

KLARHIMMEL.ART WEBSITE RULES

CONTENTS:

Preamble.....	1
1. General Conditions and Glossary.....	2
1. General Conditions.....	2
2. Glossary.....	2
2. Copyright.....	4
1. Poetry.....	5
2. Prose.....	6
3. Photos.....	6
4. Universes.....	6
5. Creations.....	6
3. Specific Conditions Regarding Minecraft.....	7
1. Terms and Conditions of Microsoft Corporation...	8
2. Terms and Conditions of Modifications' Owners.....	8
4. Privacy Policy and Personal Data Protection	9
5. Legal Aspects.....	10
1. General Legal Information.....	10
2. Disclaimer	10
Conclusion.....	11

Preamble

The website klarhimmel.art (hereinafter referred to as the "Site") was created for the purpose of distributing and popularizing creative content of a visual, textual and other nature, produced by the author of the site, Dmytro Kostiantynovych Potikha (creative pseudonym - Klar Himmel, hereinafter referred to as the "Author"). The Site operates on a non-commercial basis and is not used to receive any dividends, unless otherwise indicated on a specific page of the Site. These Rules regulate the principles of the Site's operation, its content and editing, as well as the terms of use of the Site by visitors. The Author is responsible for the publication, editing and deletion of all content on the Site.

The Site operates on the general provisions and protocols of the Internet, and is subject to international law, as well as the laws of the jurisdictions that affect the operation of the Site, namely the United Kingdom (as the location of the server and registration of the domain zone and platform .art), the European Union in general, and Germany in particular (as the country where the IP-addresses of the devices from which the Site is operated are located), and Ukraine (as the country of citizenship of the Author).

The following Rules are not a regulatory document or an act that obliges to any kind of actions and behaviour. However, in the event of any legal and legal claims against the Author, these Rules may be accepted as a legal basis, since they are posted in the bottom panel of the Site interface in order to familiarize visitors with the basics of the Site, its goals, concept and other aspects related to its use.

1. General Conditions and Glossary

1.1. General Conditions

The Site was founded on July 13, 2024. The main purpose of the Site is to publish audio, video, photo and text materials created by the Author of the Site, Dmytro Kostiantynovych Potikha (creative pseudonyms - "Klar Himmel", "Pegas08"). These materials, in particular, include poems and verses, prose, articles, blog posts, photographs, video materials, maps, drawings, screenshots of the game interface of the Minecraft computer game and more. Some materials are also posted by the Author on other platforms. For example, poems are also posted on the platforms stihi.in.ua and stihi.ru; photographs are posted on the Author's personal pages on the social networks Instagram and Facebook. The Author is the sole copyright holder of all content on the Site, except for materials related to the game interface of the Minecraft computer game, which is discussed in more detail in Section 3 of these Rules.

In order to comply with the requirements of European and German legislation in the field of personal data protection and copyright, the Author's details (Impressum) are posted on the Site. These legal details apply to the Site klarhimmel.art and pages on the social networks Facebook, Instagram and Telegram:

*Dmytro Potikha (Ukr.: Поміха Дмитро Костянтинівич)
Geschwister-Scholl-Straße
Remscheid 42897 Germany*

Contact Information:

E-mail: dp.klarhimmel@gmail.com

Telephone Number: TBA

The Author is responsible for data protection, posting of materials and administration of the Site. Responsible for the content in accordance with §18, paragraph 2 of the German Interstate Agreement on the Media (Medienstaatsvertrag, MStV) is Dmytro Potikha.

The Author is not registered as a commercial legal entity, being a private individual.

If you have any questions or suggestions regarding these Rules or the operation of the Site, as well as to provide feedback on the Site, please contact the Author at the e-mail address specified above (in the details).

All materials on the Site are subject to the German Copyright Act of 09.09.1965, the General Data Protection Regulation (EU) 2016/67 and other applicable laws and regulations.

Since the Site is hosted on the .art platform, it is fully subject to the rules of this platform and all applicable regulations and agreements, which are posted on the platform at the link: <https://get.art/en/company/legal>.

1.2. Glossary

The following terms and designations are used in these Rules:

"Author" — the owner and administrator of the Site, the sole creator of all the content of the Site, who is Dmytro Kostiantynovych Potikha (creative pseudonyms: "Klar Himmel", "Pegas08"). The Author has exclusive ownership of the works, poems, photographs and other content of the Site.

