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Swiss Association of Consulting Engineers

KI IN DER FIRMA – STRATEGIE & RECHT IM GRIFF HABEN

Swissbau, 20. Januar 2026, 15.30 – 16.30 Uhr

HERZLICH WILLKOMMEN

Keynote Session:

KI in der Firma – Strategie & Recht im Griff haben

Moderation:

Livia Brahier und Maurice Lindgren

Co-Geschäftsleitung [suisse.ing](https://www.suisse.ing)



PROGRAMM

*«Strategische Transformation im Zeitalter von KI –
Digitale Roadmap und KI-Methode für Planungsbüros»*

Prof. Dr. Marc K. Peter, HES-SO Valais-Wallis, Professor für Digital Business

«KI – Rechtliche Rahmenbedingungen in der Schweiz und in der EU»

Dr. Mario Marti, Rechtsanwalt Kellerhals Carrard Bern, Senior Advisor [suisse.ing](https://www.suisse.ing)

STRATEGISCHE TRANSFORMATION IM ZEITALTER VON KI – DIGITALE ROADMAP UND KI-METHODE FÜR PLANUNGSBÜROS

Prof. Dr. Marc K. Peter

Professor für Digital Business
HES-SO Valais-Wallis





Strategische Transformation im Zeitalter von KI

Digitale Roadmap und KI-Methode für Planungsbüros



Prof. Dr. Marc K. Peter

Swissbau Focus | KI in der Firma – Strategie & Recht im Griff haben | 20. Januar 2026





Digital Prof.com

Marc K Peter & The Digital Transformation Canvas



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KMU-Transformation

Als KMU die Digitale Transformation erfolgreich umsetzen

km-tTransformation.ch

Forschungsergebnisse und Praxisleitfaden

Hauptpartner: PostFinance, ABACUS, DREAMLAB, Gewerbezeitung, KMU Next, die Mobiliar, NEMUK, DIE POST, swisscard

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Arbeitswelt 4.0

Als KMU die Arbeitswelt der Zukunft erfolgreich gestalten

arbeitswelt-zukunft.ch

Forschungsergebnisse und Praxisleitfaden

In Zusammenarbeit mit: FUTURE WORK GROUP

Wirtschaftspartner: sedus, SHARP, Lenovo, ERCO, KMU Next, logitech, MindManager, swisscard, ORGANISATOR, Q und Bank

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Strategieentwicklung im digitalen Zeitalter

Planung & Umsetzung der Digitalen Transformation

strategische-transformation.ch

Forschungsergebnisse und Praxisleitfaden

In Zusammenarbeit mit: strategylab

Hauptpartner: Bank WIR, die Mobiliar, swisscard, lenovo, gfs, KMU Next, swiss export, Gewerbezeitung, digitalswitzerland, JJB Ruhnli-Budner

n|w Fachhochschule Nordwestschweiz Hochschule für Wirtschaft

Ersteht im Sommer 2025

**Künstliche Intelligenz (KI):
Strategiemethodik, Konzepte
und Fallstudien**

Ein Leitfaden für die Planung und Umsetzung im KMU

Marc K. Peter, Emanuela Laurenzi & Knut Hinkelmann (Hrsg.)

ki-zentrum.ch

Wirtschaftspartner: ABACUS, swisscom, Gewerbezeitung Schweiz, Promovision, Sankt Sulpiz, Promovision Suisse Svizzera

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Managers / Practitioners:

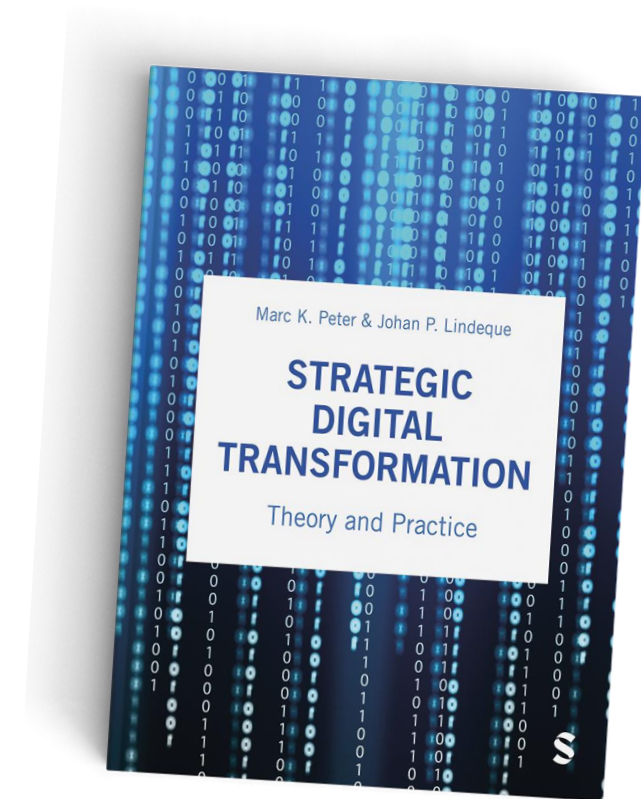


As featured in
Forbes



[the-digital-transformation-canvas.com](https://www.the-digital-transformation-canvas.com)

Lecturers and Students:



[strategic-digital-transformation.com](https://www.strategic-digital-transformation.com)



Background –
the Digital Age

Digital
Transformation

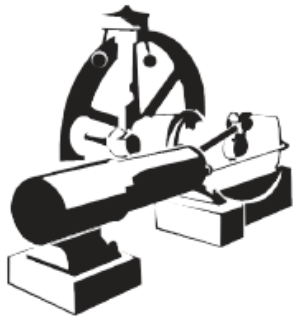
Strategy
Transformation
in Light of AI



1. Industrial Revolution

Mechanisation

Steam engine



since approx. 1750

2. Industrial Revolution

Mass Production

Assembly line

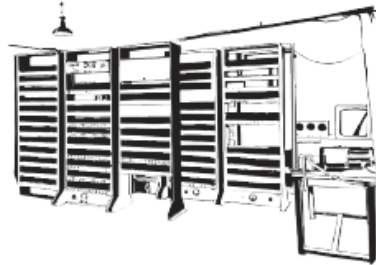


since approx. 1870

3. Industrial Revolution

Automation

Information and communication technologies

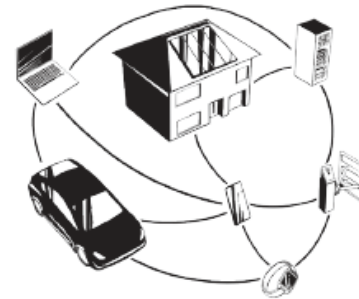


since approx. 1960

4. Industrial Revolution

Digitalisation / Digital Transformation

Cyber-physical systems

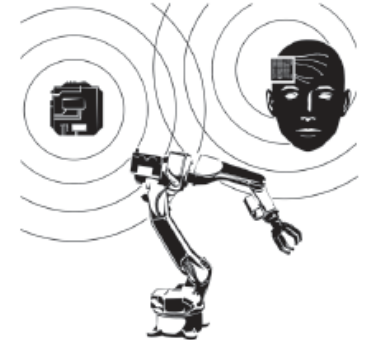


since approx. 2000

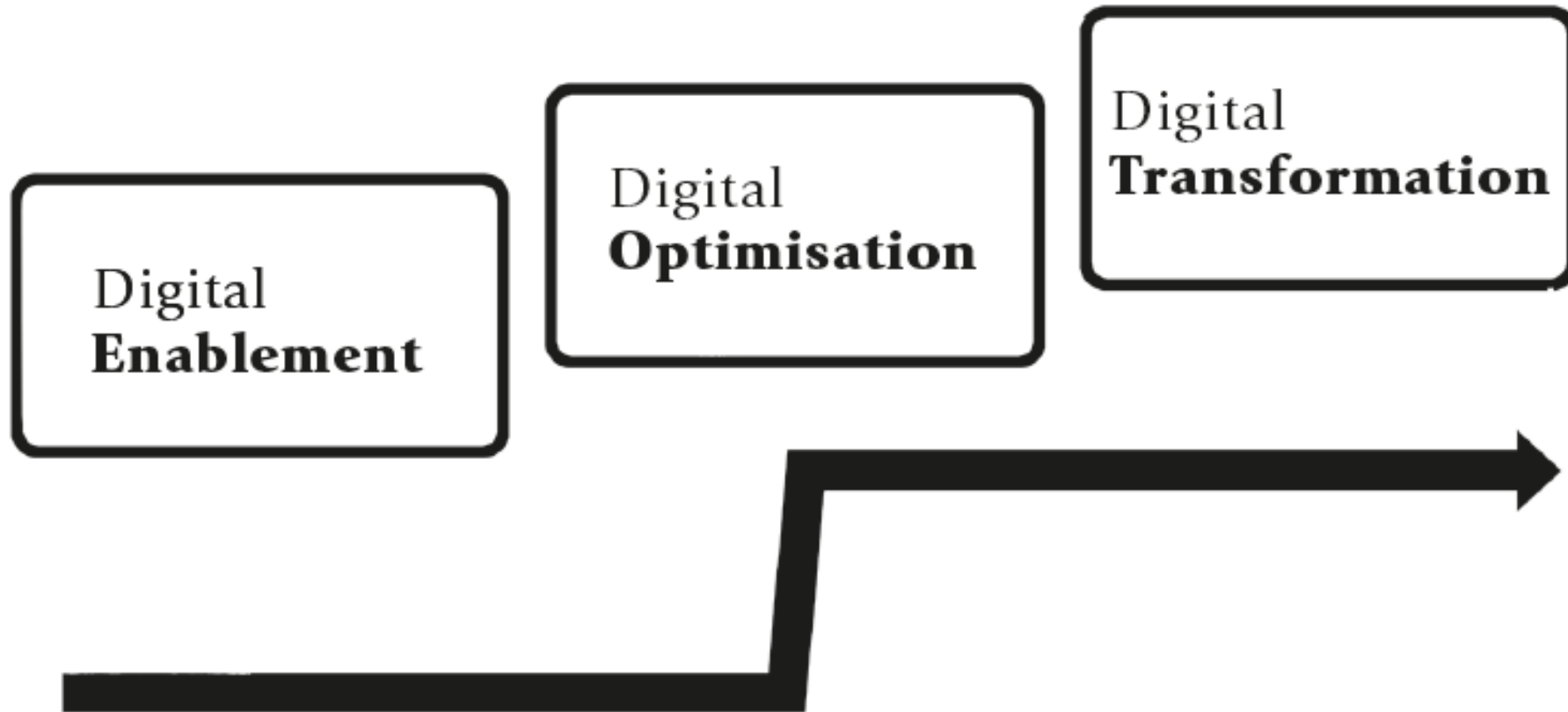
5. Industrial Revolution

Human-Machine Symbiosis

Interoperability & AI



since approx. 2020

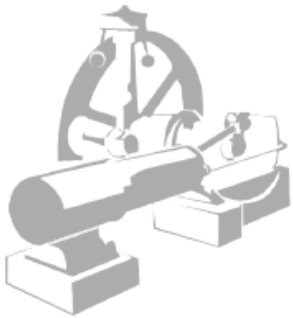




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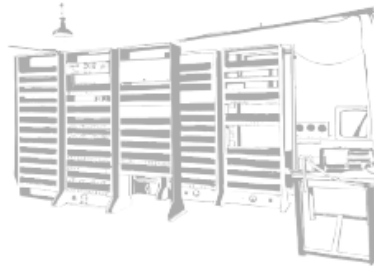


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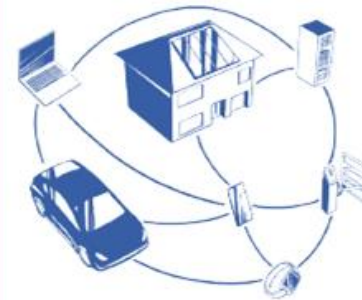


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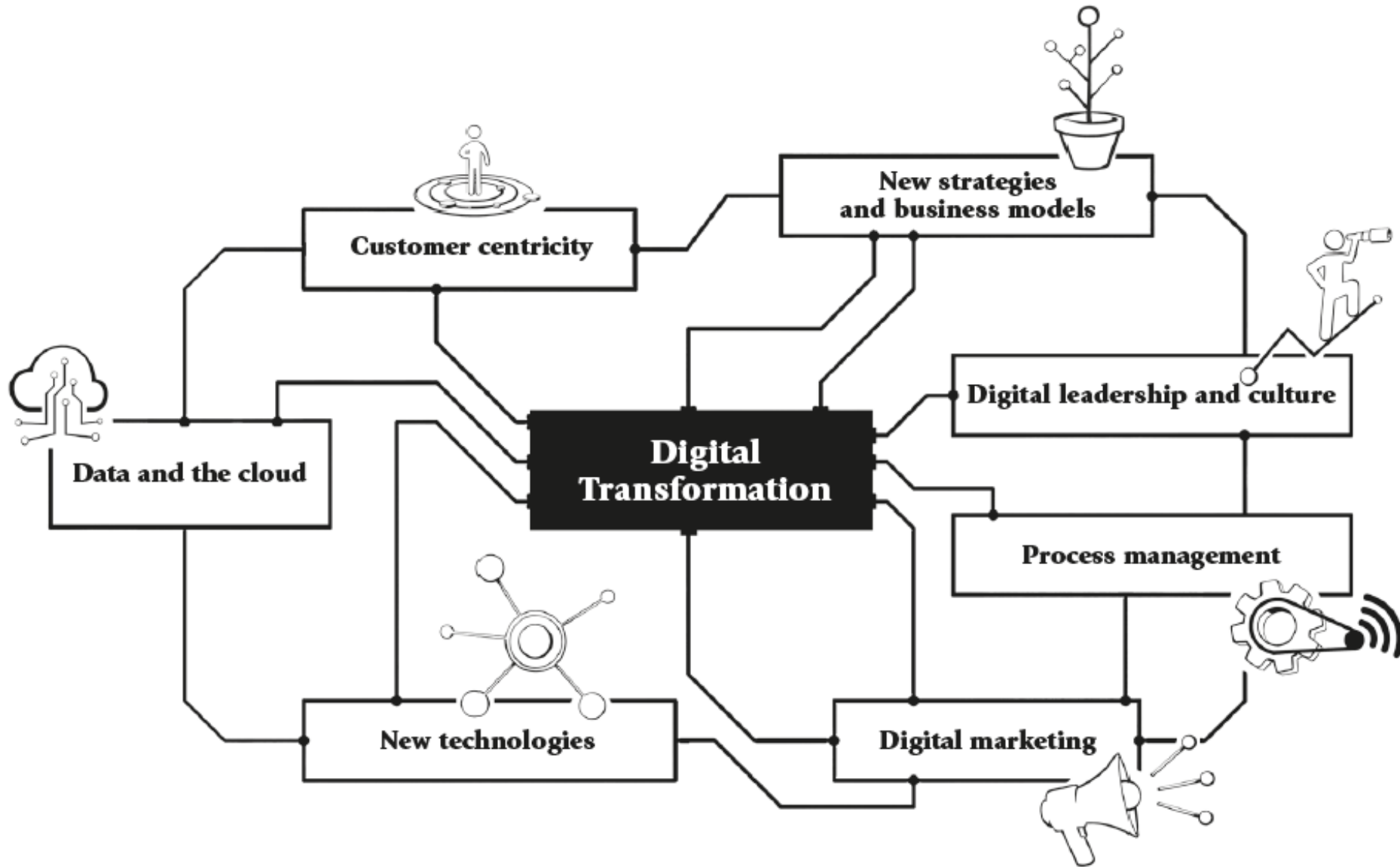
5. Industrial Revolution

