



Background on SUISA Digital's lawsuit against Snapchat operators.

Today, SUISA Digital Licensing (SUISA Digital) announced that it is suing Snap for copyright infringement. Snap operates the successful platform Snapchat. In a written interview, Fabian Niggemeier, CEO of SUISA Digital, comments on the background of the lawsuit.

Fabian Niggemeier, why is SUISA Digital suing Snap?

Like every online platform that makes music available to its users, Snap also requires a license for Snapchat in order to be able to use this music commercially. However, Snap does not own a license for our repertoire and does not pay any compensation to the creators and publishers we represent for the music in the videos on Snapchat. Thus, Snap is clearly in violation of copyright law, which is why we filed a lawsuit against the company.

Was there no other way to get Snap to pay copyright royalties?

Unfortunately, there was no other option. We conduct contract negotiations with every online music provider - we now have such contracts with around 80 providers. We have also been trying to negotiate such a contract with Snap for about two years. So far, the attempts have been unsuccessful. Snap takes the position that they do not use any of our authors' and publishers' songs. But we can prove that this statement is false. In fact, there are thousands of songs available on Snapchat that have been composed and written by creators and publishers who have entrusted us with their rights.

Snap introduced the new "Sounds" feature for Snapchat - embedding music in Snaps - some time ago. At launch, Snap stated that it had entered into licensing agreements with rights holders for this offering. Does Snap not pay any royalties to other collecting societies? Is SUISA Digital an isolated case?

Unfortunately, we don't know. We only know that Snap offers the works of numerous authors and publishers, who are represented by us, to users on the Snapchat service and thus reproduces them publicly. Snap has not acquired a license for this.

How much compensation does Snap have to pay for the use of the works of the authors and publishers represented by SUISA Digital?

We are yet to calculate the exact amount. Unfortunately, we currently lack the necessary information for this. One demand of our lawsuit is therefore that Snap discloses Snapchat's revenues and streaming figures without restriction and without gaps. Based on these figures, we will calculate the actual amount of compensation owed.



What does this lawsuit mean for Snapchat users? Will the repertoire represented by SUISA Digital be blocked?

There is no reason for a blocking of the repertoire we represent as long as Snap abides by the rules. So far, our repertoire can only be accessed illegally on Snapchat. We appeal to Snap, for the benefit of its users, to talk to us about licensing our repertoire and not to escalate the situation any further.

SUISA Digital is a Liechtenstein company owned by a Swiss cooperative, but the lawsuit is being brought before the Hamburg Regional Court. Why?

There are several reasons. SUISA Digital represents copyrights not just for uses in Switzerland and Liechtenstein but for the whole of Europe. Therefore, it is possible to institute proceedings in a large German-speaking country. The markets in Switzerland and Liechtenstein are too small for a lawsuit to have any external effect here. Lastly there is always the risk in a small market like Liechtenstein that Snap would take its service off the market. This scenario is extremely unlikely in the case of a lawsuit in Germany.

SUISA Digital Licensing

The music licensing organisation SUISA Digital Licensing (SUISA Digital for short) is a subsidiary of SUISA, the cooperative society for authors and publishers of music in Switzerland and Liechtenstein. SUISA Digital, having its registered office in Vaduz, Liechtenstein, represents the online rights to musical works by composers, lyricists and publishers from 15 copyright societies and several publishers worldwide. SUISA Digital licenses internet platforms worldwide and has contracts with over 80 online service providers, amongst others Youtube, Spotify, Apple Music or Meta (formerly Facebook).