



St. Gallen, 18 July 2024

Press Release

regarding judgment of 10 July 2024 in cases A-615/2023 and A-660/2023

Questions on the broadcasting of ice hockey highlights resolved

The Federal Administrative Court resolves fundamental legal questions on short news reporting about National League ice hockey matches. In the dispute between Sunrise and the Swiss Broadcasting Corporation, the Court rules partially in favour of both parties.

The telecommunications company Sunrise holds exclusive rights to broadcast matches of the top Swiss ice hockey league (the National League) for seasons 2022/23 to 2026/27. As programme broadcaster, the Swiss Broadcasting Corporation SRG SSR is legally entitled to broadcast short news reports of these matches not exceeding three minutes. This right to broadcast short news reports limits the rights of the exclusive rights-holder. The purpose of this limitation is to ensure that important information about public events is freely available to the public. Furthermore, a variety of providers must be able to report on an event from different perspectives in the interest of diversity of information and opinion.

Issues at dispute

In the dispute between Sunrise and SRG, the Federal Office of Communications OFCOM decided under which conditions SRG may broadcast short news reports on National League ice hockey matches. Both Sunrise, as the holder of exclusive rights, and SRG appealed this decision to the Federal Administrative Court (FAC). Sunrise and SRG disagree on the point in time from which SRG may show its short news reports, whether it may make them available for retrieval on digital platforms (e.g. on its website), and in what form the transmission signal is to be supplied by Sunrise.

Judgment of the Federal Administrative Court

According to the FAC judgment, SRG may start reporting immediately after the end of a match without having to wait for a deadline to expire. SRG may only make short news reports available for retrieval on digital platforms to the extent it aired them before on the television broadcast of the linear programme without alterations. In other words, it may not show short news reports individually, as part of other broadcasts, or as part of text reports. Sunrise must make the signal available to SRG with a source reference and without any additions, such as embedded graphics. With this judgment, the FAC resolves fundamental questions relating to short news reporting on a public event and recognizes the reasoning of both parties to be partially justified.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 375 employees (314.7 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.