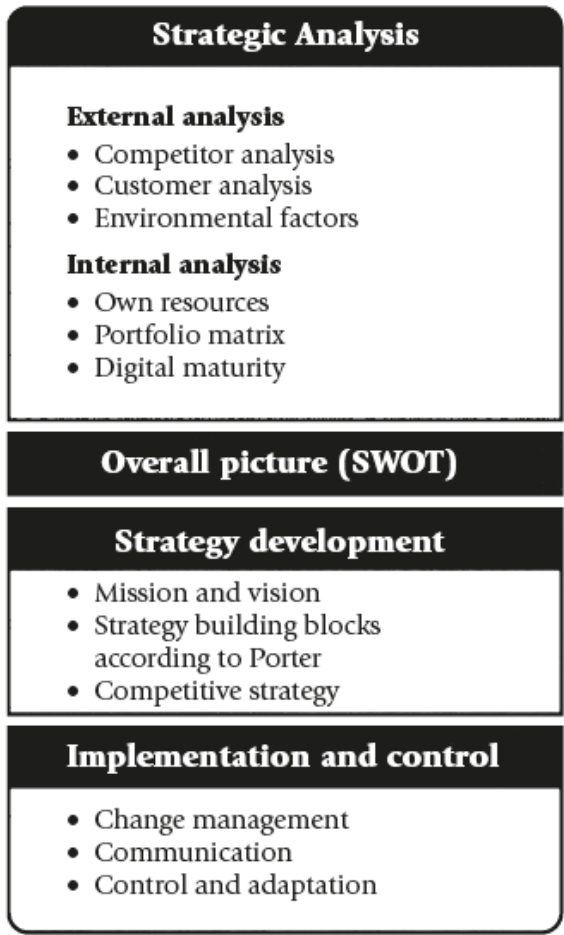
Human-Machine Symbiosis

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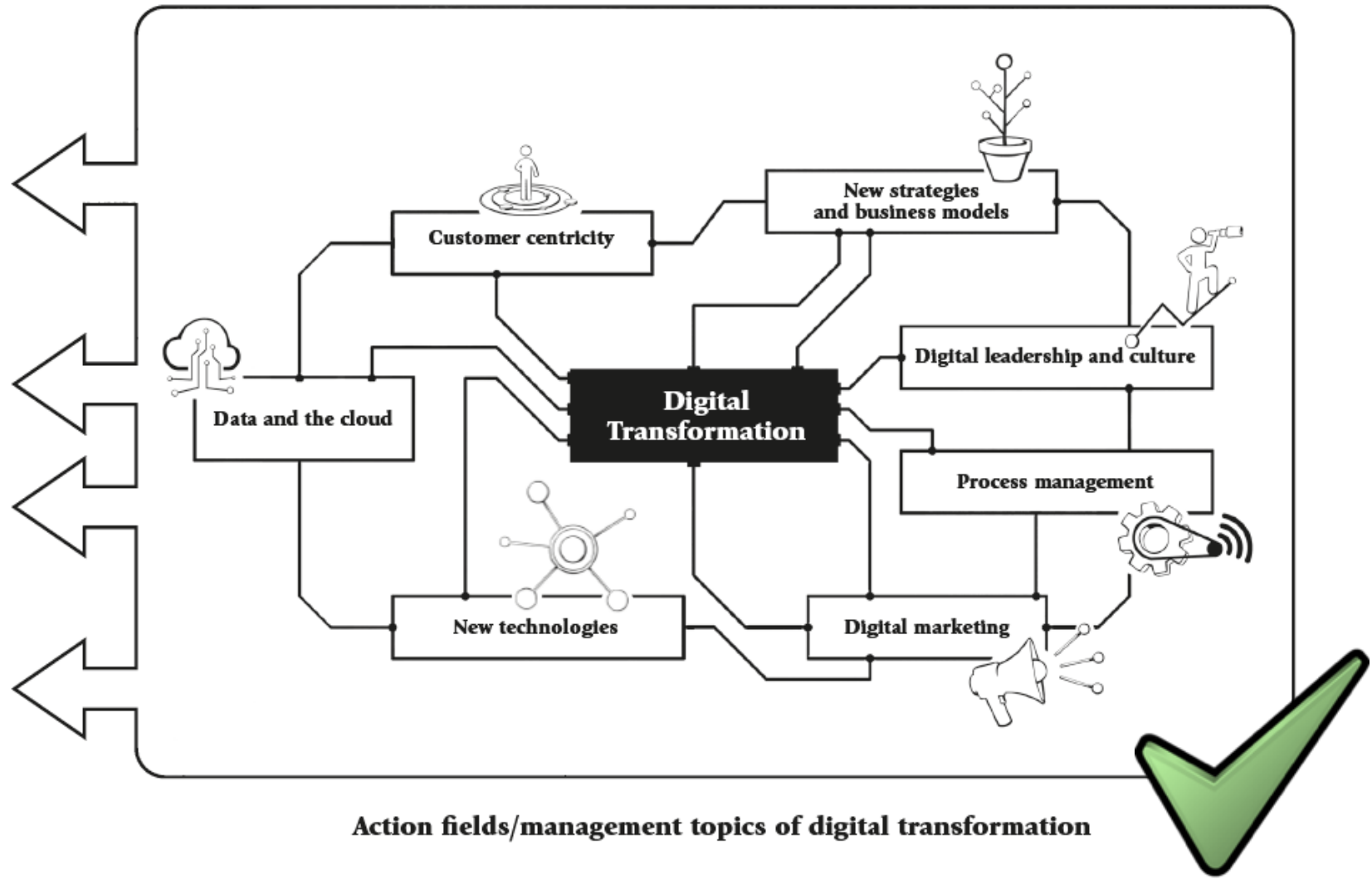


since approx. 2020





Traditional building blocks of strategy development



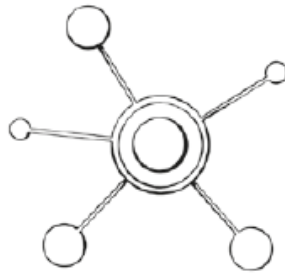
Action fields/management topics of digital transformation



The Digital Business Formula



Customer expectations



Technology



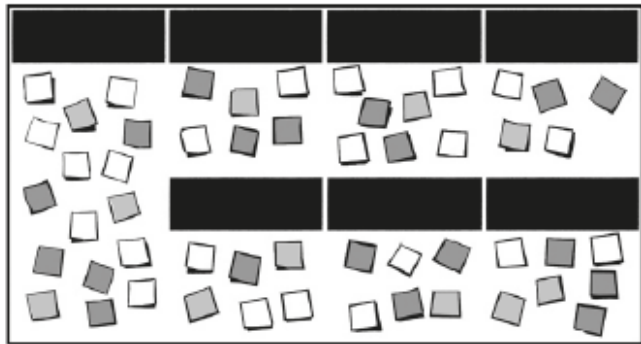
Data



Digital strategy



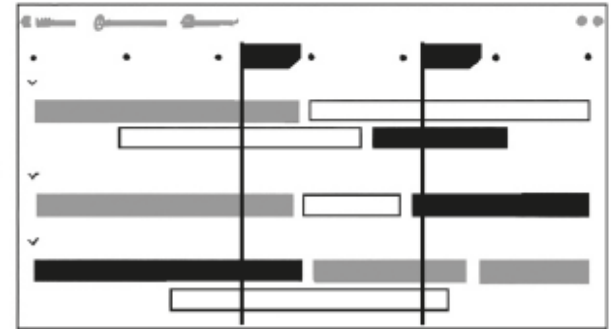
WORKSHOPS



IDEAS AND PRIORITIES



DIGITAL ROADMAP





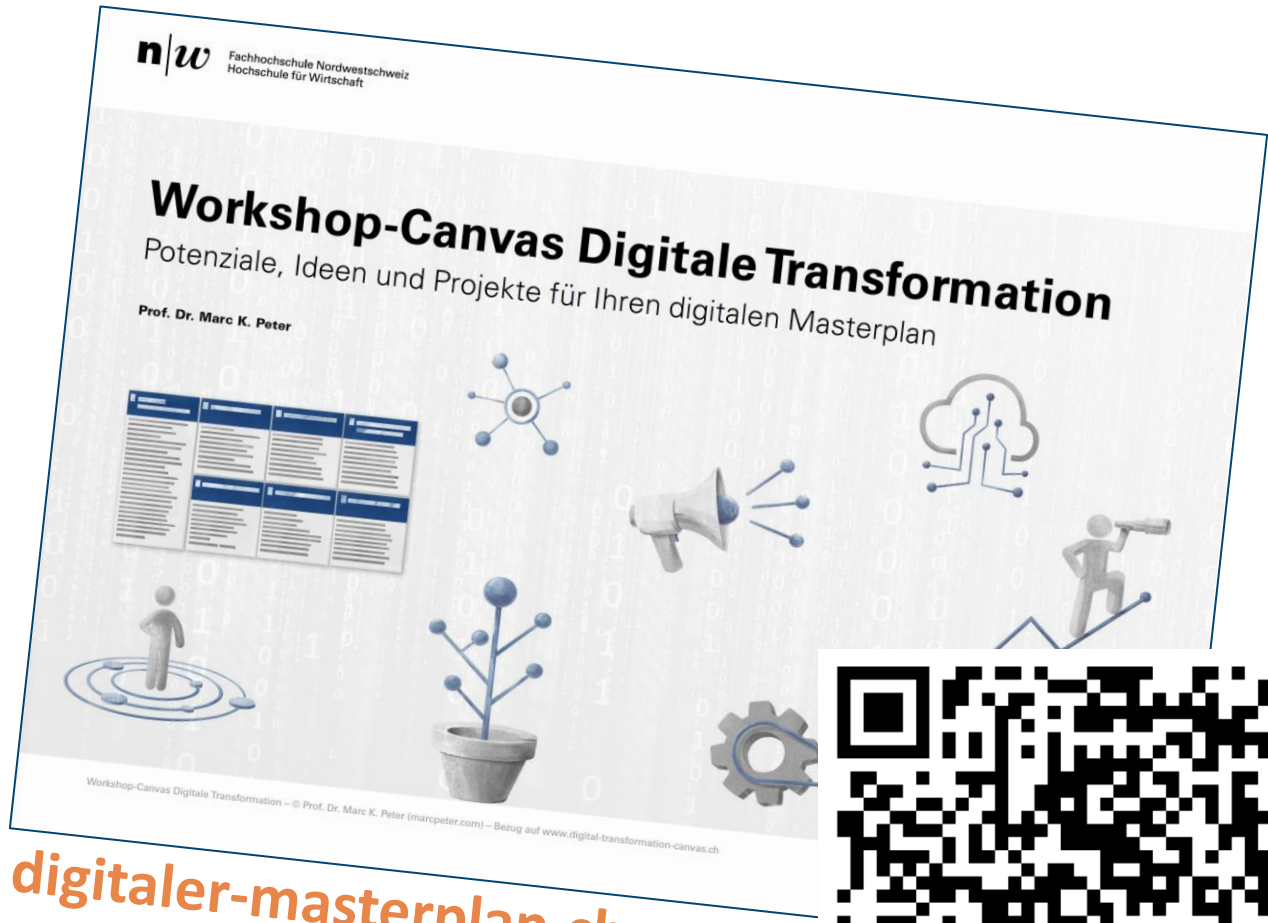

The workshop canvas for digital transformation
Develop and implement your digital strategy
Prof. Marc K. Peter

Download your copy at www.the-digital-transformation-canvas.com

www.the-digital-transformation-canvas.com

Marc K. Peter – author of The Digital Transformation Canvas – is the Digital Prof of Digital Business | Digital Technology | Digital Leadership | Digital Marketing. www.digitalexpert.com | hello@digitalexpert.com

the-digital-transformation-canvas.com



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Hochschule für Wirtschaft

Workshop-Canvas Digitale Transformation
Potenziale, Ideen und Projekte für Ihren digitalen Masterplan
Prof. Dr. Marc K. Peter

Workshop-Canvas Digitale Transformation – © Prof. Dr. Marc K. Peter (marcpeter.com) – Bezug auf www.digital-transformation-canvas.ch

digitaler-masterplan.ch





Example Digital Roadmap

Patrick Marti 1st
CEO of Mineralquellen Adelboden AG
Visit my website
4h · 🌐

🚩 **Digitale Transformation: More Than Just Technology – A Major Challenge Especially for Small Businesses (SMEs)!**
Digital transformation is no longer a trend – it's a necessity. Yet it is often equated only with new digital tools or IT projects. In reality, it's about much more:

- ✅ Cultural change – Without an open and agile corporate culture, any technology remains ineffective.
- ✅ Rethinking processes – Digitalisation doesn't mean digitizing old processes, but transforming and optimizing them.
- ✅ Data as a driver – Successful companies use data strategically to make informed decisions.
- ✅ Focus on people – Technology should relieve employees, not replace them.

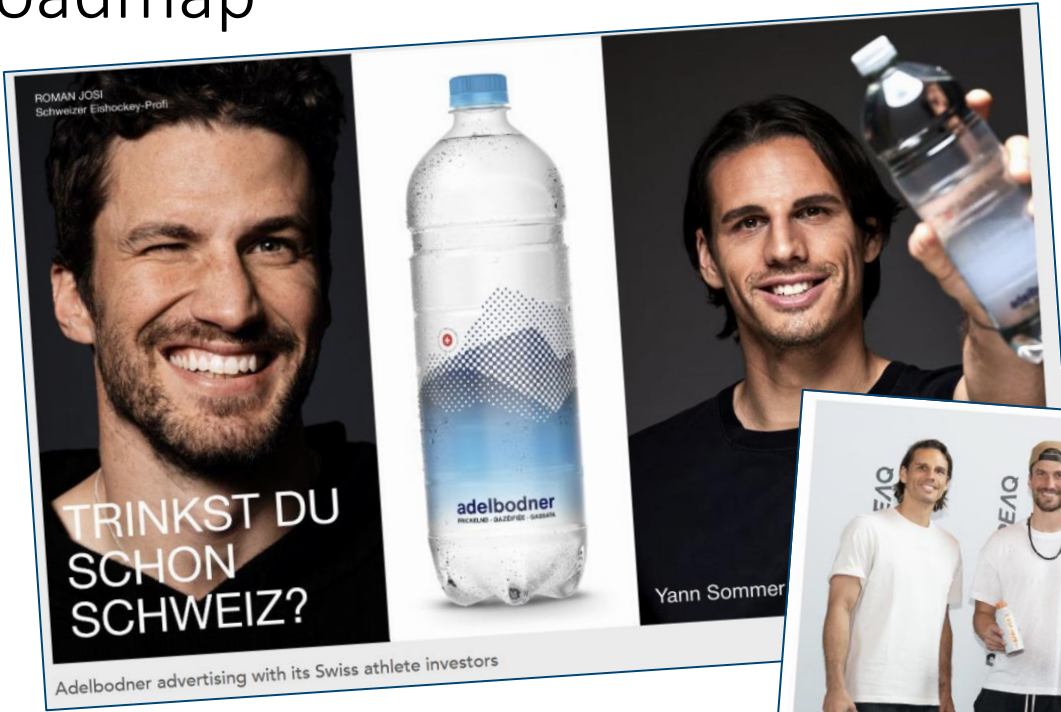
📌 Digital transformation is a major challenge, especially for smaller SMEs like Mineralquellen Adelboden AG.
The transformation requires flexible professionals and leaders with an open mindset, as well as patience. Ultimately, however, digitalisation holds the potential to increase efficiency, open up new markets, and sustainably improve customer service.

