



4.19. LU – Luxembourg¹¹³

4.19.1. Key Findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ¹¹⁴
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of an independent producer of audiovisual works is related to the ownership of the production company and its operational independence from broadcasters.
- A producer of audiovisual works shall be deemed independent when (s)he is not a broadcaster and no broadcaster holds or controls the majority of the production company's shares.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

¹¹³ The summary on Luxembourg incorporates feedback received from the Department of Media, Telecommunications and Digital Policy (Ministry of State) and the Luxembourg Independent Media Authority (ALIA) during the checking round with the national regulatory authorities.

¹¹⁴ According to Article 21 of the Copyright Law 2001 (*Loi du 18 avril 2001 sur les droits d'auteur, les droits voisins et les bases de données*) the producer and the director of an audiovisual work, with the exception of the composers, as well as the performers shall be deemed to be the authors. Furthermore, according to Articles 24 and 51 (1) of the above Copyright Law, unless otherwise stipulated, the authors of an audiovisual work, with the exception of the composers, as well as the performers shall be deemed to transfer to the producer the exclusive rights of exploitation of the work in question. This presumption includes the rights to add subtitles or dub the work, but does not include the rights to adapt, modify or create a derivative work. See Copyright Law 2001, available at: <https://legilux.public.lu/eli/etat/leg/loi/2001/04/18/n2/jo> and section 6.18.2.2 of the Mapping report on national remedies against online piracy of sports content, European Audiovisual Observatory, Strasbourg 2021, available at: <https://rm.coe.int/mapping-report-on-national-remedies-against-online-piracy-of-sports-co/1680a4e54c>.



4.19.2. National definition of independent producer/independent production

Legislation	Summary of the measures
<p>Article 27 of the Law of 27 July 1991/2022 on electronic media, (<i>Loi du 27 juillet 1991/2022 sur les médias électroniques</i>)¹¹⁵</p> <p>Article 2 (6) of the Grand-Ducal Regulation of 5 April 2001/2021 laying down the rules applicable to the promotion of European works in audiovisual media services (<i>Règlement grand-ducal du 5 avril 2001/2021 fixant les règles applicables en matière de promotion des œuvres européennes dans les services de médias audiovisuel</i>)¹¹⁶</p>	<p>An independent producer of audiovisual works is considered the natural or legal person that meets the following criteria:</p> <ul style="list-style-type: none">a)(s)he is not a broadcaster andb) his/her capital is not in majority controlled by a broadcaster.

4.19.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A

¹¹⁵ <https://alia.public.lu/wp-content/uploads/2023/06/Loi-modifiee-du-27-juillet-1991-sur-les-medias-electroniques-modification-du-12-aout-2022.pdf>

¹¹⁶ <https://alia.public.lu/wp-content/uploads/2023/08/RGD-5-4-2001-promotion-oeuvres-eu-dans-les-SMA-text-coordonne-au-23-7-2021.pdf>