

# Copyright Act\*

(Act No. 73 of May 29, 1972, as amended up to Act No. 82 of June 16, 1998)

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## Chapter I Authors' and other rights

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\* Icelandic title: Höfundalög.

Act No. 73 of May 29, 1972, as amended by Acts Nos. 78 of May 30, 1984, 11 of May 1, 1986, 20 of July 1, 1991, 57 of June 2, 1992, 50 of January 1, 1996, 145 of December 27, 1996 and 82 of June 16, 1998.

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Source: Communication from the Icelandic authorities.

Note: English translation furnished by the national authorities and edited by the International Bureau of WIPO.

\*\* Added by the International Bureau of WIPO.

**1.** The author of a literary or artistic work shall have copyright therein subject to 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, moldings, models and other similar devices that present information or explanations on subjects shall enjoy protection in the same manner as literary works.

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

**2.** It shall be regarded as the production of copies when intellectual property subject matter (a literary or artistic work) is fixed in one or more physical forms.

A work shall be considered published when copies thereof have been, with proper authorization and in considerable 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 of having been first published in this country, that condition shall be considered fulfilled if it is published in this country within 30 days following its first publication abroad.

A work shall be considered presented when it has been performed, with proper authorization, or shown publicly or copies of it have been published within the meaning of the [second paragraph](#).

It shall be considered 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.

Where a work is performed or shown at a workplace where 10 or more persons are employed, that shall be considered a public presentation.

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

**3.** An author has the exclusive right to make copies of his work and present it in its original or in an altered form, in translation or in any other adapted form.

**4.** Wherever applicable, the name of the author must be given both on copies of the work and whenever it is presented.

A work may not be so altered, or presented in such a manner or in such a context, as to 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 in special circumstances, the nature and extent of which shall be clearly defined.

**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 any other kind of adaptation

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<sup>1)</sup> Act No. 57/1992, Art. 1.

thereof shall own copyright in the work in its altered form. His right shall in no way affect the author's copyright in the original work.

If a work has served as a model or otherwise been made use of in the creation of another work which can be regarded as new and independent, the new work shall be independent of the earlier work with regard to copyright.

**6.** When a work or parts of works, by one or more authors, are incorporated in a composite work that can in itself be considered a literary or artistic work, the person who created the composite work shall own the copyright therein. His rights shall in no way affect the copyright in the works that have been incorporated in the composite work.

The provisions of the [first paragraph](#) shall not apply to newspapers and periodicals (see [Article 40](#)).

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

**8.** Until proved otherwise, the person whose name is mentioned in the usual manner on copies of the work, or who is declared to be the author, shall be considered the author of the work when it 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 likewise apply to producers of cinematographic works. [Moreover, where works have been widely or continuously performed or extensively reproduced or rented, it shall be assumed that the works performed, rented or reproduced are protected by copyright laws unless evidence is produced to the contrary.]<sup>1)</sup>

If a work is published without any mention of the name of the author as provided 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 Education, Science and Culture.

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

**10.** Patterns and designs shall be protected as applied art provided that they fulfill the conditions of utility and artistic character.

## **Chapter II**

### **Limitations on copyright**

**11.** Copies of a work that has been made available to the public may be made for exclusively private use. No one may, however, make more than three such copies, or have more than three such copies made, for professional use.

[The provisions of the [first paragraph](#) shall not confer the right to

1. erect structures based on a work protected by the provisions on architectural works;

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<sup>1)</sup> Act No. 57/1992, Art. 2.

2. reproduce works protected by the provisions governing sculpture, applied art, craft work or drawing if the assistance of other persons is sought for that 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.]<sup>1)</sup>
5. [The authors of works that 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 authorized by the first paragraph of this Article. A fee shall be levied on equipment for audio and video recording for private use, and also on blank audio and video recording tapes and other tapes that may be considered intended for such use. The fee shall be levied on equipment and tapes that are imported or produced in this country, and the responsibility for payment of the fee shall rest with importers and manufacturers. The levy on equipment shall amount to 4% of the import price or the manufacturing price in the case of domestic production. The levy on blank audio recording tapes shall be ISK 10 and on blank video recording tapes ISK 30. The Minister of Education, Science and Culture shall enact further rules<sup>2)</sup> concerning the fee, in particular with regard to the indexing of the amount thereof for inflation.