👉 What are your biggest challenges or successes in digital transformation?

Show translation

Strategieentwicklung im digitalen Zeitalter
analyse & create
transform

LinkedIn post from Adelbodner CEO Patrick Marti (Marti, 2025a).



Adelbodner advertising with its Swiss athlete investors

Case organisation profile

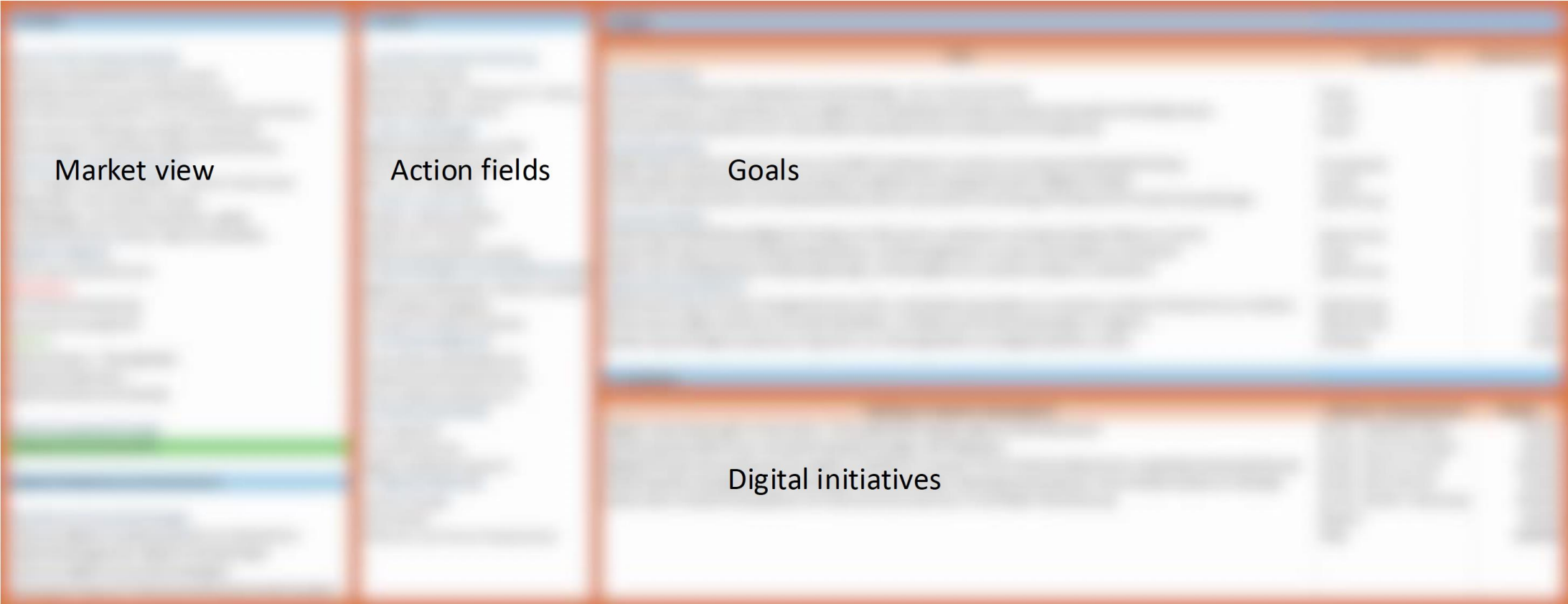
- **Organisation name:** Mineralquellen Adelboden AG (Adelbodner)
- **Country:** Switzerland
- **Description:** Adelbodner is a traditional small business that is bottling high-quality mineral water directly from a spring in the Swiss mountains
- **Number of employees:** approx. 60
- **Website:** www.adelbodner.ch

