

## **The Copyright Act**

No. 73, of 29 May 1972, as amended by Act No. 78, of 30 May 1984,  
Act No. 57, of 2 June 1992, Act No. 145, of 27 December 1996, Act No. 60, of 19 May 2000, Act No. 9 of 11  
March 2006, Act No. 23 of 3 May 2006, Act No. 97 of 30 June 2006 and Act No. 93 of 21 of April 2010.

### **CHAPTER I Authors' rights, etc.**

#### **Article 1**

The author of a literary or artistic work shall have proprietary right thereto with the limitations stated in this Act. Literary and artistic works shall include any oral or written text, a dramatic work, musical composition, work of visual art, architecture, cinematography, photography or applied art, or other comparable art form, by whatever method and in whatever form it is presented.

Maps, drawings, casts, models and other similar devices, presenting information or explanations on subjects, shall enjoy protection in the same manner as literary works.

[The provisions of the third paragraph shall also apply to computer programs.]<sup>1)</sup>

1) Act 57/1992, Article 1.

#### **Article 2**

It shall be considered as reproduction when an intellectual property (a literary or artistic work) is fixed in one or more physical forms.

A work shall be considered as having been published when copies of it are, with proper authorisation and in appreciable quantity, offered for sale, loan or rental or distributed to the public by other means. In the event that protection of a work be subject to the condition that it was first published in this country, such a condition is considered as fulfilled if it was published in this country within thirty days of its first publication abroad.

A work shall be considered as having been presented when it has been performed, with proper authorisation, or shown publicly or copies of it have been published, as referred to in the second paragraph.

It shall be considered as an independent public presentation when a radio broadcast of a musical or literary work is communicated to the public using a loudspeaker or other means.

In the event that a work is performed or shown at a workplace where ten or more persons are employed, this shall be considered as a public presentation.

When reference is made in this Act to the performance or presentation of a work in a broadcast, this shall include both radio and television broadcasting, unless otherwise specified.

#### **Article 3**

An author shall have exclusive right to make copies of his work and present it in its original or altered form, in translation or other form of adaptation.

#### **Article 4**

Wherever practicable, the name of the author must be indicated both on copies of the work and whenever it is presented.

An author's work may not be altered or presented in such a manner or in such a context as would prejudice the author's reputation or the individual character of the work

The right of the author as provided for in this Article may not be waived, except for specified instances which are clearly defined,.

#### **Article 5**

Any person who translates a work, adapts it for a certain purpose, converts it from one literary or artistic form to another, or carries out other means of adaptation thereof, shall have copyright to the work in its altered form. His right shall in no way affect the author's copyright to the original work.

Should a work have been used as a model, or been made use of by other means, in creating another work, which may be regarded as new and independent, the new work shall not be subject to the copyright to the elder work.

#### **Article 6**

When a work, or parts of works, by one or more authors, are incorporated into a composite work, which may be in itself considered to be a literary or artistic work, the person creating the composite work shall hold copyright thereto. His right shall in no way affect copyright to the works incorporated into the composite work.

The provisions of the first paragraph shall not apply to newspapers and periodicals, cf. Article 40.

[The provisions of the first paragraph shall apply to databases, with regard to their selection and arrangement, provided general conditions for copyright protection have been satisfied. This shall not affect the copyright to any works which may be included in the database. Nor shall it affect the parallel rights of producers in accordance with Article 50.

A database, as referred to in this Act, cf. the third paragraph of this Article and Article 50, shall mean a collection of independent works, information or other details, which have been arranged in an organised or systematic fashion and are accessible by electronic means or by other methods. A computer program, which is used for the compilation or operation of a database and to which access is granted by electronic means, shall not be deemed a database for the purpose of this Act.]

1) Act No. 60/2000, Art. 1.

#### **Article 7**

Should a single work have two or more authors, whose individual contributions cannot be separated into independent works, they shall hold joint copyright in the work.

## **Article 8**

Until proved otherwise, the person whose name is indicated in the usual manner on copies of a work, or is declared to be the author, shall be considered the author of the work when the work is presented. This shall also apply to authors who use pseudonyms or identifying marks, when it is generally known to whom they refer. The foregoing provisions shall also apply to a producer of a cinematographic work. [In addition, in cases where major or continuous performance of works or extensive reproduction or rental has taken place, it shall be assumed that the works performed, rented or reproduced are protected by copyright laws unless evidence be produced to the contrary.]<sup>1)</sup>

Should a work be published without indication of the name of the author as referred to in the first paragraph, the publisher shall act on his behalf until such time as his name is indicated in a new publication or by notification to the Minister of Education, Science and Culture.

1) Act No. 57/1992, Art. 2.

## **Article 9**

Acts, Regulations, administrative provisions, court rulings and similar official documents are not subject to copyright according to this Act, nor are official translations of such documents.

## **Article 10**

Patterns and designs shall be protected as applied art, provided they fulfil the conditions of utility and artistic characteristics.

## **CHAPTER II**

### **Limitations to copyright**

#### **[Article 10 a**

Authors' exclusive rights under Article 3 (cf. Article 2), shall not apply to the making of reproductions (copies) that:

1. are transient or incidental,
2. constitute an integral and essential part of a technological process,
3. are carried out for the sole purpose of enabling either efficient transmission in a network between third parties by an intermediary, or a lawful use of a work or other subject-matter to be made, and
4. have no independent economic significance.

The provisions of the first paragraph of this Article shall not apply to computer programs and databases.]1)

1) Act No. 9/2006, Art. 1

### **Article 11**

[Individuals may make reproductions of published works exclusively for private use, providing that this is not done for commercial purposes. Such reproductions may not be used for any other purpose.]1)

[The provisions of the first paragraph do not confer the right to:

1. erect structures copying a work which is protected by rules concerning architecture,
2. reproduce works which are protected by rules concerning sculpture, applied art or drawing if the assistance of other persons is sought for this purpose,
3. reproduce protected musical and literary works, if the assistance of other persons who carry out such reproduction on a commercial basis is sought for this purpose,
4. reproduce protected computer programs],2)
5. [reproduce electronically readable copies of databases.]3)

[The authors of works, which have been broadcast or which have been issued on an audio or video recording, shall be entitled to special compensation due to their recording for private use on tape, disk, CD-ROM or other means, in any form whatsoever by which audio or video material may be recorded by analogue or digital means. Furthermore, a fee shall be paid for equipment intended in particular for such recording. This levy shall be paid without regard to whether the product is of domestic or imported origin and the obligation to pay this levy rests with importers and producers.

The levy provided for in the third paragraph shall amount to:

1. For devices, the charge shall be 4% of the import price or production price in the case of domestic production;
2. For tapes, disks, CD-ROMs or other materials for audio recording only, the fee shall be ISK 35;
3. For tapes, discs, records or other materials for visual recording, with or without sound as the case may be, the fee shall be ISK 100.
4. The fees provided for in Points 2 and 3 are based on a performance time of up to 180 minutes for materials for audio recording and up to 240 minutes for materials for video recording. If the performance time is longer the fee shall be increased proportionally.

The Minister of Education, Science and Culture shall set detailed rules on fees in accordance with the third and fourth paragraphs, specifying, for instance, for what materials and devices fees shall be paid. The amounts provided for in the fourth paragraph, for tapes, disks, CD-ROMs or other materials, may be lowered if it can be assumed that only a portion of them is intended for recording in accordance with the third paragraph.

The association of copyright holders societies, including societies of performers and producers, shall collect and dispose of fees as provided for in the third paragraph. The association may entrust the customs authorities with the collection of those fees which importers are to collect and submit. The association shall operate according to statutes adopted in consultation with the Ministry of Education, Science and Culture which are subject to its endorsement. These statutes shall determine, for instance, how revenues are divided between member societies and may also make provision for contributions in support of the production of audio and video recordings.]4)

- 1) Act No. 9/2006, Art. 2
- 2) Act No. 57/1992, Art. 3.
- 3) Act No. 60/2000, Art. 2.
- 4) Act No. 60/2000, Art. 2.

