income from their sub-publications of protected works provided that the agreements they have concluded with the publishers do not explicitly deny them a participation in the income from the work.

1.1.3 Definition of entitled parties

1.1.3.1 Composers

¹ The composer is the natural person who creates a musical piece.

² Several persons who co-create a musical piece are considered co-composers.

³ Persons who, in creating a work, lawfully use the existing music of other authors are deemed co-composers, arrangers or co-arrangers, as the case may be, depending on the extent of their own contribution.

⁴ The setting of protected texts to music is only recognised if the authors of the text, or their heirs or legal successors, give their consent.

1.1.3.2 Lyricists

¹ The lyricist is the natural person who writes the lyrics of a musical work.

² Several persons who co-write the lyrics of a musical piece are considered co-lyricists.

³ Persons who, in creating lyrics, lawfully use the existing texts of other authors are considered co-lyricists.

⁴ Persons who are commissioned by a sub-publisher to create new lyrics are entitled to a share as sub-lyricists regardless whether or not their lyrics are based on previously existing lyrics.

⁵ Lyricists are also entitled to a share in the income from a work if the music to which their lyrics are set is performed or broadcast without such lyrics.

⁶ Lyricists are not entitled to a share for excerpts from works which cannot by their very nature contain lyrics, such as overtures, ballet music from operas, fantasias on melodies from operas and operettas, suites from oratorios or festival performances etc.

⁷ In the case of audiovisual recordings, the information provided in the cue sheet (i.e. the audiovisual work documentation) is authoritative.

⁸ Sub-lyricists are only entitled to a share of the income from a work if it is shown that their lyrics were used.

1.1.3.3 Translators

¹ The translator is the natural person who translates the lyrics into another language.

² Like co-lyricists, translators are entitled to a share of the income from the works they co-create. If the translation is commissioned by a sub-publisher, the translator is entitled to the share of a sub-lyricist.

³ The translation of protected lyrics is only recognised if the author of the lyrics, or their heirs and legal successors, give their consent.

1.1.3.4 Publishers (Publishing Houses)

¹ The publisher is the natural or legal person who:

- relying on contractual agreements concluded with authors, has acquired publishing rights in a work or an entire catalogue of works managed by SUISA, and
- acting alone or jointly with the authors, brings rights to SUISA for management, and
- performs publishing activities in fulfilment of their contractual duties.

² To qualify as performing publishing activities, publishers must invest their own resources in promoting the use of the musical works, for which SUISA manages the rights, in their publishing catalogues.

³ Publishers who simply hold the printing rights or who publish a work on commission are not entitled to a share of the income from the work.

⁴ Publishing agreements are only taken into account if they are concluded for an indefinite period or for a fixed term of at least three years.

⁵ The publishing start date is determined in accordance with the publishing agreement as follows:

- the effective date stipulated in the agreement applies;
- if the agreement does not stipulate such a date, the date of signing by both parties applies;
- if the agreement contains neither an effective date nor a signing date, the date SUISA receives the agreement applies.

The provisions regulating a change in publisher may apply (paragraph 8).

⁶ The publishing end date is determined in accordance with the publishing agreement as follows:

- the end date stipulated in the agreement applies;
- if the agreement does not stipulate such a date, the publishing end date is determined based on the publishing start date under paragraph 5 and the indicated exploitation term.

The provisions regulating a change in publisher may apply (paragraph 8).

⁷ SUISA only recognises the contractual end date of a publishing agreement if SUISA is specifically notified in writing that the agreement has expired. Otherwise SUISA may assume that the publishing agreement has been extended.

⁸ In the event of a change of publisher, the authoritative date is determined in accordance with the publishing agreement as follows:

- the change-over date stipulated in the agreement applies;
- if the agreement does not stipulate such a date, the change-over date evidenced by the new publisher applies.

⁹ Publishers are entitled to a share in the revenues collected by SUIISA during the periods described in paragraphs 5 to 8, as long as they registered the publishing agreement with SUIISA at the latest five months before the next relevant settlement date. Agreements registered after this time limit will be taken into account in the settlement if possible. Different distribution keys cannot be applied within a single settlement period for the same work. For agreements applicable retroactively, the date of receipt by SUIISA applies.

1.1.3.5 Arrangers

¹ The arranger is the natural person who creates a new protected musical work from an existing work in such a way that the original character of the existing work remains recognisable.

² The following do not qualify as arrangements:

- publications for practical use which merely:
 - add dynamic or agogic accents,
 - add musical phrasing symbols,
 - enter finger positions [fingering],
 - add registrations for organ or other keyboard instruments,
 - add flourishes,
 - translate an old musical notation style into a current style,
 - correct clerical mistakes in the original and similar changes;
 - transfer music into other keys or pitches (transpositions);
 - edit out individual voices;
 - exchange or double voices;
 - add purely parallel voices;
 - assign existing voices to other instruments (simple transcriptions).

³ The recognition of an arrangement of a protected work is subject to the consent of the composer of the work, or of the composer's heirs or legal successors.

⁴ If the sub-publisher of a work commissions an arrangement, the arranger is entitled to a share of the income from the work as a sub-arranger.

⁵ Arrangers and sub-arrangers are only entitled to a share of the income from public performances and broadcasts in the following cases:

- if their name is indicated on the programme and the arrangement has been duly identified based on a registration or a *fiche internationale*;
- if their name is not indicated on the programme, but the only edition of that work for Switzerland or Liechtenstein which is likely to correspond to the type of performance indicates the name of that arranger.

The same applies to the sound and audiovisual recordings produced by the broadcasting studio.

⁶ Arrangers or sub-arrangers are only entitled to a share of the income from the production of sound and audiovisual recordings, excluding broadcasting studio productions, if their name is in the information given by the producer and the arrangement has been duly identified based on a works registration or a *fiche internationale*.

⁷ Sub-arrangers are only entitled to a share of the income from a work if it is clear that their arrangements were used.

1.1.3.6 Sub-publishers

¹ The sub-publisher is the natural or legal person who:

- relying on a contract with a foreign publisher, has acquired copyrights managed by SUIISA in a work or an entire catalogue of works,
- brings rights to SUIISA for management, and
- exploits such rights in Switzerland and Liechtenstein in the performance of their contractual duties.

² Sub-publishers whose activity is restricted to specific editions of a work are entitled to a share of the income from that work even in cases where it cannot be clearly determined which edition was used.

³ Any limitations of the sub-publishing territory which do not coincide with the Swiss borders, Liechtenstein included, shall be disregarded. In such cases, the sub-publisher who evidences the largest sub-publishing territory in Switzerland and Liechtenstein is entitled to the sub-publishing shares.

⁴ Sub-publishing agreements are only taken into account if they are concluded with the foreign publisher for a term of at least three years. This minimum term may be waived if, within twelve months of having acquired the sub-publishing rights for three years, the first sub-publisher transfers those rights to a second sub-publisher.

⁵ The sub-publishing start date is determined in accordance with the sub-publishing agreement as follows:

- the effective date stipulated in the agreement applies;
- if the agreement does not stipulate such a date, the signing date by both parties applies;
- if the agreement contains neither an effective date nor a signing date, the date of receipt by SUIISA applies.

The provisions regulating a change in sub-publisher may apply (paragraph 8).

⁶ The sub-publishing end date is determined in accordance with the sub-publishing agreement as follows:

- the end date of the sub-publishing agreement stipulated in the agreement applies;
- if the agreement does not specify such a date, the sub-publishing end date is determined based on the sub-publishing start date in accordance with paragraph 5 and the indicated exploitation term.

The provisions regulating a change in sub-publisher may apply (paragraph 8).

⁷ SUIISA only recognises the contractual end date of a sub-publishing agreement if SUIISA is specifically notified in writing that the agreement has expired. Otherwise SUIISA may assume that the sub-publishing agreement has been extended.

⁸ If the sub-publishing rights are transferred from one sub-publisher to another, the authoritative date is determined based on the provisions of the agreement between the publisher and the sub-publisher as follows:

- the transfer date stipulated in the agreement applies;
- if the agreement does not stipulate such a date, the transfer date evidenced by the new sub-publisher applies.

⁹ Sub-publishers are entitled to a share of the revenues collected by SUIISA during the periods referred to in paragraphs 5 to 8, as long as they registered the sub-publishing agreement with SUIISA at the latest five months before the next relevant settlement date. Agreements registered after this time limit will be taken into account in the settlement if possible. For agreements applicable retroactively, the date of receipt by SUIISA applies. After the expiry of an agreement, SUIISA will continue to send settlement statements to the sub-publisher for 12 months unless the parties agree otherwise and notify SUIISA accordingly. Different distribution keys cannot be applied within a single settlement period for the same work.