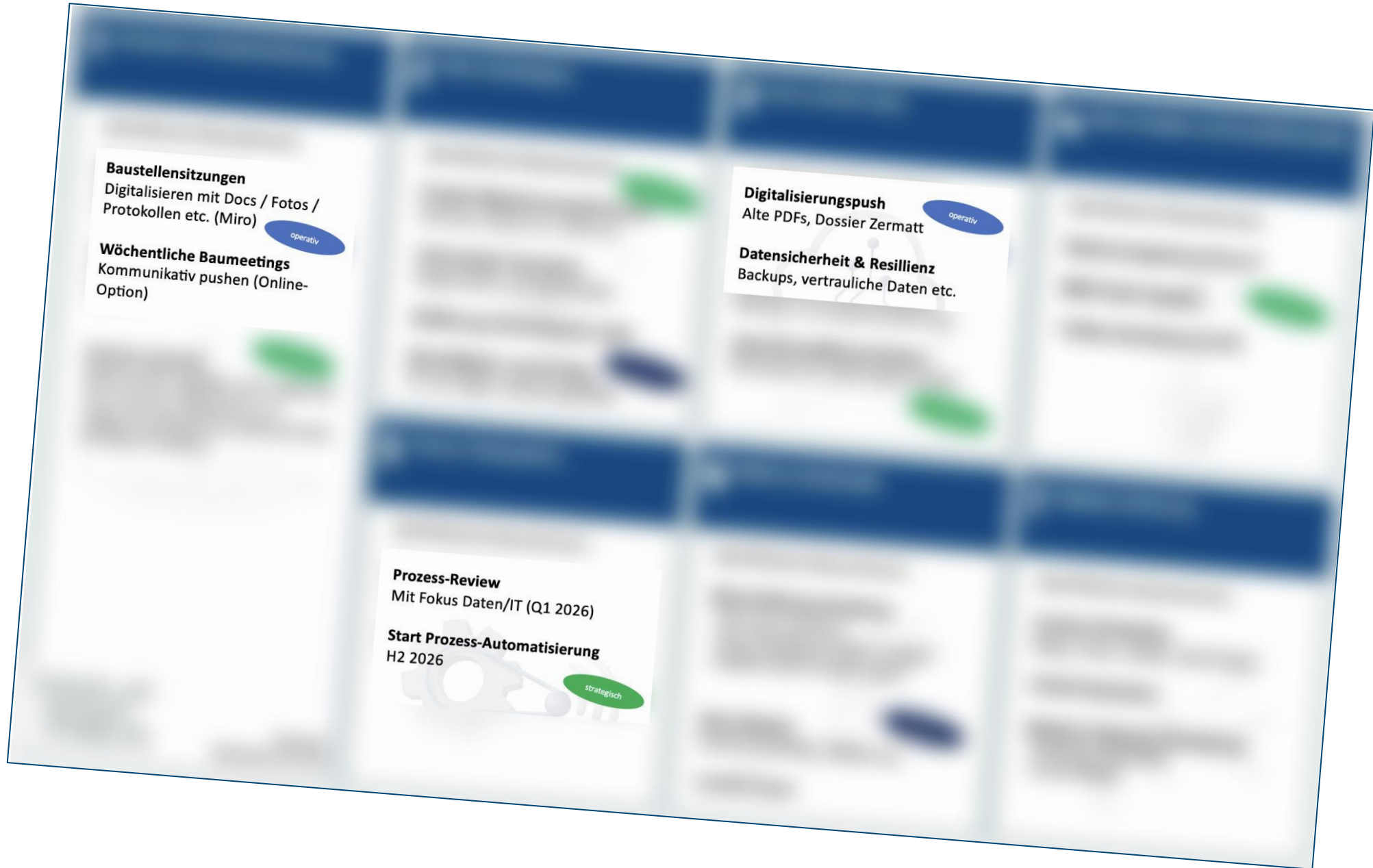




Example Digital Roadmap

adelbodner



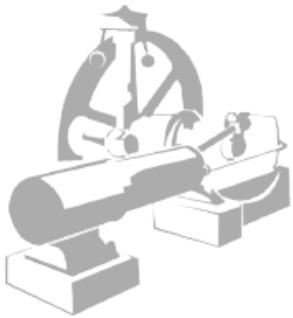




1. Industrial Revolution

Mechanisation

Steam engine



since approx. 1750

2. Industrial Revolution

Mass Production

Assembly line

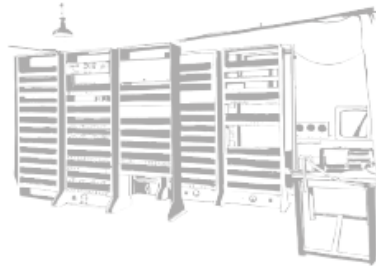


since approx. 1870

3. Industrial Revolution

Automation

Information and communication technologies

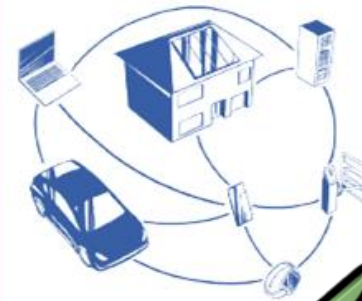


since approx. 1960

4. Industrial Revolution

Digitalisation / Digital Transformation

Cyber-physical systems



since approx. 20



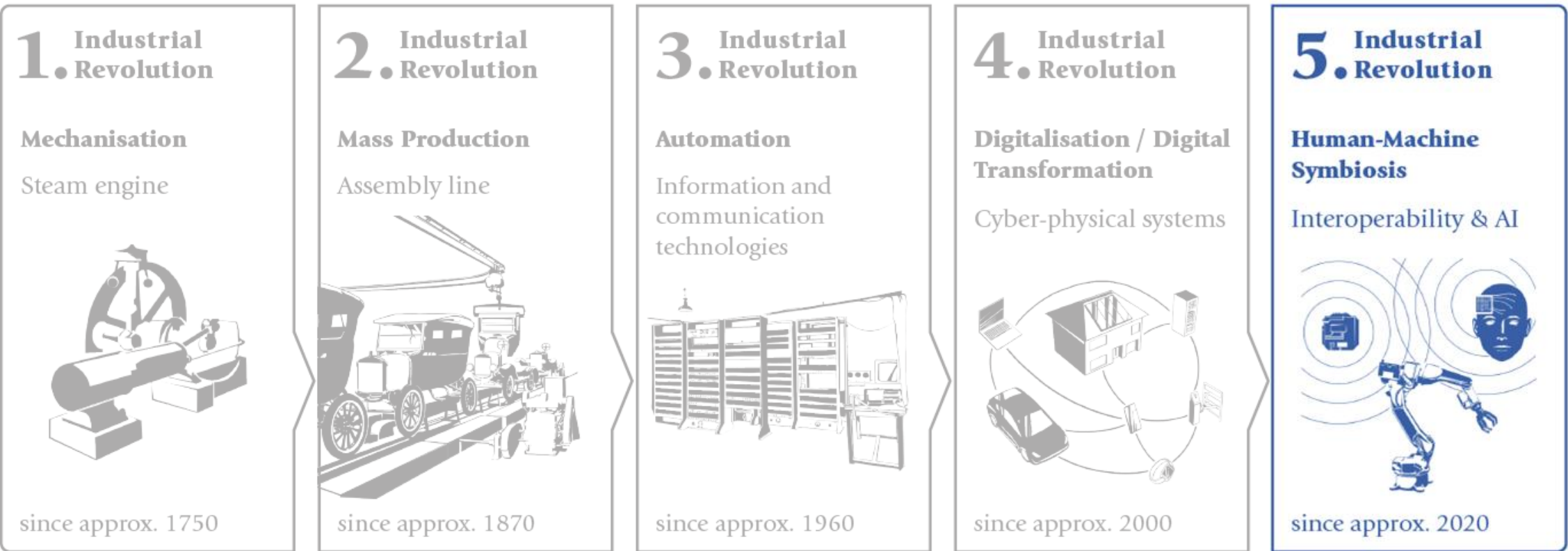
5. Industrial Revolution

Human-Machine Symbiosis

Interoperability & AI

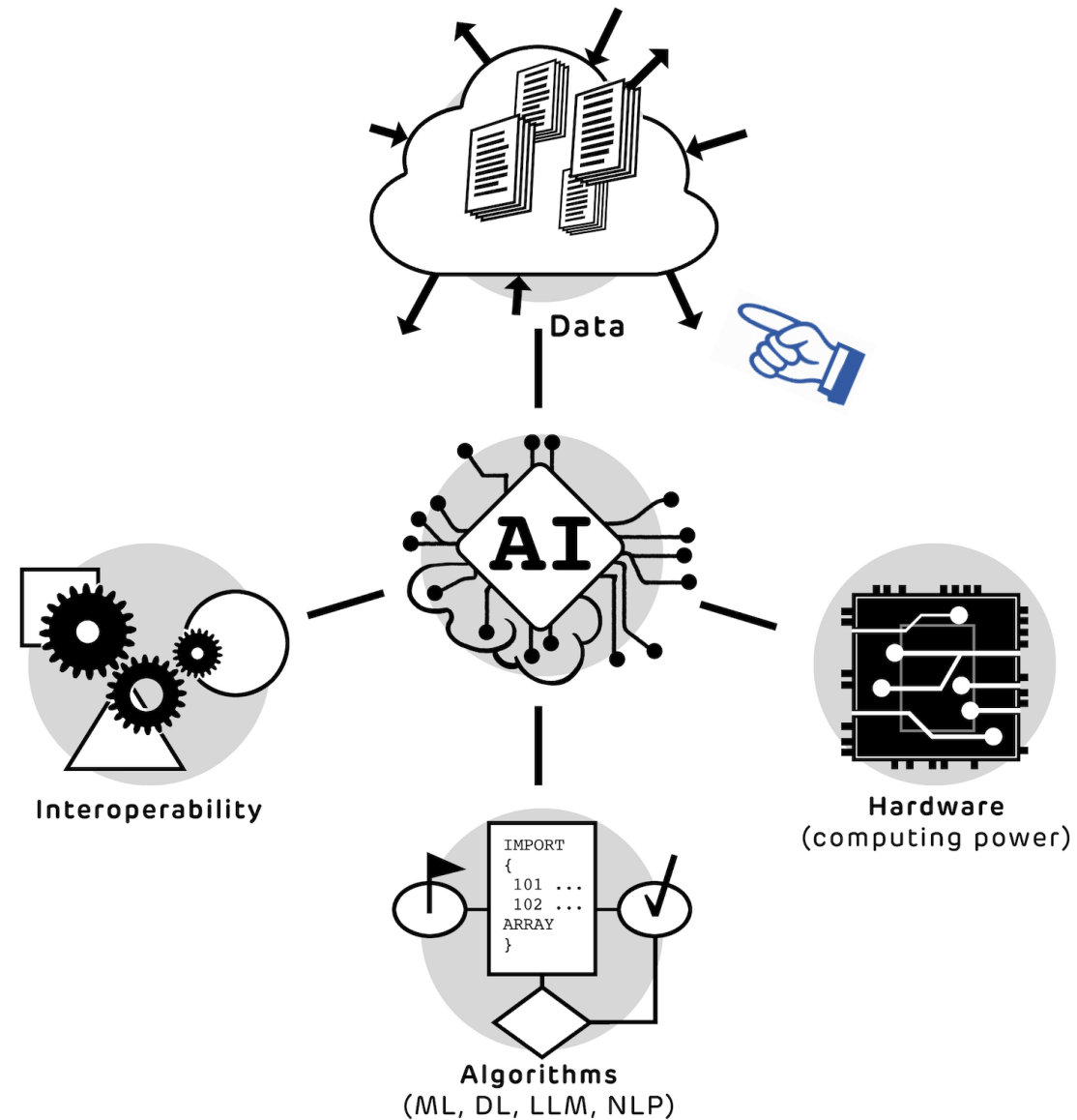


since approx. 2020





AI & Interoperability

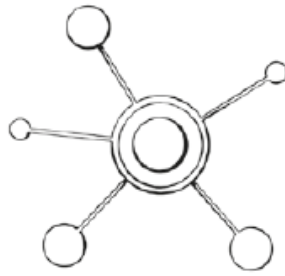




The Digital Business Formula



Customer expectations



Technology



Data



Digital strategy

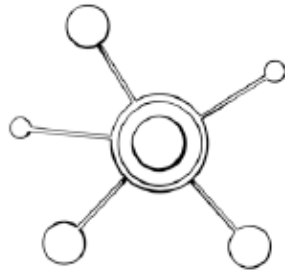


The AI Formula



Process management

+



Technology

+



Data

=



AI opportunities




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Hochschule für Wirtschaft

KI 4 KMU

Workshop-Canvas KI-4-KMU-Methode

Identifikation und Nutzung
strategischer KI-Potenziale zur Stärkung
der Wettbewerbs- und Innovationsfähigkeit

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FÖRDERUNG**

Marc K. Peter, Emanuele Laurenzi & Knut Hinkelmann (Hrsg.) (2025): Künstliche Intelligenz (KI): Strategiemethodik, Konzepte und Fallstudien.
Ein Leitfaden für die Planung und Umsetzung im KMU. FHNW Hochschule für Wirtschaft, Ostschweiz. Bezug auf www.ki-zentrum.ch.

Version: 06/25

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ki 4 KMU

Künstliche Intelligenz (KI): Strategiemethodik, Konzepte und Fallstudien

Ein Leitfaden für die Planung und Umsetzung im KMU

Marc K. Peter, Emanuele Laurenzi & Knut Hinkelmann (Hrsg.)

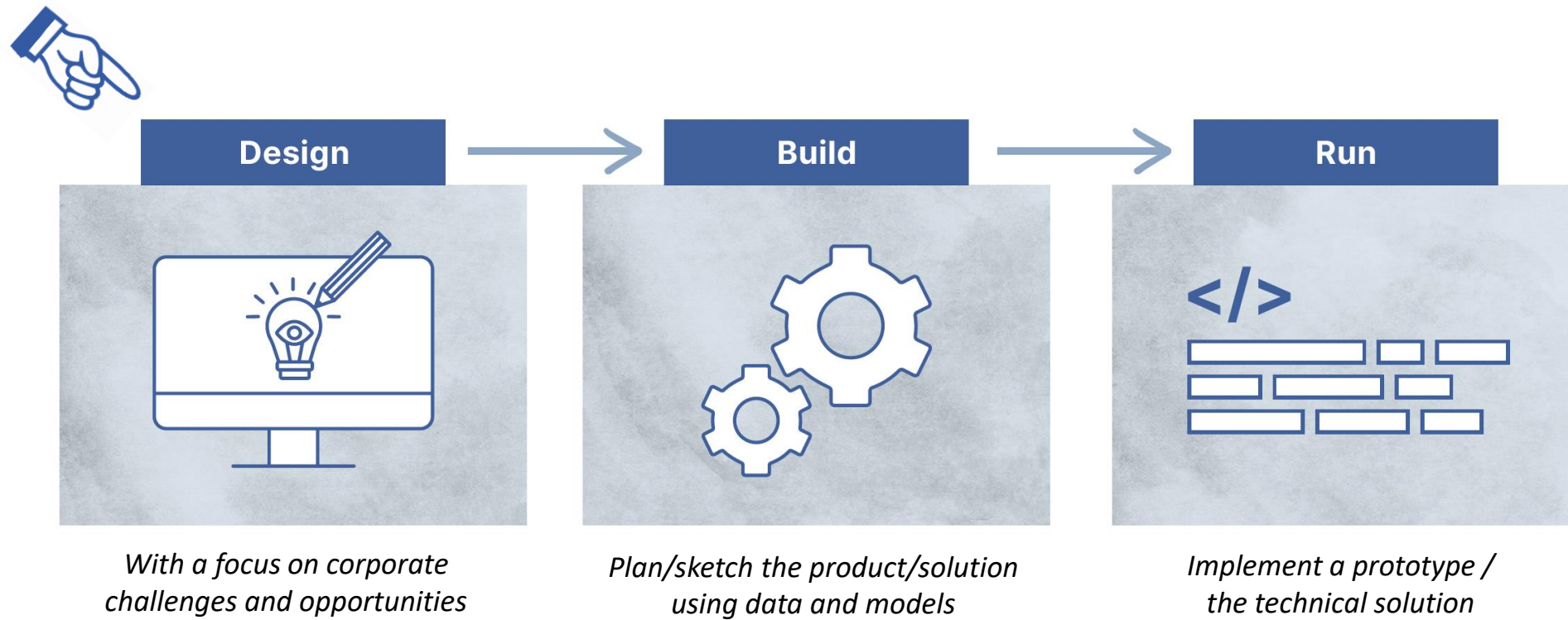
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Forschungs- und Medienpartner:
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FÖRDERUNG**



The AI-4-SME Framework





1. Company Level

Identification of products and services (existing or new) for which the use of AI is suitable.

1.1 Situation and expectations (open strategy questions)

- What will change in the market/company in the future and what are the (technological) challenges/pain points?
- Can AI help turn a question mark into a star?
- Does it make sense to invest in a growing market?
- How threatened are your cash cows?
- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?

• What do you know about AI and what have you implemented so far in this regard?

1.2 External perspective: portfolio analysis

- Can AI help turn a question mark into a star?
- Does it make sense to invest in a growing market?
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- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?



1.3 Internal perspective: capabilities

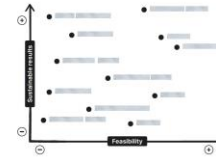
- The potential of AI is determined not only by the market, but also by the company's own strengths and weaknesses. By closing AI weaknesses can be overcome and strengths expanded.
- What capabilities do you (not yet) have for products and services with high market potential (from 1.2)? Develop a "capability map" based on the example below.



1.4 Prioritisation of AI application options

Identify the processes and application areas in which the identified capabilities (from step 1.3) are present. Knowledge and data-intensive processes are relevant for the use of AI. They should fulfil one or more of the following criteria:

- The application utilises capabilities that can be improved today.
- The application contributes to market success (see portfolio analysis step 1.2).
- The process requires a high level of expertise and/or many years of experience (see step 1.3).
- Data is utilized, processed or produced.
- The application has many system breaks and processes data from different sources.
- The application is lengthy, customer or time-critical, error-prone or expensive.
- The process requires the interaction of different participants.
- The process is run frequently (scalability).



For the AI application options identified, the impact on the firm's success (sustainable results based on the market opportunities from step 1.2) and feasibility are assessed. Assessment criteria for feasibility include, for example, the availability of data, availability of resources/skills, required effort/investment and potential risks.



2. Process Level

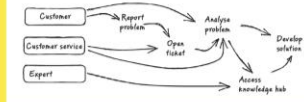
Identification of knowledge and data-intensive tasks and definition of key goals.

2.1 Determination of knowledge tasks

Knowledge tasks in processes that can be supported by AI are presented as a simplified process visualisation. You can determine several processes with AI opportunities in this step.

Criteria for knowledge-intensive tasks:

- Problems are solved, decisions are made and tasks are optimised or automated.
- The task primarily uses knowledge (data) as input or primarily processes knowledge (data).
- The task generates/processes new knowledge (or data) as a result of the completed activities (and can thus create/further develop knowledge).
- The task requires technical knowledge, specialised experience and/or creativity.
- Specialised software is used for the task.
- The task involves R&D activities.



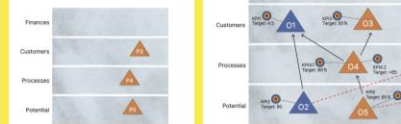
2.2 External perspective: strategic opportunities

In the external perspective, discuss the following question on the basis of step 2.1: • Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?



2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competences/skills that have been recognised as important but that are in need of improvement at company level. To this end, address the following question: • Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?

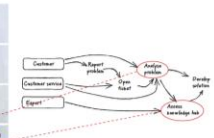


2.4 Objectives for the use of AI

To document the objectives (e.g. O1 to O5) from both perspectives (steps 2.2 and 2.3), the relevant activities are marked in the process model (from step 2.1) and the objectives for AI deployment are formalised in the categories of the balanced scorecard model.

The objectives of the external perspective are usually assigned to the "customer" category (ultimately with an impact on finances, shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).

In addition, key performance indicators (KPIs) can be assigned to the individual objectives.



3. Task Level

Generation of AI solution ideas and definition of the necessary measures, people and data as well as documentation of the AI solution using design thinking.

3.1 Understand (empathise)

Use the storyboarding and persona methods to better assess the needs of future users of the AI application.

Storyboarding

The storyboarding technique consists of creating realistic stories that aim to understand the context and working methods of the target users when developing a product or service.

"Please describe your daily work activities that are in the context of the previously selected business process (from step 2.1). Concentrate on one or several complex tasks. Go into detail and describe the purpose of the task, who you interacted with (e.g. colleague and/or IT systems), why you performed the task in a certain way and, if applicable, why you needed interactions."

Personas

Personas are fictitious typical users who embody the goals and needs of the user group. They are helpful in the development of user-friendly software, as they make it possible to better understand and consider the motivations and needs.



3.2 Define point of view (define)

(1) Model a business process (from step 2.1) and (2) identify specific problems in it.

Then define both the **knowledge-intensive tasks (KITs)** and the **data-intensive tasks (DITs)**.

Knowledge-intensive tasks require AI solutions with cognitive skills such as problem solving, analysis, creativity and decision making. Data-intensive tasks, for example, require AI solutions for analysing data and transactions.

To do this, answer the six **W questions** (see below), formulate the resulting problem ("point of view") and then discuss how the problem can be solved.

- **What** is the problem?
- **Who** has the problem?
- **Why** does the problem exist?
- **When** is it a problem?
- **Where** exactly is the problem?
- **How** is the problem being solved today?



3.3 Develop ideas (ideate)

Generate ideas for possible AI applications using the brainstorming method and the 2+2 matrix.

Brainstorming with Crazy 8

Each participant sketches/draws eight different ideas on paper (paper sheet, folded into eight squares) within eight minutes. The aim is to quickly generate many different solutions for a specific problem without thinking too long about individual ideas. The sketches are then shared and discussed in the group.

2+2 matrix method

Use two axes to group the generated ideas in a matrix with four quadrants (e.g. effort vs benefit, novelty vs feasibility, impact/results vs feasibility). By categorising the ideas in these quadrants, an overview is quickly created and promising approaches for further development are identified.

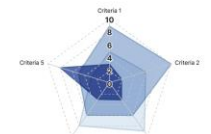


3.4 Develop prototype (prototype)

To develop the prototype, a realistic target use case is created (e.g. using the storyboarding method from step 3.1).

Before creating the prototype, it is recommended to research whether there are already corresponding AI solutions on the market. Look for (1) companies that offer similar AI solutions and (2) companies that offer different AI solutions but address similar needs of the same target users.

The findings will help you to define and compare the criteria (e.g. using a spider diagram) that will be integrated into your AI prototype.



3.5 Testing (test)

The developed AI prototype is tested with the potential users. For this purpose, tests are prepared/carried out, the results are documented and findings are derived for the re-iteration of the design thinking process. Components of the test phase:

- Description of the test scenario
- Definition of the test criteria
- Test procedure
- Roles in the test
- Test results
- Resulting measures
- Further findings

3.6 Documentation

The design phase is concluded with the documentation of the workshop results and proposed AI solutions.

The structure follows the design phase (this workshop canvas) with the results from the company, process and task levels.



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- Data is utilized, processed or produced.
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- The application is lengthy, customer or time-critical, error-prone or expensive.
- The process requires the interaction of different participants.
- The process is run frequently (scalability).



For the AI application options identified, the impact on the firm's success (sustainable results based on the market opportunities from step 1.2) and feasibility are assessed. Assessment criteria for feasibility include, for example, the availability of data, availability of resources/skills, required effort/investment and potential risks.

2. Process Level

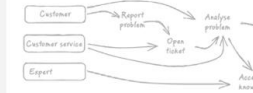
Identification of knowledge and data-intensive tasks and definition of key goals.

2.1 Determination of knowledge tasks

Knowledge tasks in processes that can be supported by AI are presented as a simplified process visualisation. You can determine several processes with AI opportunities in this step.

Criteria for knowledge-intensive tasks:

- Problems are solved, decisions are made and tasks are optimised or automated.
- The task primarily uses knowledge (data) as input or primarily processes knowledge (data).
- The task generates/processes new knowledge (or data) as a result of the completed activities (and can thus create/further develop knowledge).
- The task requires technical knowledge, specialised experience and/or creativity.
- Specialised software is used for the task.
- The task involves R&D activities.



2.2 External perspective: strategic opportunities

In the external perspective, discuss the following question on the basis of step 2.1:

- Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?



2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competences/skills that have been recognised as important but that are in need of improvement at company level. To this end, address the following question:

- Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?

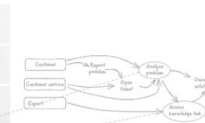


2.4 Objectives for the use of AI

To document the objectives (e.g. O1 to O5) from both perspectives (steps 2.2 and 2.3), the relevant activities are marked in the process model (from step 2.1) and the objectives for AI deployment are formulated in the categories of the balanced scorecard model.

