

ProLitteris	Swiss Cooperative for Copyright in Literature and Art Coopérative suisse pour les droits d'auteur de littérature et d'art Cooperativa svizzera per i diritti d'autore di letteratura e arte
SSA	Société Suisse des Auteurs, société coopérative Swiss Society of Authors, cooperative society Società svizzera degli autori, cooperativa
SUISA	Cooperative of authors and publishers of music Coopérative des auteurs et éditeurs de musique Cooperativa degli autori ed editori di musica
SUISSIMAGE	Swiss Cooperative for Copyright in Audiovisual Works Coopérative suisse pour les droits d'auteurs d'œuvres audiovisuelles Cooperativa svizzera per i diritti d'autore di opere audiovisive
SWISSPERFORM	Swiss society for ancillary copyrights Société suisse pour les droits voisins Società svizzera per i diritti di protezione affini

Uses in organizations

Document	Common tariff 8 (GT 8)
Period of validity	01.01.2023-31.12.2027
Approval	Federal Arbitration Commission for the Exploitation of Copyrights and Related Rights (ESchK) ¹
Publication	Swiss Official Gazette of Commerce
Contact	ProLitteris, Universitätstrasse 100, P.O. Box 205, 8024 Zurich; info@prolitteris.ch
Legal basis	Art. 19 and 20 Copyright Act (URG) ²
Purpose	Remuneration for legally permitted internal copying, distribution and making available in administrations and companies and for certain other uses

Content

1	Scope of application	2
2	Uses	3
3	Compensation of organizations (administration and companies)	4
	Basic remuneration	5
	Additional remuneration for media mirrors (media mirror remuneration)	7
4	Remuneration as a third party (libraries, media monitoring services, copying companies)	7
5	Capping of basic remuneration for companies	8
6	Capping of media mirror remuneration for companies	8
7	Reporting and accounting	8
8	Invoicing	10
9	Period of validity	10

¹ Principality of Liechtenstein: Approval by the Office of National Economy.

² For the Principality of Liechtenstein, the legal basis is Art. 22 and 23 of the Liechtenstein Copyright Act (FL-URG). Instead of the other articles of law mentioned in the tariff, the corresponding articles of law in the FL-URG shall apply.

1 Scope

1.1 The ^{users³} of this tariff are natural persons and legal entities of all kinds, in particular companies, public administrations, institutes, commissions and similar institutions that are permitted to reproduce works for internal information and documentation (Art. 19 Para. 1 lit. c URG) on the basis of the Copyright Act ("**organizations**"). A specific activity or form of the organization is not a prerequisite.

1.2 In particular, organizations are considered to be:

- a) Administrative units excluding schools and libraries ("**Administration sector**").
- b) Businesses of all kinds ("**Businesses**"), including but not limited to:
 - o Industry and commerce ("**Industry/commerce sector**").
 - o Service and Trade ("**Service/Trade Sector**").

1.3 Third parties who make reproductions for organizations authorized for their own use or who make equipment suitable for reproduction available to such organizations are also considered users, in particular libraries, media monitoring services and copying companies (Art. 19 (1) (a), (b) and (c) in conjunction with (2) URG, "**third parties**").

1.4 The subject of the tariff are published protected works pursuant to Art. 1 (1) (a) URG in conjunction with the 2nd title and published protected performances pursuant to Art. 1 (1) (b) URG in conjunction with the 3rd title of the Act, excluding computer programs ("**works**"). Parts of works are also considered works.

1.5 For teaching in schools, only the Common Tariff 7 (GT 7) is applicable in its scope of application.⁴

1.6 ProLitteris represents the other collecting societies SUISA, SUIS- SIMAGE, SSA and SWISSPERFORM as the managing society in its own name ("**collecting society**") for this tariff. The tariff and the remuneration cover copyrights and related rights.

1.7 This tariff applies in Switzerland and the Principality of Liechtenstein.⁵

³ This document applies to all genders.

⁴ According to GT 7 number 1.4 d), schools also include "... persons or organizations (e.g. professional and trade associations, companies and institutions of all kinds) which regularly teach external persons, in particular for further training".

