



16 Culture, media, information society, sport

# Film and cinema statistics – Video on Demand (StatVoD)

Legal bases, methods, definitions

Neuchâtel, 2022

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# 1 Coordination and legal bases

The Film Ordinance, which was revised in 2016, extends the reporting obligation<sup>1</sup> introduced in 2003 together with the 'Succes Cinema' performance-based film subsidy in the cinema sector to electronic on-demand and subscription services (Video on Demand VoD). The extended reporting obligation applies to content offered on VoD services in Switzerland from 2017. The Federal Office of Culture (FOC) and the Federal Statistical Office (FSO) jointly developed the conceptualisation of the reporting obligation in 2016 and 2017. The Federal Office of Culture is responsible for the registration of companies and enforcement of the reporting obligation. The FSO defines the methods, conducts the survey and statistically evaluates the data collected.

Detailed information and instructions concerning the address of the VoD providers subject to the reporting obligation can be found on the website <http://www.fiv.bfs.admin.ch/>. Factsheets, examples of data deliveries or Q&A documents are intended to assist the reporter in providing data and contain detailed information on the survey framework. The most important key points relevant for understanding the statistics on VoD are outlined in the following chapter.

The work of the Federal Statistical Office (FSO) is subject to the Federal Act on Data Protection (FADP; SR 235.1), the Federal Statistical Act (FStatA; SR 431.01) and the corresponding ordinances (see Table T1). In this particular context, there is also the question of compliance with the Film Act (FiA; SR 443.1) and with the Film Ordinance (FiO; SR 443.11).

T1: Federal laws and regulations relevant to the VoD statistics

| Reference | SR no. <sup>2</sup> | Title   |
|-----------|---------------------|---|
| FiA       | 443.1               | Federal Act on Film Production and Film Culture         |
| FiO       | 443.11              | Film Ordinance  |
| FADP      | 235.1               | Federal Act on Data Protection                          |
| OFADP     | 235.11              | Ordinance relating to the Federal Data Protection Act   |
| FStatA    | 431.01              | Federal Statistical Act                                 |
|           | 431.011             | Ordinance on the Organisation of Federal Statistics     |
|           | 431.012.1           | Ordinance on the Conduct of Federal Statistical Surveys |

<sup>1</sup> Curia Vista numbers of the parliamentary motions and business that led to this revision: 12.3624, 12.4017, 14.096

# 2 Notifiable companies and VoD platforms

According to the Film Ordinance Art. 16a, all companies that offer a VoD service to an audience in Switzerland in return for payment are required to register. The provider's domicile is not relevant, but its offering must be accessible within Switzerland's borders. If a free offering (e.g., streaming with advertising breaks) and a paid offering are made available at the same time, only the paid part must be reported. Furthermore, only those who offer films with a running time of at least 60 minutes are subject to the reporting obligation. Series, short films and pornographic films are not subject to the reporting obligation.

The FSO collects the reportable VoD data directly from the providers. The vast majority of providers operate a single platform. However, there are also a few providers that offer several platforms and send in the data for all these offerings. Three business models are relevant for the reporting obligation: digital film sales (EST), digital rentals (TVOD rental) and films offered by pay subscription and streaming services (SVOD). If a platform offers several VoD types, the supply and demand must be distinguishable by VoD type.

In the statistical evaluation, platforms not providers are counted. A platform is considered to be an offering with its own specific appearance, and can be accessed throughout Switzerland. For example, if two platforms have the same offering but a different appearance and can be subscribed to separately, then they are considered two different platforms. However, if one and the same offering is available in various regions from one provider only to customers from these regions, this offering is counted as only one (Swiss-wide) platform. Channels on SVoD platforms are not counted as a separate platform.

# 3 Films and film data considered

Only feature-length films with a running time of 60 minutes or more are subject to the reporting obligation. Short films, series and pornographic films are not subject to reporting and at the latest are excluded from the statistical evaluations.

## 3.1 Country of origin of films

In the VoD statistics (as in the cinema statistics), only the main country of origin is taken into account in the case of a co-production. In principle, the FSO considers the country that contributes the most financially to the production to be the main country of production. For the vast majority of films, however, the FSO has

<sup>2</sup> SR: Classified Compilation of Federal Legislation

no insight into the financing and must rely on information from other film data-bases. For films that screened in cinemas, the country of origin is already checked as part of the cinema statistics and compared with databases such as EuropaCinemas and IMDB. A list of Swiss cinema films is compiled for each year and reviewed by the Federal Office of Culture (FOC). For films that are VoD only, the country of origin is taken from the ISAN database and, where possible, matched with the LUMIERE film database and IMDB (see chapter 5 for more information on these sources).

## 3.2 Genre

As in the cinema statistics, only three types of genre are distinguished: animated films, documentary films and feature films. The genre categories of cinema films are already checked as part of the cinema statistics. For the remaining VoD films, the genre is taken from the ISAN database and also matched with LUMIERE and IMDB where possible.