The objectives of the external perspective are usually assigned to the "customer" category (ultimately with an impact on finances; shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).

In addition, key performance indicators (KPIs) can be assigned to the individual objectives.



3. Task Level

Generation of AI solution ideas and definition of the necessary measures, people and data as well as documentation of the AI solution using design thinking.

3.1 Understand (empathise)

Use the storyboarding and persona methods to better assess the needs of future users of the AI application.

Storyboarding

The storyboarding technique consists of creating realistic stories that aim to understand the context and working methods of the target users when developing a product or service.

"Please describe your daily work activities that are in the context of the previously selected business process (from step 2.1). Concentrate on one or several complex tasks. Go into detail and describe the purpose of the task, who you interacted with (e.g. colleague and/or IT systems), why you performed the task in a certain way and, if applicable, why you needed interactions."

Personas

Personas are fictional typical users who embody the goals and needs of the user group. They are helpful in the development of user-friendly software, as they make it possible to better understand and consider the motivations and needs.



3.2 Define point of view (define)

(1) Model a business process (from step 2.1) and (2) identify specific problems in it.

Then define both the knowledge-intensive tasks (KITs) and the data-intensive tasks (DITs)

Knowledge-intensive tasks require AI solutions with cognitive skills such as problem solving, analysis, creativity and decision making. Data-intensive tasks, for example, require AI solutions for analysing data and transactions.

To do this, answer the six W questions (see below), formulate the resulting problem ("point of view") and then discuss how the problem can be solved.

- What is the problem?
- Who has the problem?
- Why does the problem exist?
- When is it a problem?
- Where exactly is the problem?
- How is the problem being solved today?



3.3 Develop ideas (ideate)

Generate ideas for possible AI applications using the brainstorming method and the 2+2 matrix.

Brainstorming with Crazy 8

Each participant sketches/draws eight different ideas on paper (paper sheet, folded into eight squares) within eight minutes. The aim is to quickly generate many different solutions for a specific problem without thinking too long about individual ideas. The sketches are then shared and discussed in the group.

2+2 matrix method

Use two axes to group the generated ideas in a matrix with four quadrants (e.g. effort vs benefit, novelty vs feasibility, impact/results vs feasibility). By categorising the ideas in these quadrants, an overview is quickly created and promising approaches for further development are identified.



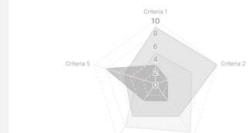
3.4 Develop prototype (prototype)

To develop the prototype, a realistic target use case is created (e.g. using the storyboarding method from step 3.1).

Before creating the prototype, it is recommended to research whether there are already corresponding AI solutions on the market.

Look for (1) companies that offer similar AI solutions and (2) companies that offer different AI solutions but address similar needs of the same target users.

The findings will help you to define and compare the criteria (e.g. using a spider diagram) that will be integrated into your AI prototype.



3.5 Testing (test)

The developed AI prototype is tested with the potential users. For this purpose, tests are prepared/carried out, the results are documented and findings are derived for the re-iteration of the design thinking process. Components of the test phase:

- Description of the test scenario
- Definition of the test criteria
- Test procedure
- Roles in the test
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- Resulting measures
- Further findings

3.6 Documentation

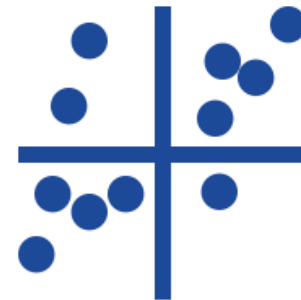
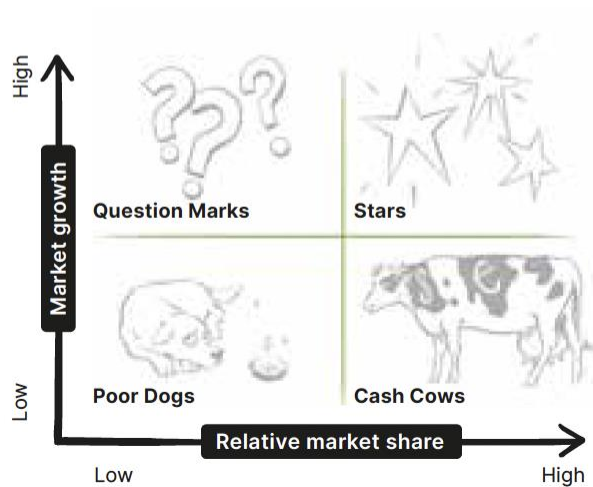
The design phase is concluded with the documentation of the workshop results and proposed AI solutions.

The structure follows the design phase (this workshop canvas) with the results from the company, process and task levels.



1.2 External perspective: portfolio analysis

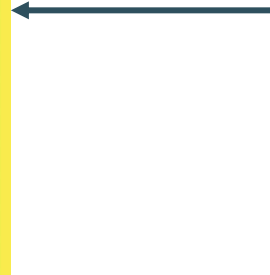
- Can AI help turn a question mark into a star?
- Does it make sense to invest in a star to maintain its market share in a growing market?
- How threatened are your cash cows?
- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?



External Perspective:
Identification of AI market opportunities
Strategic Dimension



Internal Perspective:
Identification of AI process optimisation opportunities
Operational Dimension





1.3 Internal perspective: capabilities

- The potential of AI is determined not only by the market, but also by the company's own strengths and weaknesses. By using AI, weaknesses can be overcome and strengths expanded.
- What capabilities do you (not yet) have for products and services with high market potential (from 1.2)? Develop a "capability map" based on the example below.

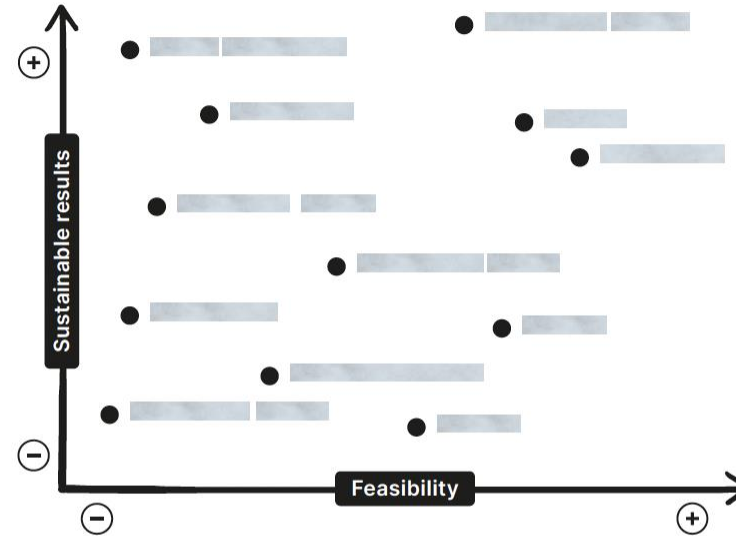




1.4 Prioritisation of AI application options

Identify the processes and application areas in which the identified capabilities (from step 1.3) are present. Knowledge and data-intensive processes are relevant for the use of AI. They should fulfil one or more of the following criteria:

- The application utilises capabilities that can be improved today.
- The application contributes to market success (see portfolio analysis step 1.2).
- The process requires a high level of expertise and/or many years of experience (see step 1.3).
- Data is utilised, processed or produced.
- The application has many system breaks and processes data from different sources.
- The application is lengthy, customer or time-critical, error-prone or expensive.
- The process requires the interaction of different participants.
- The process is run frequently (scalability).



For the AI application options identified, the impact on the firm's success (sustainable results based on the market opportunities from step 1.2) and feasibility are assessed. Assessment criteria for feasibility include, for example, the availability of data, availability of resources/skills, required effort/investment and potential risks.



1. Company Level

Identification of products and services (existing or new) for which the use of AI is suitable.

1.1 Situation and expectations (open strategy questions)

- What will change in the market/company in the future and what are the technological challenge/opportunities?
- What do you know about AI and what have you implemented so far in this regard?

1.2 External perspective: portfolio analysis

- Can AI help turn a question mark into a star?
- Does it make sense to invest in a star to maintain its market share in a growing market?
- How threatened are your cash cows?
- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?



1.3 Internal perspective: capabilities

- The potential of AI is determined not only by the market, but also by the company's own strengths and weaknesses.
- Using AI, weaknesses can be overcome and strengths expanded.
- What capabilities do you (not yet) have for products and services with high market potential (from 1.2)? Develop a "capability map" based on the example below.



1.4 Prioritisation of AI application options

Identify the processes and application areas in which the identified capabilities (from step 1.3) are present. Knowledge and data-intensive processes are relevant for the use of AI. They should fulfil one or more of the following criteria:

- The application utilises capabilities that can be improved today.
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- The process requires the interaction of different participants.
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For the AI application options identified, the impact on the market opportunities from step 1.2) and feasibility are assessed. Assessment criteria for feasibility include, for example, the availability of data, availability of resources/skills, required effort/investment and potential risks.



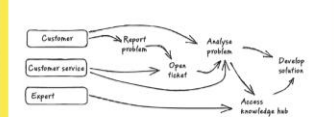
2. Process Level

Identification of knowledge and data-intensive tasks and definition of key goals.

2.1 Determination of knowledge tasks

Knowledge tasks in processes that can be supported by AI are presented as a simplified process visualisation. You can determine several processes with AI opportunities in this step.

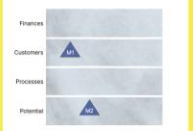
- Criteria for knowledge-intensive tasks:
- Problems are solved, decisions are made and tasks are optimised or automated.
 - The task primarily uses knowledge (data) as input or primarily processes knowledge (data).
 - The task generates/processes new knowledge (or data) as a result of the completed activities (and can thus create/further develop knowledge).
 - The task requires technical knowledge, specialised experience and/or creativity.
 - Specialised software is used for the task.
 - The task involves R&D activities.



2.2 External perspective: strategic opportunities

In the external perspective, discuss the following question on the basis of step 2.1:

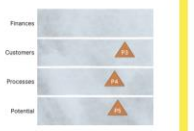
- Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?



2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competences/skills that have been recognised as important but that are in need of improvement at company level.

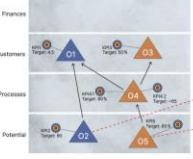
- Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?



2.4 Objectives for the use of AI

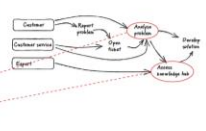
To document the objectives (e.g. O1 to O5) from both perspectives (steps 2.2 and 2.3), the relevant activities are marked in the process model (from step 2.1) and the objectives for AI deployment are formalised in the categories of the balanced scorecard model.

- The objectives of the external perspective are usually assigned to the "customer" category (ultimately with an impact on finances, shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).



The objectives of the external perspective are usually assigned to the "customer" category (ultimately with an impact on finances, shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).

In addition, key performance indicators (KPIs) can be assigned to the individual objectives.



3. Task Level

Generation of AI solution ideas and definition of the necessary measures, people and data as well as documentation of the AI solution using design thinking.

3.1 Understand (empathise)

Use the storyboarding and persona methods to better assess the needs of future users of the AI application.

Storyboarding
The storyboarding technique consists of creating realistic stories that aim to understand the context and working methods of the target users when developing a product or service.

"Please describe your daily work activities that are in the context of the previously selected business process (from step 2.1). Concentrate on one or several complex tasks. Go into detail and describe the purpose of the task, who you interacted with (e.g. colleague and/or IT systems), why you performed the task in a certain way and, if applicable, why you needed interactions."

Personas
Personas are fictional typical users who embody the goals and needs of the user group. They are helpful in the development of user-friendly software, as they make it possible to better understand and consider the motivations and needs.



3.2 Define point of view (define)

(1) Model a business process (from step 2.1) and (2) identify specific problems in it.

Then define both the **knowledge-intensive tasks (KITs)** and the **data-intensive tasks (DITs)**. Knowledge-intensive tasks require AI solutions with cognitive skills such as problem solving, analysis, creativity and decision making. Data-intensive tasks, for example, require AI solutions for analysing data and transactions. To do this, answer the six W questions (see below), formulate the resulting problem ("point of view") and then discuss how the problem can be solved.

- What is the problem?
- Who has the problem?
- Why does the problem exist?
- When is it a problem?
- Where exactly is the problem?
- How is the problem being solved today?



3.3 Develop ideas (ideate)

Generate ideas for possible AI applications using the brainstorming method and the 2+2 matrix.

Brainstorming with Crazy 8
Each participant sketches/draws eight different ideas on paper (paper sheet, folded into eight squares) within eight minutes. The aim is to quickly generate many different solutions for a specific problem without thinking too long about individual ideas. The sketches are then shared and discussed in the group.

2+2 matrix method
Use two axes to group the generated ideas in a matrix with four quadrants (e.g. effort vs benefit, novelty vs feasibility, impact/results vs feasibility). By categorising the ideas in these quadrants, an overview is quickly created and promising approaches for further development are identified.

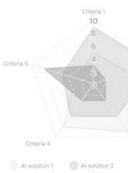


3.4 Develop prototype (prototype)

To develop the prototype, a realistic target use case is created (e.g. using the storyboarding method from step 3.1).

Before creating the prototype, it is recommended to research whether there are already corresponding AI solutions on the market. Look for (B) companies that offer similar AI solutions and (2) companies that offer different AI solutions but address similar needs of the same target users.

The findings will help you to define and compare the criteria (e.g. using a spider diagram) that will be integrated into your AI prototype.



3.5 Testing (test)

The developed AI prototype is tested with the potential users. For this purpose, tests are prepared/carried out, the results are documented and findings are derived for the re-iteration of the design thinking process. Components of the test phase:

- Description of the test scenario
- Definition of the test criteria
- Test procedure
- Roles in the test
- Test results
- Resulting measures
- Further findings

3.6 Documentation

The design phase is concluded with the documentation of the workshop results and proposed AI solutions.

The structure follows the design phase (this workshop canvas) with the results from the company, process and task levels.

