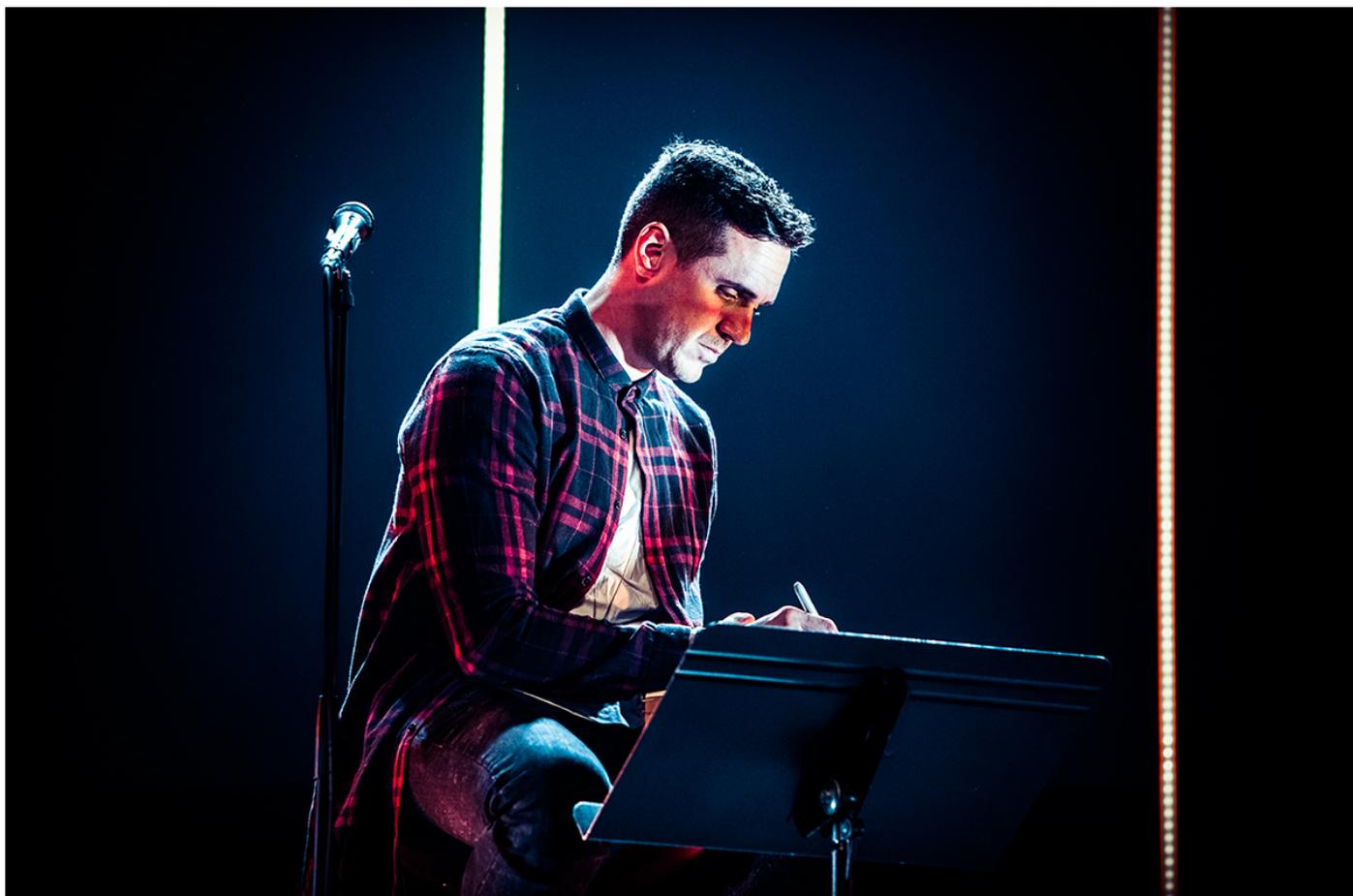


Why SUISA members should also consider joining SWISSPERFORM

Composers and lyricists who are SUISA members and are also active as artists and/or producers and whose performances are broadcast by Swiss or foreign radio and TV channels are entitled to receive a remuneration from SWISSPERFORM. For all those authors-composers-artists/producers, a membership with SWISSPERFORM is thus a necessary addition to their SUISA affiliation in order to safeguard their rights and the full remuneration they are entitled to. Text by David Johnson, SWISSPERFORM/SIG antennne romande, guest author



It is recommended that SUISA authors such as Seven (pictured), who are also artists and whose performances are broadcast on radio and TV become SWISSPERFORM members. (Photo: Tabea Hüberli)

Are you a musician and do you contribute to recordings which are used commercially or in music videos? Do you perform your own musical compositions or those of other composers on the radio or on TV? Are you a performing producer in the case of recordings? Do you perform music which is used in films, commercials or as main themes of broadcasts?

In that case, you do hold neighbouring rights and are entitled to receive a remuneration for the transmission of your performances. In order to receive such remuneration, you must be a member of SWISSPERFORM.

Neighbouring rights

The reason neighbouring rights carry their name is that they are in close 'vicinity' to copyright. Neighbouring rights do not protect the work itself but the performance of the work.

Artists, whether they are musicians, singers or conductors can at the same time be composers, lyricists and/or arrangers of a work that they perform. The performance of their works is therefore protected independently of the work that they perform.