Alternative content, such as sports broadcasts, concert recordings etc., is registered as such by the distributors when screenings take place in cinemas and can therefore very easily be excluded from the cinema statistics. In the VoD sector, this is not done by the platforms - in many cases it is also not possible, for example, to distinguish a music documentary from a concert recording or to label it precisely. For this reason, alternative content is not excluded from the VoD statistics. However, the films identified as alternative content are marked as such in the FSO database and can be excluded from the evaluations at a later date. However, there is not much demand for this type of content at present.

## 3.3 Cinema films as VoD

In the VoD statistics, a film is considered a cinema film if it has had at least one screening in the cinema. These are registered by ProCinema, the Swiss association for cinema and film distribution, as part of the cinema statistics. A large-scale cinema screening with a release date set by an official distribution company is not mandatory in this context. In the VoD statistics, the category of cinema films also includes films with screening rights acquired directly from the cinema companies and only for individual screenings.

# 4 Definition of VoD use

## 4.1 Digital purchases and rentals

We count the number of financial transactions, i.e., the number of payments for the digital rental or purchase of a film. It is not recorded how often a film is watched. This information is also not always collected in these VoD business models.

A few larger providers offer films in bundles. In one financial transaction, which is usually greater than a single purchase or rental,

several films can be rented or purchased at the same time. In these cases, the number of financial transactions for the bundle is counted for each individual film. The total therefore contains double counting and tends to be too high, but this approach allows for a breakdown of demand by film title and is therefore preferred. Overall, the double counting is also not very significant, especially since only a few VoD platforms offer this.

## 4.2 Views on subscription and streaming services (SVoD)

The rental and purchase business models always use financial transactions for settlements with rights holders. Such a universal method for measuring demand does not exist on subscription and streaming services (SVoD). There is no such thing as the 'best' method; depending on the perspective or focus, a different one may be appropriate. Furthermore, it is not entirely known what information is collected by the providers that is useful for the counting method. The differences in the breadth of usage data collected seem to vary substantially from provider to provider.

The FSO proposes the SVoD providers a uniform counting method. The first view of a film by a user is counted and all further views within 7 days are not counted. This means that there is no double counting during breaks and continuations. If a user - or, for example, a family member via the same account - watches a film a second time within 7 days, this only counts as one view. But it is not possible to record who or how many people watch a film during a viewing anyway. The FSO proposes this method as a uniform counting method primarily because after discussions with various SVoD providers it seemed feasible for most of them.

Less than half of the SVoD providers use the counting method suggested by the FSO. The majority insist on using their own counting method, although no two providers use exactly the same method. Most of these providers limit the number views counted after a consumption period. A view should be counted if it lasts longer than a few seconds up to a few minutes. In some cases, whether the user leaves the platform and then logs in again also has an impact (a new view in this instance). Sometimes only one view is counted within one day.

Thus, for the measurement of the demand for subscription and streaming services, no uniform method has been able to be enforced so far. However, it is difficult to estimate how large the differences caused by the counting methods are. For this reason, the statistical results on the demand for SVoD services must be considered as an approximation of reality. At least the providers change their counting method only rarely, so that the general development in demand on SVoD platforms can be shown to a reliable degree.

## 5 Data collection and data quality

The International Standard Audiovisual Number (ISAN) is a reportable identification number for audiovisual works - similar to the ISBN for books - and at the same time the number also contains information about these works. The delivery of ISAN codes is mandatory according to the FiO. It is crucial for the efficient processing of data deliveries from providers.

The comparison with the ISAN database is about checking whether the supplied ISAN codes are correct. The supplied film information is compared with that in the ISAN database. If the code is incorrect, it is replaced and the reporter is informed. The comparison with the ISAN database is also about completing film information where necessary before the films are imported into the FSO database. This is only done for VoD only films that have not already been reported by distributors for the cinema. The latter already go through various checks as part of the cinema statistics. The genre and origin of VoD only films are also checked against the LUMIERE film database, and in some cases against the Internet Movie Database (imdb.com). Here is some information on these sources:

- LUMIERE is the European Audiovisual Observatory's database. The sources of this database are all official bodies that hold cinema data. In Switzerland, this means the FSO.
- imdb.com is considered one of the largest, best-known and most complete film databases around. The information in this database comes from or is controlled by production companies, but IMDB, like Wikipedia, is an open portal that also relies on user entries. It is a valuable source of film metadata, but is not perfect.

The verified data are imported into the FSO database of film and cinema statistics and the providers are informed of any corrections.