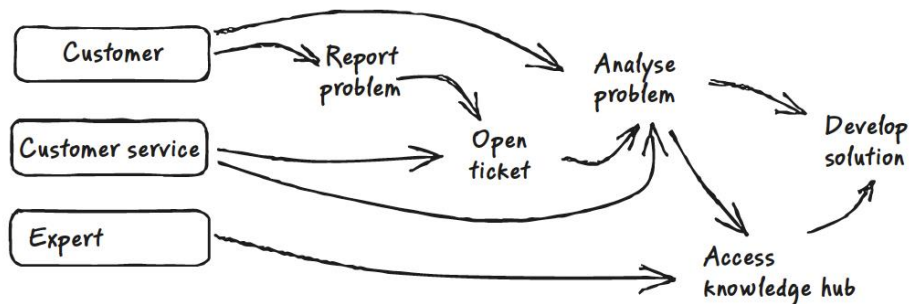


2.1 Determination of knowledge tasks

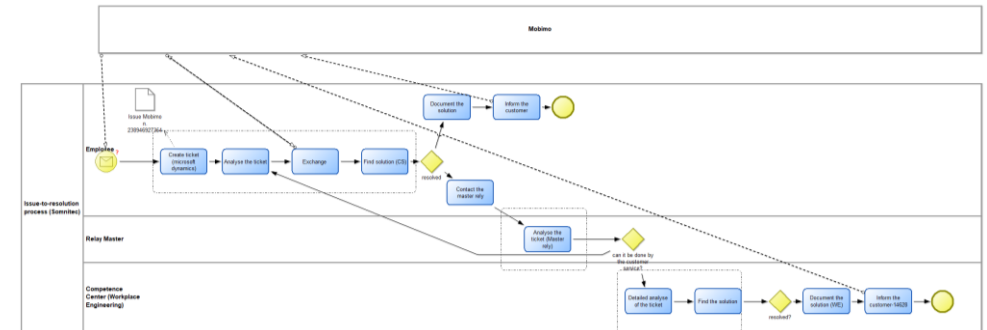
Knowledge tasks in processes that can be supported by AI are presented as a simplified process visualisation. You can determine several processes with AI opportunities in this step.

Criteria for knowledge-intensive tasks:

- Problems are solved, decisions are made and tasks are optimised or automated.
- The task primarily uses knowledge (data) as input or primarily processes knowledge (data).
- The task generates/processes new knowledge (or data) as a result of the completed activities (and can thus create/further develop knowledge).
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- The task involves R&D activities.



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2.2 External perspective: strategic opportunities ▲

In the external perspective, discuss the following question on the basis of step 2.1:

- Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?



External Perspective:
Identification of AI market opportunities
Strategic Dimension



Internal Perspective:
Identification of AI process optimisation opportunities
Operational Dimension

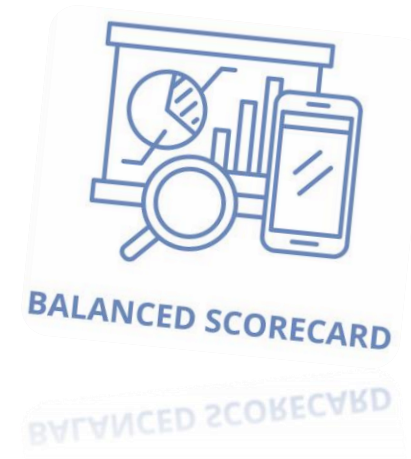
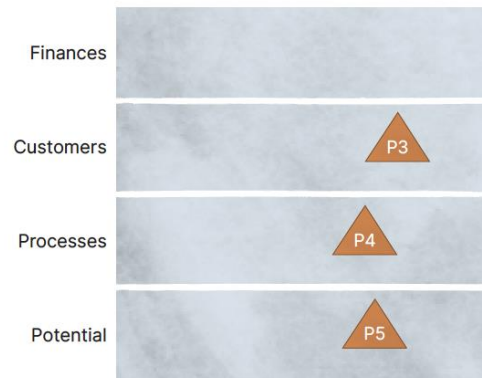




2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competencies/skills that have been recognised as important but that are in need of improvement at company level. To this end, address the following question:

- Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?



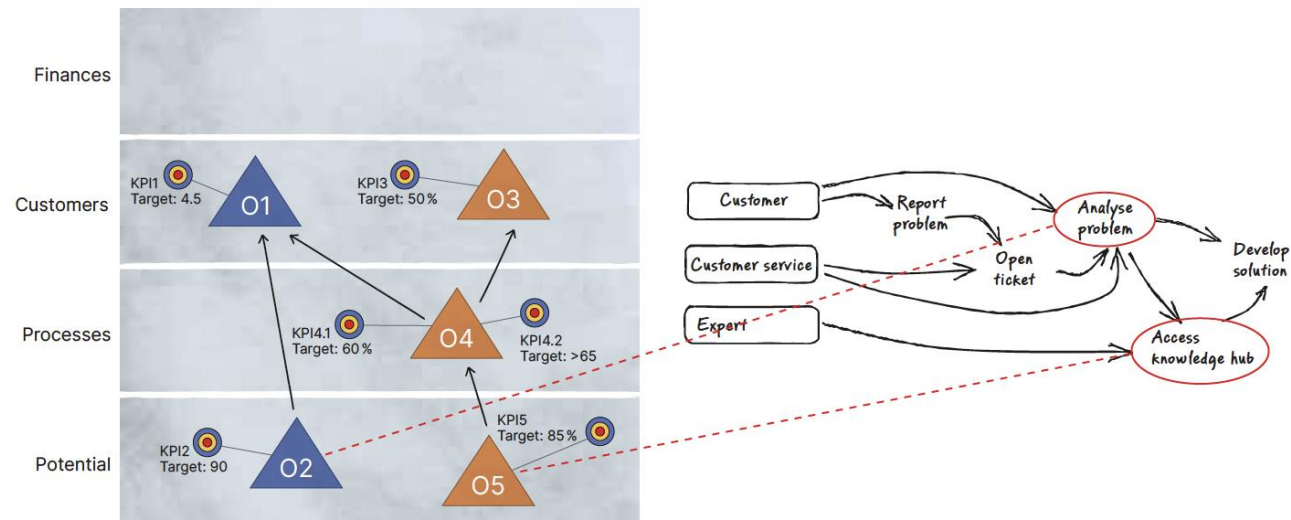


2.4 Objectives for the use of AI

To document the objectives (e.g. O1 to O5) from both perspectives (steps 2.2 and 2.3), the relevant activities are marked in the process model (from step 2.1) and the objectives for AI deployment are formulated in the categories of the balanced scorecard model.

The objectives of the external perspective are usually assigned to the “customers” category (ultimately with an impact on finances; shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).

In addition, key performance indicators (KPIs) can be assigned to the individual objectives.





1. Company Level

Identification of products and services (existing or new) for which the use of AI is suitable.

1.1 Situation and expectations (open strategy questions)

- What will change in the market/company in the future and what are the technological challenges/open points?
- What do you know about AI and what have you implemented so far in this regard?

1.2 External perspective: portfolio analysis

- Can AI help turn a question mark into a star?
- Does it make sense to invest in a star to maintain its market share in a growing market?
- How threatened are your cash cows?
- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?

1.3 Internal perspective: capabilities

- Potential of AI is determined not only by the market, but also by the company's own strengths and weaknesses.
- What capabilities do you (not yet) have for products and services with high market potential?

1.4 Prioritisation of AI application options

Identify the processes and application areas in which the identified capabilities (from step 1.3) are present. Knowledge and data-intensive processes are relevant for the use of AI. They should fulfil one or more of the following criteria:

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2.2 External perspective: strategic opportunities

In the external perspective, discuss the following question on the basis of step 2.1:

- Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?

2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competences/skills that have been recognised as important but that are in need of improvement at company level. To this end, address the following question:

- Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?

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3.2 Define point of view (define)

(1) Model a business process (from step 2.1) and (2) identify specific problems in it.

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Knowledge-intensive tasks require AI solutions with cognitive skills such as problem solving, analysis, creativity and decision making. Data-intensive tasks, for example, require AI solutions for analysing data and transactions. To do this, answer the six **W questions** (see below), formulate the resulting problem ("point of view") and then discuss how the problem can be solved.

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2+2 matrix method

Use two axes to group the generated ideas in a matrix with four quadrants (e.g. effort vs benefit, novelty vs feasibility, impact/results vs feasibility). By categorising the ideas in these quadrants, an overview is quickly created and promising approaches for further development are identified.

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To develop the prototype, a realistic target use case is created (e.g. using the storyboarding method from step 3.1).

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3.6 Documentation

The design phase is concluded with the documentation of the workshop results and proposed AI solutions.

The structure follows the design phase (this workshop canvas) with the results from the company, process and task levels.



1. Company Level

Identification of products and services (existing or new) for which the use of AI is suitable.

1.1 Situation and expectations (open strategy questions)

- What will change in the market/company in the future and what are the (technological) challenges/pain points?

- What do you know about AI and what have you implemented so far in this regard?

1.2 External perspective: portfolio analysis

- Can AI help turn a question mark into a star?
- Does it make sense to invest in a growing market?
- How threatened are your cash cows?
- Is there an opportunity to develop a new AI-supported product in the market with the potential to become a star?

1.3 Internal perspective: capabilities

- The potential of AI is determined not only by the market, but also by the company's own strengths and weaknesses. By closing AI weaknesses can be overcome and strengths expanded.
- What capabilities do you (not yet) have for products and services with high market potential (from 1.2)? Develop a "capability map" based on the example below.

1.4 Prioritisation of AI application options

Identify the processes and application areas in which the identified capabilities (from step 1.3) are present. Knowledge and data-intensive processes are relevant for the use of AI. They should fulfil one or more of the following criteria:

- The application utilises capabilities that can be improved today.
- The application contributes to market success (see portfolio analysis step 1.2).
- The process requires a high level of expertise and/or many years of experience (see step 1.3).
- Data is utilised, processed or produced.
- The application has many system breaks and processes data from different sources.
- The application is lengthy, customer or time-critical, error-prone or expensive.
- The process requires the interaction of different participants.
- The process is run frequently (scalability).

For the AI application options identified, the impact on the firm's success (sustainable results based on the market opportunities from step 1.2) and feasibility are assessed. Assessment criteria for feasibility include, for example, the availability of data, availability of resources/skills, required effort/investment and potential risks.



2. Process Level

Identification of knowledge and data-intensive tasks and definition of key goals.

2.1 Determination of knowledge tasks

Knowledge tasks in processes that can be supported by AI are presented as a simplified process visualisation. You can determine several processes with AI opportunities in this step.

Criteria for knowledge-intensive tasks:

- Problems are solved, decisions are made and tasks are optimised or automated.
- The task primarily uses knowledge (data) as input or primarily processes knowledge (data).
- The task generates/processes new knowledge (or data) as a result of the completed activities (and can thus create further development knowledge).
- The task requires technical knowledge, specialised experience and/or creativity.
- Specialised software is used for the task.
- The task involves R&D activities.

2.2 External perspective: strategic opportunities

In the external perspective, discuss the following question on the basis of step 2.1:

- Where do you recognise AI market opportunities (e.g. M1, M2) in the visualised process from which the customer could benefit in the long term?

2.3 Internal perspective: operational AI process optimisation opportunities

The internal perspective is about utilising the competences/skills that have been recognised as important but that are in need of improvement at company level. To this end, address the following question:

- Where do you recognise operational AI process optimisation opportunities (e.g. P3, P4, P5) in the visualised process from which the company could benefit in the long term?

2.4 Objectives for the use of AI

To document the objectives (e.g. O1 to O5) from both perspectives (steps 2.2 and 2.3), the relevant activities are marked in the process model (from step 2.1) and the objectives for AI deployment are formalised in the categories of the balanced scorecard model.

The objectives of the external perspective are usually assigned to the "customer" category (ultimately with an impact on finances, shown in blue below) and the objectives of the internal perspective to the processes category (shown in orange below).

In addition, key performance indicators (KPIs) can be assigned to the individual objectives.



3. Task Level

Generation of AI solution ideas and definition of the necessary measures, people and data as well as documentation of the AI solution using design thinking.

3.1 Understand (empathise)

Use the storyboarding and persona methods to better assess the needs of future users of the AI application.

Storyboarding

The storyboarding technique consists of creating realistic stories that aim to understand the context and working methods of the target users when developing a product or service.

"Please describe your daily work activities that are in the context of the previously selected business process (from step 2.1). Concentrate on one or several complex tasks. Go into detail and describe the purpose of the task, who you interacted with (e.g. colleague and/or IT systems), why you performed the task in a certain way and, if applicable, why you needed interactions."

Personas

Personas are fictitious typical users who embody the goals and needs of the user group. They are helpful in the development of user-friendly software, as they make it possible to better understand and consider the motivations and needs.

3.2 Define point of view (define)

(1) Model a business process (from step 2.1) and (2) identify specific problems in it.

Then define both the **knowledge-intensive tasks (KITs)** and the **data-intensive tasks (DITs)**.

Knowledge-intensive tasks require AI solutions with cognitive skills such as problem solving, analysis, creativity and decision making. Data-intensive tasks, for example, require AI solutions for analysing data and transactions. To do this, answer the six **W questions** (see below), formulate the resulting problem ("point of view") and then discuss how the problem can be solved.

- What is the problem?
- Who has the problem?
- Why does the problem exist?
- When is it a problem?
- Where exactly is the problem?
- How is the problem being solved today?

3.3 Develop ideas (ideate)

Generate ideas for possible AI applications using the brainstorming method and the 2+2 matrix.

Brainstorming with Crazy 8

Each participant sketches/draws eight different ideas on paper (paper sheet, folded into eight squares) within eight minutes. The aim is to quickly generate many different solutions for a specific problem without thinking too long about individual ideas. The sketches are then shared and discussed in the group.

2+2 matrix method

Use two axes to group the generated ideas in a matrix with four quadrants (e.g. effort vs benefit, novelty vs feasibility, impact/results vs feasibility). By categorising the ideas in these quadrants, an overview is quickly created and promising approaches for further development are identified.

3.4 Develop prototype (prototype)

To develop the prototype, a realistic target use case is created (e.g. using the storyboarding method from step 3.1).

Before creating the prototype, it is recommended to research whether there are already corresponding AI solutions on the market. Look for (1) companies that offer similar AI solutions and (2) companies that offer different AI solutions but address similar needs of the same target users.

The findings will help you to define and compare the criteria (e.g. using a spider diagram) that will be integrated into your AI prototype.

3.5 Testing (test)

The developed AI prototype is tested with the potential users. For this purpose, tests are prepared/carried out, the results are documented and findings are derived for the re-iteration of the design thinking process. Components of the test phase:

- Description of the test scenario
- Definition of the test criteria
- Test procedure
- Roles in the test
- Test results
- Resulting measures
- Further findings

3.6 Documentation

The design phase is concluded with the documentation of the workshop results and proposed AI solutions.

The structure follows the design phase (this workshop canvas) with the results from the company, process and task levels.



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Hochschule für Wirtschaft

ki 4 KMU

Workshop-Canvas KI-4-KMU-Methode

Identifikation und Nutzung
strategischer KI-Potenziale zur Stärkung
der Wettbewerbs- und Innovationsfähigkeit

ki-zentrum.ch

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ABACUS Gesundheitsförderung Schweiz
Promozione Salute Svizzera
Promozione Salute Svizzera

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FACHHOCHSCHULE NORDWESTSCHWEIZ

Marc K. Peter, Emanuele Laurenzi & Knut Hinkelmann (Hrsg.) (2025): Künstliche Intelligenz (KI): Strategiemethodik, Konzepte und Fallstudien.
Ein Leitfaden für die Planung und Umsetzung im KMU. FHNW Hochschule für Wirtschaft, Ostschweiz. Bezug auf www.ki-zentrum.ch.

