

Glossary

Topic	Definition
Stay down carried out by the hosting provider	Hosting providers that create favourable conditions for copyright infringement due to their technical mode of operation or their business model (the hosting of piracy websites in particular) must ensure that copyright-infringing content is not re-uploaded onto their servers.
Data processing for the prosecution of copyright infringement	Rights owners may process personal data as far as necessary to be able to bring criminal charges for copyright infringement. The principles of the Data Protection Act apply.
Index privilege	Memory institutions such as libraries and museums are to be allowed to reproduce excerpts of works in a narrowly defined scope, insofar as this serves the purpose of indexing and making their inventories available to the public.
Electronic notification to collective rights management organisations	Users are to provide information in a form that corresponds to the state of the art and allows for automatic data processing. A further reduction in administrative costs of the collective rights management organisation is to be achieved by expanding the electronic exchange of information.
Witness hearings in the tariff approval process	If the Federal Arbitration Commission for the Exploitation of Copyright and Related Rights (FACO) cannot adequately clarify the facts of a case by any other means, it will be given the opportunity to hear witnesses within the scope of the tariff approval process.
Streamlining the appeal procedure in the tariff approval process	The tariff approval process should be streamlined through various measures. For example, when the FACO's decision on an appeal is challenged, the suspensive effect can be legally withdrawn with the result that tariffs are applicable despite appeals proceedings. This eliminates the incentive to challenge a tariff in order to delay it taking effect.
Extended collective licensing	For anyone wishing to use a large number of works, it is often difficult to obtain a license for each work individually. The extended collective licensing gives the collective rights management organisations the right to allow such uses as a whole. Rights owners can report to the collective rights management organisation if they do not wish to be covered by an extended collective license (known as an "opt out").
Exception for scientific purposes	An exception for scientific purposes allows copies of works to be made for the purpose of scientific research. These copies must be the result of "technical reasons" due to the research method used (e.g. data mining). No remuneration is owed for this.
Use of orphan works	The regulation is intended to allow, under certain conditions, the use of a work by a rights owner who is unknown or untraceable.
Protection of photographs lacking individuality	Photographs lacking the character of a work should be protected as a related right (analogous to performances, broadcasts, phonograms and audiovisual fixations).
Renewal of the term of protection for related rights	The regulation provides for extending the period of protection for performances by performers and for producers of phonograms and audiovisual fixations to 70 years (currently 50 years).
Remuneration for authors and performers for video-on-demand	Film authors and film actors should receive remuneration due to them from online providers via the collective rights management organisations. This regulation is already the industry standard also in Switzerland.