A joint collecting center of organizations of right holders, including performers and producers, shall collect and distribute royalties as provided in the preceding paragraph. The collecting center shall abide by statutes<sup>3)</sup> adopted in consultation with the Ministry of Education, Science and Culture and subject to its approval. Those statutes shall, for instance, provide for the sharing of revenue among member societies, and may also make provision for contributions in support of the production of audio and video recordings.]<sup>4)</sup>

[**11a.** The owner of a copy of a computer program that has been published is permitted, notwithstanding [item 4 of the second paragraph of Article 11](#), to make copies of the program, and in particular to make such reserve and security copies as are necessary for the use of the program. Such copies may not be used for any other purpose, and the right to their use is invalidated if the owner disposes of his original to another person.]<sup>1)</sup>

[Furthermore, anyone who has acquired the right to use a computer program shall be authorized to inspect, investigate or test the program, without the express permission of the author, for the purpose of examining its operation and the basic ideas and principles underlying individual aspects of the program, provided that such action is

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<sup>1)</sup> Act No. 57/1992, Art. 4.

<sup>2)</sup> Reg. No. 177/1989.

<sup>3)</sup> Statutes of Assoc. No. 333/1996 and Reg. No. 141/1985.

<sup>4)</sup> Act No. 78/1984, Art. 1.

<sup>1)</sup> Act No. 57/1992, Art. 5.

related to uses that an owner of rights is permitted to make in connection with the operation of the program.

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

**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. The photocopies may not be loaned or disposed of outside the establishment in question.

**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 deemed necessary for its utilization or for technical reasons.

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

**14.** Any literary work that has been made available to the public, including dramatic works and released cinematographic or musical works, may be quoted if the quotation is made in the context of a critical or scientific public discussion, or serves another recognized purpose, provided that the quotation is correct and of reasonable length.

The same conditions apply to presentations of pictures and drawings of the presented works of art and documents referred to in the [third paragraph of Article 1](#).

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

**15.** Popular articles on the subject of economics, politics or religion in newspapers or periodicals, or broadcast material of the same type, may be cited in other newspapers or periodicals or included in another broadcast, unless it is expressly stated in the articles or the broadcasts that such representation is prohibited. The source shall always be mentioned when the 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 does not, however, apply to works that were intended for presentation in the foregoing manner.

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

[**15a.** Anyone who has been granted permission to photocopy works or reproduce them in a similar manner for business purposes by agreement with organizations of copyright holders, the latter acting in the interest of a significant portion of Icelandic authors in that respect and having received formal legal recognition from the Ministry of Education, Science and Culture to that end, is also entitled to reproduce the works in the same manner, without requiring the express consent of the author in each case, even

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<sup>2)</sup> Act No. 145/1996, Art. 1.

where the author is not a member of an organization. Each individual author may, in a written statement, prohibit the reproduction of his works under this paragraph.

Organizations of copyright holders, 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. Every organization shall, in addition to being party to agreements, have the right to engage in the general collection of royalties for reproduction, including for Icelandic authors who are not members as well as for members. The statutes of every organization shall provide for the disposal of royalties for reproduction in such a way that authors who are not members of the organization enjoy the same right to payment for the use of their works as members.

The organizations of copyright holders referred to in the [first paragraph](#) shall be responsible for all claims that may be submitted by copyright holders who are not organization members and who are legitimately entitled to payment for reproduction, and such claims may be made only on the organizations. Claims under this paragraph shall expire after four years have elapsed from the time at which the duly permitted reproduction was carried out. Disputes arising in connection with claims shall be settled by the Rulings Committee referred to in [Article 57](#).

The Minister shall enact detailed rules concerning the implementation of this Article. Such rules may in particular advocate the extension, as appropriate, of the provisions of this Article to cover machine-readable copies of published works for use in data bases.]<sup>1)</sup>

**16.** Photographs may be taken and presented of buildings and also of works of art located permanently out of doors in a public place. If a building that enjoys protection under the rules concerning works of architecture, or a work of art as referred to above constitutes the main subject of a photograph that is exploited for marketing purposes, the author shall be entitled to remuneration unless the pictures are intended for use in newspapers or on television.

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

1. individual literary or musical works 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 as described in item 1, provided that 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 reproduced in any form in a composite work compiled for the same purposes without the consent of the author.

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<sup>1)</sup> Act No. 57/1992, Art. 5.

Whenever a work is wholly or partly reproduced in a composite work as provided in this Article, the author shall be entitled to remuneration.

**18.** The educational authorities may permit the audio recording of presented works in public educational establishments for 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 phonograph records or other audio recordings that are produced for commercial sale.

The Minister of Education, Science and Culture shall enact detailed rules on the implementation of this Article, especially regarding the use and preservation of such temporary audio recordings.

**19.** Braille editions of published literary or musical works may be printed and published. The works may also be photographed for use in schools for persons with speech and hearing impediments.