1.2 Authors and publishers who have not or have only partially transferred their rights to SUISA or one of its foreign sister societies

¹ The shares of these authors and publishers are calculated following the same rules applicable to members or principals of SUISA or one of its foreign sister societies.

² The shares of these authors and publishers are credited to reserve accounts for unidentified entitled parties, with the following exceptions:

- the shares of authors or publishers relating to countries where no sister society with a contractual relationship with SUISA is active. In such cases the relevant shares go to the other parties entitled to a share of the income from the work if it can be assumed that such parties will arrange their forwarding;
- the shares of authors and publishers for the sound and audiovisual recordings produced by radio and TV in cases where the authors and publishers have granted SUISA or one of its sister societies the broadcasting rights but not the rights to produce sound and audiovisual recordings. These shares are credited to the sub-publisher or, in cases where there is no sub-publisher, to the publisher if it can be assumed that the latter will arrange their forwarding;
- the shares for specific rights assigned by authors and publishers to film producers. These shares can be directly credited to the film producers, or to their associations for forwarding. For this purpose, SUISA may enter into agreements for general rights administration and distribution of remuneration.

³ SUISA shall use its best efforts to distribute the remuneration collected to the entitled parties.

1.3 Authors whose works are no longer protected by copyright in Switzerland and Liechtenstein

¹ The shares of these authors enure to the benefit of the authors whose works are still protected by copyright, and their publishers. Depending on the context in which the distribution is conducted, this concerns the authors and publishers of all works in the same distribution category, same performance programme or same sound or audiovisual recordings. With regard to the production of sound and audiovisual recordings, the free shares enure to the benefit of the other authors and the publisher of the same work.

² The exceptions to this rule are authors' shares in jointly created works. Since the term of protection for such works is determined based on the death of the last surviving co-author, the heirs or legal successors of all co-authors are entitled to a share in the income from the work until the end of the term of protection.

³ Moreover, paragraph 2 of Article 2.1.2 may apply.

1.4 Cases of uncertainty

¹ In cases of uncertainty regarding the entitled parties or their membership of sister societies, or where shares are disputed, distribution of the relevant income may be deferred until certainty is achieved or until the entitled parties reach agreement. No interest in arrears is due on any payments thus withheld.

² If the uncertainties are due to the fact that pseudonyms or publisher's names are not sufficiently distinguishable from each other, the income from the corresponding shares will be allocated to the reserves for unidentified entitled parties.

³ If the entitled parties cannot be clearly identified or if their shares are at dispute, SUISA shall give the party that is asserting an own claim or disputing a third-party claim a six-month time limit in which to institute legal proceedings to decide the dispute. Upon a substantiated request, SUISA may agree to extend this time limit by an additional six months. If legal proceedings are not instituted within this time limit, SUISA may fully discharge its

obligation by paying the remuneration to the party whose share is disputed. Payment of the disputed share can only be deferred anew if legal proceedings have actually been filed.

⁴ Instead of the procedure described in the preceding paragraph, SUISA may legally deposit the disputed share provided the requirements of the Swiss Code of Obligations are met.

2 Shares

2.1 Shares of SUISA members and principals

2.1.1 Shares stipulated by contract

2.1.1.1 Agreements between authors

¹ Authors are free to determine among themselves what their respective shares of the royalty income from their works should be.

² The shares of authors who are no longer protected by copyright (DP, public domain) must in any event correspond to the regulatory share under Article 2.1.2.

2.1.1.2 Agreements between publishers

¹ Publishers and sub-publishers may divide the publisher's share among themselves by contractual agreement.

² In the case of works originally published in Switzerland and Liechtenstein, no sub-publishing agreements may be concluded for this territory.

³ If a foreign co-publisher has a share in a work that was originally published in Switzerland and Liechtenstein, that share can be sub-published in this territory. In that case, the combined shares of the publishers and sub-publishers may not exceed 33.33% of the performing and broadcasting rights.

2.1.1.3 Agreements between authors and publishers

¹ Authors and publishers are free to determine their respective shares of the income from a work.

² The combined shares of all publishers and sub-publishers may not, however, exceed 33.33% of the performance and broadcasting rights for published works, and 50% for sub-published works.

2.1.1.4 Agreements between arrangers and publishers

¹ Arrangers, sub-arrangers and sub-lyricists may also agree their shares with the publisher or sub-publisher who has been granted the relevant right by the composer or lyricist.

² In this case, however, the share of the arranger, sub-arranger or sub-lyricist of the music may not exceed the share according to the regulatory distribution key under Article 2.1.2.

³ These shares are not included in the publisher's share according to Article 2.1.1.3.

2.1.1.5 Incomplete or conflicting agreements

¹ In absence of any contractual agreement relating to the income from a work, the regulatory distribution keys (Article 2.1.2) are authoritative.

² When preparing its settlements, SUISA automatically corrects any overruns of maximum shares or underruns of minimum shares.

2.1.1.6 Scope of agreements

¹ Agreements between authors, between authors and publishers, or between publishers may relate:

- only to the performance and broadcast distribution categories (distribution categories 1A, 1C, 1E, 2–12, see Article 4.1),
- only to the sound and audiovisual recording distribution categories and online uses (distribution categories 1B, 1D, 2B, 2D, 21 and 22, see Article 4.1), or
- to all distribution categories.

² Agreements relating only to individual distribution categories are disregarded.

³ Agreements that do not indicate their contractual scope are assumed to apply to all distribution categories.

2.1.1.7 Start of validity for SUISA

¹ In the case of agreements involving publishers or sub-publishers, Article 1.1.3.4 paragraph 9, or Article 1.1.3.6 paragraph 9, as the case may be, apply .

² In the case of all other agreements, the parties are entitled to the shares notified to SUISA no later than five months before the next relevant settlement date. Agreements registered after this time limit are taken into account in the settlement if possible.

³ Different distribution keys cannot be applied within a single settlement period for the same work.

2.1.2 Regulatory distribution keys

¹ The following tables show the distribution keys:

Tables I for work registrations up to and including 31.12.2016:

Table I A: Music without lyrics

Table I B: Music with lyrics

Tables II for work registrations as of 01.01.2017:

Table II A: Music without lyrics

Table II B: Music with lyrics

The distribution key is determined taking account of the following circumstances:

- whether the music and lyrics are protected by copyright or the music and/or lyrics are free;
- which uses are concerned:
 - performances or broadcasts, including retransmissions via cable networks;
 - sound or audiovisual recordings, including any produced by the SRG¹ for broadcasting purposes;
- whether the publisher receives the normal share of 33.33% for performance and broadcasting rights or, in the case of film music, a share of 50% in accordance with Article 2.1.3.6 (valid up to and including 31.12.2017);
- whether the publisher receives the normal share of 40% for reproduction rights of sound and audiovisual recordings or, in the case of own recordings in accordance with Article 2.1.3.3, a share of 50%.

² Composers who write music to accompany lyrics which were already in the public domain at the time of setting to music are entitled to the lyricist's performance and broadcast share. This rule applies to all works newly registered with SUISA on or after 01.01.2017.

¹ Translator's note: The Swiss Broadcasting Corporation (Schweizerische Radio- und Fernsehgesellschaft SRG SSR)

Tables I for work registrations up to and including 31.12.2016
Table 1 A Music without lyrics

Entitled parties			Performances and broadcasts	Reproduction of sound & audiovisual recordings	
				Protected music	Arrangements of DP works
			%	%	%
Manuscript works					
01	Composer	C	100	100	
02	Composer	C	80	80	–
	Arranger	AR	20	20	100
Published works					
03	Composer	C	65(50 ¹)	60(50 ²)	
	Publisher	E	35(50 ¹)	40(50 ²)	
04	Composer	C	50(40 ¹)	47.5(40 ²)	–
	Arranger	AR	15(10 ¹)	12.5(10 ²)	60(50 ²)
	Publisher	E	35(50 ¹)	40(50 ²)	40(50 ²)
Sub-published works					
05	Composer	C	50	40	
	Publisher	E	15	20	
	Sub-publisher	SE	35	40	
06	Composer	C	40	30	–
	Arranger	AR	10	10	40
	Publisher	E	15	20	20
	Sub-publisher	SE	35	40	40
07	Composer	C	35	30	
	Publisher	E	15	20	
	Sub-arranger	SR	15	10	
	Sub-publisher	SE	35	40	
08	Composer	C	35	30	–
	Arranger	AR	–	-	30
	Publisher	E	15	20	20
	Sub-arranger	SR	15	10	10
	Sub-publisher	SE	35	40	40

¹ Publisher's share may be increased to 50 % for film music (see Article 2.1.3.6).

² Publisher's share is increased to 50 % for own recordings (see Article 2.1.3.3).

