



Media Release

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Federal Council wants to modernise copyright:

The Federal Council is aiming to modernise copyright law and adapt the rights and obligations of creative artists, consumers and providers to the realities of the internet through targeted measures. The Federal Department of Justice and Police (FDJP) will draft a bill for the consultation procedure by the end of 2015. For this draft bill, the FDJP will draw upon recommendations approved by the copyright working group, AGUR12, but will also take into consideration the conclusions of a working group that is currently examining the civil responsibility of providers in general.

The goal of the copyright law revision is to improve the situation for creative artists without impairing the position of consumers. This means, for instance, that downloading protected works for private use should remain legal while uploading for further dissemination illegal. When revising the law, careful consideration will be given to data protection and the guarantee of legal recourse.

Responsibility of providers

According to the AGUR12 recommendations, internet providers should ensure that infringing content is removed from their platforms and prevented from being reintroduced. The AGUR12 further recommends that in serious cases, providers are to block, on order of the authorities, access to obvious illegal content or sources. These new obligations in the fight against internet piracy would, according to the AGUR12 recommendations, in return be accompanied by an exemption from liability for providers.

Notifications to consumers

Those who seriously violate the ban on uploading, such as in peer-to-peer networks for example, already today face legal prosecution. The AGUR12 recommends that offending consumers should, in future, be informed of the potential consequences of their actions by means of a notification. Such notification gives the user the possibility of modifying his

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conduct. If this serious violation of the law continues, the rights owner should be notified of the user's identity, in the opinion of the AGUR12, so that the rights owner can then pursue his claims in civil proceedings.

The Federal Council wants to pursue this approach, examining it thoroughly first. Among the issues to be ascertained are what qualifies as 'serious' violations of the law, in which form the notification can be made and how the procedure for communicating the identity of the offending consumer can be implemented.

Also to be examined is a limitation to the blank media levy for any use not already covered by contracts with legal platforms. The goal is to avoid multiple payments. For the time being, however, and in accordance with the AGUR12 recommendation, the Federal Council does not intend to pursue the proposal of a general cultural flat rate that would cover all forms of use on the internet, in particular as it would contravene international agreements.

AGUR12 report as a valuable basis

As a basis for its work, the FDJP is drawing upon the recommendations of AGUR12, which was set up by Federal Councillor Simonetta Sommaruga. The final report, which the AGUR12 submitted at the end of 2013, forms a valuable basis for this follow-up work, but it is not the only basis. Before making concrete decisions concerning measures associated with providers, the Federal Council also intends to take into account the work of an interdepartmental working group. This working group, which is under the direction of the FDJP, is currently examining the question of the civil responsibility of platform operators and providers. Based on the Amherd Postulate (11.3912), the Federal Council mandated the FDJP on 9 October 2013 to prepare a preliminary draft amendment on these questions where necessary by the end of 2015.

Further information can be found on the internet at www.ejpd.admin.ch.

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