

# The New Copyright Directive finally transposed into Luxembourg law!

## *What happened?*

On 1st April 2022, Luxembourg enacted the [law](#) <sup>1</sup> aiming at transposing into Luxembourg law the *Directive 2019/790 on copyright and related rights in the Digital Single Market* (“New Copyright Directive”) adopted on 17 April 2019<sup>2</sup>.

This new law modifies the three following laws:

- the Law of 18 April 2001 on authors’ rights, related rights and databases, as amended,
- the Law of 3 December 2015 on certain authorised uses of orphan works, and
- the Law of 25 April 2018 on the collective management of author’s rights and neighbouring rights.

## *What are the key takeaways?*

The Luxembourg law faithfully transposes into Luxembourg law the New Copyright Directive, which aims at modernising the legal regime of authors’ rights and neighbouring rights. The purpose of the New Copyright Directive was to take into account the major technological developments of the last twenty years and the new ways of creating, producing, distributing and exploiting works and other protected content.

The main changes to the authors’ rights regime are the following:

- The creation of neighbouring rights for press publishers (the right of reproduction and the right of making press publications available to the public) in relation to the use of their content online; subject to certain limitations, this would allow press publishers to ask for remuneration when their content is reused by online platforms, news search engines and news aggregators.
- The creation of an authorisation mechanism and a new liability regime regarding specific uses of protected content by online content-sharing service providers (such as YouTube).
- the creation of new exceptions to the authors’ rights to promote, in particular, text and data mining under certain conditions (which is a set of automated techniques aiming at analysing texts and data in digital form in order to extract information) and the digital use of the works, exclusively for purposes of illustration in the context of teaching, to

the extent justified by the non-commercial purpose pursued;

- the enshrinement of a principle of appropriate and proportionate remuneration for authors when they conclude licence agreements or assignment agreements about the exploitation of their work, as well as a possibility for authors to ask for an additional compensation. The parties with whom the authors have signed a licence or an assignment agreement must provide the authors, at least once a year, with information on the exploitation of their works in particular with regard to the total income generated. If the remuneration initially agreed upon proves to be unreasonably low in comparison with the total income derived from the exploitation of the works, then the authors will have the right to an appropriate and fair additional remuneration.

### *Conclusion*

It remains to be seen whether the new law will entail more balanced relationships between the various players of the Luxembourg market regarding the use and exploitation of works and protected content.

The new law will come into force on 9 April 2022

For more information about the New Copyright Directive, please see our previous articles on this topic:

- [Adoption of new European Copyright Directive](#)
- [Transposing New Copyright Directive - Luxembourg draft legislation](#)
- [Bill of Law 7847 transposing New Copyright Directive](#)

- [1](#) Resulting from Bill of Law 7847.
- [2](#) Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

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