

Switzerland

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1. What is the understanding or definition of AI in your jurisdiction?

In Switzerland, there is no formal legal definition of ‘artificial intelligence’ codified in a specific AI law. Instead, the Swiss Federal Government adopts an approach which is both functional and technology-neutral in its treatment of AI. The government’s focus is directed towards the operational mechanisms of AI systems and the risks they pose, as opposed to adhering to a rigid technical definition.

In a report published in February 2025,⁵⁹⁵ the Federal Council deliberately opted against adopting a codified legal definition, emphasising that AI should be regulated through existing sectoral legislation (eg, data protection, financial supervision and product safety) as opposed to terminology specific to the technology.

That said, the Competence Network for Artificial Intelligence (CNAI), part of the federal administration, has issued an AI terminology document to promote uniform language.⁵⁹⁶ In it, artificial intelligence is described as ‘building or programming a computer to do things that normally require human or biological skills (intelligence)’.

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

As of 2025, Switzerland’s legal sector has firmly moved into practical AI deployment. Approximately 50 per cent of financial institutions actively use AI according to the Swiss Financial Market Supervisory Authority’s (FINMA) 2025 survey,⁵⁹⁷ and large Swiss-based as well as international firms deploy AI for contract analysis, due diligence and legal research. The market is characterised by

595 DFJP, Basic legal analysis within the framework of the current state of regulatory approaches to artificial intelligence, https://www.bakom.admin.ch/dam/fr/sd-web/4HwAbRI-HeC1/analyse_juristisch.pdf (French version); https://www.bakom.admin.ch/dam/de/sd-web/4HwAbRI-HeC1/analyse_juristisch.pdf (German version), accessed 13 January 2026.

596 Federal Department of Home Affairs, *Terminology: Competence Network for Artificial Intelligence (CNAI)*, December 2023, https://cna1.swiss/wp-content/uploads/2024/08/CNAI_Terminologie_E_2_1.pdf accessed 13 January 2026.

597 ‘FINMA survey: artificial intelligence gaining traction at Swiss financial institutions’, *FINMA*, 24 April 2025 <https://www.finma.ch/en/news/2025/04/20250424-mm-umfrage-ki> accessed 13 January 2026.

both international platforms adapted to Swiss requirements – such as multilingual support and data residency – and locally developed solutions specifically designed for Switzerland’s legal landscape.

Strict data residency in Switzerland is a recurring requirement in the Swiss legal market (see the response to Question 9, below). It is increasingly met not only by local hosting providers but also by Swiss-based data centres of large international hyperscalers, enabling more international, legal specific AI tools to offer Swiss data residency aligned with client and regulatory expectations.

Several Switzerland based startups are also developing AI enhanced legal research tools tailored to Swiss law. However, these offerings remain at an early stage, with limited market traction compared to more established platforms.

As for specific use cases, contract intelligence platforms see the most widespread adoption, with Swiss-developed tools being used for contract analysis and regulatory compliance. AI solutions integrated into knowledge management enable users to search internal knowledge bases while conducting AI powered research and document review, including in German- and French language environments. There is also an increase in the use of AI-powered solutions in the eDiscovery and investigations realm.

Swiss legal publishers, most of whose content remains behind paywalls, are also beginning to combine authoritative national legal materials with AI-based functionalities.

3. If yes, are these AI tools different regarding
• independent law firms;
• international law firms; and
• in-house counsel;
and what are these differences?

In practice, international law firms with Swiss offices and larger in-house legal teams tend to be earlier adopters of AI, mainly because they can leverage existing group-wide IT infrastructure, budgets and governance – especially as they gained know-how from jurisdictions that are ahead of Switzerland in general AI adoption.

Independent Swiss firms – especially small and mid-sized ones – more often use AI in a pragmatic and less standardised way, typically as a drafting and summarising aid on the level of individual lawyers or practice groups. In-house teams, by contrast, are a key target group for AI tools that support fast contract analysis and policy-based risk triage, with the objective of handling more routine contract work internally and reducing reliance on external counsel for high-volume but legally standardised matters.

