

# Copyright Act

(Act No. 73/1972 of May 29, 1972, as amended up to Act No. 145/1996 of December 27, 1996)

THE PRESIDENT OF ICELAND

hereby proclaims: The Icelandic Parliament, the Althingi, has adopted this law and I have confirmed it with my consent:

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

### Article 1

The author of a literary or artistic work shall have copyright thereto with the limitations specified in this Act.

Literary and artistic works include any text composed orally or in writing, 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, moulds, models and other similar devices, presenting information or explanations on subjects, shall enjoy protection in the same manner as literary works.

The provisions of third paragraph shall also apply to computer programs.

### Article 2

It shall be considered as the production of copies 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. Should the 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 is published in this country within thirty days from 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.

Should a work be 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 has the 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 on both copies of the work and whenever it is presented.

A work may not be altered, or presented in such a manner or in such a context, so as to prejudice the author's literary or artistic reputation or the individual characteristics of his art.

The right of the author as provided for in this Article may not be waived, except under special circumstances, the nature and extent of 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 new form. His right shall in no way affect the author's copyright to the original work.

If a work has served 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 be independent of the former work with regard to copyright.

### 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 the rights to the works which have been incorporated into the composite work.

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

### Article 7

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

#### Article 8

Unless it should be proved otherwise, the person whose name is indicated in the usual manner on copies of the work, or is declared to be the author, shall be considered as the author of the work when the work is presented. This applies also to authors who use pseudonyms or identifying marks when it is generally known to whom they refer. The foregoing provisions shall also apply to the producer of cinematographic works. 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 should be produced to the contrary.

If a work is 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 edition or is notified to the Minister of Culture and Education.

#### Article 9

Acts, regulations, administrative provisions, judicial rulings and similar official documents are not subject to copyright according to the provisions of 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.

### **SECTION II Limitations of copyright**

#### Article 11

Copies of a work which has been publicly presented may be produced exclusively for private use. No one may, however, produce or have produced more than three such copies for use in his profession.

The provisions of the first paragraph shall not confer the right to:

1. erect structures patterned on a work which is protected by rules concerning architecture,
2. reproduce works which are protected by rules concerning sculpture, industrial design or handwork, 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.

The authors of works, which have been broadcast or published in the form of an audio or video recording, shall be entitled to special remuneration for the recording of their works on audio or video tape for private use, as authorised by the first paragraph of this Article. A fee shall be assessed on equipment for audio and video recording for private use, as well as on blank audio and video recording tape and other tape which may be considered as being intended for such use. The fee shall be assessed on equipment and tape which are imported or produced in this country and the responsibility for effecting payment of this fee shall rest with importers and manufacturers. The levy on equipment shall amount to 4% of the import price or manufacturing price, in the case of domestic production. The levy on blank audio recording tapes shall be ISK 10.00 and ISK 30.00 on blank video recording tapes. The Minister of Culture and Education shall set further rules concerning this fee, in particular, with regard to the inflation indexing of the amount.

A joint collection centre of associations of copyright holders, including performers and producers, shall collect and distribute royalties as provided for in the preceding article. The collection centre shall abide by statutes adopted in consultation with the Ministry of Culture and Education and subject to its approval. These statutes shall provide, for instance, for the division of revenues between member societies and may also make provision for contributions in support of the production of audio and video recordings.

#### Article 11a

The owner of a copy of a computer program, which has been made commercially available, is permitted, notwithstanding point 4 of the second paragraph of Article 11, to make copies of the program, in particular to make back-up and security copies as necessary for the use of the program. Such copies may not be used for any other purpose and the right to their use is cancelled should the owner dispose of his original copy to another person.

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 author, for the purposes of examining its operation and the ideas and basic 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 negotiated in a contract.

#### Article 12

A regulation may be issued granting permission to specified public libraries, archives, and scientific or technical research institutes to make photocopies of works for their own use. It shall set conditions for such permission, in particular regarding custody and preservation. They may not be loaned or disposed of outside of the establishment in question.