Tables I for work registrations up to and including 31.12.2016
Table I B Music with lyrics

Entitled parties			Performances and broadcasts	Reproduction of sound and audiovisual recordings			
				Protected music protected lyrics	Protected music DP lyrics	DP music protected lyrics	Arrangements of DP works
			%	%	%	%	%
Manuscript works							
09	Composer	C	50	50	100	–	
	Lyricist	A	50	50	–	100	
10	Composer	C	42.5	42.5	80	–	–
	Lyricist	A	42.5	42.5	–	50	–
	Arranger	AR	15	15	20	50	100
Published works							
11	Composer	C	32.5(25 ¹)	30(25 ²)	60(50 ²)	–	
	Lyricist	A	32.5(25 ¹)	30(25 ²)	–	60(50 ²)	
	Publisher	E	35(50 ¹)	40(50 ²)	40(50 ²)	40(50 ²)	
12	Composer	C	27.5(22.5 ¹)	25(22.5 ²)	47.5(40 ²)	–	–
	Lyricist	A	27.5(22.5 ¹)	25(22.5 ²)	–	30(25 ²)	–
	Arranger	AR	10(5 ¹)	10(5 ²)	12.5(10 ²)	30(25 ²)	60(50 ²)
	Publisher	E	35(50 ¹)	40(50 ²)	40(50 ²)	40(50 ²)	40(50 ²)
Sub-published works							
13	Composer	C	25	20	40	–	
	Lyricist	A	25	20	–	40	
	Publisher	E	15	20	20	20	
	Sub-publisher	SE	35	40	40	40	
14	Composer	C	17.5	15	30	–	
	Lyricist	A	17.5	15	–	30	
	Publisher	E	15	20	20	20	
	Sub-lyricist	SA	15	10	10	10	
	Sub-publisher	SE	35	40	40	40	
15	Composer	C	17.5	15	30	–	
	Lyricist	A	17.5	15	–	30	
	Publisher	E	15	20	20	20	
	Sub-arranger	SR	15	10	10	10	
	Sub-publisher	SE	35	40	40	40	

¹ Publisher's share may be increased to 50 % for film music (see Article 2.1.3.6).

² Publisher's share is increased to 50 % for own recordings (see Article 2.1.3.3).

Tables I for work registrations up to and including 31.12.2016
Table I B Music with lyrics

Entitled parties			Performances and broadcasts	Reproduction of sound and audiovisual recordings			
				Protected music Protected lyrics %	Protected music DP lyrics %	DP music protected lyrics %	Arrangements DP works %
16	Composer	C	17.5	15	30	–	
	Lyricist	A	17.5	15	–	30	
	Publisher	E	15	20	20	20	
	Sub-lyricist	SA	7.5	5	5	5	
	Sub-arranger	SR	7.5	5	5	5	
	Sub-publisher	SE	35	40	40	40	
17	Composer	C	22.5	17.5	30	–	
	Lyricist	A	22.5	17.5	–	20	–
	Arranger	AR	5	5	10	20	40
	Publisher	E	15	20	20	20	20
	Sub-publisher	SE	35	40	40	40	40
17	Composer	C	15	12.5	22.5	–	–
	Lyricist	A	15	12.5	–	15	–
	Arranger	AR	5	5	7.5	15	30
	Publisher	E	15	20	20	20	20
	Sub-lyricist	SA	15	10	10	10	10
	Sub-publisher	SE	35	40	40	40	40
19	Composer	C	17.5	15	30	–	–
	Lyricist	A	17.5	15	–	15	–
	Arranger	AR	–	–	–	15	30
	Publisher	E	15	20	20	20	20
	Sub-arranger	SR	–	15	10	10	1010
	Sub-publisher	SE	35	40	40	40	40
20	Composer	C	17.5	15	30	–	–
	Lyricist	A	17.5	15	–	15	–
	Arranger	AR	–	–	–	15	30
	Publisher	E	15	20	20	20	20
	Sub-lyricist	SA	7.5	5	5	5	5
	Sub-arranger	SR	7.5	5	5	5	5
	Sub-publisher	SE	35	40	40	40	40

Tables II for work registrations on or after 01.01.2017
Table II A Music without lyrics

Entitled parties		Performances and broadcasts	Reproduction of sound and audiovisual recordings	
			Protected music	Arrangements of DP works
		%	%	%
Manuscript works				
01	Composer C	100	100	
02	Composer C	80	80	–
	Arranger AR	20	20	100
Published works				
03	Composer C	66,67(50 ¹)	60(50 ²)	
	Publisher E	33,33(50 ¹)	40(50 ²)	
04	Composer C	50(40 ¹)	47.5(40 ²)	–
	Arranger AR	16,67(10 ¹)	12.5(10 ²)	60(50 ²)
	Publisher E	33,33(50 ¹)	40(50 ²)	40(50 ²)
Sub-published works				
05	Composer C	50	40	
	Publisher E	15	20	
	Sub-publisher SE	35	40	
06	Composer C	40	30	–
	Arranger AR	10	10	40
	Publisher E	15	20	20
	Sub-publisher SE	35	40	40
07	Composer C	35	30	
	Publisher E	15	20	
	Sub-arranger SR	15	10	
	Sub-publisher SE	35	40	
08	Composer C	35	30	–
	Arranger AR	–	-	30
	Publisher E	15	20	20
	Sub-arranger SR	15	10	10
	Sub-publisher SE	35	40	40

¹ For film music registrations made on or before 31.12.2017, the publisher's share may be increased to 50% by agreement (see Article 2.1.3.6).

² The publisher's share is increased to 50% for own recordings (see Article 2.1.3.3).

Tables II for work registrations on or after 01.01.2017
Table II B Music with lyrics

Entitled parties		Performances and broadcasts (also see Article 2.1.2, para. 2) %	Reproduction of sound and audiovisual recordings			
			Protected music protected lyrics %	Protected music DP lyrics %	DP music protected lyrics %	Arrangements DP works %
Manuscript works						
09	Composer C	50	50	100	–	
	Lyricist A	50	50	–	100	
10	Composer C	42.5	42.5	80	–	–
	Lyricist A	42.5	42.5	–	50	–
	Arranger AR	15	15	20	50	100
Published works						
11	Composer C	33.34(25 ¹)	30(25 ²)	60(50 ²)	–	
	Lyricist A	33.3(25 ¹)	30(25 ²)	–	60(50 ²)	
	Publisher E	33.33(50 ¹)	40(50 ²)	40(50 ²)	40(50 ²)	
12	Composer C	27.5(22.5 ¹)	25(22.5 ²)	47.5(40 ²)	–	–
	Lyricist A	27.5(22.5 ¹)	25(22.5 ²)	–	30(25 ²)	–
	Arranger AR	10(5 ¹)	10(5 ²)	12.5(10 ²)	30(25 ²)	60(50 ²)
	Publisher E	35(50 ¹)	40(50 ²)	40(50 ²)	40(50 ²)	40(50 ²)
Sub-published works						
13	Composer C	25	20	40–		
	Lyricist A	25	20	–	40	
	Publisher E	15	20	20	20	
	Sub-publisher SE	35	40	40	40	
14	Composer C	17.5	15	30	–	
	Lyricist A	17.5	15	–	30	
	Publisher E	15	20	20	20	
	Sub-lyricist SA	15	10	10	10	
	Sub-publisher SE	35	40	40	40	
15	Composer C	17.5	15	30	–	
	Lyricist A	17.5	15	–	30	
	Publisher E	15	20	20	20	
	Sub-arranger SR	15	10	10	10	10
	Sub-publisher SE	35	40	40	40	

¹ For film music registrations made on or before 31.12.2017, the publisher's share may be increased to 50% (see Article 2.1.3.6).

² The publisher's share is increased to 50% for own recordings (see Article 2.1.3.3).

