



Extended reporting obligation in accordance with the Film Ordinance (FiO) ([SR 443.11](#)) Article 16a

Q&A - data delivery

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Contents

A.	Important websites and contact addresses	2
B.	General questions on the reporting obligation and film ordinance	2
	Why does my company need to be registered with the Federal Office of Culture?.....	2
	Who is responsible for the reporting obligation, who is subject to reporting requirements and what information must be provided?	2
	Data protection – What information is published? What information is confidential?	3
C.	Questions on the process of data collection by the FSO	3
	How are the data and documents sent?.....	3
	We are rights holders and have not yet received a request to send you data. Why is this?....	3
	We are rights holders or sellers of physical media (DVD, Blu-ray etc.) and have not yet received a request to send you data. Why is this?	3
D.	General content-related questions concerning data delivery	3
	What data need to be delivered?	3
	How can I obtain ISAN codes as a rights holder?	4
	How can I obtain ISAN codes as a provider (VoD platforms)?	4
	What is the required format for delivered data?.....	4
	Should other documents and additional information also be sent?.....	4
E.	Specific questions on “ESDS subscription” (SVoD)	5
	Why must views be delivered in two different ways?.....	5
	What is meant by an SVoD user?	5
	What is the procedure for downloads on SVoD platforms?	5
	Should other documents and additional information also be sent?.....	5

A. Important websites and contact addresses

Federal Statistical Office FSO

Data collection for reporting obligation website:

www.fiv.bfs.admin.ch

Website Filetransfer Service BIT/OFIT:

www.filetransfer.admin.ch

Contact:

film@bfs.admin.ch

Federal Office of Culture (FOC)

Reporting obligation website:

<https://www.bak.admin.ch/bak/en/home/cultural-creativity/film/film-rechtliche-informationen/requirement-to-report-statistics-of-film-sales-outside-of-cinema.html>

Contact:

filmexploitation@bak.admin.ch

ISAN (Switzerland/Bern & International)

Website:

<http://www.isan.org/>

Instructions:

http://www.isan-berne.org/fileadmin/isan_berne/Dokumente/News/2016_12_meldepflicht_bak_merkblatt_isan_EN.pdf

Contact: ISAN Bern (Switzerland):

info@isan-berne.org

Contact: ISAN International:

info@isan.org

B. General questions on the reporting obligation and film ordinance

Why does my company need to be registered with the Federal Office of Culture?

If your company provides films for viewing or sale in Switzerland via electronic services on demand or by subscription ESDS (VoD), then your company is obliged to comply with reporting obligations. This also applies to the rights holders of films provided on the Swiss market. In accordance with the film ordinance, your company is obliged to register with the Federal Office of Culture (FOC). If you are not yet registered with the Federal Office of Culture, please do this as soon as possible (please complete the form on the website and send it by email to the FOC, see the home page of the Federal Office of Culture, and chapter A).

Who is responsible for the reporting obligation, who is subject to reporting requirements and what information must be provided?

The Federal Office of Culture is competent and responsible for the film ordinance / Film Act. On the Federal Office of Culture's website (see chapter A), you will find information on the legislation, the reporting obligation, the responsibilities and processes concerning the reporting obligation. Registration forms and contact addresses may also be found on this page.

ISAN Bern and ISAN International are responsible for allocating ISAN codes. Rights holders

must register their films with ISAN directly and receive an ISAN code that should be sent to the VoD platforms. ISAN offers one-off comparisons for platforms to bring their databases up to the latest ISAN standard before the first report is sent to the FSO.

The FSO has been commissioned with collecting data and carrying out analyses. It independently carries out the surveys prescribed in the film ordinance and analyses the data they contain in strict observance of data protection rules.

Data protection – What information is published? What information is confidential?

Confidentiality of data is ensured for every publication of the FSO. The views are only published in aggregated form. No conclusions can be made about individual companies. The detailed analyses essentially depend on the quality and completeness of data.

For the quality of analyses, it is important to double check the demand for individual films with the rights holders for these films in Switzerland. The views per film may also be sent to the rights holders in aggregated form to evaluate the plausibility of the number of views by type of electronic services on demand or by subscription ESDS (VoD). No conclusions may be made about the number of views per provider.

C. Questions on the process of data collection by the FSO

How are the data and documents sent?

Transfer takes place via the Confederation's Filetransfer (BIT/OFIT) platform (www.filetransfer.admin.ch -> send to film@bfs.admin.ch). Providers of electronic services on demand or by subscription ESDS (VoD) receive their login data directly from the federal office responsible for the Filetransfer. If you are a VoD provider and have not been contacted, please inform the FSO (film@bfs.admin.ch).

We are rights holders and have not yet received a request to send you data. Why is this?

In a first phase, data are only collected from film providers. In a second phase, rights holders may be contacted to check details from platforms. However, since January 2017 rights holders have also been responsible for registering their films with ISAN if they do not yet have an ISAN number. Rights holders must register the ISAN codes with the providers at the time of the license agreements at latest.

We are rights holders or sellers of physical media (DVD, Blu-ray etc.) and have not yet received a request to send you data. Why is this?

As communicated in a circular by the Federal Office for Culture, the survey is only for electronic services. The Confederation's tasks must be prioritised to that effect.