It is noteworthy that some firms are compelled to maintain dual infrastructures – on-premise solutions without AI and cloud-based solutions with AI functionalities

– in order to reconcile differing risk profiles and regulatory expectations across their client base.

4. What is the current or planned regulatory approach on AI in general?

Regulation of AI in general is still in development at the time of this writing.

In its report published in February 2025,⁵⁹⁸ the Federal Council decided to steer AI regulation toward three main goals: strengthening Switzerland's innovation capacity; protecting fundamental rights (including economic freedom); and building public trust. Rather than creating a broad, cross-sector 'AI Act' like the European Union, Switzerland will adopt sector-specific regulation where needed and reserve cross-sector regulation for legal areas where fundamental rights, in particular, are at play (eg, data protection).

Simultaneously, Switzerland is poised to ratify the Council of Europe's Convention on Artificial Intelligence. The Federal Department of Justice (DFJP), in collaboration with other agencies, has been assigned the responsibility of drafting a legislative proposal that is scheduled to be submitted for consultation by the conclusion of 2026. The proposed bill will entail the implementation of requisite legislative amendments to ensure adherence to the principles laid out in the EU's AI Convention. It is anticipated that this will encompass the introduction of targeted provisions pertaining to pivotal issues within the realm of AI, including transparency, data protection, non-discrimination and the establishment of oversight mechanisms.

In parallel to formal regulation, the government continues to use soft-law instruments. A notable example is the *AI Guidelines* issued by the Federal Council on 25 November 2020, which set out seven key principles for AI use in Switzerland.⁵⁹⁹ These include putting people first, ensuring transparency/explainability, accountability for AI outcomes, safety and security, etc. The Federal Office of Communications (DETEC/OFCOM) will also develop a non-binding governance plan by end the of 2026, including voluntary codes or self-declaration mechanisms.⁶⁰⁰

While federal regulation is still in development, sub-federal authorities are adopting binding directives that set minimum standards for how public employees may use online AI tools in their daily work. These rules primarily define which use cases are allowed, which data may not be entered into external AI systems and how AI-generated outputs must be checked and used under human control.

598 See n1, above.

599 Federal Council, 'Guidelines on Artificial Intelligence for the Confederation' <https://www.sbfi.admin.ch/dam/en/sd-web/-uy97trD1VMc/Leitlinien%2520K%C3%BCnstliche%2520Intelligenz%2520-%2520DE%5B1%5D.pdf> accessed 14 January 2026.

600 Digital Switzerland Strategy, 'Action plan' <https://digital.swiss/en/action-plan> accessed 14 January 2026.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

As mentioned above (see the response to Question 1), the Swiss Federal Government treats AI in a functional and technology-neutral way, focusing on how systems operate and the kinds of risks they pose. Therefore, there is no distinct Swiss law for machine-learning systems – machine learning is regulated as part of AI.

According to the February 2025 report from the Federal Council,⁶⁰¹ Switzerland will not introduce a general AI law but rely on existing sector-specific laws to address AI/ML risks (see response to Question 4). Under the planned framework, cross-sector legislation will focus on fundamental rights (eg, data protection and non-discrimination), not attempt to regulate all AI uniformly.

6. Is free data access an issue in relation with AI?

The Federal Council has promoted open government data (OGD) as part of its digital strategy.⁶⁰² The Federal Statistical Office led the implementation of a Swiss OGD Strategy for 2019–2023,⁶⁰³ which sought to make as many qualitative government datasets as possible publicly accessible via the opendata.swiss portal.⁶⁰⁴ A new Masterplan for Open Government Data 2024–2027 has been adopted for the purpose of continuing this effort, with a focus on improving data availability and quality, building the necessary infrastructure and encouraging the reuse of public data.⁶⁰⁵

Beyond public data, a significant question is how to facilitate access to privately-held data (particularly non-personal data) for innovation while respecting privacy and proprietary rights. In 2019, the Federal Council tasked the Swiss Federal Institute of Intellectual Property (IPI) to explore ways to improve access to non-personal data in the private sector. The IPI's report, published in March 2021, and noted by the Federal Council, highlighted that the digital economy would benefit from greater data sharing and called for measures such as establishing 'common data spaces'.⁶⁰⁶ The idea of data spaces is to provide platforms or frameworks where companies

601 See n1, above.

602 Open Government Data Office website, Federal Statistical Office, <https://www.bfs.admin.ch/bfs/en/home/services/ogd.html> accessed 14 January 2026.