⁵ In the Principality of Liechtenstein, the following provisions of the Liechtenstein Copyright Act (FL-URG) apply instead of the provisions of the Swiss URG: Art. 22, 23 and 43 FL-URG. Like the Swiss URG, the FL-URG regulates appropriate remuneration for paper copies in teaching and for internal information and documentation (Art. 22 (1) (c) FL-URG, "privileged uses of works", in conjunction with Art. 23 FL-URG). Digital copies, on the other hand, are only permitted in Liechtenstein for teaching purposes (Art. 22d FL-URG).

2 Uses

2.1 **Legal license:** The permitted use in application of the legal license is copying for personal use for internal information and documentation (Art. 19 para. 1 lit. c, Art. 20 para. 2 and Art. 38 URG, "**Reproductions**").

2.2 Requirements of the statutory license:

- a) Internal only: Only the reproduction of works for internal purposes, by the organization or by third parties, is permitted. This also includes the internal distribution of reproductions and making them available internally, including the possibility of downloading (server, intranet, etc.). No distribution or making available outside the organization (subject to distribution and making available by third parties in accordance with section 1.3). No use by external persons.
- b) Only excerpts: Only excerpts of commercially available copies of works are permitted (e.g. books, newspapers and magazines, audio and audio-visual media, Art. 19 Para. 3 lit. a URG).
- c) Intended purpose: Internal information and documentation. Entertainment and other purposes are not covered by the statutory license.

2.3 Uses under the legal license:

- a) Analog reproduction, in particular printing and photocopying ("**paper copies**"), including subsequent internal distribution and making available.
- b) Digital reproduction, in particular storing, scanning/digitizing and photographing ("**digital copies**"), including subsequent internal distribution and making available.
- c) Duplication in the form of media mirrors, including subsequent internal distribution and making available: A media mirror is understood to be a compilation of paper copies and/or digital copies of current contributions (articles, images, excerpts of radio and television contributions, transcripts of such contributions and other copyright-protected works and performances) from print, online or other media relating to at least one term or person, which is produced on the basis of Art. 19 URG and distributed and/or delivered periodically or continuously (push or pull technique)⁶ ("**media mirror**").⁷
- d) Third parties pursuant to Section 1.3: Third parties are permitted to make paper copies and digital copies on behalf of a person authorized to make such copies for his own use and/or to provide such person with suitable equipment for such copying; and

⁶ Databases as such are generally not media mirrors, but they may contain media mirrors. In the case of d a t a b a s e s that contain a media digest, a media digest fee is owed for the media digest contained therein in accordance with Section 3.5. Databases that do not contain a media digest do not incur a media digest fee pursuant to section 3.5.

⁷ In the Principality of Liechtenstein, the statutory license applies only to analog reproductions and media mirrors.

to the organization or to make them accessible, including the possibility of downloading.

2.4 Other Uses: Beyond the legal license, this tariff allows:

a) Visual Arts:

The reproduction of works of visual art, in derogation of Art. 19 (3) (b) URG.

The rules according to section 2.2 are applicable. A work of visual art (e.g. painting) may be reproduced in its entirety if it is contained in a work copy (e.g. book).

b) Musical notes:

The reproduction of graphic recordings of musical works, in derogation of Art. 19 para. 3 lit. c URG.

The rules according to section 2.2 are applicable.

2.5 All uses not expressly regulated by this tariff require the direct permission of the individual rights holder. This applies in particular to the performance, presentation and demonstration, to the distribution and making available outside the organization (subject to Art. 19 para. 2 URG) and to the publication of copies of protected works. For certain uses there are tariffs of the collecting societies, e.g. for the use of works of art (ProLitteris) and for the performance of non-theatrical music (SUISA). This is without prejudice to the statutory limitations on remuneration, namely Art. 11 para. 3 URG (parodies), Art. 24 URG (archiving and backup copies), Art. 24a URG (temporary reproductions), Art. 24d URG (technical procedures for the purpose of scientific research), Art. 24e URG (inventories), Art. 25 URG (quotations), Art. 26 URG (museum, trade fair and auction catalogs), Art. 27 URG (works on generally accessible ground) and Art. 28 URG (reporting on current events).

