

Trouble over Basel jazz club

Dispute between Bird's Eye management and founder escalates

Stephan Kurmann, founder and longtime musical director of Bird's Eye, is no longer allowed to perform at the Basel club he once launched. All contractually agreed concerts have been canceled. The Bird's Eye operators claim negative statements and a lawsuit as reasons.

By Franziska Laur

A fierce dispute has broken out between the management of the Bird's Eye jazz club on the Kohlenberg and Bird's Eye founder Stephan Kurmann. On June 1, Kurmann received a letter from the board of the Bird's Eye sponsoring association Jazz-Live Basel: Due to negative public statements against representatives of the association and the club as well as due to the lawsuit filed against the association, the board is no longer willing to let Kurmann perform at the club, it says. It is signed by the president Jonas Winterhalter and the treasurer.

What happened? Let's look back to the beginnings. In 1994, Stephan Kurmann founded a small club on Elsässerstrasse in Basel. He called it The Bird's Eye Jazz Club and created the corresponding logo. A few years later, he was able to win over Roche heiress Beatrice Oeri for the cause and was the club's artistic director from 1999 - after the move to the Kohlenberg - until 2022.

Anyone who knows the Bird's Eye knows that the place is also a matter of the heart for billionaire Beatrice Oeri. She hardly lets an evening go by without being present in the room at Kohlenberg 20, once a prison gymnasium. She worked closely with Stephan Kurmann for a quarter of a century. But then came the break. "In November 2021, I was released with immediate effect, my mail inbox was cut off, and I was banned from speaking. The termination followed in February 2022," says Kurmann.

Lawsuit filed

He recently filed a lawsuit against the Jazz-Live Basel association, because he feels dumped and cheated out of his life's work. He claims that the association Jazz-Live Basel wants to deprive him of the name Bird's Eye and

the signet he created. With the termination of his employment and the cessation of salary payments to him, the association is no longer entitled to use his copyrighted trademarks.

Furthermore, he points out that the club could never have achieved its reputation without him. Already from 1994 to 1998, i.e. before Oeri's financial commitment, the Bird's Eye had developed into one of the best-known jazz clubs with an international reputation. The club name is known far beyond the borders of Basel and has become a household name in the jazz scene. The name Stephan Kurmann and the Bird's Eye are closely linked.

The next round

With the performance ban, the unequal dispute between the jazzman and the Bird's Eye goes into the next round. In his response to the cancellation of the gig, Kurmann writes: "Since my release, I have performed all the gigs already agreed upon at the club with the corresponding bands completely correctly and without making any statements whatsoever about my release and cancellation. The fact that my clarification of the copyrights and trademark rights, which was demanded by the court without any public communication, resulted in a performance ban, represents a serious encroachment on my constitutionally protected rights." The accusation of having made negative public statements about the Bird's Eye operators also violates his right to freedom of expression guaranteed by the Swiss constitution, according to which "every person" has the right "to form his opinion freely and to express and disseminate it without hindrance. These rights would apply all the more since the Bird's Eye is a state-subsidized operation, despite Beatrice Oeri's millions. The club is supported by the city and the county canton with a total amount of 356,250 francs, divided into annual contributions of 71,250 francs for 2022 and 95,000 francs for each of the years 2023 to 2025. However, the President's Office does not feel called upon to intervene in the dispute: "Regulating personnel matters is entirely within the competence of the institutions. We therefore cannot comment on them," says Katrin Grögel, Head of the Culture Department. The board of the Jazz-Live Basel association is also not commenting. President Jonas Winterhalter and a member of the board say that they do not comment publicly on individual program decisions and employment relationships out of respect for the personal rights of those concerned.

Broken career

The cancellation of the agreed concerts, however, has far-reaching consequences for Kurmann. "Since I am banned from performing at the Bird's Eye as of now, no band planning a tour or even single concerts can hire me anymore, otherwise the comparatively well-paid Bird's Eye gigs will fall away,"

he says. Tours are always a mixture of concerts that pay more and concerts that pay less. A guest appearance at the Bird's Eye, sometimes lasting several days, is an indispensable factor in the tour planning of any jazz group. "Not only have I been robbed of my life's work, but now my good reputation as a bass player, which I have spent a lifetime building up and maintaining, has been rendered useless in one fell swoop," Kurmann says.