

Notes to the Amended General Terms and Conditions for Rights Administration

The General Terms and Conditions for Rights Administration (GTC) regulate the reciprocal contractual rights and obligations between entitled parties and SUISA. The GTC were last updated in early 2020. Given the changes in practice and customs, and the experience of recent years, the GTC has now had to be updated anew. SUISA's Board approved the amendments in September 2023. The new GTC come into force on 1 January 2024. This paper explains the main changes.

Management of synchronisation rights

Points 3.2.g and 3.7 (versions for authors and heirs) respectively 3.8 (version for publishers) and letter c) of point 3.7 (versions for authors and heirs) respectively point 3.8 (version for publishers)

Under the existing General Terms and Conditions, SUISA manages the synchronisation rights (i.e. the right to combine music with works of other genres, and in particular with audiovisual works), but is required to offer to transfer those rights back to any rightholders who wish to manage them themselves. In practice, rightholders frequently decide to manage these rights directly, notably by reason of their moral rights. In practice, to contain costs, SUISA therefore assumes that rightholders manage their own synchronisation rights and it only intervenes at the rightholder's explicit request. The GTC have now been adapted to reflect this practice.

In a few special cases, SUISA manages the synchronisation rights where it is not possible for rightholders to do so themselves: this applies in the case of music specifically intended for audiovisual soundtracks (mood music or production music, etc.) or when SUISA intervenes vis-à-vis the (radio and television) broadcasting companies. A third case where SUISA manages the synchronisation rights has now been provided for, namely with regard to online content-sharing services (social networks, UGC platforms, etc.) Rightholders are unable to manage these rights vis-à-vis the individual users of these services themselves. Therefore, it makes sense for SUISA to

manage the synchronisation rights vis-à-vis the content-sharing services by incorporating it into its licence for the other rights. A few of our sister societies, notably GEMA in Germany, already apply this system.

Registration of musical works

Point 6.2

Use of beats

In the case of existing beats, all participants in the work must be indicated in the registration form and the requisite permissions must be attached. The member bears the financial consequences in the event of unjustified or inaccurate work registrations.

Works generated by artificial intelligence

The GTC now require members to undertake not to register works that are generated solely by artificial intelligence. Such works are not protected by copyright. Receiving money for them is unlawful enrichment.

Deposited copies

To ensure effective rights management in the digital environment, users must sometimes be given a file of the work for the purpose of identifying the work. This amendment thus provides that SUISA may pass on to third parties copies of works deposited with it by members for the purpose of facilitating rights management.

Only published works

The amended GTC also provides for the obligation for an author and their heirs only to register with SUISA works

that are published, i.e. works for which royalties may be expected. Hitherto, many unpublished works were registered with SUIISA for the sole purpose of proving, in the event of plagiarism, that the work was created first. However, there are other ways to achieve the same purpose; such registrations generate costs for SUIISA which cannot be covered by the royalties collected (since these works are not used, there are none). Accordingly, SUIISA has decided to restrict registration to published works, i.e. to works in which the rights can be managed.

Privacy Policy

Point 6.3

Based on the revised Data Protection Act which came into force on 1 September 2023, this point has been aligned on the terminology of the new Act.