#### **[Article 11a**

[The owner or legally authorised user of a copy of a computer program, which has been published, is permitted, notwithstanding the provisions of Point 4 of the second paragraph of Article 11, to make copies of the program, including back-up and security copies, as necessary for his/her utilisation of the program. Such copies may not be otherwise used and the right to their utilisation is cancelled should the owner dispose of his/her original copy to other persons.]1)

[Furthermore, anyone who has acquired the right to use a computer program shall be authorised to inspect, investigate or try the program, without the express permission of the program author, for the purposes of examining its operation and the basic ideas and principles upon which individual aspects of the program are based, provided that such actions are related to the uses permitted to a rightholder in connection with utilisation of the program.

No derogation from the provisions of this Article may be made by contract.]2)

- 1) Act No. 60/2000, Art. 3.
- 2) Act No. 145/1996, Art. 1.

#### **Article 12**

[Public archives, public libraries, university libraries and any other libraries enjoying support from public funds, public collections and museums, and institutions subject to the Act on Museums are permitted to make copies of:

1. works for purposes of safekeeping and preservation;
2. works from which parts are missing, provided such parts constitute a minor proportion of a work in its entirety and provided they are unavailable in the open market and from the publisher; the permission granted by this provision shall only apply to reproduction of the parts of works missing from the copies held by the institution in question;
3. any works of which the institution in question is required by law to keep copies, provided such copies are unobtainable in the open market and from the publisher;
4. works the originals of which are too delicate for loaning, provided they are unobtainable in the open market and from the publisher.

Reproduction as provided for in the first paragraph is only permitted for use in the course of the collection' own activities and for non-financial purposes. Institutions are however permitted to loan copies reproduced in accordance with subparagraphs 2-4 of the first paragraph.

Reproduction as provided for in the first paragraph is not permissible for computer programmes in digital form, except for computer games.]1)

1) Act No. 93/2010, Art. 1.

#### **[Article 12a**

The institutions referred to in Article 12, the first paragraph, may grant individual persons access for purposes of research or education, by means of equipment suitable for the purpose, to published works that are not subject to purchase or licence agreements, for use within the area of their activities.]1)

1) Act No. 93/2010, Art. 2.

#### **Article 13**

Although a structure may be protected under the rules concerning works of architecture, the owner may, nevertheless, alter it without the author's consent to the extent which such is deemed necessary for its utilisation or for technical reasons.

Objects protected by rules concerning applied art may be altered without the consent of the author.

#### **Article 14**

Any presented literary work, including dramatic works and presented cinematographic or musical works, may be quoted if this is done in the context of a critical or scientific public discussion, or other recognised purpose, provided the quotation is correct and of reasonable length.

The same conditions apply to presentations of pictures and drawings of presented works of art and documents, as referred to in the third paragraph of Article 1, [providing that no commercial purpose is involved.]1)

Should pictures or drawings of two or more works by the same author be presented in a text intended as general information the author shall be entitled to remuneration.

1) Act No. 9/2006, Art. 4

## Article 15

Popular articles on the subject of economics, politics or religion in newspapers or periodicals, or broadcast material or the same type, may be cited in other newspapers or periodicals or performed in a broadcast, unless expressly stated in the articles or the broadcasts that such representation is prohibited. Reference shall, as a rule, be made to the source when such representation is made.

Pictures or drawings of presented works of art may be presented in newspapers and periodicals, on television and in cinematographic works in connection with the reporting of current events. This shall not, however, apply to works which were intended for presentation in the foregoing manner.

When the performance or exhibition of a work is among newsworthy events, excerpts from the work, or a recapitulation of it, may accompany a presentation of the event shown to the public in a broadcast or cinematographic work.

## [Article 15a

Anyone having obtained permission to photocopy works or reproduce them in a similar fashion for business purposes by agreement with the organisations of copyright holders, who act in the interests of a significant portion of Icelandic authors to this end and have received formal legal recognition from the Ministry of Education, Science and Culture for this purpose, shall also be entitled to reproduce the works in the same fashion, without requiring the express consent of the author in each case, even though the author is not a member of the organisation. Each individual author can, by a written interdict, prohibit the reproduction of his works in accordance with this paragraph.

Copyright organisations, as referred to in the first paragraph, shall abide by statutes adopted in consultation with the Ministry of Education, Science and Culture and subject to its approval. The organisations shall, in addition to being party to agreements, have the right to carry out general collection of fees for reproduction, for those [...]1) authors who are not members as well as members. The statutes of the organisation shall provide for the disposal of royalties for reproduction whereby authors, who are not members of the organisation, shall enjoy the same rights to remuneration for the use of their works as members.

Copyright organisations, as referred to in the first paragraph, are responsible for all claims which may be submitted by copyright holders who are not members of the organisation and who are legitimately entitled to remuneration for reproduction, and may such claims be sought only to the organisations. Claims referred to in this paragraph shall expire after four years have elapsed from the time the properly permitted reproduction was carried out. Disputes regarding claims shall be settled by the Rulings Committee referred to in Article 57.

The Minister shall set detailed rules on the implementation of this Article. Such rules may, in particular, prescribe the extension, as appropriate, of the provisions of this article to apply to computer-readable copies of published works for use in databases.]2)

1) Act No. 93/2010, Art. 3.

2) Act No. 57/1992, Art. 5.

## **Article 16**

Photographs may be taken and presented of buildings, as well as works of art, which have been situated permanently out-of-doors in a public location. Should a building, which enjoys protection under the rules concerning works of architecture, or a work of art as previously referred to, comprise the principal motif in a photograph which is exploited for marketing purposes, the author shall be entitled to remuneration, unless the pictures are intended for use by a newspaper or in television broadcasting.

## **Article 17**

The following may be presented in composite works, consisting of selections from works by many authors and compiled for use in religious services, classroom instruction or educational broadcasting, [providing that no commercial purpose is involved.]<sup>1)</sup>:

1. individual literary or musical works, if they are of limited size, and chapters taken from longer works, when five years have elapsed from the end of the year in which the work was published;
2. pictures or drawings of works of art or documents, as referred to in the third paragraph of Article 1, in connection with texts covered by Point 1, provided five years have elapsed from the end of the year in which the work was presented.

Works created for use in classroom instruction may not, however, be used in any form in a composite work published for the same purpose without the consent of the author.

Whenever a work is presented, in whole or in part, in a composite work in accordance with this Article, the author shall be entitled to remuneration.

1) Act No. 9/2006, Art. 5.

## **Article 18**

The educational authorities may permit the audio recording of presented works in public educational institutions for their temporary instructional use. The audio recordings may not be used for any other purposes.

The provisions of the first paragraph do not grant the right to make direct recordings of gramophone records or other audio recordings which are produced for commercial sale.

The Minister of Education, Science and Culture shall set detailed rules on the implementation of this Article, including for instance rules on the use and preservation of such audio recordings.



## Article 19

[Reproduction and distribution of published works specifically intended for blind persons, persons with impaired vision, deaf persons, persons with impaired reading ability, or others incapable of reading ordinary printed matter, is permitted. This provision shall not apply to reproduction or copying for any financial purpose.]1).

[The authorisation in the first paragraph shall not apply to the reproduction of sound.[...1).

[Sound recordings may be made of works of literature in order to lend them to blind persons, persons with impaired vision, persons with impaired reading ability or others incapable of reading ordinary printed matter, provided such recordings are not made for any financial purpose. Authors are entitled to fair compensation for such reproductions.]1)2)

1) Act No. 93/2010, Art. 4.

2) Act No. 9/2006, Art. 6.

## Article 20

When songs are performed publicly at a concert individual published poems or portions of longer published works may be used as lyrics. In such cases the lyrics may also be printed in a programme without the music, for the use of the audience.

The author is entitled to remuneration for the use referred to in this Article.

## Article 21

A published work<sup>1)</sup> may be performed publicly under the following circumstances:

1. For educational purposes. The author is entitled to remuneration if admission is charged especially for this performance;
2. At gatherings held for purposes of charity, at public gatherings, for the promotion of culture or education, or in support of causes otherwise favourable to the common good, and provided that no remuneration is made for the performance;
3. At gatherings which are not organised for commercial purposes or financial gain, such as meetings of schools or societies, and other similar occasions, provided no remuneration is made for the performance and the admission charged is no higher than necessary to cover the direct costs incurred;
4. In religious services and other official church functions. The author is entitled to remuneration in cases covered by this Point in accordance with rules<sup>2)</sup> set by the Minister of Education, Science and Culture.

The provisions of this Article shall not apply to dramatic works or cinematographic works.

1) Act. No 60/2000, Art. 4.

2) Reg. No. 232/1974.