"Personal data" — information that Visitors provide to the Site (Author, Platform, Provider), and which could be used to determine the identity of the Visitor, including real name, address, phone number, email, passwords, passport numbers, IP-addresses, information about the user's software agent, bank account numbers, date of birth, gender, sexual orientation, racial or ethnic origin, civil or marital status, health or disability status, political affiliation and religion.

"Platform" — the ".art" domain zone, created specifically for the global creative community. The term "Platform" in these Rules refers to the owner of the website, UK Creative Ideas Ltd, a company registered at 12 Mount Havelock, Douglas, Isle Of Man IM1 2QG, United Kingdom (Reg. No. 002002V).

"Privacy Policy" — the section of these Rules entitled "Privacy Policy and Personal Data Protection", which sets out the basis for the relationship between the Site (Author) and Visitors in the area of using personal data.

"Visitor" — an individual or legal entity (group, organization) that has accessed the Site via a link through a web browser or in any other way, and has become familiar with the content of the Site, regardless of whether this is done on their own behalf or on behalf of another person.

"Rules" — this document regulating the legal basis for the operation of the Site, as well as the relationship between the Author, Visitors and the legislation of applicable jurisdictions.

"Provider" — a telecommunications company that provides Internet access services and other Internet-related services, through which the Visitor gains access to the Site.

"Site" — the klarhimmel.art website, including program interfaces (API), e-mail and notifications.

"Content" — all audio, video and photo data posted on the Site, including photographs and images, files of various formats, texts, etc. The term "content" does not apply to any materials posted on third-party sites by Third Parties.

"Third Parties" — individuals or legal entities, organizations, websites, services, products and applications that are not controlled, managed or administered by the Author or the Platform.

2. Copyright

The materials posted on the Site in the sections "Poetry", "Prose", "Photo", "Universes" and "Creativity" are the exclusive property of the Author of the Site. All materials from the above sections are protected by the Universal Copyright Convention (1952), as well as applicable copyright laws of the relevant jurisdictions (places of creation and places of storage of the information content of the Site).

Materials from the sections "Biography" (About me), "Contacts" and "Impressum" refer to personal data and are protected by the relevant international and local legislation.

Materials from the section "Blog" are a public blog and express the personal opinion of the author. These materials are subject to media legislation.

Materials on the site are published under the pseudonym Klar Himmel, which is also a registered trademark of the author and cannot be used without his notification and consent.

Since the publication of the materials takes place in the jurisdiction of the author's country of residence, namely the Federal Republic of Germany, and these materials are subject to German law, the copyright is protected by the German Act on Copyright and Related Rights of 09.09.1965 (as amended on 01.09.2017, Urheberrecht, UrhG). This law, among other things, states:

Protected works in the literary, scientific and artistic domain include, in particular: 1. Literary works, such as written works, speeches and computer programs...; 4. Artistic works, including works of architecture and of applied art and drafts of such works...; 7. Illustrations of a scientific or technical nature, such as drawings, plans, maps, sketches, tables and three-dimensional representations... (Section 2, Art. 1).

The author is the creator of the work (Section 7).

The person designated as the author in the usual manner on the copies of a released work or on the original of an artistic work shall be regarded as the author of the work in the absence of proof to the contrary; the same shall apply to any designation which is known to be a pseudonym or stage name of the author. (Section 10, Art. 1).

The author has the right to be identified as the author of the work. He may determine whether the work shall bear a designation of authorship and which designation is to be used. (Section 13).

The creator and author of the materials published on the website klarhimmel.art is Dmytro Konstantynovych Potikha, unless otherwise stated.

Certain content on the klarhimmel.art website may be freely used, copied and modified, as long as the author is clearly identified as Dmytro Potikha, with the author's real name or his creative pseudonym "Klar Himmel". When referring to the author, a link to the klarhimmel.art website must also be provided.

2.1. Poetry

The author publishes on the site his own poems, verses and poetry translations, written from 2012 to the present day. In addition to the klarhimmel.art site, some of these works were previously published on other platforms, namely on the portals stihi.ru and stihi.in.ua, as well as on the author's social media pages.

From December 11, 2015 to February 16, 2022, the author published his poetry on the website stihi.ru at the link <https://stihi.ru/avtor/pegas08>, since most of the author's poems were written in Russian, and this site was the most popular platform for poets.

According to the rules of the portal "Stihi.ru", authors are given the opportunity to freely publish their literary works on the Internet on the basis of a user agreement. All copyrights to the works belong to the authors and are protected by law. Reprinting of works is possible only with the consent of its author, who can be contacted on the author's page. The authors bear responsibility for the texts of the works themselves on the basis of the rules of publication and the legislation of the Russian Federation.