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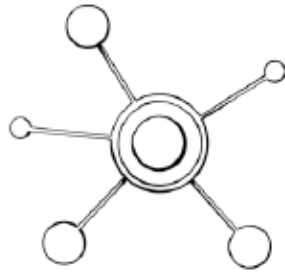


The AI Formula



Process management

+



Technology

+



Data

=



AI opportunities



DIGITAL- UND KI-POTENZIALE

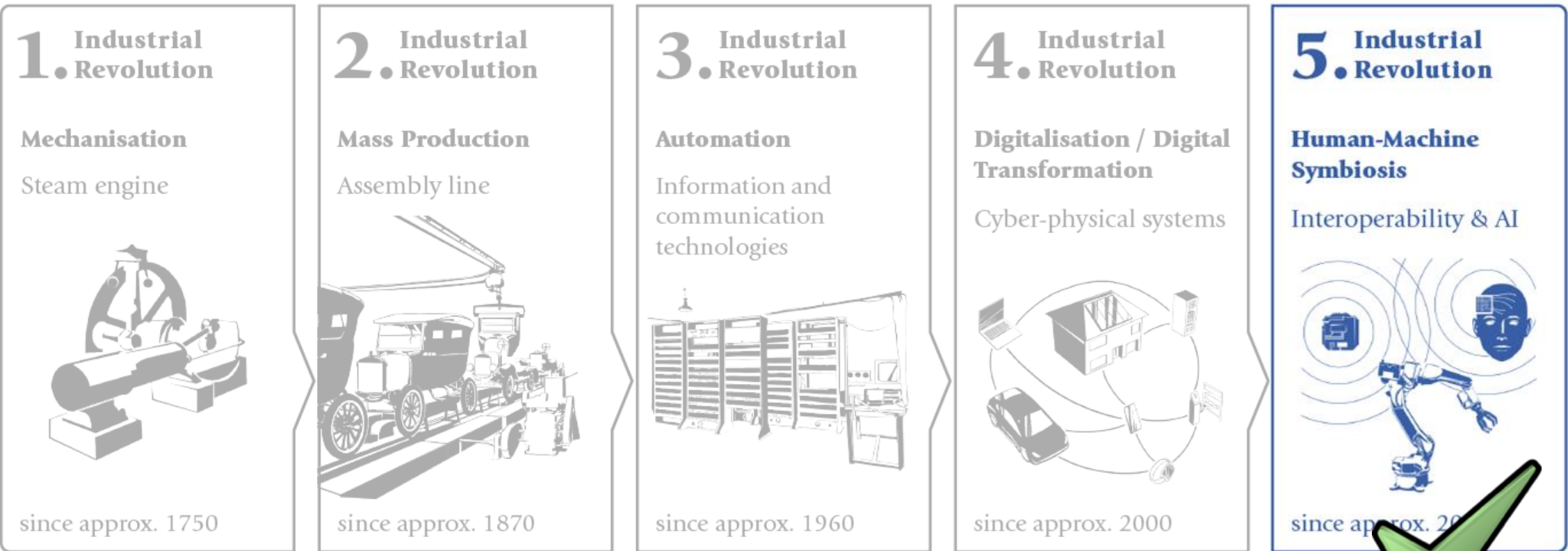
- **Umwelt**
[Redacted]
- **Bauleitung / Bauherrenvertretung**
[Redacted]
- **Instandhaltung**
[Redacted]
- **Infrastruktur**
[Redacted]
- **Konstruktion**
[Redacted]

KOMPETENZEN / FÄHIGKEITEN (fehlt heute, ggf. mit KI aufbauen)

- [Redacted]
- [Redacted]

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Protokoll
Workshop 14.11.25





Background –
the Digital Age



Digital
Transformation



Strategy
Transformation
in Light of AI





Thank
you!





DigitalProf Marc K Peter

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Swiss Association of Consulting Engineers

FRAGEN & DISKUSSION

KI in der Firma – Strategie & Recht im Griff haben

KI – RECHTLICHE RAHMENBEDINGUNGEN IN DER SCHWEIZ UND IN DER EU

Dr. Mario Marti

Rechtsanwalt und Managing Partner Kellerhals Carrard Bern
Senior Advisor [suisse.ing](https://www.suisse.ing)





Kellerhals
Carrard

suisse.ing

KI – Rechtliche Rahmenbedingungen in der Schweiz und in der EU

Swissbau
20. Januar 2026, Basel

Dr. Mario Marti



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Rechtliche Rahmenbedingungen in der Schweiz und EU

Mario Marti und Leandra Gafner

KI existiert schon lange. Sie filtert unsere Spam-Mails, übersetzt auf DeepL unsere Texte und entscheidet auf Social Media, was uns angezeigt wird. Mit der Veröffentlichung von ChatGPT Ende November 2022 wurde der Öffentlichkeit gezeigt, wozu generative künstliche Intelligenz fähig ist: Da gab es plötzlich eine generative KI, die einfach in der Anwendung war und auf sämtliche Fragen eine Antwort wusste – oftmals sogar eine korrekte. Die Entwicklung verlief seither rasant. Generative KI wurde in Windeseile Teil des Alltags, wurde in Arbeitsabläufe integriert und prägt bereits heute verschiedenste Branchen. Es scheint, als seien generativer KI keine Grenzen gesetzt.

Genau hiermit setzt sich dieser Beitrag auseinander: Welche gesetzlichen Grenzen und sonstige Rahmenbedingungen bestehen für KI und die Verwendung von KI-Tools?

Regulierung in der Schweiz

Gleich zu Beginn: Die Schweiz kennt bisher kein «KI-Gesetz». Trotzdem muss künstliche Intelligenz den bereits geltenden Gesetzen entsprechen. Die Schweizer Gesetzestexte sind typischerweise technologieunabhängig verfasst, um auch zukünftige Entwicklungen abzubilden. Beispielhaft sei hier das Datenschutzgesetz erwähnt, welches direkt auf KI anwendbar ist. Vor diesem Hintergrund werden im letzten und umfangreichsten Teil dieses Artikels einige ausgewählte rechtliche Aspekte zum Umgang mit KI in der Schweiz erläutert.

Dass die Schweiz bisher kein «KI-Gesetz» kennt, bedeutet nicht, dass der Gesetzgeber bisher untätig war. So hat der Bundesrat dem eidgenössischen Departement für Umwelt, Verkehr, Energie und Kommunikation UVEK am 22. November 2023 den Auftrag gegeben, bis Ende 2024 eine Übersicht möglicher Regulierungsansätze zu erstellen. Die Analyse des UVEK soll auf bestehendem Schweizer Recht aufbauen und mögliche Regulierungsansätze aufzeigen, die mit den EU-Regulierungen («AI Act», hierzu unten mehr) kompatibel sind. Mit dieser Analyse will der Bundesrat die Basis schaffen, damit er 2025 einen konkreten Auftrag für eine Regulierungsvorlage erteilen kann.¹

Bis die Auslegeordnung des UVEK vorlag, wurden in der juristischen Lehre insbesondere die folgenden Ansätze für eine Regulierung von künstlicher Intelligenz diskutiert, sowie eine Mischung davon:

- **Horizontale Regelung:** Dies würde bedeuten, dass allgemein gültige Vorschriften für den Umgang mit KI eingeführt werden, wie dies die EU mit dem AI-Act bereits gemacht hat (hierzu unten mehr).
- **Vertikale Regelung:** Damit ist gemeint, dass in gewissen Branchen aufgrund eines erhöhten Risikos spezielle KI-Regelungen eingeführt werden, diese jedoch nicht allgemeingültig werden.
- **Selbstregulierung:** Schliesslich gäbe es auch die Option, KI nicht gesetzlich zu regulieren und zu hoffen, dass die Wirkung des AI Acts über die EU-Grenzen zu einer Selbstregulierung der Privatwirtschaft führt. Eine solche Tendenz konnte bei der Einführung der Datenschutzgrundverordnung (DSGVO) in der EU bereits festgestellt werden, als viele Schweizer Unternehmen ihr Bewusstsein für den Datenschutz schärften und gewisse Massnahmen umsetzten, lange bevor das revidierte Schweizer Datenschutzgesetz in Kraft trat.

Am 12. Februar 2025 legte das UVEK dem Bundesrat seine Auslegeordnung zur Regulierung von künstlicher Intelligenz vor.¹¹ Darin skizziert das UVEK die erwähnten Möglichkeiten und weist insbesondere auf die KI-Konvention des Europarats¹² (dazu gleich mehr) hin. Gleichentags kommunizierte der Bundesrat, welchen Regulierungsansatz er verfolgen wird.¹³ Der Bundesrat hat sich wie folgt entschieden:

- Die Schweiz soll die KI-Konvention ratifizieren und in das Schweizer Recht übernehmen.
- Die Schweiz soll, wo Gesetzesanpassungen nötig sind, einen möglichst sektorbezogenen Ansatz verfolgen. In zentralen, grundrechtsrelevanten Bereichen wie dem Datenschutz werden jedoch auch allgemeine Regulierungen angestrebt.
- Neben der Gesetzgebung sollen auch rechtlich nicht verbindliche Massnahmen zur Umsetzung der KI-Konvention erarbeitet werden, beispielsweise Selbstdeklarationsvereinbarungen oder Branchenlösungen.



Praxisleitfaden KI-Zentrum
ki-zentrum.ch/praxisleitfaden

1 Rechtsgrundlagen in der Schweiz





Heutige Regelung in der Schweiz

- Bisher kein spezifisches «KI-Recht»
- **Geltende Rechtsgrundlagen sind technologieneutral und gelten auch für KI**
- **Auslegeordnung UVEK** vom 12.02.2025
 - Regulierungsziele
 - Stärkung des Innovationsstandorts Schweiz
 - Wahrung des Grundrechtsschutzes (inkl. Wirtschaftsfreiheit)
 - Stärkung des Vertrauens der Bevölkerung in KI
 - Regulierungsansätze (Optionen)
 - ausschliesslich themen- und sektorspezifische Regulierung
 - Ratifikation KI-Konvention (mit Minimalumsetzung oder weitergehenden Umsetzung)
 - Ratifikation KI-Konvention & Umsetzung analog EU (AI-Act)



Grundsatzentscheid Bundesrat 12.02.2025

- **Übernahme KI-Konvention** des Europarats ins CH-Recht
 - Betrifft vorab staatliche Akteure
- Gesetzesanpassungen möglichst **sektorbezogen**
- sektorübergreifende Gesetzesanpassungen nur in zentralen, **grundrechtsrelevanten** Bereichen
 - Bsp.: Datenschutz
- Weitere, rechtlich **nicht verbindliche** Massnahmen zur Umsetzung der KI-Konvention
 - Bsp.: Selbstdeklarationsvereinbarungen, Branchenlösungen
- Fahrplan: Vernehmlassungsvorlage & Plan für weitere Massnahmen (Selbstregulierung) bis Ende 2026

Fazit Rechtsgrundlagen CH

Typischer «Schweizer Weg»



2 **Rechtsgrundlagen in der EU**





AI-Act / Grundlagen

- **4 Risikokategorien**

- Verbotene KI-Praktiken

- Bspw. Verhaltensmanipulation, Social Scoring, Profiling betr. Straffälligkeit, Echtzeit-Fernidentifizierung für Strafverfolgung

- Hochrisiko KI-Systeme

- Bestimmte Anforderung, insb. Risikomanagementsystem
- Bspw. Produkt oder Sicherheitskomponenten von Produkt, das Konformitätsbewertung unterliegt, biometrische Fernidentifizierung, biometrische Kategorisierung, KI-Systeme im Bildungsbereich oder Arbeitnehmermanagement

- KI-Systeme mit begrenztem Risiko

- Transparenzpflichten
- Bspw. Chatbots, Generative KI, KI-Systeme zur Erstellung von Deep Fakes

- KI-Systeme mit minimalem Risiko

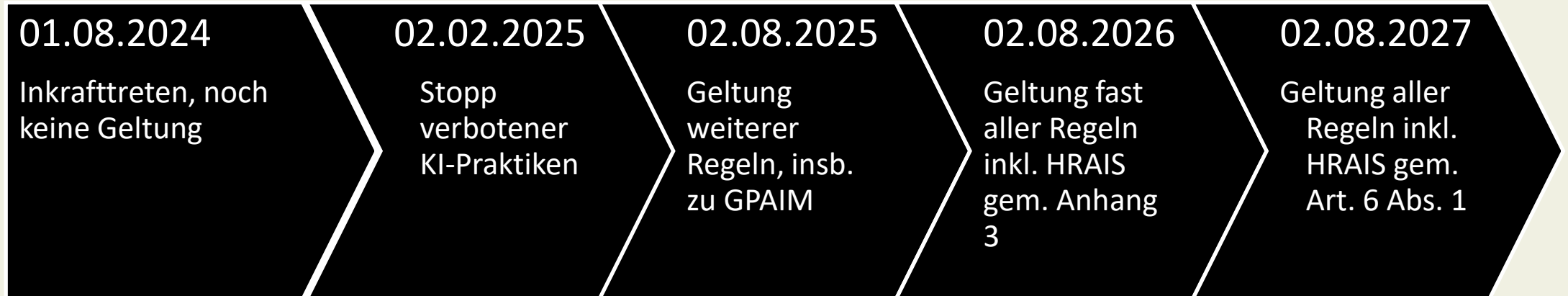
- Nicht vom AI-Act erfasst

- **Allzweck-KI-Modelle (GPAIM)**

- gewisse Pflichten für Anbieter, insb. bei systemischen Risiken
- Einsatz für viele Zwecke, breites Spektrum an Aufgaben
 - Bspw. Chat GPT



AI-Act / Zeitliche Geltung



GPAIM:

General Purpose AI Models

HRAIS:

High Risk AI Models

HRAIS gem. Anhang 3:

bspw. Biometrische Daten, kritische Infrastrukturen, allgemeine und berufliche Bildung, Arbeit, wesentliche Dienste (Gesundheit, Banking)

HRAIS gem. Art. 6 Abs. 1:

AI-System ist als Sicherheitsbauteil eines Produkts bestimmt oder ist selbst ein Produkt, das unter die EU-Harmonisierungsrechtsvorschriften in Anhang 1 fällt



AI-Act / Persönliche Geltung

- **Anbieter (Provider)**

- entwickelt KI-System oder GPAIM oder lässt ein solches entwickeln und Inverkehrbringen oder Inbetriebnehmen des KI-System oder GPAIM unter eigenem Namen / Marke in der EU
- kann auch ein Unternehmen sein, das eine bestehende KI-Anwendung auf sich anpassen lässt und dieses unter eigenem Namen/Marke in Verkehr bringt oder in Betrieb nimmt

→ Der Anbieter trägt den Hauptteil der Pflichten aus dem AI-Act.

- **Betreiber (Deployer)**

- setzt ein KI-System in eigener Verantwortung in der EU ein
- Nicht erfasst: Verwendung von KI-Systemen im Rahmen einer persönlichen, nicht beruflichen Tätigkeit

→ Der Betreiber trägt die Verantwortung, das KI-System regelkonform zu nutzen.

