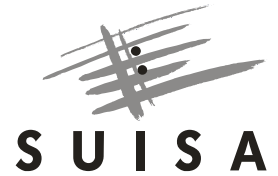


LICENSING TERMS AND CONDITIONS ONLINE (ADVERTISING) CAMPAIGNS



Online (advertising) campaigns shall be defined as the placement of audiovisual productions, mainly on third-party websites and/or social media platforms, and with an online media budget of more than CHF 1,000.00.

A. Which rights do I have to clear?

The right to combine music with a commercial (the so-called 'synchronisation right') usually remains with the author and/or their publisher, and has to be cleared with them directly. The rights of use or exploitation rights for any further usage of the spot with music (e.g. reproduction, broadcast, online rights, public performance) are managed by SUISA. For the production of the commercial, tariff VN is applicable. On top of that, the rights for the making available on the internet must also be cleared. The making available of an online (advertising) campaign cannot be settled by the blanket provisions in tariff VN. In the case of campaigns with spots that have been produced abroad and campaigns with post-produced spots (i.e. Swiss versions of spots produced abroad), SUISA will assume that Switzerland has been included by the advertising principal when settling such rights abroad. Except otherwise notified by the advertising principal or the rightsholders, SUISA shall therefore not act in such cases.

B. Licensing terms and conditions for online campaigns

Composers of music for advertising purposes have assigned their rights for the making available of music on the internet to SUISA. SUISA has developed licensing terms and conditions on behalf of its members for such types of use. In the case of online usage of music, composers and SUISA are free to determine the price for the use of their works. There is no statutory supervision of the tariffs in this sector. Nevertheless, SUISA has negotiated the licensing terms and conditions for online campaigns with the Verband der Schweizer Werbe-Auftraggeber [Swiss Advertising Principals' Association] and reached an agreement for a licensing rate of 2.15% of the online media budget. A minimum licence fee of CHF 200.00 per campaign shall be payable in any case. If, apart from the advertising principal's jingle, the campaign does not include any other music, the remuneration shall be a blanket fee of CHF 200.00.

C. Responsibility of advertising principals

Platforms, where spots are made available, are jointly responsible with the advertising principals for a proper licensing process (joint and several liability). Platforms do, however, regularly exclude said liability from their terms and conditions and ask to be indemnified from the advertising principals from any arising claims. The principal confirms when placing an order that they hold all rights including the making available rights. Furthermore, platforms are, unlike broadcasters in the traditional sense which transmit advertisements within their programmes, usually not able to identify the commercials placed on their sites and therefore [adequately] report and license the respective music usage. Based on this legal starting position, the principals of online advertising are responsible for obtaining the relevant rights for the music used therein and for paying the respective licence fees.

D. Are there any discounts?

Advertising principals that are members of the Swiss Advertising Principals' Association and respect the licensing terms and conditions for online (advertising) campaigns shall receive a discount of 10% on the calculated fee.

E. Further information

Further information on online (advertising) campaigns can be accessed at:

www.suisa.ch/kunden/filme-werbespots/werbung.html

Our customer service representatives are happy to provide you with further information over the phone, please call +41 21 614 32 28.

If you wish to license online (advertising) campaigns, you can do so 24/7 via our homepage.