### Article 13

The owner of a structure protected under the rules concerning works of architecture may nevertheless alter it without the author's consent to the extent which 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 reproductions of pictures and drawings of presented works of art and documents, as referred to in the third paragraph of Article 1.

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

### 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 reproduced in other newspapers or periodicals or performed in a broadcast, unless this is specifically stated in the articles or the broadcasts that such reproduction is prohibited. Reference shall, as a rule, be made to the source when such reproduction is made.

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

When the performance or showing of the work is among newsworthy events, excerpts of a work, or a recapitulation of it, may accompany a presentation of current events being shown to the public in a broadcast or film.

Anyone having been granted permission to photocopy works or copy them in a similar fashion for business purposes by agreement with the associations 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 Culture and Education for this purpose, is also 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 association. Each individual author can, by a written interdict, prohibit the reproduction of his works in accordance with this paragraph.

Associations acting on behalf of copyright holders, as referred to in the first paragraph, shall abide by statutes adopted in consultation with the Ministry of Culture and Education and subject to its approval. The association shall, in addition to negotiating agreements, have the right to carry out general collection of royalties for reproduction, and for those Icelandic authors who are not members as well. The statutes of the association shall provide for the disposal of royalties for reproduction whereby authors, who are not members of the association, shall enjoy the same rights to reimbursement for the use of their works as do members.

Copyright associations, 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 association and who are legitimately entitled to reimbursement for reproduction, and may such claims be sought only to the association. Claims referred to in this paragraph expire after four years have elapsed from the time the properly permitted reproduction was carried out. Disputes arising with regard to claims shall be settled by the committee for resolution referred to in Article 57.

The Minister of Culture and Education shall set detailed provisions concerning the implementation of this article. Such provisions may, in particular, advocate the extension, as appropriate, of the provisions of this article to apply to computer-readable copies of published works for use in data bases.

## Article 16

Photographs may be taken of buildings as well as works of art, which have been situated permanently out of doors in a public place. If a building, which enjoys protection under the rules concerning works of architecture, or a work of art, as previously referred to, comprises the principal motif in a photograph which is exploited for commercial purposes, the author shall be entitled to remuneration, unless the pictures are intended for use in newspapers or on television.

## Article 17

The following types of works may be reproduced in composite works, consisting of works by many authors compiled for use in religious services, classroom instruction or educational broadcasting:

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

point 1, provided five years have elapsed from the end of the year in which the work was presented.

Works created for educational purposes may not be reproduced in any form in a composite work compiled for the same purpose without the consent of the author.

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

#### Article 18

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

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

The Minister of Culture and Education shall set further rules concerning the implementation of this Article, especially regarding the use and preservation of such temporary audio recordings.

#### Article 19

Braille editions of literary or musical works, which have been published, may be printed and published. The works may also be photographed for use in schools for the speech and hearing impaired.

#### 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 literary or musical work which is not a dramatic work 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. on occasions which are not organised for commercial purposes or financial gain, such as at meetings in schools or of 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 for performance as referred to in the provisions of this point in accordance with rules set by the Minister of Culture and Education.

## Article 22

The proceedings of public meetings of official representatives may be printed, recorded or copied by other means, in addition to the documents regarding these activities which are made publicly available. 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 also apply to debates on questions concerning the common good which take place at gatherings to which the public has access or are broadcast.

The author shall have exclusive right to publish a summary of his own statements regarding the discussions referred to in the first and second paragraphs or of documents which he may have submitted in the course of such discussion.

## Article 23

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 association 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 association shall enjoy the same right to remuneration for the use of their works as members, cf. 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 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 ruling committee provided for in Article 57 The Minister of Education, Science and Culture may set further rules on the implementation of this Article.

## Article 23a

A work which is broadcast live or by satellite may, without the express consent of the copyright holder, be rebroadcast to the public by means of a cable system, provided that the work is distributed simultaneously with the original broadcast and in unaltered form.