3) Act No. 60/2000, Art. 4.

## **Article 22**

Proceedings of public meetings of official representatives, and documents publicly submitted there which concern their activities, may be printed, recorded as audio recordings, or copied by other means and presented. The same shall apply to legal proceedings which are open to the public, unless a court of law prohibits the publication of certain documents.

The provisions of the first paragraph shall also apply to debates on questions concerning the public good which take place at gatherings to which the public has access or are broadcast.

An author shall have exclusive right to publish a collection of his own statements regarding the discussions referred to in the first and second paragraphs or of material which he may have submitted there.

## **[Article 22a**

Access may be granted to documents or other case materials under the Executive Procedure Act, the Information Act and other statutes by making over photocopies or copies of them even though they contain works that are protected under this Act.

The right to information under the first paragraph shall, however, be subject to the condition that the works will not be published, copied, distributed in copies or exploited in another manner without the consent of the author.

Notwithstanding the provisions of the first paragraph, information may be provided in accordance with Article 18 of the Data Protection Act.]1)

1) Act No. 23/2006, Art. 18.

## **Article 23**

[When a broadcasting station has acquired authorisation to broadcast works through an agreement with copyright organisations which handle contracts for performing rights to literary or musical works or special types of such for a substantial portion of Icelandic authors and received formal legal recognition of the Ministry of Education, Science and Culture to safeguard such interests it shall also be authorised to broadcast, without the express permission of the author in each instance, works of comparable type in spite of the author not being a member of the organisation. Only one organisation in each branch of literary or musical endeavour shall be granted the rights to represent such legal interests. Artists who are not members of the association shall enjoy the same right to remuneration for the use of their works as members.

The performance authorisation to broadcasting stations under the first paragraph shall, however, only cover smaller works, such as individual poems, short stories, essays, sections from larger works, individual songs or smaller musical works, as well as sections of larger works. The foregoing rules concerning contracts shall not apply to dramatic works, nor to works whose author has issued a written prohibition against their performance in a broadcast.

Copyright organisations which have received formal legal recognition<sup>1)</sup> in accordance with the first paragraph shall be entitled to general collection of royalties for performing rights, for authors who are not members of the organisations as well as members, provided they have previously been authorised to act on behalf of a substantial number of authors.

Copyright organisations as referred to in the first paragraph may also set tariffs for the performance of works other than in broadcasting. Such tariffs shall be subject to the approval of the Ministry of Education, Science and Culture.

When a broadcasting organisation may broadcast a work it is free to make temporary recordings of it as audio or visual recordings for its own use and not for other purposes. Authorisation must be obtained from the authors' organisation concerned for permanent preservation and repeated usage. Detailed rules on the recording of works, their preservation and usage shall be set in a Regulation. In issuing such Regulation, consideration shall be given to agreements which have customarily been reached with copyright organisations on these points and customs which have developed in this respect.

The Minister of Education, Science and Culture may set further rules on the implementation of this Article.<sup>[1])</sup><sup>2)</sup>

1) Statutes of Assoc. No. 215/1996. 2) Act No. 57/1992, Art. 6.

### **[Article 23a**

[Any work, which is legally broadcast directly or via satellite, may be rebroadcast to the public by cable without alteration and simultaneously to the original broadcast, provided that the party responsible for rebroadcasting has acquired the right to do so by agreement with an organisation representing the legal interests of a substantial portion of Icelandic authors in the field of the work in question which has received formal legal recognition from the Ministry of Education, Science and Culture in accordance with Article 23. Artists who are not members of the organisation shall enjoy the same right to remuneration for the use of their works as members, cf. the first and third paragraphs of Article 23. Rebroadcasting by cable which reaches fewer than 25 residences of a multi-family dwelling or neighbouring dwellings is, however, permitted without authorisation or reimbursement to authors.

In the case of failure to reach agreement on authorisation as provided for in the first paragraph or on conditions for the granting of such authorisation, including the amount of reimbursement, either party may refer matters of dispute for resolution to the Rulings Committee provided for in Article 57. The Minister of Education, Science and Culture may set further rules on the implementation of this Article.<sup>[1])</sup><sup>2)</sup>

1) Act No. 145/1996, Art. 2. 2) Act No. 57/1992, Art. 7.

### **Article 24**

[If a copy of a work has been sold or assigned in another manner to other parties within the European Economic Area with the consent of the author, then further distribution of it shall be permitted. In the case of distribution in the form of lending or rental, the provision of the first sentence of this paragraph shall also apply to its sale or assignment by another manner to other parties outside the European Economic Area.

Notwithstanding the provisions of the first paragraph of this Article, copies of works may not be distributed to the public by means of rental unless the author's consent has been obtained. This shall not apply, however, to works of architecture or sculpture.

Notwithstanding the provisions of the first paragraph of this Article, it shall not be permitted, without the consent of the author, to distribute copies of films and computer programs in digital form to the public by lending them. This shall not apply, however when a copy of a computer program in digital form constitutes part of a work of literature and is lent together with it.

The provisions of the first paragraph of this Article shall not abridge the right to receive allocations under the Authors' Library Fund Act.[1)

1) Act No. 9/2006, Art. 7.

## **Article 25**

[Once a copy of a work of visual art has been delivered to an owner that owner may, unless other reservation has been made, dispose of that work and exhibit it to the public. Public exhibition of the work at art exhibitions and in other comparable manner is, however, not authorised without the consent of the author, with the exception of exhibitions at publicly owned galleries which are open to the general public. The provisions of this paragraph shall also apply to published reproductions of art works.[1)

The owner of a work of visual art may photograph it or have it photographed for display in a cinematographic work or on television, if the photograph is of minor importance to the contents of the cinematographic work or television programme. [It is also permitted, without the express consent of the visual artist in each instance, to display on television a previously presented work when the television broadcasting station has reached an agreement concerning this material with an artists' organisation representing the interests of a substantial portion of Icelandic artists and having received formal legal recognition from the Ministry of Education, Science and culture for such purpose. Artists who are not members of the association shall enjoy the same right to remuneration for the use of their works as members. Each individual author may, however, by a written interdict, prohibit the exhibition of his works in accordance with this paragraph. The organisation shall be entitled to set tariffs for the exhibition of works at art exhibitions or in similar fashion, cf. the first paragraph. The organisation shall also be entitled to set tariffs for other presentation of works of visual art. Such tariffs shall be subject to the approval of the Ministry of Education, Science and Culture. The Minister shall set detailed rules on the implementation of this paragraph.[1)

Photographs of a work of art owned by a gallery may be printed in a gallery catalogue.

Should a work of art be offered for sale, photographs may be printed in the notices concerning the sale.

Should a portrait have been painted, sculpted or created in some other manner as a commission, the author may not exercise his exclusive rights as provided for in Article 3 without the consent of the person who commissioned the portrait or his heirs, if he is deceased.

1) Act No. 57/1992, Art. 9.

#### **[Article 25a**

The custodian of a work of visual art must allow the artist access to the work for purposes of reproduction or publication or other similar use which may be considered important to the artist. Any right accorded to the artist under this provision is personal and non-transferable and is not inherited.

The custodian is, however, not obliged to allow the artist access to the work nor hand it over to this end unless provision has been made to ensure that the work will not be damaged or lost.

Should the request of an artist for access to his work in accordance with the first paragraph be refused he may submit his claim to a court, in which case the judge may, in particular, specify the conditions for the granting of this right of access.

A custodian shall have the right to the award of costs for defence in such cases.[1)

1) Act No. 57/1992, Art. 10.

#### **[Article 25b**

Authors shall be entitled to a royalty (resale right) for the resale of original works of art, including oil, acrylic, tempera, water-colour, gouache and pastel paintings, pictures and drawings executed using other techniques, graphics works, including lithographs, engravings, etchings, prints, sculptures, tapestries, glassware and mosaics, ceramics, porcelain, silver and gold works of an artistic category and photographs. The right shall apply to originals and copies of works of art produced by the artist or with his permission. The right shall not apply to works of architecture.

The royalty shall be paid in all instances of resale involving, as sellers, buyers or intermediaries, art market professionals, including auction houses, art galleries and art dealers. The royalty shall be payable by the seller or intermediary. In instances where only the seller is an art market professional, he alone shall pay the royalty. At no time shall the royalty amount to the equivalent, in Icelandic krónur (ISK) of EUR 12,500.