**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 program, without the music, for the benefit of the audience.

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

**21.** A published literary or musical work that is not a dramatic work may be performed publicly in the following circumstances:

1. for educational purposes. The author is entitled to remuneration if admission is specially charged for the performance;
2. at gatherings held for purposes of charity and public gatherings for the promotion of culture or education or in support of causes otherwise favorable to the common good, and provided that no remuneration is paid for the performance;
3. at gatherings that are not organized for commercial purposes or financial gain, such as meetings at schools or of societies, and other similar occasions, provided that no remuneration is paid for the performance and the admission charged is no higher than necessary to cover the direct costs incurred;
4. at religious services and other official church functions. The author is entitled to remuneration within the meaning of this item in accordance with rules<sup>1)</sup> laid down by the Minister of Education, Science and Culture.

**22.** The proceedings of public meetings of official representatives may be printed, recorded as audio recordings or copied by other means and presented, in addition to the documents regarding those activities that are made publicly available. The same applies to legal proceedings that are open to the public unless a court of law prohibits the publication of certain documents.

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<sup>1)</sup> Reg. No. 232/1974.

The provisions of the [first paragraph](#) apply also to debates on questions concerning the common good that take place at gatherings to which the public has access or which are broadcast.

The author shall have the exclusive right to publish a collection of his own statements regarding the discussions referred to in the first and second paragraphs, or of material that he may have submitted in the course of such discussions.

[22a. Access may be permitted to documents or other material under the Information Act or other Acts which grant access to information preserved by public authorities through the provision of photocopies or copies of them, even though they may contain works which enjoy protection under this Act, provided the works are not presented, copies not made of them or distributed, and they are not commercially utilized by other means, unless with the permission of the author.]<sup>1)</sup>

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

The performance authorization accorded 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, or to works whose author has issued a written prohibition against their performance in a broadcast.

Copyright organizations 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 organizations as well as members, provided they have previously been authorized to act on behalf of a substantial number of authors.

Copyright organizations 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 organization 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. Authorization must be obtained from the authors' organization concerned for permanent preservation and repeated usage. Detailed rules on the recording of works,

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<sup>1)</sup> Act No. 50/1996, Art. 25.

<sup>1)</sup> Statutes of Assoc. No. 215/1996.



their preservation and usage shall be enacted in a Regulation. In issuing such Regulation, consideration shall be given to agreements which have customarily been reached with copyright organizations 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>2)</sup>

**[23a.** [Any work that is legally broadcast either live or via satellite may be rebroadcast to the public by cable without alteration and at the same time as the original broadcast, provided that the party responsible for the rebroadcasting has acquired the right to do so by agreement with an organization that represents the legal interests of a substantial portion of Icelandic authors in the field of the work in question and 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 organization shall enjoy the same right to remuneration for the use of their works as those who are members, as provided in the [first](#) and [third paragraphs of Article 23](#). However, rebroadcasting by cable which reaches fewer than 25 residences of a multi-family dwelling or neighboring dwellings is permitted without authorization or remuneration to authors.

In the event of failure to reach agreement on authorization under the first paragraph or on conditions for the granting of such authorization, including the amount of remuneration, either party may refer contentious matters for resolution to the Rulings Committee provided for in [Article 57](#) The Minister of Education, Science and Culture may enact further rules on the implementation of this Article.]<sup>1)</sup><sup>2)</sup>

**24.** [The sale, loan, rental or distribution to the public by other means of copies of published literary or musical works is permitted. The rental or lending of copies of musical works is not permitted, however, without the permission of the right holder.

The provisions of the [first paragraph](#) apply also to cinematographic works, including video recordings, for which rental or lending to the public is not permitted without the consent of the right holder. The same applies to the rental of computer programs.]<sup>1)</sup>

**25.** [After a copy of a work of visual art has been delivered to an owner that owner may, unless an express reservation has been made to the contrary, exploit that work and make it accessible to the public. The public showing of the work at art exhibitions and similar events is not, however, permitted without the express consent of the artist with the exception of exhibitions at publicly owned galleries that are open to the general public. The provisions of this paragraph apply also to published reproductions of art works.]<sup>1)</sup>

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

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<sup>2)</sup> Act No. 57/1992, Art. 6.

<sup>1)</sup> Act No. 145/1996, Art. 2.

<sup>2)</sup> Act No. 57/1992, Art. 7.

<sup>1)</sup> Act No. 57/1992, Art. 8.

<sup>1)</sup> Act No. 57/1992, Art. 9.

importance in relation to the contents of the cinematographic work or television program. [It is also permitted to show on television a previously exhibited work without the express consent of the artist in each instance, provided that the television broadcasting station has reached an agreement concerning the material with an artists' organization that represents the interests of a significant portion of Icelandic artists and has received formal legal recognition from the Ministry of Education, Science and Culture for the exercise of those rights. Artists who are not members of the association shall enjoy the same right as members to remuneration for the use of their works. Each individual author can, however, in a written statement, prohibit the reproduction of his works under this paragraph. The organization is entitled to set tariffs for the showing of works at art exhibitions or similar events provided for in the first paragraph. The organization is also entitled to set tariffs for other forms of 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 enact detailed rules on the implementation of this paragraph.]<sup>1)</sup> 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 of it may be printed in the notices concerning the sale.

