
Licensing of video-on-demand services (VOD)

Leaflet

Principles and rights involved

If you wish to include films as part of what you offer to your customers with your video-on-demand service, you need to obtain a permission from the relevant rights holders. Pursuant to Swiss law, the placement of a film onto a VOD platform affects the mechanical reproduction rights (Art. 10 para. 2 a of the Swiss Copyright Act, CopA). For the actual act of offering the film, the making available rights are required (Art. 10 para. 2 c CopA). These principles shall apply to all forms of VOD, thus also extending to SVOD (subscription VOD), FVOD (free VOD) etc.

Rights owners involved in the film

In order to be able to add a film to your VOD range, you primarily need to conclude a contract with the producers of the films in question, by means of which the respective rights for a certain territory and a specific period are licensed.

The producer of the film does, however, not hold all of the required rights. Certain rights need to be additionally obtained via collective management organisations, and these are:

- in general, a licence for the rights for the film soundtrack (film score) needs to be acquired based on an agreement with SUISA and;
- for films from Belgium, France, Italy, Spain, French-speaking Canada, Luxembourg, Monaco, Argentina, Switzerland and Liechtenstein, the authors' rights of the film authors (script and direction) must be licensed via an agreement with the two collective management organisations SSA and SUISSIMAGE, as the authors in said countries have already assigned these rights to the collective management organisations and therefore reserve these rights in their agreements with the film producer.

To simplify matters, SUISA provides an additional agreement with SSA/SUISSIMAGE, apart from its own agreements, to customers who wish to include films from the aforementioned countries (Belgium, France, Italy, Spain, French-speaking Canada, Luxembourg, Monaco, Argentina, Switzerland and Liechtenstein).

Any further questions?

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