603 Strategy 2019–2023, Federal Statistical Office <https://www.bfs.admin.ch/bfs/en/home/services/ogd/strategy/2019-2023.html#:~:text=The%20aim%20of%20this%20strategy,responsible%20for%20implementing%20the%20strategy> accessed 14 January 2026.

604 The opendata.swiss portal, Federal Statistical Office <https://www.bfs.admin.ch/bfs/en/home/services/ogd/portal.html> accessed 14 January 2026.

605 Masterplan Open Government Data 2024-2027, Federal Statistical Office <https://www.bfs.admin.ch/asset/en/28425806> accessed 14 January 2026.

606 IGE/IPI, Access to non-personal data in the private sector, March 2021, https://www.ige.ch/fileadmin/user_upload/recht/gesellschaft/f/20210301_Rapport_IPI_Acces_aux_donnees_non_personnelles.pdf (French version); https://www.ige.ch/fileadmin/user_upload/recht/gesellschaft/d/20210301_Bericht_IPI_Zugang_zu_Sachdaten_in_der_Privatwirtschaft.pdf (German version) accessed 14 January 2026.

can voluntarily share datasets under agreed rules, consequently overcoming data silos. The report did not recommend the introduction of mandatory data-sharing legislation, instead it advocated for the provision of incentives and support for voluntary exchanges. In a subsequent development, a set of model contractual clauses and agreements have been formulated with the objective of facilitating the secure exchange of data among companies. Specifically, the IPI has made available template agreements to facilitate the legal, secure and fair sharing of non-personal data between private organisations.⁶⁰⁷ These model contracts address issues such as maintaining trade secret protection and defining usage rights, thereby lowering the legal barriers to data collaboration.

While Switzerland values free-market principles, it acknowledges that data accessibility can impede the development of AI if left entirely to market forces. There is an ongoing discourse concerning the necessity for additional measures to guarantee the unimpeded flow of data, in particular regarding anonymised datasets that are instrumental in the training of AI systems. To date, the approach has been facilitative rather than coerced, with an emphasis on the enhancement of open government data, the promotion of altruistic data sharing within the private sector and a keen observation of international trends, particularly the EU's Data Governance Act and Data Act, with the objective of potential mirror adoption.⁶⁰⁸ The issue of free access to data remains a concern. However, Switzerland's current approach is predicated on strategies and soft measures rather than hard legislation, all the while emphasising the obligation to protect personal data via the Data Protection Act.⁶⁰⁹

In the legal domain specifically, access to legal data is also part of this picture. Switzerland publishes all of its and federal court decisions (BGer) and legislation (Fedlex) openly, which can be used to train AI for legal research.⁶¹⁰

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

At the time of this writing, there have been no Swiss court decisions that deal specifically with lawyers providing legal services using AI. In other words, there

607 IGE/IPI, Model agreements, <https://www.ige.ch/en/intellectual-property/ip-and-society/access-to-non-personal-data-in-the-private-sector/model-agreements> accessed 14 January 2026.

608 EU, Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R0868>; Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) <https://eur-lex.europa.eu/eli/reg/2023/2854/oj/eng> accessed 14 January 2026.

609 Swizz Federal Authorities, Federal Act on Data Protection (Data Protection Act, FADP) of 25 September 2020 (Last amended on 7 July 2025) <https://www.fedlex.admin.ch/eli/cc/2022/491/en> accessed 14 January 2026.