Authors and other copyright holders shall always be entitled to reimbursement for rebroadcasts in accordance with the first paragraph. Distribution by cable, to which fewer than twenty-five residences of a multi-family dwelling are connected, is, however, exempt from charge.

Claims for payment in accordance with the second paragraph may only be submitted by an organisation for fee collection acting on the common behalf of associations of authors, performers and other copyright holders. The organisation collects the fees and distributes them. It may, however, enlist the services of other authors' collection agencies for the purposes of collection. The organisation shall abide by statutes adopted in consultation with the Ministry of Culture and Education and subject to its approval. The statutes shall make provision for the division of revenues between member societies.

The Minister of Culture and Education shall set detailed provisions concerning the implementation of this article.

#### Article 24

The sale, loan, rental or other means of distribution to the public of copies of published literary or musical works is permitted. Rental or loan of copies of musical works is not permitted, however, without the permission of the author.

The provisions of the first paragraph also apply to cinematographic works, including videos, for which rental or loan to the public is not permitted without the consent of the copyright holder. The same applies to rental of computer programs.

#### Article 25

After a work of visual art has been delivered to an owner that owner may, unless reservation has been made specifically to the contrary, dispose of that work and exhibit it to the public. Public exhibition of the work at art exhibitions and in similar fashion is, however, not permitted without the express consent of the artist, with the exception of exhibitions at publicly owned galleries which are open to the general public. The provisions of this paragraph also apply to published reproductions of art works.

The owner of a work of visual art may photograph it or have it photographed for display in a film or on television, if the reproduction is of minor importance in relation to the contents of the film or programme. It is also permitted, without the express consent of the artist in each instance, to display on television a previously exhibited work when the television broadcasting station has reached an agreement concerning this material with as artists' association who represent the interests of a significant portion of Icelandic artists and have received formal legal recognition from the Ministry of Culture and Education for the exercise of these rights. Artists who are not members of the

association shall enjoy the same right to reimbursement for the use of their works as do members. Each artist can, by a written interdict, prohibit the reproduction of his works in accordance with this paragraph. The association shall be entitled to set rates for the exhibition of works at art exhibitions or in similar fashion, in accordance with the first paragraph. The association shall also be entitled to set rates for other presentation of works of visual art. Such rates shall be subject to the approval of the Ministry of Culture and Education. The Minister of Culture and Education shall set detailed provisions concerning the implementation of this article.

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

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

If a portrait has been painted, sculpted or created in some other manner as a commission, the author is not permitted to 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.

#### 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 to be of importance to the artist. Any right accorded to the artist on the basis of 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 to hand it over to him 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 fulfilment of this right of access.

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

#### Article 25b

If a work of art is resold on a commercial basis a 10% surcharge shall be added to the sale price of the work paid to the artist.

This charge does not apply to constructions which are subject to provisions concerning architecture nor to works which are considered industrial design or handwork products and cannot be considered originals because they are produced for general sale.

The right of artists as referred to in the first paragraph is non-transferable and endures for the length of his copyright, cf. Article 43 of the law concerning copyright. The artists' copyright fund, or any other fund which replaces that fund, shall be entrusted with the collection of fees as provided for in the first paragraph and their subsequent payment to the artists. After the death of an artist this right is transferred to his legal heirs; should he be without legal heirs the charge shall be paid to the artists' copyright fund.

The provisions of this Article do not apply to works of art sold at auction, as special provisions concerning the charges applicable in such instances are found in Article 3 of Act No. 36/1987.

More detailed provisions concerning the implementation of this article shall be laid down in a regulation.

#### **Article 26**

The provisions of this Section, 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 Section, mention shall be made of the source as well as the name of the author in whatever manner is practicable under the circumstances.

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

### **SECTION III Transfer of copyright**

#### **General provisions**

#### **Article 27**

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

If a copy of a work has been delivered to an owner, such action does not constitute the transfer of the author's right to the work, unless this is stated expressly.

#### **Article 28**

Unless otherwise agreed, a transfer of copyright does not entitle the assignee to alter the work.