Tables II for work registrations on or after 01.01.2017
Table II B Music with lyrics

Entitled parties			Performances and broadcasts (also see Article 2.1.2, para. 2) %	Reproduction of sound and audiovisual recordings			
				Protected music protected lyrics %	Protected music DP lyrics %	DP music protected lyrics %	Arrangements DP works %
16	Composer	C	17.5	15	30	–	
	Lyricist	A	17.5	15	–	30	
	Publisher	E	15	20	20	20	
	Sub-lyricist	SA	7.5	5	5	5	
	Sub-arranger	SR	7.5	5	5	5	
	Sub-publisher	SE	35	40	40	40	
17	Composer	C	22.5	17.5	30	–	
	Lyricist	A	22.5	17.5	–	20	–
	Arranger	AR	5	5	10	20	40
	Publisher	E	15	20	20	20	20
	Sub-publisher	SE	35	40	40	40	40
18	Composer	C	15	12.5	22.5	–	–
	Lyricist	A	15	12.5	–	15	–
	Arranger	AR	5	5	7.5	15	30
	Publisher	E	15	20	20	20	20
	Sub-lyricist	SA	15	10	10	10	10
	Sub-publisher	SE	35	40	40	40	40
19	Composer	C	17.5	15	30	–	–
	Lyricist	A	17.5	15	–	15	–
	Arranger	AR	–	–	–	15	30
	Publisher	E	15	20	20	20	20
	Sub-arranger	SR	15	10	10	10	10
	Sub-publisher	SE	35	40	40	40	40
20	Composer	C	17.5	15	30	–	–
	Lyricist	A	17.5	15	–	15	–
	Arranger	AR	–	–	–	15	30
	Publisher	E	15	20	20	20	20
	Sub-lyricist	SA	7.5	5	5	5	5
	Sub-arranger	SR	7.5	5	5	5	5
	Sub-publisher	SE	35	40	40	40	40

2.1.3 Application of distribution keys in special cases

2.1.3.1 For co-authors and co-publishers

¹ Co-authors such as co-composers, co-lyricists, co-translators, and co-arrangers, as well as co-publishers, may determine their shares by contractual agreement provided that all shares in the author and publisher categories duly respect the minimum and maximum limits under Article 2.1.1.

² In absence of contractual agreements, the co-authors in each category and the co-publishers are entitled to the same shares in the case of an individual work. In the case of compilations, co-authors are entitled to a share pro rata their own contribution.

2.1.3.2 Lyricist's share in music works containing parts without lyrics

If a musical work contains parts without lyrics, and the duration of the music is at least three times as long as the duration of the lyrics, the lyricist's share is reduced pro rata the duration of the music to the duration of the lyrics.

2.1.3.3 Publisher's share for own recordings

If in distribution categories 21 and 22, the publisher commissions the production of a sound recording of a work at its own expense and arranges the publication of sound and audiovisual recordings, the publisher's share is increased from 40% to 50%.

2.1.3.4 Work concepts and similar works

¹ Where performers exercise a significant influence on the sound pattern of verbal or graphic concepts or similar works, the composers of such works may grant these artists a contractual right as co-composers to a share of the income from the performance, broadcast, and sound recordings of such works.

² The combined shares of all such artists may not exceed the share of the composers of the verbal or graphic concepts.

2.1.3.5 Improvisations

SUISA includes any improvisations reported by organisers or authors in its distribution process.

2.1.3.6 Film scores

¹ For music in sound films, the composers and authors of the lyrics on the one hand, and the publisher on the other, may agree that the publisher's share in the performance and broadcast distribution categories is 50%. These keys will be applied to each individual musical sequence in the film.

² Music specially created for a sound film where there is only one entitled composer is combined into a single sequence.

³ Paragraph 1 applies only until 31.12.2017. Special distribution keys no longer apply to performances and broadcasts of any works registered on or after 01.01.2018.

2.1.3.7 Medleys and fantasias

The following keys apply unless otherwise agreed between the author and the publisher:

	Distribution categories for performances and broadcasts	Distribution categories for sound+audiovisual recordings
Arranger of the medley or fantasia	16.67%	10%
Publisher of the medley or fantasia	33.33%	40%

The remaining shares are distributed among the authors who created the works used in the medley or fantasia.

2.1.3.8 Work fragments

¹ The same key applies to fragments of works as for the entire work regardless which part of the work the fragment comes from.

² An excerpt from a cycle, operetta, opera, or other oeuvre which, according to the information in the programme, comprises a single song or a single movement does not qualify as a fragment.

2.2 Shares of members and principals of foreign sister societies

2.2.1 Works in which SUIISA members or principals are entitled to a share

¹ SUIISA treats the distribution keys of foreign sister societies in the same way as those agreed between its own authors and publishers.

² These keys must also comply with the minimum and maximum limits under Article 2.1.1. If these limits are not respected, SUIISA applies its own keys in accordance with Article 2.1.2.

³ The shares of composers and lyricists whose works are no longer protected by copyright are nevertheless calculated and processed in accordance with SUIISA's Distribution Rules.

2.2.2 Works in which no SUIISA member or principal is entitled to a share

¹ With regard to such works, SUIISA relies on the information contained in the *fiches internationales*, CISAC's world works list or other equivalent documentation.

² Failing such information, or where no documentation whatsoever is available, and depending on the agreements with the foreign sister societies, SUIISA:

- requests documentation on a case-by-case basis;
- supplements the shares in accordance with the distribution rules of the entitled foreign sister society provided such rules are known to SUIISA;
- sets the shares in accordance with its own keys under Article 2.1.2;
- forwards the entire income for the work, without dividing it into shares, to the sister society of which the composer, or in the case of an arrangement of a DP work, the arranger, or in the case of the lyrics for a DP work, the lyricist, is member. If the publisher is known, SUIISA may instead remit the entire income for the work to the publisher's society.

³ The shares of composers and lyricists whose works are no longer protected by copyright are nevertheless calculated and processed in accordance with SUIISA's Distribution Rules.

⁴ If there are discrepancies in the information on the *fiches internationales*, SUIISA asks the sister societies concerned to come to an agreement. Pending such agreement, payment of the income from the work is put on hold.

3 Programmes and reports as distribution bases

3.1 Basic principle

¹ Distribution is undertaken based on:

- monitoring-system records
- organisers' performance and broadcasting programmes
- reports from the producers of sound and audiovisual recordings.

² When gap-free monitoring-system records are available, programmes and reports are only referred to for checking purposes.

³ In the following cases, the programmes and reports sent to SUIISA are disregarded:

- programmes and reports which go beyond the contractual scope stipulated by SUIISA.
- programmes and reports which SUIISA determines are manifestly false;

- programmes and reports which are so incomplete that they do not correspond at all to the actual performances, broadcasts, or sound recordings;
- programmes and reports which triggered documentation inquiries to SUISA members, principals, or foreign sister societies which were not answered in good time;
- illegible programmes and reports;
- programmes from entertainment events with music from sound recordings in distribution category 12B in which only monitoring-system records are taken into account.

3.2 Completing missing information

¹ If a programme or report only indicates the title of a work and provides no information about the authors, SUISA will search its database for the missing information.

² If the work has the same title as another work of the same musical genre and no further information is available, the work will be struck off the performance and broadcast programmes. This does not apply to titles designating current hits. In this case, the title is assumed to refer to the hit. A hit is defined as a work that is played at least twenty times more often than other pieces with the same title. If the sound recording producers' reports contain titles matching that of a hit, inquiries will be made about the authors' names.

3.3 Manifestly false programmes

¹ Persons who draw up programmes that are manifestly false will be notified that such programmes will be disregarded. They may appeal the decision to disregard the programme before the Distribution and Works Committee.

² SUISA reserves the right to institute criminal proceedings in case of fraud or attempted fraud.

3.4 Belated delivery of programmes and reports

Programmes and reports which are sent in belatedly are taken into account in the following distribution.

3.5 Delivery waiver for programmes and reports

SUISA waives the need to deliver programmes in the following cases:

- making broadcasts publicly perceptible
- taking over other broadcasters' programmes for re-broadcasting or for cable retransmission;
- private radio station broadcasts which play music from sound recordings to their audience for hours at a time. This does not apply to broadcasts where the private radio station concerned is bound by SUISA to keep lists;
- performances with sound recordings at entertainment events;
- other performances with sound recordings with the following exceptions:
 - if the remuneration from the use of a given sound recording exceeds CHF 20 per work;
 - where otherwise contractually agreed between SUISA and its customers;
- practice recitals by music students;
- music played by jukeboxes;
- music played from sound recordings during breaks and intervals in cinema theatres;
- film screenings in film clubs;
- screenings of audiovisual recordings in discothèques;
- organ music during religious services with the exception of the music played by organists who are bound by SUISA to keep lists;
- performances by single musicians and duos in hospitality industry venues and at association events, except in the case of a specially selected repertoire.

The waiver only applies to the programmes per "music day" to be delivered by the musicians and not to the core-repertoire lists to be delivered for longer periods of time.

² Paragraph 1 also applies to reports relating to sound recording productions in cases where the production licence is tied to the licence for public performance (known as "*usagers communs*").

³ Upon the request of the Executive Committee and the Distribution and Works Committee, SUISA's Board may decide further programme delivery waivers where statistical surveys show that distribution accuracy is not materially impacted thereby.