The royalty shall be paid in Icelandic krónur, based on the sale exchange rate of the euro on the date of sale, as follows.

1. 10% of the portion of the sale price up to the equivalent of EUR 3,000;
2. 5% of the portion of the sale price from the equivalent of EUR 3,000.01 to EUR 50,000;
3. 3% of the portion of the sale price from the equivalent of EUR 50,000.01 to EUR 200,000;
4. 1% of the portion of the sale price from the equivalent of EUR 200,000.01 to EUR 350,000;
5. 0.5% of the portion of the sale price from the equivalent of EUR 350,000.01 to EUR 500,000;

6. 0.25% of the portion of the sale price in excess of the equivalent of EUR 500,000.

The royalty entitlement provided for in the first paragraph of this Article shall remain in force until copyright expires (cf. Article 43). The entitlement shall pertain to the author, and shall be unassignable. It shall, however, pass to the legal heirs following the death of the author. If the author's royalty entitlement is not inherited by legal heirs, or if the sums due cannot be disposed of, they shall pass to the rightholders' organisation in accordance with the provision of the fifth paragraph of this Article.

Royalties may only be collected by a rightholders' association approved by the Ministry of Education, Science and Culture. The association shall attend to the collection of royalties as provided for under the first paragraph of this Article and deliver them to the author following the deduction of a suitable consideration for their collection. Rightholders' claims against the association may be exercised for three years counted from the end of the year in which the resale takes place. The period of limitation applying to claims shall be suspended by the submission of a written claim from a rightholder.

Sellers, intermediaries and buyers as mentioned in the second paragraph shall:

1. submit to the association mentioned in the fifth paragraph six-monthly accounts and statements of royalty payments, endorsed by a certified public accountant, based on 1 January and 1 July each year, applying to the resale of works of art covered by the first paragraph of this article during the previous six months, and
2. submit within four weeks, in response to a demand from the association, all the information necessary to ensure the payment of royalties, providing that such demands are submitted within three years of the resale of the work of art.

If the accounts and information regarding the resale of works of art as provided for under the sixth paragraph are not submitted to the organisation mentioned in the fifth paragraph within 30 days of the sending of a special request to the party liable to make the payment, the organisation may estimate the royalties collected by the party concerned in respect of the resale of works of art. Collection of such estimated amounts may be effected by attachment.

The provisions of this paragraph shall not apply to works of art sold at art auctions; fees levied in such instances are subject to the special provisions of the Commercial Operations Act. Further provisions on the application of this Article shall be issued in the form of regulations.]1)

1) Act No. 97/2006, Article 1

## **Article 26**

The provisions of this Chapter, with the exception of Article 13, shall not prejudice the rights of an author in accordance with Article 4.

When a work is publicly presented in accordance with the provisions of this Chapter, mention shall be made of the source used as well as the author, as appropriate under the circumstances.

When copies or a work are made in accordance with the provisions of this Chapter, the work may not be altered more extensively than is required for the purposes of reproduction without the consent of the author.

## CHAPTER III

### Assignment of copyright

#### *General provisions*

#### **Article 27**

Subject to the limitations of Article 4, an author may assign, in whole or in part, his copyright to a work.

Though a copy of a work has been delivered to an owner, such action does not constitute the assignment of copyright to the work, unless such is stated expressly.

#### **Article 28**

Unless expressly agreed, an assignment of copyright does not entitle the assignee to alter the work.

An assignee may not assign his copyright to a third party without the consent of the author. If the copyright is among the assets of a business enterprise it may, however, be assigned along with the business or a certain part of it. Notwithstanding such assignment, the assignor remains responsible for the fulfilment of his obligations towards the author.

#### **Article 29**

...1)

1) Act No. 11/1986, Art. 9.

#### **Article 30**

Should an author be married the copyright shall be his personal property and cannot be restricted by a marriage settlement or other means, including the [dissolution of the marital estate]<sup>1)</sup> during the author's lifetime. Copyright royalties and revenue from assignment of copyright are the joint property of the couple, unless otherwise provided for in a marriage settlement. Upon the death of the author the copyright shall constitute part of his marital estate, unless otherwise provided for in a marriage settlement, cf. also the second paragraph of Article 31.

Copyright shall not be subject to legal execution by creditors, whether in possession of the author himself or others who have acquired the right by virtue of inheritance or marriage. Should a person have acquired copyright by assignment, only his right to re-assign the copyright may be subject to legal execution measures, cf. the provisions of the second paragraph of Article 28.

The provisions of the first and second paragraphs shall apply also to copies of works of art which the author has not exhibited in public, offered for sale publicly or otherwise approved the public distribution of, as well as to manuscripts.

1) Act No. 20/1991, Art. 136.

### **Article 31**

General legal provisions regarding inheritance shall apply to copyright on the death of an author, cf. also the provisions of Article 30.

An author may make special provision in his will concerning the exercise of copyright after his death and may, for instance, assign its exercise to a special executor. Such provision shall be binding on all his heirs, including his legal heirs, and also with regard to that portion of the estate falling to his spouse.

The provisions of the second paragraph shall also apply to such works as are referred to in the third paragraph of Article 30.

### *Performing rights*

### **Article 32**

If an author has granted permission for the public performance of a work, such shall not confer exclusive right to performance, unless such has been expressly agreed upon.

If permission is granted for an indefinite period of time, regardless of whether it confers exclusive right or not, this shall be considered valid for a period of no more than three years. These provisions do not cover contracts regarding the performing right to which organisations of the such rightholders are a party.

Should exclusive performing right have been granted for a specified period exceeding three years, the author is nevertheless entitled to perform the work himself, or to permit others to perform it, if the exclusive right in question has not been exercised for three consecutive years and no agreement concluded to the contrary.

The provisions of this Article shall not apply to cinematographic works.

### *Contracts for publication*

### **Article 33**

It shall constitute a contract for publication if an author grants a specific party (the publisher) the right to produce, by printing or a similar process, copies of a literary or artistic work and to publish them.



A publishing contract does not grant the publisher proprietary right to the manuscript or other copy of a work used for purposes of reproduction, unless expressly agreed upon.

#### **Article 34**

A publisher shall have the right, unless otherwise agreed upon, to publish an edition, which may not exceed 2 000 copies of a literary work, 1 000 copies of a musical work and 200 copies of a work of visual art.

The term edition refers to the number of copies published at one time.

#### **Article 35**

The publisher is obliged to publish the work within a reasonable period of time and promote its distribution as practicable under the circumstances and in keeping with normal practices for such works.

#### **Article 36**

If a literary or artistic work has not been published within two years or, in the case of a musical work, within four years of the time the author submits to the publisher the final manuscript thereof or another copy to be used for reproduction purposes, the author may, unless a longer time limit has been agreed upon for publication, cancel the publishing contract, whether or not the conditions for cancelling a contract under general rules of law have been fulfilled. The same shall apply when an edition is sold out and a publisher, who has been granted the right to a new edition, fails to republish the work within two years of the time he was requested to do so by the author.

When a publishing contract is cancelled in accordance with the first paragraph the author is not obliged to repay any fee which he has already received. Should he have sustained any damage as the result of the criminal default of the publisher, which is not fully compensated for by such payment, he has the right to claim further compensation.

#### **Article 37**

A publisher must furnish the author with a written statement from the printer or other party producing the copies concerning the number of copies produced.

Should the author be entitled to remuneration according to the sale or rental of copies during a financial year, the publisher is responsible for sending him, within nine months of the conclusion of a financial year, a statement showing sales or rentals during the year in question and the remaining number of copies of the edition at year end.

In instances where an author is not entitled to remuneration as referred to in the second paragraph, he is nevertheless entitled to a written statement showing the number of copies remaining of the edition at year end once nine months have elapsed from the end of that financial year.

No author can by contract waive the rights to which he is entitled by this Article.

#### **Article 38**

If the production of a new edition is begun more than one year after the publication of the previous edition the publisher shall allow the author to make such changes in the work as do not entail unreasonable cost nor alter the general appearance of the work.

#### **Article 39**

Unless otherwise agreed upon, the publisher acquires exclusive right to publish the work in the manner and form prescribed in the publication contract. If a publisher has acquired the exclusive right to publication, then the author shall not have the right to publish the work in the form or manner prescribed, or to allow another party to do so, until the edition or editions contracted for have been sold in their entirety.