If a portrait has been painted, sculpted or otherwise created on commission, the author is not permitted to exercise his exclusive rights under [Article 3](#) without the consent of the person who commissioned the portrait, or his heirs if he is deceased.

**[25a.** The possessor of a work of visual art shall allow the artist access to the work for the purpose of reproduction or publication or another similar use that may be considered important to the artist. Any right accorded to the artist on the basis of this provision is personal and non-transferable and may not be inherited.

The possessor is not obliged to allow the artist access to the work, however, or to hand it over to him to that end, unless provision has been made to ensure that the work will not be damaged or lost.

Should an artist's request for access to his work under 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 grant of the right of access.

The possessor is entitled to the award of defense costs in such cases.]<sup>1)</sup>

**[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 which shall be paid to the artist.

That charge does not apply to structures, which are subject to the provisions concerning architecture, or to works that are considered applied art and cannot be considered originals because they are produced for general sale.

The right of an artist under the [first paragraph](#) is non-transferable and lasts for the whole term of his copyright under [Article 43](#) of this Act. The visual artists' copyright fund, or any other fund that replaces that fund, shall be entrusted with the collection of

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<sup>1)</sup> Act No. 57/1992, Art. 9.

Act No. 57/1992, Art. 9.

<sup>1)</sup> Act No. 57/1992, Art. 10.

surcharges as provided for under the first paragraph and their subsequent payment to the artists. After the death of an artist this right is transferred to his legal heirs; where he has no legal heirs, the surcharge shall accrue to the visual artists' copyright fund.

The provisions of this Article shall not apply to works of art sold at auction, as special provisions concerning the levies payable in such cases are contained in [Article 3](#) of Act No. 36/1987.

More detailed provisions on the implementation of this Article shall be laid down by Regulation.]<sup>1)</sup>

**26.** The provisions of this Chapter, with the exception of [Article 13](#), shall not prejudice the rights of an author under [Article 4](#).

When a work is made accessible to the public under this Chapter, the source and also the name of the author shall be mentioned as appropriate under the circumstances.

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

## **Chapter III**

### **Change of copyright holder**

#### **General provisions**

**27.** Subject to the limitations of [Article 4](#), an author may assign in whole or in part his copyright in a work.

If a copy of a work has been delivered to an owner, that act does not constitute assignment of copyright in the work, unless expressly stated.

**28.** Unless otherwise agreed, the assignment of copyright does not entitle the assignee to alter the work.

An assignee may likewise not assign his copyright to a third party without the consent of the author. If the copyright forms part of the assets of a business enterprise, it may, however, be assigned together with the business or part thereof. Notwithstanding such assignment, the assignor remains responsible for the fulfillment of his obligations towards the author.

29. . . .<sup>1)</sup>

**30.** If an author is married, any copyright is his personal property and may not be restricted by a marriage settlement or by other means, including the [dissolution or settlement of the marital estate]<sup>1)</sup> during the author's lifetime. Copyright royalties and revenue from the assignment of copyright are the joint property of the couple, unless

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<sup>1)</sup> Act No. 57/1992, Art. 10. Reg. No. 244/1993.

<sup>1)</sup> Act No. 11/1986, Art. 9.

<sup>1)</sup> Act No. 20/1991, Art. 136.

otherwise provided in a marriage settlement. On the death of the author the copyright shall constitute part of his marital estate, unless otherwise provided in a marriage settlement, and subject also to the provisions of the [second paragraph of Article 31](#).

Copyright shall not be subject to legal execution by creditors, whether it is held by the author himself or by others who have acquired the right by inheritance or marriage. If a person has acquired the copyright by assignment, only his right to re-assign the copyright may be subject to legal execution measures as provided in the [second paragraph of Article 28](#).

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

**31.** The general legal provisions on inheritance apply to copyright on the death of the author, subject also to 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 shall also apply to the portion of the estate that falls to his spouse.

The provisions of the [second paragraph](#) shall also apply to the works referred to in the [third paragraph of Article 30](#).

## **Performing rights**

**32.** If an author has granted permission for the public performance of a work, that shall not confer exclusive rights of performance unless expressly agreed.

If permission is granted for an indefinite time, whether or not it confers an exclusive right, the grant shall be considered valid for a period of three years only. These provisions do not apply to contracts on the performing right to which organizations of holders of such rights are party.

Where an exclusive performing right has been granted for a specified period of more than 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 to the contrary has been concluded.