3 Compensation of organizations (administration and companies)

3.1 An organization's base fee covers paper copies as defined in Section 2.3 a) and digital copies as defined in Section 2.3 b) ("**base fee**").^{8,9}

⁸ The remuneration is based on CHF 0.035 per reproduction (copy page or audio/audiovisual copy), on a statistically assumed number of reproductions and on a statistically assumed share of protected works. Art. 19 para. 3bis URG was taken into account.

⁹ In the Principality of Liechtenstein, the statutory remuneration covers paper copies, not digital copies. Accordingly, the basic remuneration for organizations in the Principality of Liechtenstein is half.

Basic remuneration

3.2 Basic remuneration is calculated as follows in the Administration sector:

- a) Federal government: annual flat rate per full-time employee ("**position**"), regardless of pay and legal qualification of the job, rounded up to whole positions:

Covenant ¹⁰	Basic remuneration per position
	CHF
Federal Administration	3.20
SUVA	5.20
Administration of justice	8.20

- b) Cantons and municipalities: Annual lump sum according to number of inhabitants:

Cantons	Basic remuneration
	CHF
The remuneration is based on CHF 0.035 per reproduction (copy page or audio/au- diovisual copy), on a statistically assumed number of reproductions and on a statistically assumed share of protected works. Art. 19 para. 3bis URG was taken into account.	Number of inhabitants x 108.5 Copies x CHF 0.035 x 1% (statistical share of protected works)
Communities	Basic remuneration
Population	CHF
1 to 1'000	140
1'001 to 10'000	279
10'001 to 20'000	558
20'001 to 30'000	977
30'001 to 50'000	1'814
50'001 to 75'000	2'930
75'001 to 100'000	3'906
100'001 to 200'000	11'718
200'001 to 300'000	17'088
300'001 to 500'000	27'604
500'001 to 750'000	36'805
From 750'001	46'006

3.3 The basic remuneration is calculated as follows for companies in the industry/commerce and services/trade sectors:

- a) Annual flat rate per full-time employee ("**job**"), regardless of pay and legal qualification of ^{job}¹¹, rounded up to whole jobs, subject to exemption limit up to and including 14 jobs for small companies exempt from basic pay (companies above exemption limit pay basic pay for all jobs):

¹⁰ For the Principality of Liechtenstein, the Liechtenstein National Administration is affected.

¹¹ In particular, a sole proprietor who works for a company but does not earn any income and does not employ any staff is also covered. He owes the remuneration for 1 job.

Sectors and industries		Basic remuneration per position	Free limit to
		CHF	Jobs
Industry/Commercial			
1	Textile industry, clothing, equipment	3.20	14
2	Paper, Graphic, Printing	3.20	14
3	Chemistry, Pharmaceuticals	3.20	14
4	Production of medical products	3.20	14
5	Machinery and metal industry	3.20	14
6	Electrical, optics and electronics industry	3.20	14
7	Watch and vending industry	3.20	14
8	Food, beverage and luxury food production and processing	3.20	14
9	Construction	3.20	14
10	Construction supply industry	3.20	14
11	Horticulture	3.20	14
12	Arts and crafts	3.20	14
13	Agricultural production and fisheries	3.20	14
14	Timber industry and forestry	3.20	14
15	Other industrial and commercial production and processing	3.20	14
Service/Trade			
16	Banks, other financial institutions, leasing companies	5.20	-
17	Insurances, health insurances	5.20	-
18	Lawyers, notaries, business and management consulting, real estate management, asset management, fiduciary services, auditing and debt collection	8.20	-
19	Computer Science	5.20	-
20	Technical planning and consulting	5.20	-
21	Personnel Consulting	5.20	-
22	Advertising industry	8.20	-
23	Travel Industry	5.20	-
24	Wholesale	5.20	14
25	Retail trade	5.20	14
26	Traffic and transportation	3.20	14
27	Energy and water supply	5.20	14
28	Hospitality	3.20	14
29	Repairs, cleaning	3.20	14
30	Car industry, bicycle and motorcycle industry	5.20	14
31	Hospitals, institutions	5.20	-
32	Doctors, other health care	5.20	-
33	Denominational, non-profit, welfare and welfare institutions.	5.20	-
34	Associations, clubs, parties, non-governmental organizations	8.20	-
35	Theaters, cinemas, museums, cultural and leisure centers, libraries	5.20	-
36	Publishing houses, press and news	5.20	-
37	Radio and television stations, film industry	5.20	-
38	Sports organizations, sports facilities, recreation centers, hairdressers and similar personal care	5.20	14
39	Research institutes, unless they are affiliated with a group, university, etc.	8.20	-
40	Telecommunications provider	3.20	-
41	Other service companies	5.20	-