## 6 Glossary

### T2 Glossary of VoD statistics

| Term                                   | Description  |
|--|--|
| FIA                                    | Federal Act on Film Production and Film Culture.   |
| Film                                   | A film within the scope of the film and cinema statistics is an audiovisual work that is produced for screening in cinemas or, whether originally intended or not, screened in cinemas and/or offered for payment via video-on-demand (VoD). These films can also be shown on television, sold on physical audio-visual media (DVD, Blu-ray, etc.) or even offered free of charge on the internet (legally or illegally financed through adverts). However, the FSO does not collect any data from these channels. A film can be defined by various attributes, such as the title, the director, the production company, the actors and actresses, etc. Alternative content in cinemas, such as the broadcasting of operas or sporting events, are not taken into account. |
| Film title                             | A film's 'official' title is the title used for commercial use of the original film.<br><br>For statistical purposes and electronic data processing, the title must be presented where possible without accents and special characters and with the (definite or indefinite) articles after the body of the title, separated by a comma.<br><br>E.g., DOWNFALL, THE  |
| FIO                                    | Film Ordinance.  |
| Genre                                  | A relatively subjective classification criterion that classifies films according to the film type or subject. The Swiss cinema industry has drawn up a joint list for this purpose. Example genres: action, comedy, crime film, etc. The FOC and the FSO have decided by mutual agreement to classify films only according to a limited number of genres. These are: documentary, feature film and animated film.  |
| Film's country of origin (nationality) | A film's country of origin is indicated by the certificate of origin issued by the relevant country's cinema authority. It is determined based on the financing of the production, i.e., the nationality of the production company with the majority shareholding. The nationality of the director, actors or the technical staff is irrelevant. One also refers to a film's 'nationality' or 'origin'. In a co-production, the majority country determines the film's nationality. This is necessary for statistical reasons.   |
| Cinema                                 | Specially equipped place with one or more cinema screens in which private or public film screenings are held. Every cinema must be registered with the FOC. Depending on the canton, a cinema may require a permit to show a film.   |
| Cinema film                            | In the VoD statistics, films are categorised as cinema films if at some point, they have been programmed and publicly screened in a cinema at least once.  |
| Co-production                          | A group composed of several partners (a production company and one or more co-production companies) who implement a joint project and assume co-responsibility for financing the script and film production.   |
| Short films                            | Short films last no more than 60 minutes (not included in the statistics unless otherwise stated).   |
| Feature-length film                    | Feature-length films last 60 minutes or longer.  |
| Production year                        | A film's production date (or year) is a term that is difficult to define because different organisations offer different definitions depending on their needs. For example, for the FOC, a film's production date is the date on which the project was accepted and financial support was granted. The FSO uses the information provided by the distribution and/or production companies here.   |
| Director                               | Person(s) responsible for making a film who has or who have artistic responsibility for the project from start to finish.<br><br>The director is also responsible for the acceptance of the final product by the limited partner (production company), but usually has no copyright claims on the final product.<br><br>They have the task of working out the narrative form of the film theme or, depending on the case, of developing a theme, sometimes in collaboration with one (or more) other authors. The director ensures the coordination of the various technical and artistic input and supervises their contributions (narrative form, acting interpretation, language, music, image, etc.)   |
| Swiss film industry                    | Different types of 'Swiss films' are distinguished: <ul style="list-style-type: none"> <li>• 100 percent Swiss film: Financing is provided in full by one or more Swiss production companies.</li> <li>• Majority or mainly Swiss co-production: The Swiss (co-)production companies are the majority film financiers.</li> <li>• Minority Swiss co-production: The Swiss (co-)production companies are the minority film financiers.</li> </ul> <p>Only the first two categories appear in the FSO statistics under the designation 'Swiss film' unless otherwise noted.</p>  |
| Running time                           | The running time of a film in a particular geographical zone or language region corresponds to the number of weeks that a film is screened for in that zone/region.  |
| Video on demand (VoD)                  | Video on demand (VoD) generally describes a digital view (download or streaming) of an audiovisual production. The Film Ordinance SR 443.11 Art. 16A determines what the FSO includes and surveys in the area of VoD.  |
| VoD provider                           | Company that offers films digitally to the public. Providers who offer films digitally and for a fee for purchase, rent or on a subscription service for download are subject to the reporting obligation. The company domicile is irrelevant, but the offering must be accessible within Switzerland's borders.   |
| VoD types (business models)            | This covers all active platforms in Switzerland that make films digitally available against payment either for sale (EST), rent (TVoD) or via subscription services (SVOD) (comprehensive survey). Cinema films made available by cinema and rental companies on VoD platforms are also included. Free streaming financed by advertising (AVoD) is not included.   |

| Term          | Description  |
|---------------|--|
| VoD platforms | A website that makes films available in digital form and that is accessible throughout Switzerland. One or more types of VoD can be available on a VoD platform (EST sale, TVoD rental, subscription/streaming services (SVoD)). One provider (company) can operate several platforms. |