Neither may an assignee transfer his right to a third party without the consent of the author. If the copyright is among the assets of a business enterprise it may be transferred along with the business or a part of it. Notwithstanding such transfer, the assignor remains responsible for the fulfilment of his obligations towards the author.

## Article 29

(Article 29 was repealed by Article 9 of Act No. 11/1986.)

## Article 30

If an author is married the copyright is his personal property and cannot be restricted by a marriage settlement or other means, including the dissolution or settlement of the marital estate during the author's lifetime. Copyright royalties and revenue from the transfer 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 provisions of the second paragraph of Article 31.

Copyright shall not be subject to legal enforcement measures, whether in the possession of the author himself or others, who have acquired the right by virtue of inheritance or marriage. If a person has acquired the copyright by transfer, it may only be subject to legal enforcement measures to the extent to which he has the right to retransfer the copyright, cf. the provisions of the second paragraph of Article 28.

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

## Article 31

General legal provisions regarding inheritance apply to copyright on the death of the 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.

## Article 32 Right to public performances

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

If permission is granted for an indefinite period of time, regardless of whether it includes exclusive rights or not, this is considered to be valid for a period of three years only. These provisions do not cover contracts regarding the right to performances to which professional organisations of the owners of such rights are a party.

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

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

## **Publishing contracts**

### **Article 33**

It shall constitute a publishing contract 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 confer upon the publisher the right of ownership to a manuscript or other original of a work being reproduced, 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 produced by a publisher at one time.

### **Article 35**

The publisher is required to publish the work within a reasonable period of time and shall promote its distribution in whatever manner is practicable under the circumstances and in keeping with normal practices regarding 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 which is to be used for publication purposes, the author may, unless a longer period of time has been agreed upon, rescind the publishing contract, whether or not the conditions for cancelling a contract according to the 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 rescinded in accordance with the provisions of the first paragraph, the author may retain any fee which he has already been paid. 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.

If the author has the right 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 the sales or rentals during the year in question and the remaining number of copies in stock at year end.

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

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 or alter the general appearance of the work.

### Article 39

Unless otherwise agreed upon, the publisher acquires the 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 again in the form or manner prescribed in the contract, 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 include a literary work in an edition of his collected or selected works when fifteen years have elapsed from the year of the first publication of the work. 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 copyrights to individual essays, pictures or other works presented in newspapers or periodicals. It is, however, not necessary to seek the consent of authors for the reprinting provided for under the first paragraph, unless this has been expressly agreed upon.

The provisions of this Section 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 do not apply to contributions to composite works.

### **Film contracts**

#### **Article 41**

If an author has under contract made a contribution 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 communication 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 film, nor to the contribution of the principal director.

#### **Article 42**

When a contract has been concluded for the use of a literary or musical work for the production of a cinematographic work for public exhibition, the person acquiring the right to exploit the work in this manner shall, unless otherwise agreed upon, produce the film within a reasonable length of time and see to it that it be exhibited, in whatever manner is practicable under the circumstances and in keeping with normal practices regarding such works.

If the film has not been produced within five years of the time the author fulfilled his obligations under the contract, he may rescind the contract, unless a longer period of time has been agreed upon, whether or not the conditions for cancelling a contract according to the general rules of law have been fulfilled. The provisions of the second paragraph of Article 36 shall apply as appropriate.

### **Special provisions concerning computer programs**

#### **Article 42a**

Unless otherwise agreed upon, an agreement on the right to the use of a computer program includes the right to make those changes to the program necessary for the use agreed upon, without prejudice to Article 4.

The copying and coding or decoding of a program is also permitted where such is unavoidable 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 operating compatibility.

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.

#### Article 42b

If the creation of computer programs is among the obligations of an employee's contract the employer shall hold the copyright to the program unless reservation is made to the contrary.

### **SECTION 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 motion picture work shall, however, only last for 70 years the year of death of the last of the following surviving authors of the motion picture:

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

#### 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.

#### 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.

## **SECTION V Various rights related to copyright**

#### Article 45

A performer has 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 is 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 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 motion picture work he may not, unless rights

have been otherwise reserved, prevent the rental of copies of the motion picture work.

