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Federal Act on Copyright and Related Rights

(Copyright Act, CopA)

of 9 October 1992 (Status as of 1 January 2022)

The Federal Assembly of the Swiss Confederation,
on the basis of Articles 95 and 122 of the Federal Constitution^{1,2} and having
considered the Dispatch of the Federal Council dated 19 June 1989³,
decrees:

Title 1 Subject-Matter

Art. 1

¹ This Act regulates:

- a. the protection of authors of literary and artistic works;
- b. the protection of performers, producers of phonograms and audio-visual fixations and broadcasting organisations;
- c. the federal supervision of the collective rights management organisations.

² International treaties remain reserved.

Title 2 Copyright

Chapter 1 Works

Art. 2 Definition of works

¹ Works are literary and artistic intellectual creations with individual character, irrespective of their value or purpose.

² They include, in particular:

- a. literary, scientific and other linguistic works;

AS 1993 1798

¹ SR 101

² Amended by Annex No 3 of the FA of 21 June 2013, in force since 1 Jan. 2017 (AS 2015 3631; BBl 2009 8533).

³ BBl 1989 III 477

- b. musical works and other acoustic works;
- c. works of art, in particular paintings, sculptures and graphic works;
- d. works with scientific or technical content such as drawings, plans, maps or three-dimensional representations;
- e. works of architecture;
- f. works of applied art;
- g. photographic, cinematographic and other visual or audio-visual works;
- h. choreographic works and works of mime.

³ Computer programs are also works.

^{3bis} Photographic depictions and depictions of three-dimensional objects produced by a process similar to that of photography are considered works, even if they do not have individual character.⁴

⁴ Drafts, titles and parts of works, insofar as they are intellectual creations with an individual character, are also protected.

Art. 3 Derivative works

¹ Derivative works are intellectual creations with individual character that are based upon pre-existing works, whereby the individual character of the latter remains identifiable.

² Such works include, in particular, translations as well as audio-visual and other adaptations.

³ Derivative works are protected as works in their own right.

⁴ The protection of the works used in the derivative work remains reserved.

Art. 4 Collected works

¹ Collections are protected as works in their own right insofar as they are intellectual creations with individual character with regard to their selection and arrangement.

² Works included in a collected work may be protected individually.

Art. 5 Works excluded from protection

¹ Copyright does not protect:

- a. acts, ordinances, international treaties and other official enactments;
- b. means of payment;

⁴ Inserted by No I of the FA of 27 Sept. 2019, in force since 1 April 2020 (AS **2020** 1003; BBl **2018** 591).

- c. decisions, minutes and reports issued by authorities and public administrations;
- d. patent specifications and published patent applications.

² Copyright also does not protect official or legally required collections and translations of the works referred to in paragraph 1.

Chapter 2 Author

Art. 6 Definition

The author is the natural person who has created the work.

Art. 7 Joint authorship

¹ Where two or more persons have contributed as authors to the creation of a work, copyright belongs to all such persons jointly.

² Unless they have agreed otherwise, they may only use the work with the consent of all authors; consent may not be withheld for reasons contrary to the principles of good faith.

³ Each joint author may independently bring an action for infringement, but may only ask for relief for the benefit of all.

⁴ Where the individual contributions may be separated and there is no agreement to the contrary, each joint author may use his own contribution independently provided such use does not impair the exploitation of the joint work.

Art. 8 Presumption of authorship

¹ Unless proven otherwise, the author is the person whose name, pseudonym or distinctive sign appears on the copies or the publication of the work.

² As long as the author is not named or remains unknown in the case of a pseudonym or a distinctive sign, the person who is the editor of the work may exercise the copyright. Where such person is also not named, the person who has published the work may exercise the copyright.

Chapter 3 Scope of Copyright

Section 1 Relationship of the Author to his Work

Art. 9 Recognition of authorship

¹ The author has the exclusive right to his own work and the right to recognition of his authorship.

² The author has the exclusive right to decide whether, when, how and under what author's designation his own work is published for the first time.

³ A work is considered to be published when it has been made available for the first time by the author, or with his consent, to a large number of persons not constituting a private circle as defined in Article 19 paragraph 1 letter a.

Art. 10 Use of the work

¹ The author has the exclusive right to decide whether, when and how his work is used.

² The author has the right, in particular:

- a. to produce copies of the work, such as printed matter, phonograms, audio-visual fixations or data carriers;
- b. to offer, transfer or otherwise distribute copies of the work;
- c.⁵ to recite, perform or present a work, or make it perceptible somewhere else or make it available directly or through any kind of medium in such a way that persons may access it from a place and at a time individually chosen by them;
- d. to broadcast the work by radio, television or similar means, including by wire;
- e. to retransmit works by means of technical equipment, the provider of which is not the original broadcasting organisation, in particular including by wire;
- f.⁶ to make works made available, broadcast and retransmitted perceptible.

³ The author of a computer program also has the exclusive rental right.

Art. 11 Integrity of the work

¹ The author has the exclusive right to decide:

- a. whether, when and how the work may be altered;
- b. whether, when and how the work may be used to create a derivative work or may be included in a collected work.

² Even where a third party is authorised by contract or law to alter the work or to use it to create a derivative work, the author may oppose any distortion of the work that is a violation of his personal rights.

³ It is permissible to use existing works for the creation of parodies or other comparable variations on the work.

⁵ Amended by Art. 2 of the FD of 5 Oct. 2007, in force since 1 July 2008 (AS 2008 2497; BBl 2006 3389).

⁶ Amended by Art. 2 of the FD of 5 Oct. 2007, in force since 1 July 2008 (AS 2008 2497; BBl 2006 3389).

Section 2

Relationship between Authorship and Ownership of Copies of the Work

Art. 12 Principle of exhaustion

¹ Where the author has transferred the rights to a copy of a work or has consented to such a transfer, these rights may subsequently be further transferred or the copy otherwise distributed.

^{1bis} Copies of audio-visual works may not be further transferred or rented as long as the author is thereby impaired in exercising his right of performance (Art. 10 para. 2 let. c).⁷

² Where the author has transferred the rights to a computer program or has consented to such transfer, such a program may subsequently be used or further transferred.

³ Works of architecture that have been constructed may be altered by the owner; Article 11 paragraph 2 remains reserved.

Art. 13 Rental of copies of works

¹ Any person who rents or otherwise makes available for a fee copies of literary or artistic works owes remuneration to the author.

² No obligation to pay remuneration exists for:

- a. works of architecture;
- b. copies of works of applied art;
- c. copies of works rented or lent for a contractually agreed use of copyright.

³ Claims for remuneration may only be asserted by the approved collective rights management organisations (Art. 40 and seq.).

⁴ This Article does not apply to computer programs. The exclusive right under Article 10 paragraph 3 remains reserved.

Art. 13a⁸ Making available of audio-visual works

¹ Any person who lawfully makes an audio-visual work available in such a way that persons may access it from a place and at a time chosen by them owes remuneration to the authors who created the audio-visual work.

² No remuneration is owed if:

- a. the author or their heirs personally exploit the exclusive right to making the work available; or

⁷ Inserted by Art. 36 No 3 of the Film Act of 14 Dec. 2001 (AS **2002** 1904; BBl **2000** 5429). Amended by No II of the FA of 20 June 2003, in force since 1 April 2004 (AS **2004** 1385; BBl **2002** 2022 5506).

⁸ Inserted by No I of the FA of 27 Sept. 2019, in force since 1 April 2020 (AS **2020** 1003; BBl **2018** 591).