The user has the right to use the fact of publication (communication to the public) of his works on the server to protect copyright. The Internet company provides Certificates of Publication for all posted works. Publication (communication to the public) of a work on the server of the Internet company in no way limits the rights to publish this work on other servers of the Internet, in printed and any other publications, as well as the transfer or sale of copyright to it. The user has the right to stop publishing (communication to the public) the work at any time and thus terminate the Agreement by deleting the work from the server of the Internet company.

All published works have publication certificates, are entered into the register and have received a single deposit number for the literary work.

Due to the armed aggression of the Russian Federation against Ukraine, the author, clearly expressing his position, stopped publishing new works on the portal "Stihi.ru" and closed access to already published poems.

Since March 30, 2022, the author has transferred all of his works previously published on the portal "Stihi.ru" to the Ukrainian Poetry Portal (<https://www.stihi.in.ua/>). On the same portal, the author continued to publish his new works at the link <https://www.stihi.in.ua/avtor.php?author=53087>.

According to the rules of the Ukrainian Poetry Portal, all copyrights to published works belong to the author and are protected by the laws of Ukraine. Use and reprint of works is possible only with the permission of the author. When using the site materials, an active link to klarhimmel.art is required. Any other author can place the author's poem, an announcement for it, or a link on the main page or in the works feed within the framework of the provided functionality of the site.

Thus, all works published by the author are subject to international copyright law, as well as the national legislation of those countries that own the web portals where these works were published.

2.2. Prose

All published works, including stories, novellas, novels, etc. are written by the Author and the copyright belongs entirely to Dmytro Potikha, unless otherwise stated. If the author and copyright holder of any work is not the Author, then separate information about this is posted.

The works written by the author themselves are posted on the Site in pdf-file format with an accessible link for downloading.

2.3. Photos

The photographs posted in the relevant section were taken personally by the author. All copyrights to these photographs belong to Dmytro Potikha, as indicated by the note made at the bottom of each image. In this regard, when distributing or using photographs from the klarhimmel.art website, it is necessary to indicate the authorship, at least by preserving the above-mentioned note on the image.

2.4. Universes

In the "Universes" section, the author posts various materials united by a common concept of worldbuilding. All posted materials are the absolute and inalienable property of the author. The author welcomes any comparisons with the work of other authors and creators of fairy-tale, fantastic or fantasy universes, while resolutely rejecting any accusations of plagiarism or illegal borrowing of elements created by other people. All materials related to the worlds described in the "Universes" section were created as original by the author, starting in 2003. The described world is the main universe of the author's work, being the setting for many stories and novellas.

2.5. Creations

The "Creations" section is designed to publish various non-core assets belonging to the Author. Being divided into 4 sections, different copyright rules apply to this section. For example, the "Embroidery" and "Drawings" sections contain photos of works created by the author, so the same copyright rules apply to them as poetry, prose or photographs. At the same time, the materials from the "Travels" section are a public blog containing various text and visual materials that are more subject to media legislation than copyright laws. The materials from the "Collections" section are photographs of the collection of various collectibles of the author and do not bear the qualities of objects of copyright, but nevertheless are the private property of the author.

3. Specific Conditions Regarding Minecraft

In the section "Klar Himmel's Cubic Art: Minecraft Game City" the author posts materials that are screenshots of the interface of the computer game Minecraft, which is the property of Microsoft Corporation and Mojang AB. The purpose of posting these materials is to demonstrate the author's creativity, created during the Minecraft gameplay. The author does not receive any dividends from Microsoft Corporation and/or Mojang AB, does not have the goal of making any money through the Minecraft game and fully complies with the current legal license agreements established by Microsoft Corporation and Mojang AB in relation to their products.

The author of the site and screenshots with the Minecraft game interface openly declares that the posting of materials is carried out privately for entertainment and informational purposes and is not carried out within the framework of the activities of the copyright holders; the author is in no way associated with the copyright holders.

Dmytro Potikha, as the author, openly expresses a disclaimer: the section "Klar Himmel's Cubic Art: Minecraft Game City" of the site klarhimmel.art is not an official Minecraft page. This page is not an official page of the game Minecraft or its copyright holders - Microsoft Corporation and Mojang AB. It is not endorsed by or associated with Mojang AB or Microsoft. This web page is only related to the game, trademark and/or assets of Minecraft in a fair, reasonable and appropriate way.