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

## **Contracts for publication**

**33.** A contract for publication is a contract under which 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 contract for publication does not confer ownership of a manuscript or other original of a work being reproduced on the publisher, except where expressly so agreed.

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

The term “edition” shall be taken to mean the number of copies published at one time.

**35.** The publisher is required to publish the work within a reasonable time and to promote its distribution in whatever manner is practicable under the circumstances and in keeping with the normal practice regarding such works.

**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 at which the author submits to the publisher the final manuscript thereof or another copy which is to be used for reproduction purposes, the author may, unless a longer time has been agreed upon for publication, cancel the publishing contract, whether or not the conditions for canceling 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, having been granted the right to produce a new edition, fails to republish the work within two years of being requested to do so by the author.

When a contract for publication is canceled under the first paragraph, the author may retain any fee that he has already been paid. Should he have suffered any prejudice as a result of the publisher’s criminal default that is not fully compensated for by such payment, he has the right to claim further compensation.

**37.** The publisher shall provide the author with a written statement from the printer or other party producing the copies concerning the number of copies produced.

If the author’s right to remuneration is determined by the sale or rental of copies during a financial year, the publisher is responsible for sending him, within nine months of the end of the financial year, a statement showing sales or rentals during the year in question and the number of copies remaining in stock at the end of the year.

Where the 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 of the edition at the end of the financial year when nine months have elapsed from that time.

No author may by contract waive his rights under this 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.

**39.** Unless otherwise agreed, the publisher acquires the exclusive right to publish the work in the manner and form specified in the contract for publication. If a publisher has acquired the exclusive right of publication, the author shall not have the right to publish the work in the form or manner specified 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 has the right to publish a literary work in an edition of his collected or selected works when 15 years have elapsed from the end of the year when the publishing contract was concluded. An author may waive that right by agreement.

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

The rights of publishers shall in no way affect the copyright in individual essays, pictures or other works presented in newspapers or periodicals. It is not necessary, however, unless expressly agreed, to seek the consent of authors for the reprinting provided for in the [first paragraph](#).

The provisions of this Chapter on contracts for publication do not apply to contributions to newspapers and periodicals except as provided in the first and second paragraphs.

The provisions of [Articles 35](#) and [36](#) do not apply to contributions to composite works.

## **Contracts for cinematographic works**

41. If an author has made a contribution to a cinematographic work by contract, he may not, unless express provision has been made to the contrary, prevent the making of copies, their distribution, public exhibition or other form of communication to the public by cable or wireless means, or any other use of the work.

The provisions of the [first paragraph](#) do not apply to musical works, film manuscripts or dialogues that have been created for use in a cinematographic work, or to the contribution of the principal director.

42. When a contract has been concluded for the use of a literary or musical work in the production of a cinematographic work for public showing, the person acquiring the right to exploit the work in that manner shall, unless otherwise agreed, complete the production of the cinematographic work within a reasonable time and ensure that it is shown in whatever manner is practicable under the circumstances and in keeping with the normal practice regarding such works.

If the cinematographic work has not been completed within five years of the time at which the author fulfilled his obligations under the contract, he may, unless a longer time has been agreed upon, cancel the contract, whether or not the conditions for canceling 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 on computer programs]<sup>1)</sup>**

[42a. Unless otherwise agreed, an agreement on the right to the use of a computer program includes the right to make such changes to the program as are necessary for the agreed use, without prejudice, however, to [Article 4](#).]<sup>1)</sup>

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<sup>1)</sup> Act No. 57/1992, Art. 11.

[The copying and coding or decoding of a program is also permitted where it is unavoidable to acquire the necessary information to ensure the operating compatibility of an independent program with other programs, subject to fulfillment of the following conditions:

1. the act must be performed by a party who has legally acquired the right to use the program;
2. the information must not have been readily available to a party as referred to in item 1;
3. the act must be restricted to the part of the original program that is necessary for operating compatibility to be achieved.

Information that has been acquired by virtue of this Article may be used only to facilitate operating compatibility with other programs and not in any way that would infringe the legitimate interests of the author of the original program with respect to its normal use or violate his copyright in other ways.

No derogation from the provisions of this Article may be negotiated by contract.]<sup>2)</sup>

[**42b.** If the creation of computer programs is included among the obligations of an employment contract, the employer shall own the copyright in such programs unless a reservation is made to the contrary.]<sup>1)</sup>

## **Chapter IV**

### **Duration of copyright**

**43.** [Copyright shall subsist until 70 years have elapsed from the end of the year of the author's death. In the case of the works provided for in [Article 7](#), the said 70-year period shall be calculated from the end of the year of the death of the last surviving author. The copyright in a cinematographic work, however, shall only subsist for 70 years from the year of the death of the last of the following surviving authors of the cinematographic work:

1. the principal directors;
2. the authors of manuscripts, including the authors of dialogue;

the composers of music composed specially for use in the motion picture.]<sup>1)</sup>

**44.** [When a work has been presented anonymously in accordance with the [second paragraph of Article 8](#), the copyright in the work shall subsist 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, or volumes or in a similar fashion, an independent term of copyright shall apply in respect of each individual protected part.

