

Newsletter No.

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**Swiss IP News** we provide you with updates on new decisions, the relevant legislative process and other trends in the fields of intellectual property and unfair competition law from a Swiss perspective.

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## Revised Copyright Act enters into force on 1 April 2020

The Federal Council has set 1 April 2020 as the date of entry into force of the revised Copyright Act. Here is a brief summary of the key copyright reforms:



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- The revision of the Copyright Act aims largely at an improved anti-piracy strategy. It includes the duty of hosting providers to prevent copyright-infringing content that has already been removed before (put-down) from being made accessible again by means of their platform and, thus, to ensure that it remains permanently removed (stay-down, art. 39d of the revised Copyright Act, "CA"). The regulation addresses only hosting providers that create a specific risk for copyright infringement. Consumers may still download content that has been made available illegally for private use without being prosecuted.
- Further, the position of photographers is strengthened by granting a greater protection of their works. Photographs are awarded copyright protection regardless of their individual character if they feature three-dimensional objects and are created by a human. The term of protection for photographs starts with their creation and ends 50 years thereafter. However, if they show an individual character, the protection ends 70 years post mortem. The broadened protection also applies to existing photographs with respect to their future use (art. 2 para 3(bis) and 80 para 2 CA).
- In addition, the revised law permits data processing for the criminal prosecution of copyright infringement (art. 77(i) CA).
- Additional reforms address an extended term of protection for performers and producers (70 years, art. 39 para. 1 CA), a new mandatory on-demand remuneration for audiovisual works (art. 13(a) and 35(a) CA) and improvements in relation to the collective rights management (art. 43(a) CA).
- Lastly, in the interest of facilitating access to works, the revised law contains an index privilege for public libraries, museums and educational institutions (art. 24(e) CA), a privilege for the use of works for scientific purposes (art. 24(d) CA), and a regulation on the use of orphan works (art. 22(b) CA).

You may find a helpful synopsis of the existing and revised Copyright Act [here](#).

The Walder Wyss Newsletter provides comments on new developments and significant issues of Swiss law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

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