Materials of Mojang AB are not intended to be used for unlawful goals and do not intended to harm Mojang AB's image.

First of all, all content in the section "Klar Himmel's Cubic Art: Minecraft Game City" is published in accordance with the Minecraft End User License Agreement (<https://www.minecraft.net/en-us/eula>). In this agreement, Mojang AB and Microsoft Corporation declare the following:

«...In fact, we really encourage you to do cool stuff - but just don't do those things that we say you can't. We've put together detailed Minecraft Usage Guidelines as to how you can or cannot do things using what we've made, including screenshots and recorded videos of our games...»

«...If you've bought Minecraft: Java Edition, you may play around with it and modify it by adding modifications, tools, or plugins, which we will refer to collectively as "Mods." By "Mods," we mean something original that you or someone else created that doesn't contain a substantial part of our copyrightable code or content...»

«...The Microsoft Services Agreement says "Your Content remains Your Content", and that applies to Minecraft. We don't own the original stuff that you create. We will however own things that are copies (or substantial copies) or derivatives of our property and creations - but if you create original things, they aren't ours. So, as an example: a single Minecraft block (including its textures and its "look and feel") - we own that; your creation of a Gothic Cathedral with a rollercoaster running through it - we don't own that...»

The section title was chosen in accordance with the recommendations given in the Minecraft Usage Guidelines set out by Mojang AB and Microsoft Corporation (<https://www.minecraft.net/en-us/usage-guidelines>), namely:

«...You may not use the Minecraft name as the primary or dominant name or title. To help you, we've suggested the following examples: "Kotoba Miners: A Minecraft server for Redstone builds" (we're cool with this); "Minecraft - the ultimate Kotoba server for Redstone" (we're not cool

with this); “The Shaft – a Minecraft’r’s podcast” (we’re cool with this); “Minecraft – the ultimate help app” (we’re not cool with this)...»

In addition, in the same instructions for using Minecraft, Mojang AB and Microsoft Corporation indicate the following:

«...If you decide you want to share your creation with the community, you may do so. In fact, we are excited for you and can’t wait to see what you’ve been doing. When you decide to share your content with the community (whether you plan to make money off it or not), you are doing what we consider to be a commercial thing. When you do commercial things, you must follow the Commercial Use guidelines. This applies, for example, if you want to set up and run any non-commercial blogs, servers, community forums, fan sites, fan clubs, news groups, events, and gatherings...»

«...You may do things that are specifically covered by the fair dealing or fair use exceptions to copyright and trademark laws. You may not do things that aren’t specifically permitted by the policies you agreed to or these guidelines unless we agree to allow it, or it is expressly allowed by applicable laws...»

«...You are allowed to create, use, and share videos, streams, and screenshots of you playing or using Minecraft... You create a video with your own unique content and commentary and upload it to a site, such as YouTube, and make money by allowing advertising around the video (we’re cool with this)...»

All details regarding the use of the Minecraft computer game interface are provided on the official website of the game via the links above.

3.1. Terms and Conditions of Microsoft Corporation

Since the Minecraft computer game and its developer Mojang AB are the property of Microsoft Corporation, the content published by the author in the section "Klar Himmel's Cubic Art: Minecraft Game City" is also published in accordance with the Microsoft Services Agreement (<https://www.microsoft.com/en/servicesagreement/>).

This agreement, in particular, states the following:

«...Your Content. Many of our Services allow you to create, store or share Your Content or receive material from others. We don’t claim ownership of Your Content. Your Content remains yours and you are responsible for it...»

«...The following products, apps and services are covered by the Microsoft Services Agreement...: Minecraft games; Minecraft Realms Plus and Minecraft Realms...»

For more information, please see the Microsoft Services Agreement linked above.

3.2. Terms and Conditions of Modifications’ Owners

During the gameplay process of Minecraft, additions and modifications were used. Among them, in particular, the following:

Forge (<https://forums.minecraftforge.net/>) — modloader and thus an interface for mods and the game itself. Forge is thus a tool for mod installations in Minecraft. The copyright owner is Forge Development LLC.

OptiFine (<https://optifine.net/home>) — optimization mod for Minecraft. It makes Minecraft run faster and look better with full HD texture support and a ton of configuration options. The mod OptiFine is Copyright © 2011-2021 by sp614x and the intellectual property of the author. It may not be reproduced under any circumstances except for personal, private use as long as it remains in its unaltered, unedited form.