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<sup>1)</sup> Act No. 57/1992, Art 11.

<sup>2)</sup> Act No. 145/1996, Art. 3.

<sup>1)</sup> Act No. 57/1992, Art. 11.

<sup>1)</sup> Act No. 145/1996, Art. 4.

If the author is named, as provided in the [second paragraph of Article 8](#), before the prescribed 70-year period has elapsed, or if it is established that the author died before the work was presented, the term of copyright shall be as provided in [Article 43](#).

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

[**44a.** If a work has not been presented to the public within the term of protection provided for in [Articles 43](#) and [44](#), the party who first presents the work after that term has elapsed shall acquire rights of commercial exploitation of the work comparable to those enjoyed by authors under the provisions of this Act. Protection shall last until 25 years have elapsed from the end of the year of presentation.]<sup>1)</sup>

## **Chapter V**

### **Various rights related to copyright<sup>1)</sup>**

**45.** [A performer has the exclusive right to produce copies of his performance and distribute them to the public, subject to the provisions of [Article 47](#). The acts listed below, for instance, are therefore prohibited without his consent:

1. the recording of a live performance for deferred presentation. A live performance means one given in person by a performer, including a broadcast performance. If a broadcasting organization has made an ephemeral recording of a performance given in person, the broadcasting of that performance is subject to the same provisions as a live performance;
2. the broadcasting 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. Where the recording of the performance is distributed to the public within the prescribed period of protection, the protection shall extend for 50 years from the end of the year of the first distribution.

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

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<sup>1)</sup> Act No. 145/1996, Art. 5.

<sup>1)</sup> Act No. 145/1996, Art. 6.

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



[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 the performances referred to in the [first paragraph](#). The provisions of the [first paragraph of Article 24](#) however, shall apply only to recordings that have first been sold, or the ownership rights therein disposed of by other means, with the agreement of the owners of rights within the European Economic Area.

If more than 12 performers are involved in a performance, the permission of a professional organization of performers is sufficient for the reproduction and reuse thereof, provided that remuneration is paid for such performance.]<sup>1)</sup>

[**45a.** Any performance that is legally broadcast either live or by satellite may be rebroadcast to the public by cable, without alteration and at the same time as the original broadcast, provided that the party responsible for rebroadcasting has acquired the right to do so by agreement with an organization representing the legal interests of a substantial portion of Icelandic performers and producers and has received for such purpose formal legal recognition from the Ministry of Education, Science and Culture, subject, however, to the provisions of [Article 47](#) on the performance of material on commercial recordings. Owners of rights who are not members of the organization shall enjoy the same rights as members, subject to the [first](#) and [third paragraphs of Article 23](#). Distribution by cable to which fewer than 25 residences of a multi-family dwelling or neighboring dwellings are connected is however permitted without authorization or remuneration of the owners of rights under this Article.

In the event of a failure to reach agreement on authorization under the first paragraph or on the conditions for the grant of such authorization, including the amount of remuneration, either party may refer matters in dispute to the Rulings Committee provided for in [Article 57](#) for settlement. The Minister of Education, Science and Culture may enact further rules for the implementation of this Article.]<sup>1)</sup>

**46.** [No reproduction or distribution by any means to the public of video and audio recordings, including phonograph records, is 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. Where a recording is distributed to the public within the prescribed period of protection, that protection shall continue for 50 years from the end of the year of the first such 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](#), [Articles 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, apply only to recordings that have first been sold, or the ownership rights therein disposed of by other means, with the agreement of the owners of rights within the European Economic Area.]<sup>1)</sup>

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<sup>1)</sup> Act No. 145/1996, Art. 7.

<sup>1)</sup> Act No. 145/1996, Art. 8.

<sup>1)</sup> Act No. 145/1996, Art. 9.

47. [Where an audio recording that has been published is used during the period referred to in [Article 46](#) in a broadcast or other public distribution of the performance, regardless of whether that use is live or itself taken from a broadcast, the user shall be required to remunerate both the producer and the performer in a single payment for the use.

Any demand for remuneration under the first paragraph may only be made by a collecting association of producers' and performers' organizations. Such 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 sharing of revenue among the member organizations of the association.