Without prejudice to the provisions of the foregoing paragraph, an author shall have the right to publish a literary work in an edition of his collected or selected works when fifteen years have elapsed from the end of the year when the publishing contract was concluded. An author may waive this right by agreement.

#### **Article 40**

The publishers of newspapers and periodicals have the exclusive right to reprint these publications, either in their entirety or as individual numbers or issues.

The rights of publishers shall in no way affect the copyright to individual essays, pictures or other works presented in newspapers or periodicals. It is not, however, necessary to seek the consent of authors for the reprinting provided for under the first paragraph, unless such has been expressly agreed upon.

The provisions of this Chapter regarding publishing contracts do not apply to contributions to newspapers and periodicals except as prescribed in the first and second paragraphs.

The provisions of Articles 35 and 36 shall not apply to contributions to composite works.

*Contracts for cinematographic works*

#### **Article 41**

Should an author have made a contribution under contract to a cinematographic work he may not, unless express provision has been made to the contrary, hinder the making of copies, their distribution, public exhibition, or other form of distribution to the public by cable or wireless means, nor any other use of the work.

The provisions of the first paragraph do not apply to musical works, film manuscripts or dialogues which have been created for use in a cinematographic work, nor to the contribution of the principal director.

[If the author of a cinematographic work has transferred his right to the rental of a cinematographic work, cf. the first paragraph, he shall always be entitled to reasonable remuneration for the rental; such right may not be waived by contract.]<sup>1)</sup>

1) Act 60/2000, Art. 6.

#### **Article 42**

Should a party acquire by contract the right to use a literary or musical work for the production of a cinematographic work for public exhibition, this party shall, unless otherwise agreed upon, complete the production of the cinematographic work within a reasonable length of time and see to it that it be exhibited as practicable under the circumstances and in keeping with normal practices for such works.

Should a cinematographic work not have been completed within five years of the time the author fulfilled his obligations under the contract, he may cancel the contract, unless a longer time limit has been agreed upon, whether or not the conditions for cancelling under general rules of law have been fulfilled. The provisions of the second paragraph of Article 36 shall apply as appropriate.

*[Special provisions on computer programs.]<sup>1)</sup>*

1) Act No. 57/1992, Art. 11.

#### **[Article 42a**

[Anyone having the right to use a computer program shall be authorised to make those changes to the program necessary for its authorised use.]<sup>1)</sup>

[The reproduction and coding or decompiling of a program code is also permitted where such action is indispensable to acquire the necessary information to ensure operating compatibility of an independent program with other programs subject to the fulfilment of the following conditions:

1. that this action is carried out by a party who has legally acquired the right to use the program,
2. that such information has not been readily available to a party as referred to in Point 1,

3. that the actions are restricted to that part of the original program necessary in order to achieve interoperability.

Information which has been acquired on the basis of the authorisation in this Article may only be used to facilitate operating compatibility with other programs and not in any way which would infringe upon the legitimate interests of the original program author concerning its normal utilisation nor violate his copyright in other respects.

No derogation from the provisions of this Article may be negotiated in a contract.[2)

1) Act No. 60/2000, Art. 7.

2) Act No. 145/1996, Art. 3.

#### **[Article 42b**

If the creation of computer programs is among the obligations of an employment contract the employer shall acquire copyright to the program unless reservation is made to the contrary.[1)

1) Act No. 57/1992, Art. 11.

#### **[Article 42c**

Anyone having the right to use a database, cf. Article 50, shall be authorised to take those actions necessary to access the database material and for normal utilisation of the database.[1)

1) Act No. 60/2000, Art 8.

### **CHAPTER IV**

#### **Duration of copyright**

##### **Article 43**

[Copyright shall last until 70 years have elapsed from the end of the year of the author's death. In the case of works covered by the provisions of Article 7, the prescribed 70-year period shall be calculated from the end of the year of the death of the last surviving author. Copyright to a cinematographic work shall, however, only last for 70 years from the year of death of the last of the following surviving authors of the cinematographic work:

1. principal directors,
2. manuscript authors, including the authors of dialogue,
3. composers, if the music has been composed especially for use in cinematographic works.[1)

1) Act. No. 145/1996, Art. 4.

#### **Article 44**

[When a work has been presented anonymously, cf. the second paragraph of Article 8, copyright to the work shall last until 70 years have elapsed from the end of the year of its presentation. Should such a work have been published in individual parts, such as booklets, volumes or in similar fashion, an independent copyright period shall apply for each individual protected part.

If the author is indicated by name in the manner referred to in the second paragraph of Article 8, before the prescribed 70-year period has elapsed, or it is established that the author had died before the work was presented, the duration of copyright shall be as provided for in Article 43.

In the case of a work which has not been presented, by an unknown author, copyright shall expire after 70 years have elapsed from the end of the year of its creation.]1)

1) Act. No. 145/1996, Art. 5.

#### **[Article 44a**

If a work has not been presented to the public within the period of protection provided for in Articles 43 and 44 the party first presenting the work after this period has elapsed shall acquire rights to commercial exploitation of the work comparable to those enjoyed by authors in accordance with the provisions of this Act. Protection shall last until 25 years have elapsed from the end of the year of presentation.]1)

1) Act. No. 145/1996, Art. 6.

### **CHAPTER V**

#### **Various rights related to copyright 1)**

1) Reg. No. 151/1956 (distribution of revenues for recording rights (STEF, the Performing Right Society)).  
Resolution 229/1973 (Federation of Performing Artists and the Phonographic Industry in Iceland).

#### **Article 45**

[A performer shall have exclusive right to produce copies of his performance and to all distribution of such to the public, subject to the provisions of Article 47. The actions listed below, for instance, are accordingly prohibited without his consent:

1. the recording for re-presentation of a live performance; A live performance means one performed in person by a performer, and includes a broadcast performance. If a broadcasting organisation has made a temporary

recording of a performance in person, the broadcasting of that performance is subject to the same provisions as a live performance;

2. the broadcast of a live performance;
3. the communication of a live performance by technical means, either by cable or wireless, from the place of performance to other specified locations to which the public has access;
4. the reproduction of a recording of a performance and its distribution to the public until 50 years have elapsed from the end of the year of the performance. Should the recording of the performance be distributed to the public within the prescribed period of protection the protection shall extend for 50 years from the end of the year of its first distribution.

Should a performer have contracted to contribute to a cinematographic work he may not, unless rights have been otherwise reserved, prevent the rental of copies of the cinematographic work.

[The recording, reproduction and distribution of a performance, as referred to in the first paragraph, shall be, as appropriate, subject to the provisions of the second to sixth paragraphs of Article 2, Articles 4, 7 and 8, the first paragraph of Article 11, [Article 12, Article 12 a,]1) the first paragraph of Article 14, the third paragraph of Article 15, Articles 18 and 21, the second paragraph of Article 23, Articles 24 and 26-31, the third paragraph of Article 41 and Article 53. [...]2) ]3)

If more than twelve performers are involved in a performance the permission of a professional organisation of performers for its reproduction and reuse is sufficient, provided that payment is made for such performance.]4)

[Performers of traditional cultural expressions shall have the same rights as performers under this Article.]5)

1) Act No. 93/2010, Art.5.

2) Act No. 9/2006, Art. 8.

3) Act No. 60/2000, Art. 9.

4) Act. No. 145/1996, Art. 7.

5) Act No. 9/2006, Art. 8.

#### **[Article 45a**

Any performance, which is legally broadcast directly or via satellite, may be rebroadcast to the public via cable without alteration and simultaneous to the original broadcast, provided that the party responsible for rebroadcasting has acquired the right to do so by agreement with an organisation representing the legal interests of a substantial portion of Icelandic performers and producers and which has received for such purpose formal legal recognition from the Ministry of Education, Science and Culture, subject, however, to the provisions of Article 47 concerning performance of material on commercial recordings. Rightholders who are not members of the organisation shall enjoy the same right as members, cf. the first and third paragraphs of Article 23. Distribution by cable, to which fewer than 25 residences of a multi-family dwelling or neighbouring dwellings are connected, is, however, permitted without authorisation or reimbursement to rightholders in accordance with this Article.

In the case of failure to reach agreement on authorisation as provided for in the first paragraph or on conditions for the granting of such authorisation, including the amount of reimbursement, either party may refer matters of dispute for resolution to the Rulings Committee provided for in Article 57. The Minister of Education, Science and Culture may set further rules on the implementation of this Article.]1)

1) Act. No. 145/1996, Art. 8.