The provisions of the second to sixth paragraphs of Article 2, Articles 4, 7 and 8, the first paragraph of Article 11, the first paragraph of Article 14, the third paragraph of Article 15, Articles 18 and 21, the second paragraph of Article 23, Article 24, Articles 26 to 31 and Article 53 shall apply as appropriate to the recording, reproduction and distribution of performances referred to in the first paragraph. The provisions of the first paragraph of Article 24 shall, however, only apply to recordings which are first sold, or the rights to ownership disposed of through other means, with the agreement of rightholders within the European Economic Area.

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 reimbursement is made for such performance.

#### 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 association representing the legal interests for a substantial portion of Icelandic performers and producers and which has received formal legal recognition from the Ministry of Education, Science and Culture, subject to the provisions of Article 47 concerning performance of material on commercial recordings. Rightholders who are not members of the association 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 ruling committee provided for in Article 57. The Minister of Education, Science and Culture may set further rules on the implementation of this Article.

#### Article 46

Any reproduction or distribution to the public of video and audio recordings, including gramophone records, is not permitted without the consent of the producer until fifty 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, the first paragraph of Article 14, the third

paragraph of Article 15, Article 18, the second paragraph of Article 23 and the first and second paragraphs of Article 24 shall apply as appropriate. The provisions of the first paragraph of Article 24 shall, however, only apply to recordings which are first sold, or the rights to ownership disposed of through other means, with the agreement of rightholders within the European Economic Area.



## 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.

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 ruling 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 tariffs 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 motion pictures and videos.

## 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 for the purpose of repeating a performance;
3. the commercial distribution of a television broadcast;
4. the reproduction of a previously made recording of a broadcast. The rights of a broadcasting organisation shall last for a period of twenty-five years from the end of the year in which the broadcast took place.

The provisions of the first paragraph of Article 11, the first paragraph of Article 14, the third paragraph of Article 15, Article 18 and 21 and the second paragraph of Article 23 shall apply as appropriate.

#### 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. If such a photograph is presented to the public on a commercial basis 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 twenty-five years have elapsed from the end of the year in which it was taken.

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

#### Article 50

A written and published work which is not protected by copyright may not be reprinted or otherwise reproduced until ten years have elapsed from the end of the year of its publication.

The provisions of Section II of this Act shall apply as appropriate.

### **SECTION 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 a the same title, pseudonym or mark, or one so similar as 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 reproduction of a work of art if there is a danger that the reproduction might 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 Culture and Education if he considers such action necessary for the protection of cultural interests in general.

## **SECTION VII Penalties, damages, 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.

The following shall be subject to fines, detention or imprisonment of up to two years:

1. actions which infringe the exclusive rights of authors, as provided for in Article 3;
2. 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;
3. violations of the provisions of the first paragraph of Article 45 and the second paragraph of the same Article, cf. references to Article 4, the first paragraph of Article 28 and the directions referred to in the second paragraph of Article 31;
4. violation of the provisions of the first paragraphs of Articles 46, 48, 49 and 50 and Articles 51 and 52;
5. 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;
6. 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 laid down in accordance thereof, cf. the third paragraph of Article 11. If a company or other enterprise commits a violation, it shall be liable to a fine.

### **Article 55**

If copies of works have been produced, imported into this country or presented to the public in violation to the provisions of this Act or the directions issued in accordance with the provisions of the second paragraph or Article 31, a court may order the seizure without payment of such copies in favour of the injured party, or that they be surrendered to him against payment not exceeding production costs. The same applies to printing masters or plates, photographic plates or similar objects used, or capable of being used, in the preparation of production of the offending material.

A decision may be taken to destroy or otherwise make unserviceable for unlawful use, the objects or copies, wholly or in part, instead of seizing or transferring them in accordance with the provisions of the first paragraph.

The provisions of the first and second paragraphs shall not apply to persons who have unknowingly acquired a copy or copies for private use.

