



Reporting obligation for video-on-demand (VoD) data pursuant to Article 27 of the Ordinance on the Quota for European Films and Investment in Swiss Film Production (FQIO; RS 443.14)

FAQ - data delivery

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A. Important websites and contact addresses

Federal Statistical Office FSO

Page on data collection in relation to reporting obligation:

www.fiv.bfs.admin.ch.

Page Filetransfer Service FOITT:

www.filetransfer.admin.ch

Contact:

film@bfs.admin.ch

Federal Office of Culture FOC

Page on reporting obligation

<https://www.bak.admin.ch/bak/en/home/culture-creativity/film1/rechtlicheinformationen/meldepflicht-der-statistischen-angaben-fuer-den-filmverkaufs.html>

Contact:

fqiv@bak.admin.ch

ISAN (Switzerland & International):

ISAN Switzerland website:

<https://isanswitzerland.ch>

Website of ISAN International:

<http://www.isan.org>

Contact ISAN International:

info@isan.org

B. General questions on the reporting obligation and the FQIO

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

In accordance with the Ordinance on the Quota for European Films and Investments in Swiss Film Production, if your company provides films including series for distribution via on-demand services, then your company is obliged to comply with reporting obligations. This also applies to the rights holders of films provided on the Swiss market. If you are not yet registered with the Federal Office of Culture (FOC), please do so as soon as possible by completing the form provided on the FOC website and returning it to the FOC by email (see point A).

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

The Federal Office of culture (FCO) is responsible for enforcing the reporting obligation contained in the Film Act and the Ordinance on the Quota for European Films and Investments in Swiss Film Production. 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 for registering your company and contact addresses may also be found on this page.

ISAN Switzerland and ISAN International are responsible for allocating ISAN codes. Rights holders must register their films directly with the ISAN agency and receive an ISAN code from it that should be sent to the VoD platforms. ISAN offers platform managers a data matching

service to enable them to update their data to the latest ISAN standard before the first report is sent to the FSO.

The Federal Statistical Office (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 on-demand services (VoD). No conclusions may be made about the number of views per provider.

What are the changes introduced by the FQIO with regard to the reporting obligation?

From 1 January 2024, the obligation to report VoD statistics will no longer be governed by the Film Ordinance (FiO) but by the Ordinance on the Quota for European Films and Investments in Swiss Film Production (FQIO). In addition to reporting films, this revision includes the obligation to report series.

*Films that qualify for inclusion are those in the documentary, fiction or animation genres, **including series** within the meaning of Art. 2, para. 1, FiA, as well as audiovisual works with a comparable narrative or creative structure. (Art.2, para. 1, FQIO).*

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/FOITT platform (www.filetransfer.admin.ch -> send to film@bfs.admin.ch). If you are a VoD provider and do not have an existing account, 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 the first phase, data will be collected only from (VoD) distribution platforms. In a second phase, rights holders may be contacted to verify the data provided by the 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 the FOC indicated in its circular of 10.01.2018, the survey only concerns VoD 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* sets out the general rules; in the *explanatory tables* (Excel) you will find detailed information on every variable and a template for the presentation of your data.

Here is a reminder of the main rules:

- The data to be provided concerns all eligible films listed below, offered for payment (either via subscription or per work) during the covered year:
 - **Fiction or animated** film with a runtime of 60 minutes or more, or a series in the corresponding genres with a total runtime of 120 minutes or more per season.
 - **Documentary** with a runtime of 50 minutes or more, or a documentary series with a total runtime of 100 minutes or more per season.
 - Any **other eligible film** (audiovisual works structured in a comparable manner in terms of narration or creation) with a runtime of 50 minutes or more.
- Short films, footage of live performances and events (concerts, sports events, stand-up shows etc.) or erotic films are excluded or 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 VoD (sale, rental, subscription).
- Companies distributing films/series in a VoD category on several platforms are asked to provide their data separately for each platform. If this is not possible, it must be specified on which VoD platforms the views were generated.
- Before the first report is sent to the FSO, the ISAN codes should be looked up for all films/series 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. For subsequent reports, ISAN codes will only be required for films and series that are newly included in the offer. 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 (including series) have already been allocated codes. Existing ISAN codes can be consulted on the organisation's [ISAN](http://www.isan.ch) website, searching by title. You can also find these codes on www.procinema.ch. However, the codes are not added immediately, and only for films shown in cinemas, which is why the ISAN website is recommended before 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. To update your database, you can send the international ISAN

agency a list of your films/series, which it will compare with its own data using the internal identifier.

They allocate ISAN codes to films and forward these codes to the providers. Please contact ISAN International directly for this purpose.

Individual, existing ISAN codes may be found by searching for titles on the ISAN organisation's website [ISAN](http://www.isan.ch). You can also find these codes on www.procinema.ch. However, the codes are not added immediately, and only for films shown in cinemas, which is why the ISAN website is recommended before this option.

What is the required format for delivered data?

In CSV or Excel format, but not in .pdf.

Should other documents and additional information also be sent?

Any explanations and comments on the data are welcome.

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

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

Why are there 3 ways of delivering viewing data?

Unlike the other VoD domains, there is currently no uniform method for measuring views in the field of subscription services (SVoD). However, comparable data are needed both for statistical purposes and for 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 defined so they can be compared and delivered by all platforms, even if this does imply slightly more effort on behalf of the data suppliers initially.

Here are the three methods defined for measuring views:

- A. Net views per year and film including series (platform-specific methodology):**
-> Platforms eliminate pauses and continuations and inform the FSO of the method used for this purpose
- B. Number of views per year and film (including series) 7-day limitation per user (preferred method until now):**
-> only one view is counted per film and user for seven days (then, after 7 days, a new view can be counted again)
- C. Cumulative number of viewing minutes per year and per title:**
-> the platforms report the total viewing minutes for each title.

Method A enables the platform to use its own methods to count the net views excluding pauses/continuations. The FSO, however, must be informed of the method. It does not allow a uniform method to be applied across platforms.

Method B can be implemented using simple time stamps. According to feedback received, it is a uniform method that enables data on viewings that are comparable. However, this method has not yet been adopted by a large number of platforms, or has not been applied uniformly from one platform to another (e.g. the minute from which a viewing is counted as such may differ depending on the provider).

Method C provides a simple, standard statistical indicator describing how many times a work was viewed in its entirety during the year under observation: cumulative number of minutes of views for a film divided by the length of the film. The main purpose of this indicator is to reduce the weight of interrupted viewings or short clicks and thus reflect the number of viewings as accurately as possible.

What is meant by an SVoD user?

This question mainly concerns data for which all the views by the same user over seven days are counted as a single view (method B). 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, the procedures, data protection, etc.).

If the platform indicates method A (net number of views per year and per film), it will report the method used to the FSO (we absolutely need to know how pauses and continuations have been eliminated).