#### **Article 46**

[Any reproduction or distribution by any means to the public of audiovisual recordings, including gramophone records, is not permitted without the consent of the producer until 50 years have elapsed from the end of the year in which the original recording was made. Should a recording be distributed to the public within the prescribed period of protection the protection shall extend for 50 years from the end of the year of its first distribution.

The provisions of the second to sixth paragraphs of Article 2, Articles 7 and 8, the first paragraph of Article 11, [Article 12, Article 12 a,]1) the first paragraph of Article 14, the third paragraph of Article 15, Article 18, the second paragraph of Article 23 and [Article 24]2) shall apply as appropriate.

1) Act No. 93/2010, Art.6.

2) Act No. 9/2006, Art. 9.

#### **Article 47**

[Should an audio recording, which has been published, be used within the period referred to in Article 46 in a broadcast or other public distribution of the performance, whether this use is direct or from a broadcast, the user shall be required to remunerate both producer and performer in the form of a single payment for the usage. [The authorisation for the use of a previously published audio recording for use in a broadcast or other public distribution of the performance shall not apply to the distribution of audio recordings in a form in which the recording is made accessible to members of the public on an "on-demand" basis (i.e. from a place and at a time individually chosen by them).]1)

Any demand for remuneration in accordance with the first paragraph may only be made by a collection association of producers' and performers' organisations. The associations shall operate according to statutes drawn up in agreement with the Ministry of Education, Science and Culture and subject to its endorsement. The statutes shall include provision for the division of revenues between the member organisations of the association.

When the producer of an audio recording or performer is entitled to remuneration in accordance with this Article such shall be made as provided for in a general agreement with the collection association referred to in the second paragraph and the user or his organisation. The parties may refer disputes concerning remuneration to the Rulings Committee referred to in Article 57. The Committee may require a user to provide adequate guarantees for the payment of remuneration until such has been determined or, failing this, issue instructions to stop the use of protected commercial recordings until guarantees have been provided. Collection associations may, however, set tariffs2) for use of recordings for other purposes than in broadcasts. Such tariffs shall be subject to the approval of the Ministry of Education, Science and Culture.

The provisions of the first paragraph of Article 14, the third paragraph of Article 15, and Articles 21 and 54 shall apply as appropriate. This is also valid for Articles 27 to 31 with regard to performers. These provisions do not apply to cinematographic works and video recordings.]3)

- 1) Act No. 9/2006, Art. 10.
- 2) Tariffs No. 214/1996.
- 3) Act No. 145/1996, Art. 10.

#### **Article 48**

The following actions shall be prohibited without the consent of a broadcasting organisation:

1. the rebroadcasting (simultaneous transmission) of a broadcast and its distribution by cable;
2. a recording of a representation of its broadcasting;
3. the distribution of a television broadcast commercially or for profit;
4. [the reproduction of a previously made recording of a broadcast, and the publication of such a recording.]1)

Broadcasting organisations' rights under the first paragraph shall remain in force until 50 years have elapsed, running from the change of year following the first broadcast.

The provisions of the first paragraph of Article 11, [Article 12, Article 12 a,]2) the first paragraph of Article 14, the third paragraph of Article 15, Articles 18 and 21 and the second paragraph of Article 23 shall apply as appropriate.

- 1) Act No. 9/2006, Art. 11
- 2) Act No. 93/2010, Art.7.

#### **Article 49**

The reproduction of photographs, which do not enjoy the protection of this Act for works of art as provided for in the second paragraph of Article 1, is prohibited without the consent of the photographer or the party who has acquired his rights. [Furthermore, the publication of such photographs without the permission of the rightholder shall be prohibited.]1) If such a photograph is presented to the public on a commercial basis or for profit the photographer, or the subsequent holder of his rights, shall be entitled to remuneration. The protection of a photograph in accordance with this paragraph shall apply until [50 years]2) have elapsed from the end of the year in which it was taken.

The provisions of Chapter II of this Act shall also apply as appropriate to the photographs referred to in the first paragraph.

- 1) Act No. 9/2006, Art. 12.



2) Act No. 9/2006, Art. 12.

#### **Article 50**

Anyone who produces lists, tables, forms, databases or similar works, which contain a considerable collection of information or which are the result of substantial investment, shall have exclusive right to make copies of or publish the work as a whole or a substantial portion thereof. Repeated and systematic extraction and/or re-use of an insubstantial part of the contents of that database is unauthorised if such actions are contrary to its normal utilisation or infringe in abnormal fashion against the legitimate interests of the maker of the database.

The exclusive right to special protection, which is provided for in this Article, shall last for fifteen years from the end of the year in which the work was produced. If the work is published within the stated period of protection, however, the protection shall last for fifteen years from the end of the year in which the database is deemed to be made accessible to the public.

Should a work or part of a work, which is covered by this Article, enjoy copyright protection that right shall also be applied in parallel.

The provisions of the Chapter II of this Act shall apply as appropriate.]1)

1) Act No. 60/2000, Art. 10.

#### **[CHAPTER VI. A**

#### **Technological measures, etc.]1)**

1) Act No. 9/2006, Art. 13.

#### **[Article 50 a**

It shall be forbidden to trade in, or to be in possession of, for commercial purposes, devices or materials that are intended solely to facilitate the unlawful removal or circumvention of technical device that is intended to prevent the unlawful reproduction of a computer program.]1)

1) Act No. 9/2006, Art. 13.

#### **[Article 50 b**

It shall be forbidden to circumvent technological measures (cf. the fourth paragraph).

It shall be forbidden to manufacture, import, distribute, sell, rent, advertise for sale or rental or be in possession of, for commercial purposes, equipment, goods or components which

1. are publicised or advertised as a method of circumventing technological measures,
2. have only limited financial value or application potential save as a method of circumventing technological measures, or
3. are primarily designed, manufactured, adapted or supplied in order to enable, or facilitate, the circumvention of technological measures.

The provisions of the second paragraph shall also apply to services.

The term 'technological measures' in the first and second paragraphs refers to any type of effective technological measures which, in the normal course of their operation, are intended to protect works and other materials protected under this Act.

The provisions of the first, second, third and fourth paragraphs shall not apply to the protection of computer programs.

Thus, provisions of the first, second, third and fourth paragraphs shall not prevent the study of encryption.[1)

1) Act No. 9/2006, Art. 13. *Under the Interim Provision of the same Act, draft legislation on the revision of the provisions of this Article is to be presented to the Althingi not later than during its legislative session 2006-2007.*

#### **[Article 50 c**

The Rulings Committee provided for in Article 57 may, at the request of a user who has taken efficient technological measures under the first paragraph of Article 50 b, grant the user access to the means necessary for him to be able to employ the provisions of Article 12, the second paragraph of Article 14 and the first paragraph of Article 17, regarding teaching, [Article 19,]1) item 1 of the first paragraph of Article 21, the first and the second paragraphs of Article 22, Article 22 a and the fifth paragraph of Article 23. If the rightholder does not comply with the committee's instructions within four weeks, the user may, without prejudice to the provisions of the first paragraph of Article 50 b, ignore the technological measures. The provisions of this paragraph may only be applied as regards those users who have legal access to the work or material in question.

The provisions of the first paragraph may only be applied if the rightholder has not voluntarily taken measures, e.g. by making an agreement with other parties concerned, which ensure that the user is not able to invoke the provisions referred to in the first paragraph regarding the application of effective technical measures.

The provisions of the first paragraph may not be applied regarding works and other materials which are made accessible to the public under an agreement on an 'on-demand' basis.]2)

1) Act No. 93/2010, Art.8.

2) Act No. 9/2006, Art. 13. *Under the Interim Provision of the same Act, draft legislation on the revision of the provisions of this Article is to be presented to the Althingi not later than during its legislative session 2006-2007.*

#### **[Article 50 d**

It shall be forbidden, without the permission of the rightholder, to

1. remove or alter any electronic rights-management information or
2. distribute, import for distribution or make available to the public works and other materials from which electronic rights-management information has been removed or altered without the consent of the rightholder.

The provisions of the first paragraph may only be applied if the person involved in the action knew, or had reasonable grounds to know, that by carrying out the action he was inducing, enabling, facilitating or concealing an infringement of copyright on a work or other material protected by this Act.[1)

1) Act No. 9/2006, Art. 13.