Where the producer of an audio recording or the performer is entitled to remuneration under this Article, it shall be so provided in a general agreement with the collecting association referred to in the second paragraph and the user or his organization. The parties may refer disputes concerning remuneration to the Rulings Committee provided for in [Article 57](#). That Committee may require a user to provide adequate guarantees for the payment of remuneration until a ruling is made or, failing that, issue instructions to stop the use of protected commercial recordings until guarantees have been provided. Collecting associations may, however, set tariffs<sup>1)</sup> for the use of recordings for purposes other than in broadcasts. Such tariffs shall be subject to approval by 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.]<sup>2)</sup>

48. The following acts shall be prohibited without the consent of a broadcasting organization:

1. the rebroadcasting (simultaneous transmission) of a broadcast and its distribution by cable;
2. the 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. The rights of a broadcasting organization under this item shall subsist for 25 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](#) [Articles 18](#) and [21](#) and the [second paragraph of Article 23](#) shall apply as appropriate.

49. The reproduction of photographs that do not enjoy protection as works of art under 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

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<sup>1)</sup> Tariff No. 214/1996.

<sup>2)</sup> Act No. 145/1996, Art. 10.

to the public on a commercial basis or for profit, the photographer or his successor in title shall be entitled to remuneration. The protection of a photograph under this paragraph shall subsist until 25 years 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.

**50.** A written and published work that is not protected by copyright may not be reprinted or otherwise reproduced until 10 years have elapsed from the end of the year of its publication.

The provisions of [Chapter II](#) of this Act shall apply as appropriate.

## **Chapter VI**

### **Miscellaneous provisions**

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

**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 risk of the reproduction being confused with the original.

**53.** The provisions of the [second paragraph of Article 4](#) shall apply to literary and artistic works that are not subject to copyright.

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

## **Chapter VII**

### **Penalties, compensation, claim procedures and other provisions**

**54.** Penalties for the infringement of this Act shall only be imposed if the violation is a premeditated act or due to gross negligence.

[The following shall be subject to fines . . .<sup>1)</sup> or imprisonment for up to two years:]<sup>2)</sup>

1. acts that infringe the exclusive rights of authors under [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](#),

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<sup>1)</sup> Act No. 82/1998, Art. 162.

<sup>2)</sup> Act No. 78/1984, Art. 5.

the [first paragraph of Article 39](#) [Article 53](#) and the directions mentioned 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](#) insofar as it refers 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 protected under [Chapter V](#) of this Act if those copies are produced abroad under circumstances which, in this country, would make their production illegal, the importation being intended for public showing or distribution;
- [6. the importation and manufacture of audio or video recording equipment or tapes for distribution to the public, and the distribution of such equipment or tapes to the public without payment of the copyright fee provided for in the [third](#) and [fourth paragraphs of Article 11](#), or in rules laid down in accordance with the [third paragraph](#) thereof.]<sup>3)</sup>

If a company or other enterprise commits such a violation, it shall be liable to a fine.

**55.** If copies of works have been produced, imported into this country or presented to the public in violation of the provisions of this Act or directions given under the [second paragraph of Article 31](#) a court may order the seizure without payment of such copies and their surrender to the injured party, or their surrender to him against payment not exceeding production costs. The same applies to printing blocks or plates, photographic plates or similar objects used, or capable of being used, in the preparation or production of the offending material.

A decision may be taken to destroy the objects or copies or otherwise make them unfit for unlawful use, either wholly or in part, instead of seizing them to be handed over under 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.

**56.** When an offense punishable by this Act has caused financial harm, compensation shall be paid according to the general laws concerning compensation.

[An author or performer shall be awarded compensation for non-material damage against a person who has unlawfully infringed his rights.]<sup>1)</sup>

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<sup>3)</sup> Act No. 78/1984, Art. 6.

<sup>1)</sup> Act No. 78/1984, Art. 7.

The injured party may be awarded compensation payable by the person who infringed his rights, even if he did so unknowingly; such compensation may not exceed the profit gained by the latter by means of the offense, however.

**57.** [If no agreement is reached regarding the amount of the remuneration 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 appointed by the Minister of Education, Science and Culture from a group of five persons nominated by the Copyright Committee provided for in [Article 58](#) Before issuing its ruling the Committee shall attempt to reconcile the parties. The ruling of the Committee is the final administrative solution to the dispute. Members of the Committee shall be remunerated by the Treasury. Detailed provisions concerning the duties of the Committee shall be laid down by Regulation.<sup>1)2)</sup>