4 Distribution categories

4.1 Number of distribution categories

SUISA administers the following distribution categories

No.	Distribution category
1	SRG broadcasts <ul style="list-style-type: none"> A Radio broadcasts B Sound recordings for radio broadcasts C TV broadcasts (advertising excluded) D Audiovisual recordings for TV broadcasts (advertising excluded) E TV commercials
2	Private broadcasters' transmissions <ul style="list-style-type: none"> A Radio broadcasts (advertising excluded) B Sound recordings for radio broadcasts C TV broadcasts (advertising excluded) D Audiovisual recordings for TV broadcasts (advertising excluded) F TV commercials X Swiss advertising windows in foreign TV broadcasts
3	Pay radio / Pay TV broadcasts <ul style="list-style-type: none"> A Transmission of programmes without pictures B Transmission of programmes with pictures
4	Concerts and concert-like performances
5	Church performances
6	Brass bands
7	Secular choirs, accordion, guitar and mandolin clubs, folk groups and drum bands, etc.
8	Yodeling clubs
9	Performance of audiovisual recordings <ul style="list-style-type: none"> A Film screenings in cinemas B Advertising films in cinemas C Performance of audiovisual recordings outside cinemas with revenues of more than CHF 200 per audiovisual recording D Performance of audiovisual recordings outside cinemas with revenues up to CHF 200 per audiovisual recording
12	Entertainment events (concerts excluded) <ul style="list-style-type: none"> A Entertainment events with live music B Entertainment events with music from sound recordings

- 21 Mechanical reproduction of sound recordings and online audio uses
- A Sound recordings for commercial distribution - domestic licensing
 - B Music boxes
 - C Sound recordings for advertising
 - D Other sound recordings
 - R Ringtones
 - S Online audio streams
 - X Online audio downloads
 - Z Sound recordings for commercial distribution – central licensing
- 22 Mechanical reproduction of audiovisual recordings and online video uses
- A Audiovisual recordings (including music videos) for commercial distribution - domestic licensing
 - B Audiovisual recordings for advertising
 - C Other audiovisual recordings
 - S Streams from VoD (video on demand) platforms
 - W Other online video streams
 - X Online video downloads
 - Z Audiovisual recordings for commercial distribution – central licensing

4.2 Rules for individual distribution categories

4.2.1 Distribution categories 1A–1D (SRG broadcasts, advertising excluded)

¹ A separate distribution category is maintained for all SRG radio broadcasts and another for all SRG television broadcasts (categories 1A and 1C respectively). A separate distribution category is also maintained for all sound and audiovisual recordings made by SRG for radio and another for television (categories 1B and 1D respectively). This does not apply to television commercials (Article 4.2.2).

² It is assumed that the studios make recordings of all radio and television broadcasts with the exception of commercially released films shown on TV. The remuneration for radio and television broadcasts is divided as follows:

two thirds are assigned to the broadcast

one third is assigned to the production of the sound or audiovisual recording.

This applies regardless how many sound recordings are produced for any given broadcast. Sound recordings that do not serve for broadcasts are disregarded in the distribution calculations.

³ The same factors apply to all SRG radio broadcasts except for the SRG's regional news broadcasts where a factor of 0.2 applies.

⁴ The same factors apply to all SRG TV broadcasts with the exception of TV programmes consisting mainly of repeats of other programmes: these are subject to a factor of 0.2.

⁵ Joint programmes broadcast simultaneously on several SRG radio stations or TV channels are treated like broadcasts of each individual station or channel, provided they have a wide reach and supra-regional significance in terms of language. Are notably excepted from this rule broadcasts regularly taken over from other stations which are treated like a single broadcast.

⁶ Radio broadcasts which are simultaneously transmitted by "Swiss Radio International" are considered only as a broadcast of the relevant radio station.

4.2.2 Distribution category 1E (Commercials on SRG TV)

Distribution is made on a "per commercial" basis proportionately to the turnover generated by the SRG marketing entity with the broadcasting of the commercial, reduced proportionally to the ratio of the duration of the music to the

duration of the commercial (pro rata temporis). The total distributable amount is distributed per commercial proportionately to the amount thus calculated.

4.2.3 Distribution category 2 (Private radio and TV broadcasters' transmissions)

Provided the private broadcaster communicates its programmes in a fully digital format which can be automatically processed by SUIISA, distribution is made per private broadcaster (except in the case of private radio advertising programs, see Article 4.2.3.2) pro rata the licence fees paid by the individual private broadcasters. Broadcasters' licence fee payments which fall short of the annual threshold set by SUIISA's Board are not selectively distributed. Such revenue is distributed proportionally among the other broadcasters in the same distribution category.

4.2.3.1 Distribution categories 2A – 2D (Private broadcasters' transmissions, advertising excluded)

¹ A separate distribution category is maintained for the broadcasts of private radio broadcasters and for the broadcasts of private television broadcasters respectively (categories 2A and 2C), and two additional distribution categories for the sound and audiovisual recordings of private radio broadcasters and of private television broadcasters respectively.

² It is assumed that the studios make recordings of all radio and television broadcasts with the exception of commercially released films shown on TV. The remuneration for radio and television broadcasts is divided as follows:

two thirds are assigned to the broadcast

one third is assigned to the production of the sound or audiovisual recording.

³ This applies regardless how many sound recordings are produced for any given broadcast. Sound recordings that are not used for broadcasting purposes are disregarded in the distribution calculations.

⁴ Prior to distribution, the amount corresponding to the value of the programmes regularly taken over by other broadcasters is deducted from the broadcasting remuneration. This amount is allocated to the original broadcaster by way of supplemental remuneration.

4.2.3.2 Commercials on private radio

Revenues from music in commercials on private radio broadcasts is allocated to distribution categories 1A, 1E and 2A (see Article 5.4, CT S).

4.2.3.3 Distribution category 2F (Commercials on private television)

For music in commercials, rates are set per private broadcaster.

4.2.3.4 Distribution category 2X (Swiss advertising windows in foreign television broadcasts)

¹ Distribution is made per TV broadcaster proportionally to the remuneration paid by the sister societies.

² Music used as background or accompanying music, or for setting sales programmes to music is weighted with a factor of 0.25, music in commercials with a factor of 1.

4.2.4 Distribution categories 3A and 3B (Pay-radio and pay-TV)

¹ The revenues per pay-radio station and pay-TV channel are authoritative for the distribution. In the case of packages comprising several stations and channels, the revenues for the packages are allocated to the individual station or channel proportionally to the number of their subscribers, irrespective of broadcast duration.

² Pay-TV channels are weighted by the following factors:

- sports, news and information channels factor of 1
- music and cultural channels factor of 4
- all other TV channels factor of 3

³ Shares allocated to individual stations and channels are distributed as follows:

- the shares of foreign stations and channels are transferred to the sister societies of the country of origin for onward distribution; beforehand, the Swiss sub-publisher's probable share (or the share agreed with the sister society) is deducted from the amount to be transferred;
- the shares of the Swiss pay-radio stations are allocated to distribution category 1A except for the share of the private radio broadcasters which are allocated to distribution category 2A;
- the shares of Swiss pay-TV channels are distributed on a per channel basis provided that the distributable amount allocated to the channel is higher than the threshold set by SUISA's Board.

⁴ It is assumed that pay-station and pay-channel providers do not make sound or audiovisual recordings.

⁵ The shares of the Swiss sub-publishers are paid as a percentage supplement on top of their revenues from distribution categories 1A and 1C; the percentage supplement is the same for all sub-publishers.

4.2.5 Distribution category 4 (Concerts and concert-like performances)

¹ Distribution is made on a per programme basis.

² In cases where an additional programme is added to the concert, 90% of the remuneration is distributed on the basis of the main programme, 10% on the basis of the additional programme.

4.2.6 Distribution categories 5 – 8 (Church performances, brass bands, choirs and yodeling clubs)

¹ For distribution categories 5, 6, 7 and 8, the distribution reference programmes for big individual international events, church concerts and regional, cantonal, and federal music festivals are collected annually.

² For distribution categories 6, 7 and 8, if a Swiss umbrella organisation of music associations delivers the programmes for all of its members electronically, in a digital format suitable for automatic processing by SUISA, and provided that this organisation represents at least 90% of all music associations whose programmes are in the relevant distribution category, the distribution reference programmes will be collected annually. These programmes serve as the annual distribution basis.

³ All other programmes are collected every second year. They then serve as the distribution basis for two distribution periods.

⁴ Where several choirs or ensembles participate in the performance of a work, the performance is considered a single performance of the relevant work. This does not apply to "joint performances" of works at regional, cantonal, or federal music festivals where each participating choir, brass band or other ensemble counts for one performance.

⁵ If the annual tariff revenues for the performance of a repertoire is less than CHF 15,000, the remuneration is not distributed individually. Such revenue is distributed proportionally among all performances in the same distribution category.