### **CHAPTER VI**

#### **Miscellaneous provisions**

##### **Article 51**

If an author has used a special title, pseudonym or identifying mark on a work which has been presented to the public, no one else may present a work under the same type of identification or one so similar as likely to cause confusion of the works or their authors.

##### **Article 52**

No one may, without the consent of the author, place his name or author's identifying mark on a work of art.

Neither the author nor another person may place the author's name or identifying mark on a copy reproduced from a work of art if there is a danger that the reproduction could be confused with the original.

## **Article 53**

The provisions of the second paragraph of Article 4 shall apply to literary and artistic works which are not subject to copyright.

Legal proceedings resulting from infringement of the first paragraph may only be instigated at the demand of the Minister of Education, Science and Culture if he considers such action necessary for the protection of cultural interests in general.

### **[Article 53 a**

The Minister of Education and Culture shall issue rules in further detail on procedure for accreditation of the associations referred to in Article 11, the sixth paragraph; Article 15 a, the first paragraph; Article 23, the first paragraph; Article 23 a, the first paragraph; Article 25, the second paragraph; Article 25 b, the fifth paragraph, Article 45 a, the first paragraph, and Article 47, the second paragraph.[1)

1) Act No. 93/2010, Art.9.

## **CHAPTER VII**

### **Penalties, compensation, claim procedures, etc.**

#### **Article 54**

Penalties for the infringement of this Act shall only be applied if the violation comprises an act of premeditation or gross negligence. [Participation in such offences shall be punishable in the same manner.]1)

[The following shall be subject to fines 2) or imprisonment of up to two years:] 3)

1. actions which infringe the exclusive right of an author, as provided for in Article 3;
2. Instances in which a party mentioned in the second paragraph of Article 25 b fails to send the association mentioned in the fifth paragraph of Article 25 b the information referred to in the sixth paragraph of Article 25 b.4)
3. violation of the provisions of the first and second paragraphs of Article 4, the second and third paragraphs of Article 26, the first paragraph of Article 28, the first paragraph of Article 39, Article 53 and the directions referred to in the second paragraph of Article 31;
4. [violations of the first paragraph of Article 45 and the third paragraph of the same Article, cf. references therein to Article 4, the first paragraph of Article 28 and the instructions in the second paragraph of Article 31;]5)
5. violation of the provisions of the first paragraphs of Articles 46, 48, 49 and 50, [50 a, 50 b, 50 d]5 and Articles 51 and 52;

6. the importation into this country of copies of works or other productions, which are protected in accordance with Section V of this Act, if these copies are produced abroad under circumstances which, in this country, would make the production contrary to law, these copies being imported for the purpose of public exhibition or distribution;
7. [VII. the importation and manufacture of equipment or tapes for audio or video recording for the purpose of distribution to the public, and the distribution of such equipment or tapes to the public without the payment of the copyright charge provided for in the third and fourth paragraphs of Article 11, or in rules or rules laid down in accordance thereof, cf. the third paragraph of Article 11.]7)

If an organisation or other enterprise commits a violation, it shall be liable to a fine.

[Notwithstanding the provisions of the second paragraph (cf. items 4 and 5 of the second paragraph of Article 11 and the first paragraph of Article 50 b), copying by individuals for private use as follows shall not be punishable:

1. copying of a unique exemplar of a protected computer program or an exemplar of a machine-readable database which has been published, sold or permanently released with the approval of the author or manufacturer,
2. copying carried out in violation of the first paragraph of Article 50 b.]6)

1) Act No. 93/2010, Art.10.

2) Act No. 82/1998, Art. 162.

3) Act No. 60/2000, Art. 11.

4) Act No. 97/2006, Art. 2.

5) Act No. 78/1984, Art. 5.

6) Act No. 9/2006, Art. 14

7) Act No. 78/1984, Art. 6.

## **Article 55**

[If copies of works have been made, brought to Iceland or made public in contravention of the provisions of this Act or rules issued as provided for in Article 31, the second paragraph, a judgment may provide that the copies shall be delivered to the injured party, destroyed or removed from the market or from distribution, temporarily or permanently, or otherwise made unfit for the illegal use.

The same shall apply to materials, tools or any other items related to the preparation or commission of such violation.

Measures taken as provided for in the first and second paragraphs shall be carried out at the expense of the party committing the violation and free of costs to the injured party. In cases of very exceptional nature a judgment may order the injured party to pay reasonable consideration.

When judicial determination takes place as referred to in the first and second paragraphs, proportionality shall be ensured between the scope of the violation and the measures provided for, at the same time taking the interests of any third party reasonably into account, including when the owner of an item is unaware of the violation.]1)

1) Act No. 93/2010, Art.11.

#### **Article 56**

[A person who has committed a violation of this Act, intentionally or negligently, shall pay compensation on its account. Compensation to the injured party may be ordered even if the violator was in good faith.

The amount of compensation as provided for in the first paragraph shall not only be determined with a view to the direct financial loss of the author or other right holder, but shall also take into account any financial gain obtained by the violator. If the loss of the injured party and the gains of the violator cannot be demonstrated, compensation shall be reasonably assessed in each individual case.

A writer or other right holder may be awarded compensation for non-financial loss on account of a violation of this Act.]1)

1) Act No. 93/2010, Art.12.

#### **Article 57**

[If no agreement is reached on the amount of the reimbursement provided for in Articles 14, 15a, 16, 17, 20 and 21, 23a, 25, 45a and 47, either party may submit the dispute for resolution to a three-person committee appointed by the Minister of Education, Science and Culture from a group of five persons nominated by the Copyright Committee referred to in Article 58.]1) Before issuing a ruling the Committee shall attempt to reconcile the parties. The ruling of the Committee is a final administrative solution to the dispute. Compensation to Committee members shall be paid from the national treasury. Detailed provisions on the duties of the Committee shall be laid down in a Regulation.2)]3)

1) Act No. 60/2000, Art. 12.

2) Reg. No. 97/1996.

3) Act No. 57/1992, Art. 14.

#### **Article 58**

[A [seven]<sup>1)</sup>-person committee of experts in the field of copyright, appointed by the Minister of Education, Science and Culture for a four-year term at a time, shall advise him on issues of copyright law. In selecting this committee the principal associations of copyright holders in the country shall be consulted. Furthermore, a Copyright Council shall be created. The Council shall be informed of and discuss any questions concerning copyright which are of current interest. The Council shall be composed of representatives appointed by those organisations which have received the formal legal recognition of the Ministry for the exercise of authors' rights, as well as the other principal associations of copyright holders in the country. It shall also include representatives of broadcasting organisations and other interest groups. Persons sitting on the Copyright Committee shall also sit on the Council, in addition to persons appointed to the Council expressly by the Minister. The Minister of Education, Science and Culture or his appointed representative, shall act as chairman at meetings of the Council. The Minister shall set further rules on the Copyright Committee and Copyright Council.]<sup>2)</sup>

1) Act No. 9/2006, Art. 15.

2) Act No. 57/1992, Art. 15.

#### **Article 59**

[Violations of this Act shall be liable to public prosecution; an injured party may, as a rule, also initiate legal proceedings. ...<sup>1)</sup>

If an author is deceased, the executor appointed as provided for in the second paragraph of Article 31 or the spouse, parents, children or brothers or sisters of the deceased, may demand public prosecution or institute legal proceedings as a result of an infringement against the first or second paragraph of Article 4, the second or third paragraph of Article 26, the first paragraph of Article 28 and the directions of the author, as referred to in the second paragraph of Article 31, or of the performer under the same provision, cf. the [third]<sup>2)</sup> paragraph of Article 45.]<sup>3)</sup>

Proceedings resulting from an infringement against the provisions of Article 53 shall be subject to public prosecution at the demand of the Minister of Education, Science and Culture.

1) Act No. 57/1992, Art. 16.

2) Act No. 60/2000, Art. 13.

3) Act No. 78/1984, Art. 8.

#### **[Article 59 a**

Associations authorised by the Ministry of Education and Culture in accordance with the provisions of Articles 23 and 23 a may request injunction against commenced or imminent dissemination or other use of any works that are subject to their authorisation and protected by this Act without having obtained a power of attorney from the authors or other right holders to the works, provided the other conditions for injunction set by the Act on Restraining Orders, Injunctions, etc., are met.

