

## **This hippie instrument from Bern is world-famous—and it's the subject of a huge controversy**

**The hang, a musical instrument invented in Bern, has established a global scene – but its inventors are not happy about it. That is why a court is now deciding to what extent the instrument enjoys legal protection.**

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One of the most successful and controversial Swiss inventions is the hang. Developed around the year 2000, this musical instrument looks like a UFO: two lens-shaped halves of sheet metal with dents in them, placed one on top of the other.



The hang and copies and further developments of it, called handpans, have been at the center of a legal dispute that has been going on for years. *Image: [www.imago-images.de](http://www.imago-images.de)*

If you place the lens in your lap and tap on the dents, you will hear gentle, spherical sounds that some find meditative. Because it is meant to be played with the hands and the inventors of the instrument come from Bern, they named their instrument Hang, after the Bernese German word for hand.

Since its invention, the Hang has inspired many and is therefore encountered by many. There is hardly a pedestrian zone in Europe where someone has not played this instrument with their eyes closed, attempting to enchant passersby. However, it is important to note that not every metal lens is a Hang.

## A hype that was not intended

Felix Rohner and Sabina Schärer, the inventors of the hang, founded their company Panart in the early 1990s. At that time, they built and sold steel drums: dented metal bowls with a clanging sound, which first appeared in Trinidad almost a hundred years ago.

Then, at the end of the nineties, came the flash of inspiration. Rohner and Schärer turned two steel drums upside down, placed them on top of each other, and created something new: the hang.

Although they didn't set out to do so, their innovative instrument became a hype. In the mid-2000s, suddenly half the world wanted a hang. Contrary to what one might expect, this did not please the inventors at all. They did not see themselves as instrument makers, but as "sound sculptors." They regarded their hanghang (their preferred plural form) as "sound sculptures," as works of art, which is why they built far fewer than they could have sold.

From then on, the only way to purchase a hang was to visit Rohner and Schärer in their workshop in Bern. For a while, interested buyers even had to "apply" for a purchase by sending a handwritten letter proving that they "understood" the instrument; many were rejected.

The limited supply created a large market for replicas and further developments, known as handpans. Today, there is a considerable handpan scene with manufacturers, festivals, and concerts worldwide. YouTube videos with titles such as "Calming Meditation: 1 hour handpan music" have millions of views.

### This is what the hang sounds like:



Video: [YouTube/Hang Massive](#)

### The inventors see their work as "trivialized"

It's actually a wonderful story. But the calm sound of the hang and the peaceful, sometimes esoteric character of the handpan scene stand in sharp contrast to the legal disputes that have been raging around the instruments for several years.

In the eyes of hang inventors Felix Rohner and Sabina Schärer, handpans are cheap copies that misrepresent and "trivialize" the spirit of their creation. That is why

the two are trying to protect their instrument legally. "To put a stop to the shameless production and marketing of plagiarized products (...)", as stated on the website of their company Panart.

However, Rohner and Schärer did not apply for a patent for their instrument, which they would have had to do shortly after its invention

. Instead, they are now choosing to protect the hang through copyright – an unusual step for Musical instruments. If they are successful, they will benefit from a long period of protection. Unlike patents, which are valid for a maximum of 20 years, copyright is valid for up to 70 years after the death of the author.

### **The handpan scene strikes back**

After a few scattered individual lawsuits, the hang company Panart filed a targeted lawsuit against several German handpan manufacturers in 2020. The courts recognized the hang as a work of applied art and thus subject to copyright, which is why they banned the sale of the handpans in question.

This shocked the international handpan scene, which now feared for its future. Several manufacturers and dealers joined forces as Handpan Community United to raise money for a lawsuit against Panart through a donation campaign. Against the company without which the handpan would hardly exist today.

In 2020, members of the group jointly filed a lawsuit with the Bern Commercial Court. The court was asked to rule that the slope *not* eligible for copyright protection.

The lawsuit focused on four features that Panart describes as essential to the Hang: the lens shape of the instrument, the central dome on the upper shell, the resonance hole in the lower shell, and the ring-shaped arrangement of the tone dents. According to Rohner and Schärer, these features are an expression of their personality – which is a prerequisite for copyright protection.

According to the handpan scene, however, these features are purely functional. Just like the sound hole of a guitar or the keys of a piano. The idea that a globally popular instrument should only be allowed to be built by one company is simply absurd.

"Imagine if someone had 'protected' the guitar. (...) Shame on you!" reads a recently published Google review of Panart.

### **The consequences are still uncertain**

In a first step, the Bern Commercial Court ruled in favor of Rohner and Schärer. In the summer of 2024, it found that the hang builders had "creative freedom" in their invention and had made creative use of it. Therefore, copyright applies. According to Swiss, German, and Dutch

law. This is because the handpan plaintiff group is made up of German, Dutch, and Swiss companies and individuals.

However, what this means in concrete terms is still unclear. The second part of the proceedings will begin on January 27. In this part, the Bern Commercial Court will examine individually which of the disputed handpan models actually infringe the previously established copyright. Following the Commercial Court's ruling, the case is likely to end up in the Federal Supreme Court.



The Commercial Court must now assess instruments such as these: Daniel Bernasconi at work on one of his Soma brand handpans. *Image: zvg*

One person whose handpans will be tested on January 27 is Daniel Bernasconi. He used to be a banker in Zurich until he encountered a street musician playing on a slope on his way home from Paradeplatz.

Bernasconi was deeply moved by the sound, quit his banking job, and bought a handpan, with which he traveled around the world for several years. In 2016, he began own handpans and selling them. After receiving a warning letter from Panart in 2020, he joined the handpan community's lawsuit.

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Bernasconi cannot fully explain why the dispute with the inventors of Hang from Panart escalated so far. "It's a very emotional issue for Panart," he says on the phone. "It doesn't seem to be about money, otherwise they would have come to an agreement."

In response to a request for comment from CH Media, Felix Rohner and Sabina Schärer from Panart wrote that there were "many misunderstandings, misinformation, and emotions" surrounding the case. However, they had decided "not to give any interviews or talk to the media before the hearing."

### **A complete ban would come as a surprise**

Handpan maker Bernasconi is awaiting the second ruling of the Bern Commercial Court with a certain amount of tension. In his view, a negative ruling could mean the end of the handpan community and the end of his business. The fact that the

However, he does not believe that the court will ban the majority of handpans. After all, they are further developments of the hang, not copies.

German legal scholar Annette Kur, who has been following the case for some time, explains on the phone that she agrees with Bernasconi's assessment. The design of the hang is closely linked to its construction principle, which makes it difficult to extend the scope of copyright protection.

She also points out that it would be "absurd" if "this instrument could actually only be manufactured by these two people or with their permission according to this principle." This makes sense, even without delving into the subtleties of copyright law. (aargauerzeitung.ch)