4.2.7 Distribution category 9 (Performances of audiovisual recordings)

4.2.7.1 Sub-category 9A (Film screenings in cinemas)

For all films shown in cinemas, the remuneration for the music is calculated at a uniform rate per second of music and cinema-goer.

4.2.7.2 Sub-category 9B (Advertising in cinemas)

For all commercials shown in cinemas, the remuneration for the music is calculated at a uniform rate per second of music.

4.2.7.3 Sub-category 9C (Performances of audiovisual recordings outside cinemas with income of more than CHF 200 per audiovisual recording)

Distribution is made per audiovisual recording.

4.2.7.4 Sub-category 9D (Performances of audiovisual recordings outside cinemas with income up to CHF 200 per audiovisual recording)

The remuneration for the music in all audiovisual recordings is calculated at a uniform rate per second of music.

4.2.8 Distribution category 12 (Entertainment events, concerts excluded)

4.2.8.1 Sub-category 12A (Entertainment events with live music)

All programmes are treated equally.

4.2.8.2 Sub-category 12B (Entertainment events with music from sound recordings)

Distribution is based on a random statistical sampling method implemented through a music monitoring-system using what are known as hit-boxes. The hit-box recordings serve as the distribution basis.

4.2.9 Distribution categories 21A, 21B, 21Z, 22A and 22Z (Sound and audiovisual recordings for commercial distribution)

¹ SUISA makes the distribution both for the remuneration from its own licensing and for the central licensing fees passed on to it for distribution by foreign societies.

² Distribution is made per sound or audiovisual recording, depending on how the remuneration is calculated.

³ In cases where the sound or audiovisual recording is intended for export and the destination country is known to SUISA, the remuneration is distributed as provided in the sub-publishing agreements, namely:

- If the Swiss sub-publisher has a share of the sound and audiovisual recordings produced in Switzerland, the same authors and publishers are entitled to a share of the income as in the case of a sale of the sound and audiovisual recording in Switzerland.
- If the foreign sub-publisher has a share of the sound and audiovisual recordings sold in the exporting country, the authors and publishers who are entitled to a share in the exporting country are entitled to a share of the income.

The above does not apply in cases where the distribution would involve unreasonable costs.

4.2.10 Distribution categories 21C, 22B and 22C (Music reproduced on sound recordings not intended for commercial distribution and on audiovisual recordings for performance, broadcasting or online use)

Distribution is made per sound or audiovisual recording.

4.2.11 Distribution category 21D (Sound recordings, neither for commercial distribution nor for advertising)

The remuneration for the music in all sound recordings is calculated at a uniform rate per second of music.

4.2.12 Distribution classes 21R, 21S, 21X, 22S, 22W and 22X (Ringtones, online audio streams and downloads, and online video streams and downloads)

Distribution is made per use depending on how the remuneration was calculated.

5 Allocation of remuneration

5.1 Cost coverage

¹ SUISA deducts the amount required to cover its administration expenses from all the remuneration collected.

² The cost-coverage deduction equals:

- for performance and broadcasting revenues (including radio and television sound and audiovisual recordings) and retransmissions via cable networks, a percentage set per annum or per settlement period by SUISA's Board. The percentage is generally the same for all performances, broadcasts and retransmissions. Costs for collection and distribution work relating to the shares that SUISA allocates to other societies must, however, be taken into

consideration. In any event, the cost-coverage deduction for radio and television sound and audiovisual recordings may not exceed 25%;

- for tariffs governing the reproduction of other sound and audiovisual recordings: a maximum of 15%; the percentage is set each year by SUISA's Board;
- for Common Tariffs (CT = Common Tariffs applicable to all Swiss collecting societies) 4 (blank media levy), 4i (levy for storage media and hard disk drives built into digital devices), 5 (rental of works), 7 (uses in schools), 8 (reprographic rights outside schools), 9 (internal networks in businesses), 10 (access to works and services by persons with disabilities), 11 (use of archived works), 12 (remuneration for the provision of set-top boxes with storage and vPVR), and 13 (orphan works), as well as for all foreign revenues, the cost-coverage percentage set each year by SUISA's Board.

³ Agreements with sister societies may apply.

5.2 Contributions to social benefits and cultural promotion

¹ From the remuneration collected in Switzerland and Liechtenstein pertaining to:

- performances and broadcasts, including retransmissions via cable networks;
- mechanical reproduction of sound and audiovisual recordings by radio and television for broadcasting purposes;
- blank media levy (CT 4);
- levy for storage media and hard disk drives built into digital devices (CT 4i);
- rental rights (CT 5);
- uses in schools (CT 7);
- reprographic rights outside schools (CT 8);
- business internal networks (CT 9);
- access to works and services by persons with disabilities (CT 10);
- use of archive recordings by broadcasters (CT 11);
- provision of set-top boxes with storage and vPVRs (CT 12);

and after the cost-coverage deductions, SUISA makes the following allocations:

- 7.5% to SUISA Pension Fund for Authors and Publishers
- 2.5% to cultural promotion (FONDATION SUISA).

² The deductions do not apply to online uses (audio and video on demand offers) in accordance with Article 5.6.

³ Agreements with sister societies may apply.

⁴ Remuneration collected for orphan works, within the meaning of Article 22b CopA, is set aside from distribution. If no rightholders come forward within ten years, the amounts thus set aside are used, on top of the allocations under paragraphs 1 to 3, for social benefits and cultural promotion. After costs are covered, remuneration is allocated as follows:

- 75% to SUISA Pension Fund for Authors and Publishers
- 25% to cultural promotion (FONDATION SUISA).

5.3 Allocation principles

5.3.1 Remuneration - with programme information or monitoring system recordings

The authors and publishers of works whose use is reported to SUISA in programmes or other records are entitled to the remuneration collected by SUISA based on such documents.

5.3.2 Remuneration - without programme information

Where no programmes are provided, remuneration is allocated to the distribution categories consisting mainly of the same kind of music or of the most similar.

5.4 Allocation of revenues from individual tariffs

The remuneration received by SUISA is allocated to the individual distribution categories as shown in the following tables:

Tariff	Tariff description	Distribution categories	
A	SRG Radio		1A – 1B
	SRG TV (with commercials)	64%	1C – 1D
		36%	1E
	Play Suisse		22S
<p>The allocation to DC 22S is imputed to the amounts paid for radio and television proportionally to the ratio that SRG's costs for the Play Suisse platform bear to its total costs.</p>			
B	Music associations		
	– brass bands		6
	– secular choirs and instrumental ensembles		7
	– yodeling clubs		8
	– orchestras		4
CT C	Churches and religious communities		5
D	Concert institutes		4
CT E	– Cinemas	91%	9A
		6%	9B
		1.5%	12A
		1.5%	12B
	– Performance of audiovisual recordings (cinemas excluded),		
	– with income of more than CHF 200 per audiovisual recording		9C
	– with income up to CHF 200 per audiovisual recording		9D
CT H	Music for dancing and entertainment in the hospitality industry		
	– entertainment events with live music		
	– performances with income of more than CHF 20 per work		4
	– other performances		12A
	– entertainment events with music from sound recordings		12B
CT Hb	Music performances for dancing and entertainment		
	– revenues for live music with programme information		
	– for events with revenues of more than CHF 20 per work		4
	– other performances		12A
	– revenues for live music without programme information	3%	4
		7%	5
		40%	6, 7, 8
	50%	12A	
	– revenues for music from sound recordings		12B
CT HV	Hotel videos		9D

Tariff	Tariff description	Distribution categories	
CT K	Concerts and concert-like performances		
	– revenues with programme information		4
	– revenues without programme information	50%	4
		3%	5
		7%	6, 7, 8
		20%	12A
		20%	12B
CT L	Dance, gymnastics, and ballet classes	50%	
		25%	12A
		25%	12B
CT Ma	Jukeboxes	30%	2A-D
		3%	4
		7%	5
		10%	6, 7, 8
		25%	12A
		25%	12B
PA	Music boxes		21B
PI	Sound recordings and music videos intended for the public		
	– sound recordings – domestic licensing		21A
	– sound recordings – central licensing		21Z
	– audiovisual recordings mainly containing music in audiovisual form (music videos) – domestic licensing		22A
	– audiovisual recordings mainly containing music in audiovisual form (music videos) – central licensing		22Z
PN	Music reproduced on sound recordings not intended for the public		
	– sound recordings for advertising		21C
	– other sound recordings		21D
CT S	Broadcasters		
	– Private radio		
	– private radio broadcasts, excluding commercials		2A, 2B
	– commercials	15%	1A
		70%	1E
		15%	2A
	– Private television		
– private TV broadcasts, excluding commercials		2C, 2D	
	– commercials		2F
	For commercials, allocations are made proportionally to the ratio between the average duration of the commercial and the total broadcasting time.		
VI	Recording music on audiovisual carriers intended for the public		22A

Tariff	Tariff description	Distribution categories
VN	Recording music on audiovisual carriers for performance, broadcasting or online use	
	– audiovisual recordings for advertising	22B
	– other audiovisual recordings	22C
CT Y	Pay radio and pay television	3A, 3B
CT Z	Circus	
	– revenues with programme information	4
	– revenues without programme information	50% 12A
		50% 12B

5.5 Common Tariffs (CT) of SUIISA, PROLITTERIS, SUISSIMAGE, SSA and SWISSPERFORM

The collected remuneration is shared between the collective management organisations SUIISA, PROLITTERIS, SUISSIMAGE, SSA and SWISSPERFORM. The amounts attributed to SUIISA are allocated as follows:

5.5.1 CT 1, CT 2b – Cable networks (CT 1) and IP-based networks (CT 2b)

¹ The remuneration collected based on these tariffs is split into radio remuneration and TV remuneration. SUIISA subdivides this remuneration between the broadcasters whose programmes are (re)transmitted via cable or via IP-based networks. Domestic and foreign programmes are treated equally without taking into account any differences in broadcasting times.