D. General content-related questions concerning data delivery

What data need to be delivered?

You will find all of the necessary information on the website www.fiv.bfs.admin.ch in four languages. The instruction leaflet explains all principles, in an example data sheet you will find detailed information on every variable and a template for the presentation of your data.

A few important principles should nonetheless be summarised:

- Data must be provided for films made available during the year covered by the survey against payment (flat-rate or per film) for viewings in Switzerland with a length of 60 minutes or more (full-length films). Short films, footage of live performances and events (concerts, sports events, stand-up shows etc.) or erotic films are excluded – ideally by the FSO – and must be identifiable in the report (for instance via indication on the genre).
- Data must be delivered separately for each of the three types of ESDS (VoD sale, rental, subscription).
- If a company sells films via a certain type of ESDS on several platforms, the data for the individual platforms should be delivered separately. If this is not possible, it must be specified on which ESDS platforms the views were generated.
- Before the first report is sent to the FSO, ISAN codes should be looked up for all movies in the catalogue. Otherwise the FSO will not be able to use the report for statistical analyses. ISAN offers assistance in this matter with one-off matchings. In further reports, only ISAN codes for newly offered movies need to be completed. For new license agreements, ISAN codes must be requested by the platforms from the rights holders. Rights holders are responsible for registering their films with ISAN if they do not yet have an ISAN number.

How can I obtain ISAN codes as a rights holder?

You can obtain these from ISAN directly (from country registration agencies or from ISAN International). ISAN will also check whether films have already been allocated an ISAN code. Existing ISAN codes may be found by searching for titles on the ISAN website. You can also find the ISAN codes on www.procinema.ch. However, the codes are not added immediately which is why the ISAN website is recommended over this option.

How can I obtain ISAN codes as a provider (VoD platforms)?

In principle via the rights holders of the respective films. For new license agreements, ISAN codes **must** be requested. ISAN international offers international comparisons so that databases can be updated once for all. They compare film lists with internal IDs and the ISAN database, allocate ISAN codes to films and forward these codes onto the providers. Contact ISAN International directly for this purpose.

Individual, existing ISAN codes may be found by searching for titles on the ISAN website. You can find the ISAN codes on www.procinema.ch. However, the codes are not added immediately which is why the ISAN website is recommended over this option.

What is the required format for delivered data?

CSV or Excel, no PDFs.

Should other documents and additional information also be sent?

In principle, explanations and comments on the data are welcome.

The data for the various types of electronic services on demand or by subscription ESDS (VoD) must be delivered separately. If a company is active on several platforms with the same ESDS type, the data should also be delivered separately by platform. If the latter is not possible, the platforms concerned must be listed.

For the type ESDS subscription (SVoD) in particular, we **rely** on information on how breaks and continuations are eliminated for subscriptions.

E. Specific questions on “ESDS subscription” (SVoD)

Why must views be delivered in two different ways?

Unlike all other evaluation types, for electronic services by subscription (SVoD) there is no uniform method for measuring views. However, comparable views are needed both for statistics and any future film subsidies.

From one company to the next there are considerable differences in the information available on subscribers' activity and how this information is filed. The indicators must therefore be developed so they can be compared and delivered by all platforms, even if this does mean a one-off, small additional outlay. Two mandatory key figures have thus been set for views:

A. Net views per year and film (platform-specific methodology):

-> Platforms eliminate breaks and continuations and inform the FSO of the methods used for this

B. The number of views per year and film with 7-day limitation per user (prescribed methodology):

-> after the first view, no further views are counted for a user within 7 days (after 7 days, a new view can again be counted.)

Method A enables the platform to use its own methods; a result is obtained in a pragmatic way, i.e. the net views excluding breaks/continuations. The FSO, however, must be informed of the method.

Method B entails a small additional outlay for the platforms but can be carried out using simple time stamps. According to feedback received, it is a uniform method that enables a comparable indicator for views.

What is meant by an SVoD user?

This question is of particular relevance for the delivery of limited views by providers of electronic services by subscription (SVoD) in which all views by a user within 7 days may only be counted as a single view. A user thus equates with a pay subscription/account. In simple terms, a distinction between two types of SVoD provider may be made as follows:

Type A: All persons in the household access the platform via the same account, whereby it cannot be determined who is viewing at a particular time.

Type B: These platforms allow different users to be defined within a subscription/an account.

For reasons of comparability, the 7-day limitation for views must be implemented analogously for all providers. For type B providers, this means that different users within one account may not be considered. If user 1 of a type B account views film XY today and user 2 of the same account views film XY tomorrow, only one single view is counted for film XY.

What is the procedure for downloads on SVoD platforms?

Providers that allow their users to (temporarily) download films so they can be viewed offline count these downloads as a single view.

Should other documents and additional information also be sent?

In principle, all explanations and comments are welcome (e.g. on the survey, procedures and data protection).

The data for the various types of electronic services on demand or by subscription ESDS (VoD) must be delivered separately. If a company is active on several platforms with the

Q&A data delivery

same VoD type, the data should also be delivered separately by platform. If the latter is not possible, the platforms concerned must be listed.

For electronic services by subscription (SVoD) in particular, we **rely** on information on how breaks and continuations are eliminated for subscriptions.