

Luxembourg, Draft

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English explanation of substantive legal changes between the Luxembourg Draft and the “Working Document” (version May 2007)

1 Licence

Added the “sui generis” Database right and neighbouring rights, according to Luxembourg Law

Note: Licence and Contract are interchangeable terms under Luxembourg Law.

1 Definitions

1.g. Work

The chosen definition stems directly from Luxembourg law: “original literary and/or artistic work”. It must not be understood to limit the concept of a “Work” to written text or art, it does encompass all original.

Added “sui generis” database rights and neighbouring rights and limited them geographically by adding “if applicable in your jurisdiction”.

3 Licence Grant

Perpetual agreements are prohibited under Luxembourg law, so “perpetual” is limited to the duration of applicable copyright.

Included a waiver of database rights: “Where the licensor is the rights holder of a sui generis database right under national law implementing the European Database Directive, the licensor will waive these rights.”

4 Restrictions

4.a. The phrase “*you may not impose any effective technological measures on the Work*” does not have any meaning under Luxembourg law, it was changed to “*you may not include technical measures of protection on the Work*”

4.g. Added clarification on moral rights and included a geographical limitation: “The moral rights, if applicable in Your jurisdiction, of the individual(s) who (is) are the Original Author(s) of the Work remain unaffected by the present license.”