² The following factors apply to TV channels:

Sport, news, information and shopping channels	Factor 1
Music and culture channels	Factor 4
All other channels	Factor 3

³ Allocations to the SRG broadcasting stations and channels, private Swiss broadcasters and foreign broadcasters are made based on daily reach numbers.

⁴ The shares due to the individual broadcasters are allocated:

- in the case of Swiss radio stations, to distribution classes 1A or 2A;
- in the case of Swiss television channels, to distribution classes 1C (90%) and 1E (10%), or distribution classes 2C (90%) and 2F (10%);
- in the case of foreign broadcasting stations and channels, after deducting the share of the Swiss sub-publisher from the distributable proceeds, to the sister societies of the country of origin for onward distribution.

⁵ The deductions in favour of the Swiss sub-publishers are paid as a percentage supplement on top of their revenues from distribution categories 1A and 1C; the percentage supplement is the same for all sub-publishers.

5.5.2 CT 3a – General background entertainment

Revenues with programme information	Distribution categories
– with income of more than CHF 20 per work (performances with sound recordings)	4
– with income of more than CHF 200 per audiovisual recording	9C
– in other cases (audiovisual recordings)	9D
– in other cases (sound recordings)	12A

Revenues without programme information	Distribution categories	
– Audio	55.0%	1A
	29.5%	2A
	0.5%	1E
	1.0%	4
	0.5%	5
	6.5%	6, 7, 8
	3.5%	12A
	3.5%	12B
– Video	55.0%	1C
	0.5%	1E
	3.9%	2C
	0.1%	2F
	0.5%	5
	20.0%	9D

The remaining 20% are allocated to the TV remuneration for foreign broadcasters under Tariff CT 1.

5.5.3 CT 3b – Background music in passenger transport

Revenues with programme information	Distribution categories	
– with income of more than CHF 20 per work (performances with sound recordings)		4
– with income of more than CHF 200 per audiovisual recording		9C
– in other cases (audiovisual recordings)		9D
– in other cases (sound recordings)		12A

Revenues without programme information	Distribution categories	
	50.0%	1A
	10.0%	1C
	0.5%	1E
	25.0%	2A
	5.5%	6, 7, 8
	2.0%	9D
	3.5%	12A
	3.5%	12B

5.5.4 CT 3c – Reception of TV broadcasts on giant screens (“public viewing”)

Distribution categories	
55.0%	1C
0.5%	1E
3.9%	2C
0.1%	2F
0.5%	5
20.0%	9D

The remaining 20% are allocated to the TV remuneration for foreign broadcasters under Tariff CT 1.

5.5.5 CT 4 (blank media carriers), 4i (storage media and hard drives in digital devices) – Blank media levies

		Distribution categories	
– Audio		33.0%	1A
		28.0%	2A
	(for domestic licensing)	11.5%	21A
	(for central licensing)	11.5%	21Z
		16.0%	4

– Video	16.0%	1C
	12.0%	22A
	14.0%	2C
	8.0%	9A
	17.0%	1A
	17.0%	2A

The remaining 16% are allocated to the TV remuneration for foreign broadcasters under Tariff CT 1.

Revenues are apportioned between audio and video as follows:

- mobile phones and tablets: 90% to audio and 10% to video
- laptops and external drives: 82% to audio and 18% to video.

In respect of the other blank media regulated by CT 4 and CT 4i, the applicable distribution key is determined by the type of blank media.

5.5.6 CT 5 – Rental of works (rental* of works in public libraries and video shops)

Revenues with programme information		Distribution categories
– with income of more than CHF 20 per work (sound recordings)		4
– with income of more than CHF 200 per audiovisual recording		9C
– in other cases (audiovisual recordings)		9D
– in other cases (sound recordings)		12A
Revenues without programme information		Distribution categories
– Audio	50.0%	2A–D
	25.0%	12A
	25.0%	12B
– Video	50.0%	9A
	50.0%	22A

*includes the lending of copies of works in the Principality of Liechtenstein.

5.5.7 CT 7 – Use in schools (multi-class music performances, copying onto blank media, reprographic rights, internal networks in schools)

5.5.7.1 Multi-class music performances		Distribution categories
	50.0%	4
	25.0%	12A
	25.0%	12B

5.5.7.2 Copying onto blank media

¹ Revenues for the recording of radio and TV broadcasts are split among broadcasters whose broadcasts are recorded and/or reproduced.

² Shares allocated to individual stations and channels are distributed as follows:

- in the case of broadcasts of foreign broadcasting stations and channels, after deducting the share of the Swiss sub-publisher from the distributable proceeds, to the sister societies of the country of origin for onward distribution;
- in the case of broadcasts of Swiss radio stations, to distribution classes 1A or 2A;
- In the case of broadcasts of Swiss television channels, to distribution classes 1C and 2C.

³ The deductions in favour of the Swiss sub-publishers are paid as a percentage supplement on top of their revenues from distribution categories 1A and 1C; the percentage supplement is the same for all sub-publishers.

5.5.7.3 Reprographic rights

¹The distributable revenues are split equally between the pedagogical and non-pedagogical repertoires, half each.

² Pedagogical repertoire

One-hundred percent of the share allocated to the pedagogical repertoire is distributed to Swiss publishers and sub-publishers and to foreign sister societies for direct distribution to the other entitled parties. The share distributed to the relevant publishers, sub-publishers and sister societies is calculated based on the reported number of available pages of pedagogical literature. The titles of such printed pedagogical literature must be verifiably listed in a publisher's catalogue. If only the titles of the pedagogical works are reported, distribution is based on an assumed 16 pages per title.

³ Non-pedagogical repertoire

This share is allocated to the following distribution categories:

Distribution categories	
25.1%	4
16.6%	5
16.6%	6
16.6%	7
8.5%	8
8.3%	12A
8.3%	12B

5.5.7.4 Internal networks in schools

Distribution categories	
50.0%	1A
50.0%	1C

5.5.8 CT 8 – Reprographic rights excluding schools

¹The distributable revenues are split equally between the pedagogical and non-pedagogical repertoires, half each.

² Pedagogical repertoire

One-hundred percent of the share allocated to the pedagogical repertoire is distributed to Swiss publishers and sub-publishers and to foreign sister societies for direct distribution to the other entitled parties. The share distributed to the relevant publishers, sub-publishers and sister societies is calculated based on the reported number of available pages of pedagogical literature. The titles of such printed pedagogical literature must be verifiably listed in a publisher's catalogue. If only the titles of the pedagogical works are reported, distribution is based on an assumed 16 pages per title.

³ Non-pedagogical repertoire

This share is allocated to the following distribution categories:

Distribution categories	
25.1%	4
16.6%	5
16.6%	6
16.6%	7
8.5%	8
8.3%	12A
8.3%	12B

5.5.9 CT 9 – Internal networks in businesses

Distribution categories	
50.0%	1A
50.0%	1C

5.5.10 CT 10 – Use of works and services by persons with disabilities

Distribution categories	
50.0%	1A
50.0%	1C

5.5.11 CT 11 – Archived works

Distribution categories		
Radio	66.7%	2A
	33.3%	2B
TV	66.7%	2C
	33.3%	2D

5.5.12 CT 12 – Remuneration for the provision of set-top boxes with storage and vPVRs

The revenues are allocated to the TV remuneration under Article 5.5.1 (CT 1 and 2b).

5.5.13 CT 13 – Orphan Works

If entitled parties state their claim within the ten-year period referred to in Article 5.2, paragraph 4, they are entitled to the collected revenues provided such revenues do not have to be repaid to the collecting centre for CT 13.

