

Copyright law in education in Switzerland

If the content is used in Switzerland, Swiss copyright law applies, based on the principle of territoriality.

In Switzerland, the author is defined by Swiss copyright law ([Art. 2 LDA](#)) as the rights owner of the content. In general, you must obtain an authorization from the rights holder (author or publisher) to use protected works.

There is an exception to this rule: **the exception for teaching purposes** ([Art. 19 1b LDA](#)). Within the framework of the exception for teaching uses, in principle **most uses of content by a professor for teaching purposes are permitted**.

This exception grants a legal license to use works under rights, but it doesn't mean that the use is free of charge: the Library pays annual fees for this type of use. The exception for educational purposes is applicable even if the teaching has a commercial purpose.

It is however **not applicable for the reproduction of the totality of a work available on the market...**

What a professor can do

Provided that the works are used in Switzerland for teaching purposes, a professor can:

- use **parts of protected works** available on the market (this includes copying chapters),
- make a **full copy of protected works which are no longer available** (books out of print),
- use citations of a protected work in order to comment, demonstrate, or to use it as a reference,
- fully copy and broadcast a radio or TV show (even on an intranet),
- show a DVD available on the market and copy extracts of it,
- **share documents on an intranet for students**, provided the access is protected by a password reserved to students and professor,
- store works under copyright on Dropbox or Google Drive.

The copying and sharing of full copyrighted works (books or DVD) still available on the market is forbidden, even for teaching purposes.

The case of Moodle

Moodle is a distance learning platform, on which a teacher can upload articles and parts of books for their students. The students have access to these documents and can in turn upload documents in some cases.

Teachers can scan articles or book extracts covered by copyright and upload them on Moodle **only if the access is reserved to students enrolled in their class**, and if access is **protected by a personal access key**.

In terms of copyright, Moodle platforms are similar to courses given face-to-face, and by analogy they are applied the same rules. Teachers should let their students know that they are not allowed to re-use documents outside the course and they cannot edit them without authorization.