**58.** [A five-person committee of copyright experts, appointed by the Minister of Education, Science and Culture for a four-year term, shall advise him on questions of copyright. The principal associations of copyright holders in the country shall be consulted in the selection of members of the committee. A Copyright Council shall also be created. The Council shall be informed of and shall discuss any questions concerning copyright that are of current concern. The Council shall be composed of representatives appointed by those organizations that have received formal legal recognition by the Ministry for the exercise of authors' rights, and by the other principal associations of copyright holders in the country. It shall also include representatives of broadcasting organizations and other interest groups. Persons sitting on the Copyright Committee shall also sit on the Council in addition to those expressly appointed to the Council by the Minister of Education, Science and Culture. The Minister, or his appointed representative, shall act as chairman at meetings of the Council. He shall also enact detailed rules concerning the Copyright Committee and the Copyright Council.]<sup>1)</sup>

**59.** [Violations of this Act shall make the offender 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 under 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 for violation of 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, subject to the [second paragraph of Article 45](#).]<sup>2)</sup>

Proceedings instituted for violation of the provisions of [Article 53](#) shall be subject to public prosecution at the instigation of the Minister of Education, Science and Culture.

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<sup>1)</sup> Reg. No. 97/1996.

<sup>2)</sup> Act No. 57/1992, Art. 14.

<sup>1)</sup> Act No. 57/1992, Art. 15.

<sup>1)</sup> Act No. 57/1992, Art. 16.

<sup>2)</sup> Act No. 78/1984, Art. 8.

## Chapter VIII

### Scope of the Act

**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 ordinarily resident in this country;
4. works first published in this country as provided in the [second paragraph of Article 2](#);
5. structures that have been erected in this country and works of art incorporated in them;
6. cinematographic works, if the head office of the commercial enterprise of the producer thereof is located in this country or the producer himself is permanently resident in this country.

[The provisions of [Article 25b](#) shall apply to works by Icelandic nationals or foreign nationals resident in Iceland. They shall also apply to works by nationals of States that grant similar protection to Icelandic works.]<sup>1)</sup>

[The provisions of [Article 44a](#) shall apply to the presentation of works by nationals of or persons domiciled in countries of the European Economic Area.]<sup>2)</sup>

The provisions of the [second paragraph of Article 4](#) and [Articles 51](#) to [53](#) shall apply to all works covered by [Article 1](#), regardless of their origin or the nationality of the authors.

**61.** [The provisions of this Act shall also cover literary and artistic works created before its entry into force. The same shall apply to performances and audio and video recordings, provided for in [Chapter V](#) of the Act.

The provisions of the first paragraph shall not however apply to measures that have already been taken, or to rights acquired by third parties, on the basis of earlier Acts. The continuing distribution to the public or public showing of copies of works or of performances is permitted if the making of those copies was unrestricted at the time their distribution or showing took place, without prejudice, however, to the provisions of [Article 24](#) prohibiting the rental or lending of works.

If the production of copies of a work or performance that was not protected under previously applicable legislation has begun prior to the entry into force of the Act, or if substantial preparations have been made for such production, the scheduled, necessary and normal production of copies may be completed but not later than by January 1, 2000. Copies produced in this manner may be distributed or shown to the public.

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<sup>1)</sup> Act No. 57/1992, Art. 17.

<sup>2)</sup> Act No. 145/1996, Art. 11.

If a work or performance is part of a recording for broadcasting purposes, made either while the work or performance did not enjoy protection or on the basis of authorization under the third paragraph, such recordings may be used for broadcasting until January 1, 2000. The same applies to the public showing of cinematographic works.

Where, owing to a change in the term of protection under this Act, the term of protection of a work or performance becomes shorter than it would have been under the previously applicable legislation, the term of protection under the earlier legislation shall apply. This shall not apply, however, where the circumstances provided for in the [third paragraph of Article 44](#) obtain.]<sup>1)</sup>

**[61a.** The scope of this Act may be so extended that its provisions apply to foreign nationals, subject to reciprocity. To that end the national Government may verify international agreements providing for mutual protection with or without such qualification as it may deem appropriate and may be allowed to impose. Reciprocity, for the purposes of this Article, means the requirement that owners of copyright of each State party to the agreement enjoy the same rights in another State party to the agreement as 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 that have been previously ratified by Iceland.]<sup>1)</sup>

**62.** The provisions of [items 1 to 4 of the first paragraph of Article 60](#) shall apply, as appropriate, to the photographs and printed works referred to in [Articles 49](#) and [50](#).

**63.** The provisions of this Act apply also to literary works and artistic works created before the Act came into force. The same shall apply to the performances, audio recordings and broadcasts provided for in [Chapter V](#) of this Act.

**64. . . .**

**65.** This Act shall enter into force six months after it has received official confirmation.

*(This text replaces the one previously published in Copyright, 1985, pp. 190 and 191.)*

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<sup>1)</sup> Act No. 145, 1996, Art. 12.

<sup>1)</sup> Act No. 57/1992, Art. 18.