In cases where artists finance their own recordings, they are also economic producers and therefore hold two different types of neighbouring rights, whose owners are remunerated by SWISSPERFORM in separate distributions for the relevant usages and which require artists to enter into a second membership type (producer). The term of protection in a recorded performance is 50 years. For the calculation of the expiry of the term of protection, the date of the first publication is authoritative, provided that the recording has been published for the first time within 50 years. Should this not be the case, the recording date is authoritative as a calculation basis for the expiry of the term of protection.

SWISSPERFORM

Switzerland is the only country in the world that has a collective management organisation which unites all rightsholders in the neighbouring rights realm under one roof: apart from artists and producers from the music and film sectors, broadcasters are also rightsholders within SWISSPERFORM. Members can pursue various activities and therefore belong to several rightsholder categories, for example musicians whose recordings were produced by themselves, played by their band and broadcast on the radio.

SWISSPERFORM's activities are similar to those of SUISA. Musicians and producers assign their rights to the society for management purposes. SWISSPERFORM then collects the licence fees from the users based on the statutory tariffs and pays them to the entitled parties on the basis of its distribution rules which have been ratified by the Swiss Federal Institute of Intellectual Property

(supervisory authority).

SWISSPERFORM collaborates with SUISA when it comes to the collection of the licence fees. They are usually invoiced on the basis of the Common Tariffs which are set for each type of usage if exploitations affect the areas of activity of more than one collective management organisation and simultaneously affect copyright and neighbouring rights.

On behalf of SWISSPERFORM, SUISA collects, among other income streams, remuneration from private radio and TV stations as well as the levy on blank media and storage media integrated into hardware.

Ten percent of the entire tariff collections of SWISSPERFORM are allocated for the support of various autonomous legal entities with socio-cultural character. One part of these subsidies is used to co-finance the Swiss Artists' Foundation, SIS, which supports professional musicians by providing them with means for concerts and tours in Switzerland and abroad.

Distribution of radio and TV usages

In the case of artists in the phono (audio) category, i.e. musicians, singers, conductors etc., whose performances were broadcast on the radio and on TV, a distinction is made between several distribution models.

SWISSPERFORM directly distributes the licence fees collected for the usage of commercially released sound recordings (sound recordings that are available in the marketplace) and from video clips used on radio/TV. The income is allocated in proportion to the actual usage of the recordings. Main criteria for the distribution are the duration of the broadcast of a recording as well as the value of the roles of artists who contribute to a broadcast.

The following distributions are made on behalf of the Swiss Artists' Cooperative Society, SIG, subject to a mandate from SWISSPERFORM. Licensing fees from the following areas are distributed:

- **the direct exploitation of performances and the usage from non-commercially released sound recordings (sound recordings that have not been commercially released or made available).** This manual distribution is based on a declaration system and takes into account transmissions of concerts on the radio/TV, own productions of recordings by the radio/TV channels, musical performances in radio plays, commercials, jingles, ident tunes, theme tunes etc.;
- **the usage of music in films:** This distribution is based on a declaration system at the same time as on an automatic system (depending on the broadcast on TV) and takes into account the music on sound tracks of films (score music), music from commercial sound recordings on sound tracks of films, music from non-commercial sound recordings (library music) on sound tracks of films, music from TV commercials as well as jingles etc.;
- **the usage of other audiovisual performances.** This distribution is based on a declaration system and takes transmissions of concerts and artistic performances in TV shows into consideration, among others.

Please note: If you do not make a declaration to SWISSPERFORM and SIG that you have contributed to sound recordings or the transmission of your artistic performances, in order to receive your remuneration, the amounts that have not been claimed by you will expire after a limitation period of five years and will be re-distributed.

This is how you become a member of SWISSPERFORM

Membership with SWISSPERFORM is free. You can request your membership agreement online:

www.swissperform.ch/en/service/order-an-agreement.html

How do I declare my contribution to commercially available recordings?

www.swissperform.ch/uploads/media/Discography_01.xlsx

www.swissperform.ch/uploads/media/Explanations_on_the_discography_form_02.pdf

How do I declare direct performances, non-commercially released sound recordings, the usage of music in films and other audiovisual usages?

www.interpreten.ch/de/verteilung-ab-2017/info/

Further information:

www.swissperform.ch, SWISSPERFORM website

www.interpreten.ch, Schweizerische Interpretengenossenschaft SIG (Swiss Artists' Cooperative Society) website

Related articles

Dual memberships: SUISA, and what else? – SUISA manages the rights for its members globally. You should carefully review and consider the relevant effort and income if you wanted to become a member of several authors' societies. If you live outside of Switzerland or the Principality of Liechtenstein, you can also become a SUISA member. Last but not least, it is also possible to be a member of another collective management organisation in addition to your SUISA membership. The following FAQs are intended to summarise what you need to consider when contemplating a so-called dual membership. [Read more](#)



Play abroad, communicate with SUISA at home – How do I get access to my copyright remuneration for my concerts abroad? What do I need to consider when registering works with SUISA if the co-author of my song is a member of a foreign collective management organisation? Important and frequently asked questions on international musical activities are answered in the following. [Read more](#)



The beats from others – but your own songs – The melody is a catchy tune but the groove just doesn't match. For days, you haven't got rhythm while some ingenious lyrics are on the tip of your tongue. There are many reasons why creators use someone else's raw material for their own songs. The following legal and practical tips on how to deal with bought-out beats help you keep in sync with formalities. [Read more](#)





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Tags: Common tariff, Content creator, Artist, Licence income, Music label, Music producer, Record company, Sister society, Soundtrack, Neighbouring rights, Collective management organisation

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