

Fact Sheet – Social Media

Copyright fundamentals



Uploading and downloading are both relevant actions from the copyright perspective. To do either, you need the consent of the rightsholder or a statutory licence. Downloading or streaming for private use is permitted by law. This is probably also true when you download or stream from illegal sources. There is no case law yet on this matter in Switzerland. **Uploading** a musical work on the other hand is not covered by the right to private use. Uploading music to your personal profile on a social media platform (Facebook or YouTube for example), or the use of sharing platforms do not qualify as legally permissible private uses. It does not matter whether a use is for profit or not – any use outside the private sphere is copyright-relevant.

You may only place a work online if you hold all the relevant rights or, alternatively, if the work is no longer protected by copyright. Your friends can film you playing Chopin's Raindrop Prelude on the piano and upload the video on YouTube or Facebook – this piece is no longer protected by copyright. It is in the public domain and can be used by everybody. On the net, be careful with moral rights, especial the right to one's own image. Therefore, before uploading music, photos or videos, make sure you have the consent of all the persons involved.

As a rule, the following apply:

- You need to hold all the rights in order to upload content: in the case of third-party content, you must always obtain the rightsholders' authorisation. That way, you are on the safe side.
- The following rights and rightsholders are concerned:
 - production rights (the right in the recording): Music label
 - arrangement and synchronisation rights: Music publisher
 - authors' rights: SUISA
- Embedded content:

If you embed videos from YouTube, Vimeo, Dailymotion etc. in your own website, you are making the works available on your own website. Making available is a relevant action for copyright purposes, and the site operator must obtain a licence from the rightsholders. This also applies to videos embedded in a company's corporate Facebook channel.
- Video credits / designating the author:

There is no general rule that allows music to be used for free when the composer is named in the credits.