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Switzerland: ETH document delivery service, Federal Supreme Court of Switzerland, 4A 295/2014, 28 November 2014

Yaniv Benhamou (Lenz & Staehellin, Geneva) · Saturday, January 17th, 2015

The document delivery service of ETH Zurich (scanning individual articles and sending them by email to the users) is covered by the exception for private use (Art. 19 CopA), as a person entitled to make copies of a work for private use (Art. 19 al. 1 CopA) may also have them made by libraries and sent by email (Art. 19 al. 2 CopA). Such a service is not in direct competition with the publishers' services (publishers' pay-platform), as the library may merely scan individual articles on request, but shall not provide an entire online database. This reverses the decision of the Zurich Commercial Court of 7 April 2014.

A full summary of this case has been published on Kluwer IP Law

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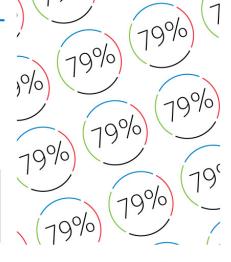
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