- b) The basic remuneration is CHF 3.20 from the 1001st position.
- c) Minimum compensation: CHF 32.00. If the minimum compensation is greater than the product of the number of positions and the basic compensation per position, the minimum compensation shall be paid.
- d) The industry is determined for each company according to the focus of its activities. If such a focus is not obvious, the company shall be classified as "Other". The classification of users under "Other service companies" in accordance with Section 7.6 is reserved.

3.4 Exception "No copying device": The basic remuneration shall be waived or halved if the user claims in accordance with Section 7.3 not to have access to any devices suitable for paper copies (e.g. printer, photocopier) and/or digital copies (e.g. computer, mobile device).

Additional remuneration for media review (media review remuneration)

3.5 The media mirror compensation covers the use of one or more media mirrors in an organization in accordance with section 2.3 c).

3.6 The media mirror allowance is an annual lump sum per position that has access to one or more media mirrors ("**Media Mirror Allowance**").

3.7 The media mirror allowance is CHF 4.50 per position with access (to one or more media mirrors).

4 Remuneration as a third party (libraries, media monitoring services, copy-shops)

4.1 The remuneration of a third party includes the use according to section 2.3 d).

4.2 The remuneration shall be calculated annually according to the number of paper copies and digital copies made as a third party pursuant to Section 1.3 (copy quantity), at a price of CHF 0.035 per reproduction (copy page [document page] or audio/audio-visual copy), with deduction of a share of third-party works that must be remunerated ("**relevant share**").

4.3 The relevant proportion is considered to be:

Third	Relevant share
Libraries	Documentation services 70%, other services 35
Media monitoring services	75%
Other	35%

4.4 University libraries pay according to their university share (share of library users originating from universities):

University share	Applicable tariff
Up to 50%	Compensation according to GT 8
51% to 90%	Compensation pro rata according to GT 7 and according to GT 8
Over 90%	Compensation according to GT 7

The collecting society estimates the university share of each university after consultation with the Swiss Conference of Universities or the university concerned. The remuneration according to GT 7 is included in the remuneration per student.

4.5 Reprographic and copying businesses pay a fee based on copying equipment rather than copy quantities:

Device	Remuneration per device/year
A: 1 to 45 copies per minute	CHF 180
B: 46 to 69 copies per minute	CHF 360
C: 70 to 105 copies per minute	CHF 477
D: From 106 copies per minute	CHF 783

4.6 For their own personal use, the third parties as organizations shall additionally pay a basic fee and possibly a media mirror fee in accordance with Item 3.

5 Capping of basic remuneration for companies

5.1 If, during the term of this tariff, the annual calculation of the basic remuneration for an individual user in the industrial/commercial and service/trade sectors results in a basic remuneration that represents an increase of more than 10% compared to the basic remuneration paid in 2020, the remuneration shall be capped at 110% of the 2020 remuneration.

5.2 The cap does not apply in the event of an increase in basic remuneration of more than 10% as a result of mergers and an increase in the number of positions.

5.3 A cap is excluded if the basic remuneration according to the present tariff is less than CHF 100.

6 Capping of media mirror remuneration for companies

6.1 To the extent that, during the term of this tariff, the annual calculation of the media mirror allowance for an individual user in the industrial/commercial and service/retail sectors results in a media mirror allowance that represents an increase of more than 10% compared to the media mirror allowance paid in 2020, the allowance shall be capped at 110% of the 2020 allowance.

6.2 The cap does not apply in the event of an increase in media mirror compensation by more than 10% as a result of mergers and a higher number of positions with additions.

6.3 A cap is excluded if the media mirror remuneration according to the existing tariff is less than CHF 100.

7 Reporting and Accounting

7.1 **Notification deadline:** After the first request, the user shall provide the collecting society with the necessary data truthfully, completely, in due time and form.¹² After the notification has been made and accepted, the collecting society shall conclude the notification procedure and issue an invoice (Section 8).