Achtung: Schleichender Übergang vom Betreiber zum Anbieter → regelmässig prüfen!



AI-Act / Geltung in der Schweiz

- Extraterritoriale Anwendbarkeit → Anbieter muss nicht in der EU niedergelassen sein
 - Inverkehrbringen oder Inbetriebnahme des KI-Systems in der EU
 - Verwendung des Resultats (Output) der KI in der EU
- Auch CH-Unternehmen müssen Anwendbarkeit des AI-Acts prüfen!



Hilfreich: KI-Selbsteinschätzungstool von economiesuisse und Kellerhals Carrard (<https://ai.kellerhals-carrard.ch/>)

3 Einzelne Aspekte des CH-Rechts





- **Kurzmeldung EDÖB vom 09.11.2023:**

- **DSG** ist direkt auf KI-gestützte Datenbearbeitungen anwendbar
- **Privacy by Design:** Schon bei der Entwicklung neuer Technologien und der Planung ihres Einsatzes ist auf den Datenschutz zu achten, insb. betr. Selbstbestimmung
- **Datenvermeidung & Datensparsamkeit** – so viel wie nötig, so wenig wie möglich
- **Transparenz:** Zweck, Funktionsweise & Datenquellen müssen offengelegt werden
- **Informationspflicht:** Nutzer müssen wissen, dass sie mit einer Maschine sprechen (bspw. Chatbot)
- Verwendung von **Deep Fakes** muss deutlich erkennbar sein
- **Verboten:** Flächendeckende Gesichtserkennung in Echtzeit, Social Scoring



- KI braucht für das Maschinenlernen viele Daten
- Bei Training durch Verantwortlichen:
 - sog. «Sekundärnutzung»
 - Hinweis in der Datenschutzerklärung
 - bei nicht personenbezogener Bearbeitung: überwiegendes Interesse i.d.R. gegeben
- Bei Training durch Auftragsbearbeiter:
 - Zweckentfremdung! Auftragsbearbeiter wird Verantwortlicher
 - Hinweis in beiden Datenschutzerklärungen nötig
 - ev. überwiegendes Interesse gegeben, wenn:
 - KI-Training keine negative Auswirkung auf betroffene Person hat,
 - keine besonders schützenswerten Personendaten betroffen sind und
 - Daten nicht personenbezogen bearbeitet werden

Achtung: Verträge mit KI-Anbietern sorgfältig prüfen. Werden Daten für das Training weiterverwendet, sind die notwendigen Massnahmen (insb. Hinweis in Datenschutzerklärung) zu ergreifen.



- **Dürfen urheberrechtlich geschützte Werke für das KI-Training verwendet werden?**
 - Grundsatz: Urheber hat Ausschliesslichkeitsrecht, Verwendung für KI-Training ohne Zustimmung des Urhebers verletzt dieses
 - Ausnahmen im URG:
 - Verwendung zum Eigengebrauch im betriebsinternen Bereich für die interne Information oder Dokumentation: Enge Auslegung, bei KI-Training werden ganze Werke verwendet & der Output i.d.R. kommerziell verwendet → eher nicht einschlägig.
 - Vorübergehende Vervielfältigung: Datenbasis einer KI ist zu langanhaltend und das KI-Training hat eine eigenständige wirtschaftliche Bedeutung → eher nicht einschlägig.
 - Wissenschaftliche Forschung: Konkreter & vorherrschender Forschungszweck → einzelfallabhängig, am ehesten einschlägig, wenn das KI-System auf Forschung ausgerichtet ist.

→ KI-Training mit urheberrechtlich geschützten Werken ist problematisch. Lösungsansatz: Lizenzverträge (in Arbeit bspw. von SUISA und ssa)



- Wurde ein urheberrechtlich geschütztes Werk für das KI-Training oder den Prompt verwendet und ist es im Output erkennbar → Urheberrechtlicher Schutz gilt auch für Output
- Alle anderen Fälle: **Urheberrecht schützt nur «geistige Schöpfung»**
 - geht von einer menschlichen Schöpfung aus → grundsätzlich kein Urheberrechtsschutz für KI-generierte Inhalte
 - Ausnahme: KI wird nur als Werkzeug verwendet
 - bei erheblichem Beitrag zum Output (Kreativität des Prompts schlägt sich im Output nieder)
 - bei Abänderung des Outputs (Output nur Grundlage für das entstehende Werk)

→ Kein Urheberrechtsschutz per se, nur bei Bearbeitung oder erheblicher Beeinflussung des Outputs durch den Menschen



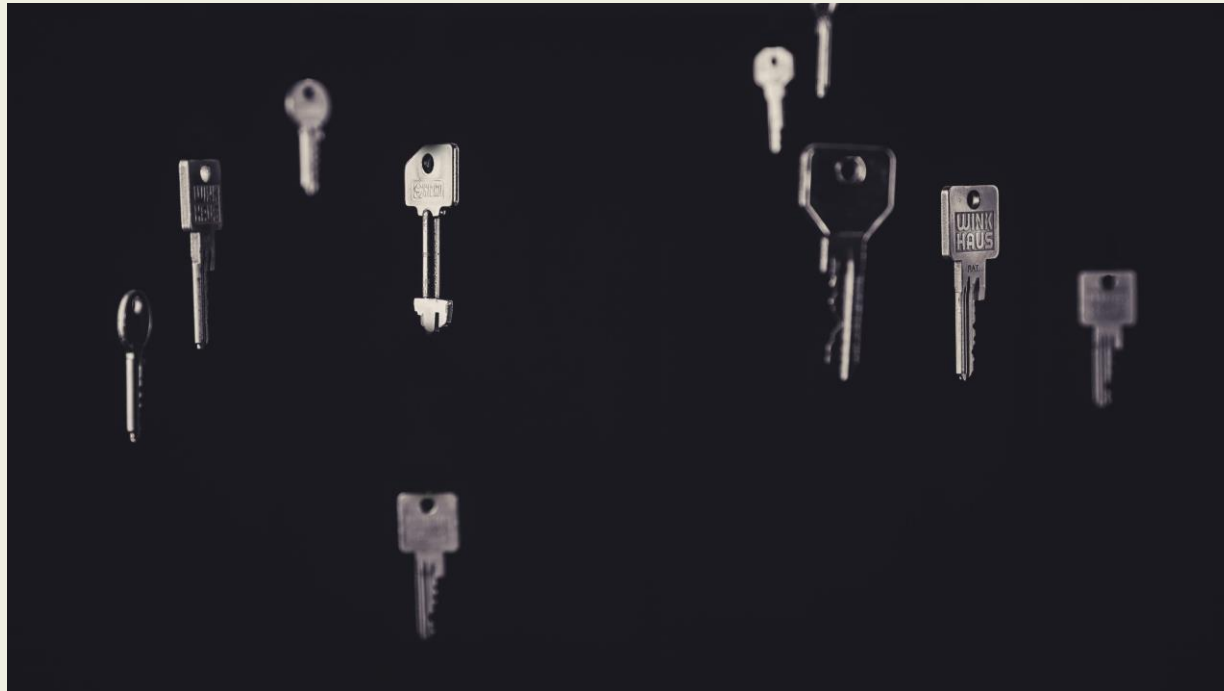
- Viele Anwendungsmöglichkeiten von KI = viele Möglichkeiten für Haftungsfälle & keine einheitliche Antwort, wer haftet
- **Haftung des Herstellers:**
 - Produkthaftungsgesetz gilt nur für bewegliche Sachen & Elektrizität, für Software gem. mittlerweile herrschender Lehre eher nicht.
 - Vertragliche Haftung zwischen Hersteller & Anwender: Hersteller haftet für angemessene Sorgfalt bei Entwicklung der KI, Hürde der Sorgfalt variiert
- **Haftung des Anwenders:**
 - KI-System gilt als Hilfsmittel, ohne eigene Rechtspersönlichkeit
 - Vertragliche Haftung: Anwender haftet für angemessene Sorgfalt, Output muss kritisch geprüft und wo notwendig angepasst werden
 - Ausservertragliche Haftung: Gewisse Fehleranfälligkeit liegt in der Natur von KI. Anwender hat Schadenminderungspflicht wegen Gefährdungspotential → angemessene Sicherheitsmassnahmen treffen

Weisungsrecht im Arbeitsverhältnis



- Verbot von KI am Arbeitsplatz ist weder durchsetzbar noch zukunftsfähig. Besser: KI-Weisung.
- Wesentliche Elemente einer KI-Weisung
 - Information über erlaubte Nutzung: Welche KI-Tools haben wir? Welche Daten dürfen wir eingeben? Gibt es Zusätzliches zu beachten?
 - Wahrung von Betroffenenrechten: Wann und wie müssen Kunden über KI-Nutzung informiert werden?
 - Haftung: Hinweis, dass Resultate der KI zu überprüfen sind
 - Ansprechperson: An wen können sich die Mitarbeitenden bei Fragen melden?
- Neben Weisung empfehlenswert: Festsetzen Standards & Werte zur Verwendung von KI
 - bspw. betreffend Transparenz, Zuverlässigkeit, Betroffenenrechte, Risikominimierung

4 Key Takeaways





Key Takeaways

- Mit KI gelten weitgehend die **gleichen Regeln wie bisher!**
 - Ich hafte für meine Leistungen, auch wenn sie ein (digitaler) Helfer erstellt hat.
 - Ich halte das Datenschutzgesetz ein und prüfe, wie meine Auftragsbearbeiter (bspw. KI-Anbieter) meine Kundendaten verwenden.
 - Ich schule meine Mitarbeitenden so, dass sie ihre digitalen Werkzeuge korrekt und rechtssicher verwenden können und weise sie entsprechend an.
- Zudem: Ich prüfe bis August 2026, ob der **AI-Act** auf mein Unternehmen anwendbar ist.

Fazit: Die rechtlichen Rahmenbedingungen sind zu beachten, stellen aber kein Hindernis dar für einen sinnvollen Einsatz von KI-Tools im Arbeitsalltag.

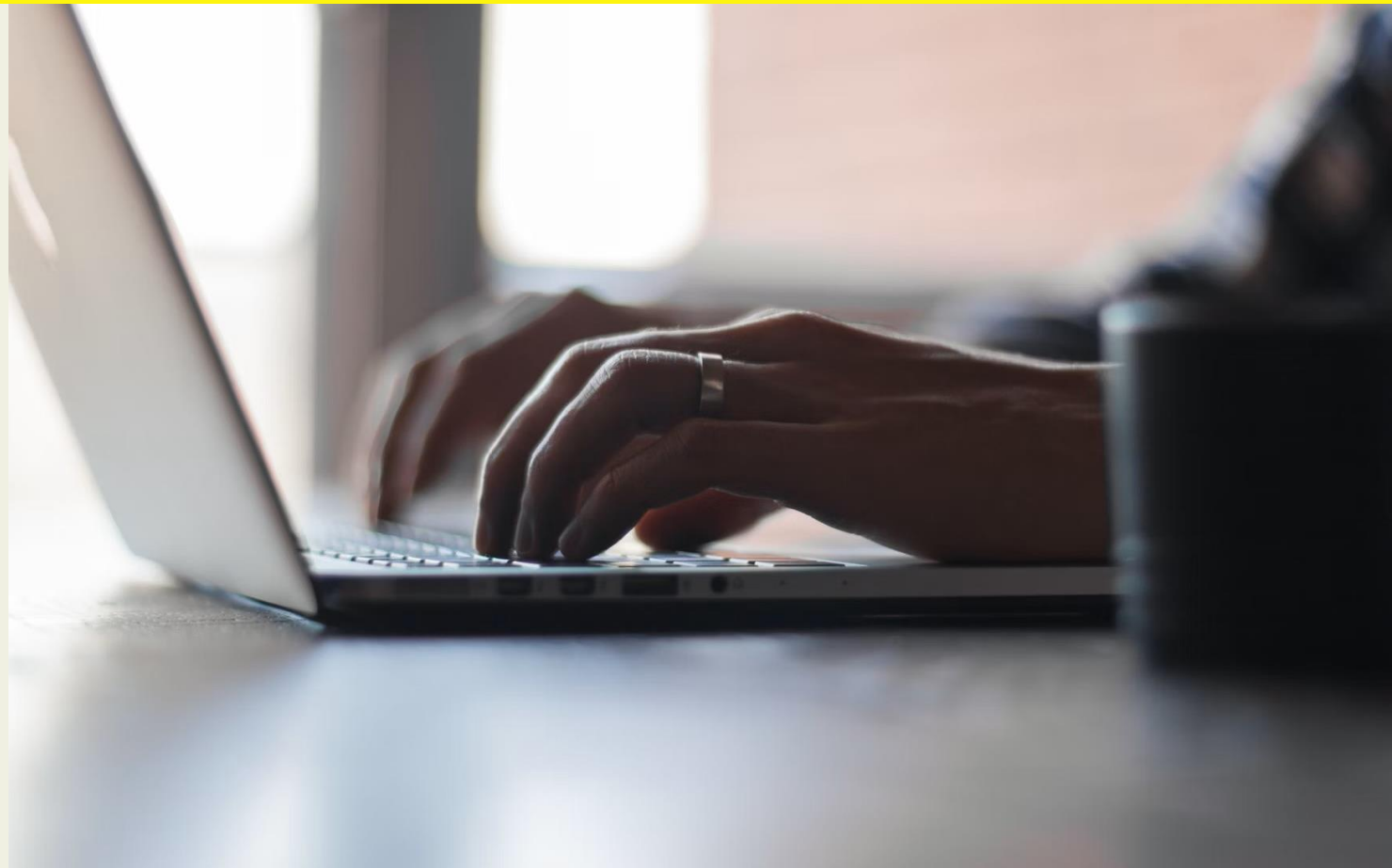


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Kellerhals Carrard



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Schweizerische Vereinigung Beratender Ingenieurunternehmen
Union Suisse des Sociétés d'Ingénieurs-Conseils
Unione Svizzera degli Studi Consulenti d'Ingegneria
Uniun svizra dals biros d'inschigneria consultativs
Swiss Association of Consulting Engineers

FRAGEN & DISKUSSION

KI in der Firma – Strategie & Recht im Griff haben

VIELEN DANK FÜR IHRE AUFMERKSAMKEIT

KI-Memorandum (QR-Code):

Rechtsgutachten im Auftrag von suisse.ing – rechtliche Rahmenbedingungen KI

Weitere Events

- **Webinar** „KI-Strategie“: für suisse.ing-Mitglieder
26. Februar 2026, 16:30–17:30

www.suisse.ing → Agenda

- **Impulsseminar** „Künstliche Intelligenz KI“:
10. März, 24. August, 31. August
- **Workshop** „Digitale Tools & KI erfolgreich nutzen“:
16. März, 13. Oktober





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KI IN DER FIRMA – STRATEGIE & RECHT IM GRIFF HABEN

Swissbau, 20. Januar 2026, 15.30 – 16.30 Uhr