The role of collective management organisations

In general, the rights owner manages their own property rights and negotiates with users on an individual basis. However, individual management is not always possible and sometimes not desired. For such cases, the law provides for collective management which means that collective management organisations (CMOs) take over the management for the rights owner. This permits the use of protected content and the rights owners are appropriately compensated.

For example: If businesses photocopy from books, brochures or journals, it would be impossible to get permission every time. The effort and negotiation costs would be disproportionate in relation to the small fee for photocopies. This is why photocopying is largely allowed and in return, the rights owners are entitled to compensation. They do not claim this on an individual basis, but rather they join a CMO – ProLitteris in the case of photocopying. Together with user associations, the CMO negotiates the costs for the use of works, collects remuneration from businesses and distributes it to the rights owners. This means that a myriad of users do not have to contact a myriad of rights owners as they all have a single point of contact – the CMO.

Individual management may not be wanted if there is great public interest in having free access to works. For example, in education, there is a case for allowing all works to be used in class. Using works for education is permitted and is subject to collective management so that rights owners cannot prohibit the use.

CMOs must fulfil a whole series of legal requirements and need to obtain approval to carry out their activities. As the supervisory authority, the IPI has approved the following five organisations:

- ProLitteris for the management of rights to literature, photography and visual art
- Société Suisse des Auteurs (Swiss authors’ society) for the management of rights to dramatic works, musicals and audio-visual works
- SUISA for the management of rights to musical and non-theatrical works
- SUISSIMAGE for the management of rights to audiovisual works
- SWISSPERFORM for the management of related rights