610 ATF from 1954 (main judgments published) and ECtHR judgments from 1983 <https://search.bger.ch/ext/eurospider/live/fr/php/clir/http/index.php?lang=fr>; Fedlex The publication platform for federal law https://www.fedlex.admin.ch/en/home?news_period=last_day&news_pageNb=1&news_order=desc&news_itemsPerPage=10 accessed 14 January 2026.

have been no lawsuits or judgments in Switzerland about a lawyer or law firm using AI to deliver advice, nor any case testing the liability or standards of AI-generated legal guidance. This is likely because the adoption of AI in day-to-day legal practice is still recent and no disputes have arisen from it in court.

There is also no known case law dealing with whether non-lawyers using AI to perform tasks that lawyers typically do (such as giving legal advice via an automated system) might violate any laws – partly because, unlike some countries, Switzerland does not restrict out-of-court legal advice to licensed attorneys.

It is worth mentioning that the Federal Administrative Court, in its decision B-2532/2024 of 26 June 2025, was presented with the question as to whether AI could be registered as an inventor in the patent register.⁶¹¹ The court held that an AI system cannot be recognised as an inventor under Swiss patent law because only natural persons may be inventors. At the same time, the court accepted that the human applicant could be named as the inventor when he had significantly contributed to the AI's operation and identified the inventive result.

While this decision concerns intellectual property, its reasoning on human responsibility, attribution and legal personhood is likely to be relevant in future cases involving AI in legal services or other professional activities.

8. What is the current status – planned, discussed or implemented – of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally being rendered by lawyers?

As of 2025, the Swiss approach is one of self-regulation and adaptation rather than strict legal codification of the legal sector. The use of AI by lawyers or automated legal advice have not been explicitly codified in Swiss law.

Instead, the provision of legal services using AI is subject to the same general regulatory framework that applies to the legal profession as a whole. This means that the existing laws governing lawyers – primarily the Federal Act on the Free Movement of Lawyers (FMLA) and cantonal codes of conduct – apply to AI just as they would to any other tool a lawyer might use.⁶¹² For example, if a lawyer uses an AI tool and breaches confidentiality or gives negligent advice, the lawyer would be accountable under the usual professional discipline and liability rules.

This also means that there is currently no ban or specific permission required for lawyers to use AI. The use of AI is generally seen as permissible as long as the lawyer supervises the output and maintains their professional responsibilities.

611 TAF B-2532/2024, 26 June 2025 <https://bvger.weblaw.ch/cache?guiLanguage=fr&q=B-2532%2F2024&id=112db135-77d8-4d25-b48d-41237968cbbbe&sort-field=relevance&sort-direction=relevance> accessed 14 January 2026.

612 Federal Act on the Free Movement of Lawyers (Lawyers Act, LLCA) of 23 June 2000 (State on 1 July 2025) <https://www.fedlex.admin.ch/eli/cc/2002/153/fr> (French version); <https://www.fedlex.admin.ch/eli/cc/2002/153/de> (German version) accessed 14 January 2026.

Moreover, Switzerland does not restrict the act of giving legal advice to licensed attorneys except in court representations – meaning non-lawyer service providers (or software) can offer certain legal information or contract templates without violating Swiss law. Consequently, an AI-driven legal advice platform operating outside of court proceedings would not automatically be unlawful in Switzerland. However, issues of quality, consumer protection and liability would arise.

While there have been some parliamentary initiatives to address these questions, the consensus leans towards caution without new prohibitions – that is, monitoring how AI evolves in legal services and relying on existing rules for the time being. In particular, legislators are waiting for the Federal Council’s comprehensive strategy (described above) before carving out any AI rules in specific professions.

And lastly, Swiss courts and bar regulators have disciplinary authority if a lawyer misuses technology in a way that breaches professional rules. To date, there have been no disciplinary cases about AI use.

9. What is the role of the national bar organisations or other official professional institutions?

The Swiss Bar Association (SBA – or *Fédération Suisse des Avocats*, *Schweizerischer Anwaltsverband*, or *Federazione Svizzera degli Avvocati* in the Swiss national languages) has taken an active role in guiding lawyers on the use of AI.

