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.”