



CH-3003 Bern
FOC

Bern, 1st May 2017

Extension of legal obligation in Switzerland – film reporting requirements (as of 1 January 2017): key points – International compliance to Swiss law

Dear Madam or Sir,

In 2016, the Swiss government informed all key industry players (film associations and companies) in Switzerland and abroad about the amendments to the provisions of the Swiss Film Act (FiA) which govern the statutory obligation to report film sales data. As of 1 January 2017, this legal reporting obligation is extended to the exploitation of physical media (pm) as well as electronic services on demand (esds) for films longer than 60 minutes. The Federal Office of Culture (FOC) is in charge of tracing the companies subject to the reporting requirements. The actual data shall be transferred to the Federal Statistical Office (FSO).

Many companies subject to this reporting requirement (both Swiss and foreign) have since registered with the FOC.

As a reminder, the following parties are subject to reporting requirement:

- Holders of the exploitation rights through the legal entity, which has acquired these rights for Switzerland.
- End-user providers (platforms or retail trade) through the legal entity, which holds the rights to sell or rent the film, concerned, or make the work available for viewing.

The statutory reporting requirement applies to all films sold or viewed as of 1 January 2017. This means that reporting companies will have to start submitting data only in 2018. The registration form for the declaration of companies subject to reporting (MU) is available at FOC under the following link: <http://www.bak.admin.ch/film/03614/05967/index.html?lang=en>.

We kindly request that those companies which have yet to register with the FOC do so to filmexploitation@bak.admin.ch by 31 Mai 2017.

We collected your data for the statistical reporting requirements as follows:

Company / UID				
Address				
Mail // Tel				
Company communicates data as:	Rights holder (Films on physical media, pm)	Rights holder (providers of electronic services on demand or by subscription, esds)	Providing/selling electronic services on demand or by subscription (Retail esds)	Providing/selling physical media (Retail_pm)

Please inform us in case we gathered wrong or incomplete information.

Important information regarding ISAN numbers

With the entry into force of the legal reporting requirements, all new releases starting from January 1st 2017 on physical media (pm) and/or on digital platforms (esds) must have an ISAN number. This ISAN obligation also concerns older films that are re-released on “pm” or “esds”. Existing ISAN codes for films have to be taken over by the companies subjected to the reporting requirement. This increases the general quality of the statistic (films without ISAN cannot be analysed in detail, their sales or clicks can only be shown in a global statistic).

You find pre-existing ISAN numbers generated for the theatrical exhibition on the www.procinema.ch website (example: <https://www.procinema.ch/de/statistics/filmdb/1000857.html>). There is no legal obligation for retroactive application of ISAN numbers for “pm” or “esds” titles released before January 1st 2017, though it would highly increase the data quality. These older titles have to be communicated with their respective EAN-Codes or, regarding the digital exploitation, with their respective internal id’s.

The instruction leaflet issued by ISAN-Berne on registering an ISAN number for films, which do not have such a reference number at the time of their first exploitation in Switzerland, is available at: <http://www.isan-berne.org/>

Further information

- Fact sheet on the annual reporting process: <http://www.bak.admin.ch/film/03614/05967/index.html?lang=de>
- Instruction leaflet issued by the Federal Statistical Office on the data requirements pursuant to the extension of the statutory declaration requirement <http://www.fiv.bfs.admin.ch/>. Contains worksheets with the data to be completed and submitted on a yearly basis by reporting companies. Each worksheet contains separate data sheets for pm (sales data only; rental data on pm are not collected), esds sales, esds rentals, and esds subscriptions; explanatory notes are also provided on each data sheet.

We are aware that changes to the statutory reporting requirement are complex. To make it easier for you to carry out the necessary adjustments and to resolve any questions you may still have, please contact Mr. Laurent Steiert from the Film Department of the Federal Office of Culture (tel. +41 58 46 313 40, filmexploitation@bak.admin.ch).

Timetable

01.01.2017	Statutory data collection requirement enters in force
01.03.2018	Reporting companies deliver first set of data for 2017
2018	FSO will conduct a pilot evaluation and, data quality permitting, will publish the results

Once again, we would like to reassure you that all data you supply will be handled confidentially by the FSO in accordance with the Federal Statistics Act (SR 443.01), and will only be published in aggregated form. Subsequently, none of this information can be used to identify companies who are subject to the statutory reporting requirement.

Our goal is to ensure that within two to three years, and based on current criteria, the quality of the data will be of a high standard. We can only achieve this with your valued input.

We greatly appreciate your cooperation on this matter and would like to thank you, in advance, for your help in passing on this information to the relevant members or units of your organisation.

Yours faithfully,

Laurent Steiert
Deputy Head, Film Department