In June 2024, in response to the rise of generative AI, the SBA adopted the SBA Guidelines on the Use of AI.⁶¹³ These guidelines are a set of non-binding recommendations that provide a framework for the responsible use of AI by lawyers in Switzerland. The SBA recognised that lawyers are interested in using AI tools (for efficiency in tasks such as contract drafting, legal research, etc.) but needed clarity on how to do so without breaching ethical and legal duties. The guidelines therefore serve as a reference point, helping lawyers navigate issues of confidentiality and liability when employing AI.

The SBA’s AI guidelines emphasise that lawyers remain fully accountable for their professional obligations even when they use AI. Notably, the guidelines address the paramount concern of professional secrecy. The SBA identifies three acceptable approaches for lawyers to use AI in compliance with secrecy and data protection requirements, warning that without one of the below safeguards in place, confidential information must not be fed into AI systems:

613 FSA guidelines on the use of artificial intelligence (AI), FSA Council, 14 June 2024 https://digital.sav-fsa.ch/documents/1060627/0/Lignes_directrices_de_la_FSA_portant_sur_l%E2%80%99utilisation_de_l%E2%80%99intelligence_artificielle_16.02.2025.pdf/c1694d65-9f18-3850-bd70-0ff3e8f32f42?t=1740988713284 (French version); https://digital.sav-fsa.ch/documents/1060627/0/SAV-Wegleitung_f%C3%BCr_den_Umgang_mit_k%C3%BCnstlicher_Intelligenz_16.2.25.pdf/0b498c8a-85aa-e089-32a2-18da59ee658c?t=1740988650613 (German version) accessed 14 January 2026.

1. Hosting and operating the AI software within the firm's own secure IT environment, so that any data processed by the AI never leaves the firm's infrastructure. This option can be technically and financially demanding, since firms might need to set up local servers or private cloud instances for AI tools.
2. Outsourcing to external or cloud-based AI services, whereby lawyers must carefully vet and contract with the provider to ensure that providers have servers in jurisdictions with strong privacy laws, robust data processing agreements and that the provider is effectively an 'auxiliary' bound by secrecy (the Swiss Federal Supreme Court has ruled that an external IT provider can be considered an 'auxiliary' under the Lawyers Act, making the lawyer responsible for that provider's handling of secret data). The SBA directs lawyers to follow its existing recommendations on cloud computing outsourcing for law firms.⁶¹⁴
3. As a last resort, the lawyer may obtain the client's explicit informed consent to any potential confidentiality or data security risks from using a particular AI tool, which involves explaining to the client what data might be sent to an AI application and the associated risks, and getting the client's agreement (ideally in writing) to proceed. Such consent might amount to a limited waiver of confidentiality or data protection rights for that specific use.

To complement its own guidelines, the SBA also refers lawyers to the European Lawyers Foundation's Guide on the use of generative AI by lawyers, the most recent version of which was published in October 2025.⁶¹⁵

In addition to soft law instruments, national and cantonal bar associations are also educating their members about AI, by organising seminars and publishing articles on the opportunities and risks of AI in legal practice.

While there have been some discussions on whether refusing to adapt at all could eventually raise questions of whether a lawyer is providing the most efficient service, the current focus is on encouraging responsible innovation – lawyers are encouraged to explore AI, but to do so in a way which upholds ethical standards.

614 SAV FSA, FSA guidelines and recommendations for IT outsourcing and the use of cloud services https://digital.sav-fsa.ch/documents/1060627/1169162/190408-sav-guidelines-outsourcing_f-%282%29.pdf/ecfb7376-ab9c-35a5-a012-13125f192d32?t=1618228929442 (French version); https://digital.sav-fsa.ch/documents/1060627/1169162/20221111_cloud+guidelines_D.pdf/20669277-0dc0-4f60-1e69-3d9386f469f8?t=1676907814384 (German version) accessed 14 January 2026.

615 Council of Bars and Law Societies of Europe, 'CCBE guide on the use of generative AI by lawyers', 2 October 2025 https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/IT_LAW/ITL_Guides_recommendations/EN_ITL_20251002_CCBE-guide-on-the-use-of-the-use-of-generative-AI-for-lawyers.pdf accessed 16 January 2026.