Provisions regarding seizure or destruction do not apply to structures.

#### Article 56

When an offence punishable by this Act has resulted in financial damage, compensation shall be made according to the general laws concerning compensation.

An author or performer shall be awarded compensation for pain and suffering from a person who has illegally infringed his rights.

The injured party may be awarded compensation payable by the person who has infringed his rights, even if this was done unknowingly; such compensation may, however, not exceed the profit gained by means of the offence.

#### Article 57

Should no agreement be reached regarding the amount of the reimbursement provided for in Articles 14, 15a, 16, 17, 20, 21, 23, 23a, 25 and 47 either party may submit the dispute for resolution to a three-person committee chosen by the Minister of Culture and Education from a group of five persons nominated by the Copyright Committee referred to in Article 58. Before issuing its 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 by the national treasury.

More detailed provisions concerning the duties of the Committee shall be laid down in a regulation.

#### Article 58

A five person committee of experts in the field of copyright, appointed by the Minister of Culture and Education for a four-year term at a time, shall advise him on questions of copyright. 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 associations 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 Culture and Education, or his appointed representative, shall act as chairman at meetings of the Council. The Minister shall set more detailed provisions concerning the Copyright Committee and the Copyright Council.

## Article 59

Violations of this Act shall be liable to public prosecution; an injured party may, as a rule, also initiate legal proceedings.

If an author is deceased, the executor appointed as provided for in the second paragraph of Article 31, or the author's spouse, parents, children or brothers or sisters, may in addition 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 the performer, as referred to in the second paragraph of Article 31, cf. the second paragraph of Article 45.

Proceedings instituted as the result of an infringement against the provisions of Article 53 shall be subject to public prosecution at the demand of the Minister of Culture and Education.

## **SECTION VIII Scope of the Act**

### Article 60

The provisions of this Copyright Act shall apply to:

1. works by Icelandic nationals;
2. works by foreign nationals domiciled in this country;
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 25b apply to works by Icelandic nationals or foreign nationals who are residents of Iceland. They also apply to works by nationals of states which grant similar protection to Icelandic works.

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.

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

## Article 61

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 carried out 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 motion picture 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.

## Article 61a

The scope of this law may be extended in such a manner that its provisions apply to foreign nationals, on the condition of mutual protection. To this end the government may verify international agreements providing for mutual protection with or without a qualification which the government may deem appropriate and may be permitted to set. Mutuality, as referred to in this article, means the requirement that holders of copyright of each state party to the agreement enjoy the same rights in another state party to the agreement as do the 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.

#### Article 62

The provisions of points 1 to 4 of the first paragraph of Article 60 shall apply, as appropriate, to photographs and printed works referred to in Articles 49 and 50.

#### Article 63

The provisions of this Act shall also apply to literary works and works of visual art which were created before the Act came into force. The same is true regarding performances, audio recordings and broadcasts as provided for in Section V of this Act.

#### Article 64

The following provisions are repealed when the provisions of this Act take effect:

The Royal Decree of 11 December 1869, concerning the reproduction of photographs.

The announcement of 10 February 1879, concerning the notification of exclusive rights to the reproduction of photographs.

Act No. 13 of 20 October 1905, concerning the rights of authors and printers.

Act No. 127 of 9 December 1941, concerning an Annex to Act No. 13 of 20 October 1905, concerning the rights of authors and printers.

Act No. 49 of 14 April 1943, amending Act No. 13 of 20 October 20, 1905, concerning the rights of authors and printers.

Article 2 of Act No. 74 of 5 June 1947, concerning the Accession of Iceland to the Berne Union.

Act No. 11 of 2 February 1956, amending Act No. 13 of 20 October 1905, concerning the rights of authors and printers.

Finally, all other provisions of older laws which may conflict with the provisions of this Act, are hereby repealed.

#### Article 65



The Act shall enter into force six months after it has received official confirmation. Done at Reykjavík, 29 May 1972.

Kristján Eldjárn

(L. S.)

Magnús T. Þlafsson