7.2 The collecting society provides binding forms for the notification. The collecting society may require users to enter data via login in the portal.

7.3 The exception "No copier" according to section 3.4 must be truthfully asserted on a separate form with a legally valid signature by the end of the notification period. After the expiry of the notification period (section 7.1) or the grace period (section 7.5) or the

¹² Users are obliged to provide information and collecting societies are obliged to maintain business secrets (Art. 51 URG and Art. 53 FL-URG).

Objection Period by Assessment (Section 7.7), the "No Copier" exception is excluded for the year in question.

7.4 As a rule, the data from the previous year are authoritative for the remuneration, as of December 31.

7.5 **Period of grace:** If a notification is missing after expiry of the notification period or if necessary data is missing, the collecting society shall set the user a period of grace to remedy the deficiencies. Once the notification has been made and accepted within the deadline, the collecting society shall conclude the notification procedure and issue an invoice (Section 8).

7.6 **Estimation:** If a report is missing after the grace period or if necessary data is missing, the collecting society will estimate the data and calculate the corresponding royalties. If the user is a company, the collecting society may classify the user under "Other service companies".

7.7 **Notification and deadline for objection after assessment:** The collecting society notifies the user of the assessment. The collecting society sets a deadline for the user to object to the assessment and to submit the necessary data truthfully, completely, in due time and form. After the objection has been made and accepted within the deadline, the collecting society shall conclude the assessment procedure and issue an invoice (Section 8). In the absence of a justified objection by the user in due time and form, the assessment and the remuneration for the year in question shall be deemed accepted and binding.

7.8 For the assessment by the collecting society, the user owes a surcharge of 10% of the remuneration, but at least CHF 100 per remuneration.

7.9 The collecting society may declare the use of data from the Federal Statistical Office to be binding, in particular the company identification number (UID) and the UID register¹³.

7.10 The collecting society may notify the user of data of a user which is available on the basis of an earlier notification or on the basis of an estimate and invoice the remuneration calculated thereafter. In the absence of a justified objection by the user within 30 days of the notification being sent, the earlier data and the earlier remuneration shall be deemed to be recognized and binding.

7.11 As a random sample or if there is doubt about the correctness of the report, the collecting society may commission an independent expert to check the data. The users provide information and allow access to data and IT systems. If the remuneration resulting from the audit deviates by more than 10% to the disadvantage of the user, the user is obliged to reimburse the collecting society for the costs of the audit.

¹³ Information on the UID is available at www.uid.ch.

8 Invoicing

8.1 After completion of the notification procedure, the collecting society invoices the royalties owed for the entire calendar year.

8.2 Invoices are payable within 30 days.

8.3 The remuneration is exclusive of value-added tax. If value-added tax is to be charged, it shall be additionally owed by the user at the applicable tax rate.

8.4 If the claim is not paid within the deadline, the user will be reminded and will owe a reminder fee of CHF 10. If the claim is not paid in full, the collecting societies may take legal action and are entitled to assign the outstanding claim to a third party.

8.5 Users who have been active for at least 6 months of a year pay the remuneration for the whole year.

8.6 The collecting society may conclude contracts with users and user associations for the implementation of this tariff and fix remuneration for several years therein. The collecting society may pay a pro- vision and/or grant a discount to a user association collecting the remuneration, up to a maximum of 10% of the remuneration.

8.7 With the payment of the remuneration, the users receive the permission for the uses regulated in this tariff (license limited to one year and non-transferable) retroactively to the beginning of the year, insofar as the uses are not already permitted by law.

8.8 Upon payment of the remuneration, the users are indemnified against claims of third parties for the use of rights, unless the use is already permitted by law. The users shall inform the collecting society about claims of third parties and refer them to the collecting society. In this case, the collecting societies and the user associations shall strive for an amicable solution.

9 Period of validity

9.1 This tariff is valid from 01.01.2023 to 31.12.2027.

9.2 If no subsequent tariff is in force after the expiry of this tariff and despite the submission of an application for approval, the period of validity of the tariff shall be extended until the expiry of the period for appeal against the decision of the Federal Arbitration Commission for the Exploitation of Copyrights and Related Rights establishing the new tariff.