If the other conditions for injunction set by the Act on Restraining Orders, Injunctions, etc., are met, individual right holders or their associations may obtain an injunction against dissemination by a service provider of data to be

provided to service purchasers through communication networks, irrespective of whether the service provider is responsible by reason of dissemination or by reason of automatic, intermediate or short-term storage of data. An injunction may furthermore be ordered against a service provider's storage of data supplied by a service purchaser, irrespective of the service provider's responsibility for the data.

Injunction as referred to in this Article shall in any other respects be governed by the Act on Restraining Orders, Injunctions, etc.]1)

1) Act No. 93/2010, Art.13.

#### **[Article 59 b**

When litigation is in progress on account of a breach of this Act, the judge may, if requested by a party, order the adversary or a third party to provide information to which that party has access concerning goods or services that may constitute a breach of this Act. This shall however only apply if the party against whom such request is made:

1. possesses the goods in connection with that party's economic activities;
2. has used the service in connection with that party's economic activities;
3. has provided service used for activity that may constitute a breach of this Act;
4. has provided assistance in producing or distributing the goods or providing the service.

The information referred to in the first paragraph entails:

1. the name and address of the producer, distributor, service provider and any other previous owners of the goods or services, and wholesalers and retailers for whom the goods were intended;
2. the quantity of produced, delivered, received or ordered goods or services, and the amounts paid for them.

The judge shall deny a request made pursuant to the first paragraph if the provision of the information may be assumed to cause undue loss to the party against whom the request is made, without regard to the interests of the requesting party in obtaining the information.

Information as provided for in this Article must not be provided if the party against whom the request is made is, according to the general rules on legal procedure, exempt from the duty to bear witness.]1)

1) Act No. 93/2010, Art.13.



### **[Article 59 c**

A judgment finding a breach of this Act or providing for measures to be taken as referred to in Article 55 may, upon request by the injured party, provide for publication of the judgment in part or in whole. Publication shall take place by the means and to the extent deemed reasonable.

The party committing the breach shall be responsible for publication and bear the costs thereof.[1)

1) Act No. 93/2010, Art.13.

## **CHAPTER VIII**

### **Scope of the Act**

#### **Article 60**

The provisions of this Act on copyright shall apply to:

1. works of persons who are citizens of, or are resident in, a Member State of the European Economic Area[1];
2. [...]2
3. works by stateless persons and refugees who have their habitual residence in this country;
4. works which were first published in this country, cf. the second paragraph of Article 2;
5. structures which have been constructed in this country and works of art incorporated in them;
6. cinematographic works, if the head office of the commercial enterprise of their producer is located in this country or the producer himself is permanently resident in this country.

[The provisions of Article 25 b shall apply to works of persons who are citizens of, or are resident in, a Member State of the European Economic Area.3). They shall also apply to works by nationals of states which grant similar protection to Icelandic works.]4)

[The provisions of Article 44a shall apply to the presentation of works carried out by nationals of or persons domiciled in countries of the European Economic Area.]5)

The provisions of the second paragraph of Article 4 and Articles 51 to 53 shall apply to all works covered by the provisions of Article 1, irrespective of their origin or the nationality of the authors.

1) Act No. 9/2006, Art. 16.

2) Act No. 9/2006, Art. 16.

3) Act No. 9/2006, Art. 16.

4) Act No. 57/1992, Art. 17.

5) Act No. 145/1996, Art. 11.

## **[Article 60a**

The provisions of Article 50 shall apply to works of nationals of, or persons domiciled in, countries of the European Economic Area.]1)

1) Act No. 60/2000, Art. 14

## **Article 61**

[The provisions of Article 45 shall apply to:

1. [artistic performances by persons who are citizens of, or are resident in, a Member State of the European Economic Area]1);

2. [artistic performances by other foreign nationals and stateless persons, as follows]2):

a. if the performance took place in Iceland,

b. if the performance was recorded on an audio recording which enjoys protection in accordance with item 2 of the third paragraph,

c. if a performance, which was not recorded on an audio recording, is broadcast by a broadcasting institution which enjoys protection in accordance with the of provisions of the fourth paragraph.

[The provisions of Article 46 shall apply to visual and sound recordings irrespective of where, and by whom, they have been produced, while the right to remuneration under the third and fourth paragraphs of Article 11 shall apply solely to recordings that have been made in a Member State of the European Economic Area or in other states which grant rights of the same type applying to Icelandic recordings.]3)

[The provisions of Article 47 shall apply to:

1. Audio recordings of artistic performances by persons who are citizens of, or are resident in, a Member State of the European Economic Area

2. Audio recordings, and the artistic performances which they contain, if the producer of the audio recording is a citizen of, or is resident in, a Member State of the European Economic Area.]4

The provisions of Article 48 shall apply to broadcasting institutions if they fulfil either of the following conditions:

the headquarters of the institution is [in a Member State of the European Economic Area]5, or

the broadcast was made via a transmitter which is located [in a Member State of the European Economic Area.]6]7)

1) Act No. 9/2006, Art. 17.

- 2) Act No. 9/2006, Art. 17.
- 3) Act No. 9/2006, Art. 17.
- 4) Act No. 9/2006, Art. 17.
- 5) Act No. 9/2006, Art. 17.
- 6) Act No. 9/2006, Art. 17.
- 7) Act No. 60/2000, Art. 16.

#### **[Article 61a**

The scope of this law may be extended in such a manner that its provisions apply to foreign nationals, subject to reciprocity. To this end the national government may verify international agreements providing for mutual protection with or without provisos which the government may deem appropriate and may be permitted to set. Reciprocity, as referred to in this Article, means that holders of copyright of each state party to the agreement enjoy the same rights in another state party to the agreement as do nationals of that state. The provisions of this Article shall be without prejudice to the application of international agreements in the field of copyright which have been previously ratified by Iceland.]1)

- 1) Act No. 57/1992, Art. 18.

#### **Article 62**

The provisions of Points 1-4 of the first paragraph of Article 60 shall apply mutatis mutandis to photographs and printed works referred to in Articles 49 and 50.

#### **Article 63**

[The provisions of this Act shall also cover literary and artistic works which were created before the entry into force of the Act. The same shall apply to performances, audio and video recordings, cf. Chapter V of the Act.

The provisions of the first paragraph shall not, however, apply to measures which have already been taken or rights acquired by third parties on the basis of prior Acts. The continuing distribution to the public or public exhibition of copies of works or of performances is permitted if the making of these copies was unrestricted at the time their distribution or exhibition took place, without prejudice, however, to the provisions of Article 24 prohibiting the rental or loan of works.

If the production of a copies of a work or performance, which was not protected under previously applicable legislation, has begun prior to the entry into force of the Act, or substantial preparation for such production is underway, the scheduled, necessary and normal production of copies may be completed, not later, however, than

by 1 January of the year 2000. Copies produced in this manner may be distributed to the public or exhibited publicly.

If a work or performance is part of a recording for broadcasting, made while the work or performance does not enjoy protection or on the basis of the authorisation in the third paragraph, such recordings may be utilised for broadcasting until 1 January of the year 2000. The same applies to public presentation of cinematographic works.

If, due to a change in the period of protection under this Act, the period of protection of a work or performance becomes shorter than it would have been in accordance with previously applicable legislation the period of protection provided for by previously applicable legislation shall apply. This shall not apply, however, where the provisions of the third paragraph of Article 44 apply.[1)

[Protection of databases as provided for in Article 50, which were compiled during the period from 1 January 1983 until the entry into force of this Act, shall last until 1 January 2016.]2)

1) Act. No. 145/1996, Art. 12.; Act No. 60/2000, Art. 15.

2) Act No. 60/2000, Art. 15.

#### **[Interim provision**

Effective as of the date of entry into force of this Act, the Minister of Education, Science and Culture shall prepare the dissolution of the Icelandic Visual Art Fund (Myndlistarsjóður Íslands) by appointing a special winding-up committee. The winding-up committee handling the dissolution of the Icelandic Visual Art Fund shall consist of one representative nominated by the Association of Icelandic Visual Artists and two appointed without nomination, one of whom shall serve as the committee chairman.

The committee's settlement of the finances of the Icelandic Visual Art Fund shall be concluded within six months of the entry into force of this Act.[1)

1) Act No. 60/2000, Art. 17.