In addition to the abovementioned loader and optimizer, the following game modifications were installed: Mapwriter 2 by VectronDiablon; SignPicture by Kamesuta; WorldEdit by sk89q.

The author openly states that he used the above modifications exclusively in private order to improve the game process. The copyrights for these modifications belong entirely to their authors.

4. Privacy Policy and Personal Data Protection

The Site is subject to privacy terms and conditions in accordance with relevant and applicable international law. In particular, the Site is subject to the general Privacy Policy, as set out in the General Data Protection Regulation (GDPR) of the European Union.

Article 13 of GDPR states:

«Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information: ...the identity and the contact details of the controller, ...the purposes of the processing for which the personal data are intended as well as the legal basis for the processing, ...personal data, ...the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability...»

According to the Article 14 of GDPR:

«...Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information: ...the identity and the contact details of the controller, ...the purposes of the processing for which the personal data are intended as well as the legal basis for the processing, ...personal data, ...the recipients or categories of recipients of the personal data. ...Where the controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information...».

Based on the GDPR, the Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG) was adopted in Germany, the terms of which also apply to the Website. According to this law, German citizens have the right to demand information about what data about them is being processed, from what sources it was obtained, for what purposes it is intended to be used, and to demand correction of personal data if it is inaccurate.

The IP-address from which the Author administers the Site is located in Germany. The server and platform on which the Site operates are located in the UK. In this case, the Platform also processes personal data in accordance with UK law, including the above-mentioned GDPR and its UK version, the Data Protection Act (DPA) 2018.

5. Legal Aspects

This information is provided to fulfil the German legislation on public media, copyrights and disclaimer. Information is provided in 3 languages: German - as the language of the website's operator, English - as international communications language, and Russian - as the language of the website. Please, pay attention, that in scope of German legislation fulfilment, information in German language prevails if any inconsistency occurs.

5.1. General Legal Information

1. Jurisdiction:

- The location of the website operator is Germany;
- The location of the target audience is Russian-speaking, English-speaking and French-speaking audiences worldwide;
- The location of the server is Great Britain.

2. Since the information posted on the website may influence the formation of public opinion of the target audience, then in accordance with §18 of the German Interstate Agreement on Media (Medienstaatsvertrag), this website is not intended for personal use only.

According to German law, if the owner of a website does not use it for profit, then such a website is a private non-commercial project. The klarhimmel.art website falls under this definition, since none of its pages contain any calls to purchase any of the content, and no corresponding offers, prices and conditions are posted.

According to the same §18 Medienstaatsvertrag, it is necessary to post easily recognizable and accessible information of the following content on a public website: the name and address of the website owner. The owner of the website under German jurisdiction is the natural person responsible for the website who is permanently resident in Germany. This information is posted on the Website in accordance with legal requirements at the links <https://klarhimmel.art/impressum> and <https://klarhimmel.art/contacts>.

5.2. Disclaimer

The author assumes no liability for the timeliness, accuracy of the content or completeness of the information posted on the klarhimmel.art website. Any content on the website is subject to change and is not binding. The author expressly reserves the right to change, supplement or delete parts of the website content without separate notice, as well as to temporarily or permanently remove the publication.

The author is responsible for the website content he has created in accordance with applicable law. However, the author is not obliged to monitor transmitted or stored information of third parties or to investigate circumstances that indicate illegal activity. Such content will be removed immediately upon becoming aware of a legal violation. Liability is only possible from the moment the author becomes aware of the violation.

The klarhimmel.art website contains links to other websites, for whose content the author is not responsible and over which he has no influence. The author/copyright holder of the respective website is responsible for the content and accuracy of the data on third-party websites.

At the time the author placed the links on klarhimmel.art, no legal violations were known to exist on the part of the linked third-party websites. Should such violations become known, the link will be removed immediately.

This disclaimer is part of the klarhimmel.art website. Should individual formulations or parts of this text no longer or not fully correspond to the current legal situation, the remaining parts remain unaffected.

Conclusion

Thank you for reading these Site Rules. We hope that you will find the Site comfortable to use, that you will get aesthetic pleasure and be inspired for your own creativity.

Please note that if there are any discrepancies in the meanings or interpretations between the versions of these Rules in different languages, the version in German shall prevail.

The rules were drawn up and approved for publication on the website klarhimmel.art by the Author and owner of the Site, Dmytro Kostiantynovych Potikha in the city of Remscheid on December 1, 2024.

Remscheid, 01.12.2024



A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a series of loops and a horizontal line at the end.