5.6 Internet uses**5.6.1 Streaming and download platforms**

¹ Revenues from audio or video on-demand platforms are distributed based on both the performance rights distribution key and the reproduction distribution key (see Article 2.1). Revenues are apportioned between the two distribution pools as follows:

Type of use	Performance and broadcasting rights	Reproduction rights
Downloads	25%	75%
Streams	75%	25%

² Revenues from cross-border licensing by SUIZA outside Switzerland and the Principality of Liechtenstein are apportioned between the two distribution pools in accordance with the distribution key of the sister society of the relevant country, provided it is known to SUIZA.

³ Each identifiable use is remunerated if the relevant amount exceeds CHF 0.01 per entitled party and settlement period.

⁴ If a platform does not make sufficient information available for identifying the works, revenues are distributed based on the data made available by other platforms relating to the use of works of the same or of a similar genre.

⁵ Residual amounts paid by a platform for works or shares that are not claimed (“Residuals”) are added to the other amounts paid by that platform or to amounts paid by another platform that uses the same or similar genres of works. They are spread over current settlements as supplemental amounts. Residuals may be spread over time over several settlements to avoid a mismatch between the amount for actual uses and the supplemental amounts from the Residuals.

⁶ Revenues from audio- or video-on-demand platforms are allocated to the following distribution categories:

Media	Distribution category
Audio streams	21S
Audio downloads	
Ringtones	21R
Other	21X
Video streams	22S
Video downloads	22X

5.6.2 Other video streams

Revenues from video streams which do not come from video-on-demand platforms, e.g. revenues from commercials or image films made available on the internet, are allocated to distribution category 22W.

5.7 Swiss advertising windows in foreign television broadcasts

Revenues from the Swiss advertising window in foreign television broadcasts are allocated to distribution category 2X.

6 Calculation of work income

6.1 Rules

Income is calculated for all works following the same rules. These rules relate to:

- duration;
- classification of broadcasts;
- supplement for first broadcastings.

6.2 Establishing duration

¹ The actual duration of the performance, broadcast or sound recording of a work determines its income calculation.

² Duration is calculated in seconds or in five-minute segments.

Seconds:

- Radio broadcasts (including sound recordings of the radio station)
- TV broadcasts (including sound recordings of the TV channel)
- Film screenings
- Performances accounted on a per programme basis
- Sound and audiovisual recordings of works.

Five-minute segments:

Other performances in accordance with the table below:

Duration	Time factor
1 – 5 minutes	1
6 – 10 minutes	2
11 – 15 minutes	3
16 – 20 minutes	4
21 – 25 minutes	5
26 – 30 minutes	6
etc.	etc.

Fractions of a minute are rounded up to a whole minute.

³ If the duration of the performance, broadcast or sound recording of a work is not indicated in the programme or producer's report and cannot be determined at a reasonable expense, SUISA will rely on the duration indicated in the work registration or fiche international.

⁴ Failing any time indications in such documents, the duration is estimated.

6.3 Classification of SRG broadcasts (advertising excluded) and private broadcasters' transmissions (advertising excluded)

¹ In distribution categories 1A–1B (SRG radio broadcasts) and 2A–2B (private radio broadcasts), the works used are weighted by the following factors depending on the type of broadcast:

Level	Music in station and channel broadcasts	Factor
D	Music used to brand broadcasters, channels and stations, broadcasts, or as background music: musical idents, logos, jingles, loops, trailers etc., background music e.g. for news broadcasts, sports and quiz shows	0.25
E	all other music	1.5

² In distribution categories 1C–1D (SRG TV broadcasts) and 2C–2D (private TV broadcasts), the works used are weighted by the following factors depending on the type of broadcast:

Level	Music in station and channel broadcasts	Factor
6A	Broadcasts of concerts and similar music events, music videoclips	2
C	Music in films (e.g. feature films, TV films, cartoons, animated films, documentaries, series), without logos and theme music opening and ending a series	1
D	Music used to brand broadcasters, channels and stations, broadcasts, or as background music: musical idents, logos, jingles, loops, trailers, billboards etc., background music e.g. for news broadcasts, sports and quiz shows, logos, theme music opening and ending any series, music for test cards, text images and still images	0.25

The fact that a broadcast may be live or time shifted does not affect its classification.

6.4 Supplements for first broadcasts (SRG radio broadcasts)

Distribution categories 1A and 1B (SRG radio broadcasts)

In distribution categories 1A and 1B (SRG radio broadcasts), the first broadcast of a work, or the highest-rated, (excluding level-D music) is allocated a five-fold remuneration per distribution period.

7 Settlements

7.1 Basic principle

¹ SUISA issues a detailed settlement statement to authors, publishers, and sister societies several times a year.

² In cases where the same distribution categories are settled more than once a year, the distributable remuneration per distribution category may be calculated on the same basis as the previous distribution period.

7.2 Payment dates

¹ Remuneration is distributed no later than nine months after the close of the business year in which it was collected by SUISA. There may be objective reasons preventing distribution from being made, in full or in part, within this time limit. These reasons may include missing usage reports, blocked works or incomplete documentation, or similar circumstances. Article 7.5 (Thresholds) may apply.

² The payment schedule must be communicated to all members and principals three months in advance.

7.3 Non-identifiable entitled parties

¹ If in respect of a work, the entitled parties cannot be identified, reasonable efforts will be made to trace them.

² No later than three months after expiry of the time limit under Article 7.2 paragraph 1, i.e. one year after the end of the relevant financial year, a list of works with unidentified entitled parties (Inquiry List) is drawn up and made available to members and sister societies on SUIISA's website.

³ If the above steps are unsuccessful, the list referred to in paragraph 2 is made publicly accessible at the latest one year after the expiry of the three-month period.

7.4 Non-distributable revenues

¹ Reserved amounts which, despite best efforts, cannot be distributed in the five years after the end of the year in which they were reserved are applied in favour of the entitled parties of the subsequent years.

² Article 5.2, paragraph 4, and Article 5.5.13 may apply.

7.5 Thresholds

¹ As long as the cost of the distribution does not exceed the income from a work, the remuneration is allocated specifically to the authors and publishers of the works performed, broadcast, or recorded onto sound or audiovisual recordings.

² Pursuant to paragraph 1, even the smallest amounts are distributed if they relate to works which are already fully documented in SUIISA's database. The same applies to films entered in the database.

³ Settlements of amounts that do not exceed the threshold per entitled party and per settlement set by the Board are neither disbursed nor credited. The balance of these settlements is applied to cost coverage.

7.6 Objections

¹ Objections to settlements by entitled parties must be dealt with swiftly.

² The time limit for filing objections is nine months for works settlements in general (performances, broadcasts, sound or audiovisual recordings etc.), and six weeks in the case of objections concerning the classification of broadcasts (Article 6.3.), failing which a settlement is deemed accepted.

7.7 Back payments

¹ If SUIISA discovers through objections to settlements, or from other sources, that remuneration for the use of works (performances, broadcasts, sound or audiovisual recordings) was not included in the settlements, additional settlements will be prepared, and back payments made.

² Entitled parties may claim back payments for uses going back no longer than 18 months before the objection and provided SUIISA is able to collect the remuneration retroactively.

³ New entitled parties may claim adjustments and back payments in respect of remuneration collected for their account in the preceding five years.

7.8 Limitation period

The statutory limitation periods apply in all other respects, subject in any event to the statutory limitation period for SUIISA's claims against users.

II Foreign revenues

1 Shares

¹ The share of foreign income which SUI SA members and principals are entitled to for the use of their works abroad is based on

- the foreign distribution key which the paying sister society may apply pursuant to the agreements concluded with SUI SA;
- the contractual agreements between authors and publishers, if and to the extent such agreements were taken into account by the foreign sister society;
- in all other cases, in accordance with SUI SA's distribution key.

² If circumstances are unclear, the provisions of Chapter I, Article 1.4 apply by analogy.

2 Income from a work

The income from a work is the settlement sum paid by the foreign sister society to SUI SA converted into CHF on the date the payment is received by SUI SA.

3 Settlements

¹ Works' income received is settled based on the distribution documentation (programmes, reportings and works' income) supplied by the sister societies.

² SUI SA takes account of all complete, properly delivered and duly paid settlement statements from sister societies.

³ SUI SA issues detailed settlement statements to its members and principals several times a year.

⁴ Subject to paragraph 2, SUI SA distributes the revenues received from its sister societies at the latest six months after such amounts are received.

4 Objections to settlements

Members and principals must file any objections to the accounted uses within nine months of the date of the relevant settlement statement, failing which the settlement is deemed accepted.

5 Back payments

SUI SA only makes back payments once it receives the back payment from the sister society concerned.

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