

Copyright Act

1972 No 73, 29 May

Entry into force 29 November 1972. *Amending acts:* Act No 78/1984 (entry into force 13 June 1984); Act No 11/1986 (entry into force 1 May 1986); Act No 20/1991 (entry into force 1 July 1992); Act No 57/1992 (entry into force 1 October 1992); Act No 50/1996 (entry into force 1 January 1997); Act No 145/1996 (entry into force 30 December 1996; *EEA Agreement:* Annex XVII, Directives 91/250/EEC, 92/100/EEC, 93/83/EEC and 93/98/EEC); Act No 82/1998 (entry into force 1 October 1998); Act No 60/2000 (entry into force 26 May 2000; *EEA Agreement:* Annex I, Directives 91/250/EEC and 92/100/EEC); Act No 9/2006 (entry into force 11 March 2006; *EEA Agreement:* Annex XVII, Directive 2001/29/EC); Act No 23/2006 (entry into force 3 May 2006; *EEA Agreement:* Annex XX, Directive 2003/4/EC); Act No 97/2006 (entry into force 30 June 2006; *EEA Agreement:* Annex XVII, Directive 2001/84/EC); Act No 88/2008 (entry into force 1 January 2009 with the exception of Transitional Provision VII which entered into force on 21 June 2008); Act No 93/2010 (entry into force 2 July 2010); Act No 38/2011 (entry into force 21 April 2011; *EEA Agreement:* Annex X, Directive 89/552/EEC); Act No 126/2011 (entry into force 30 September 2011); Act No 9/2016 (entry into force 5 March 2016); Act No 10/2016 (entry into force 5 March 2016; *EEA Agreement:* Annex XVII, Directive 2012/28/EU); Act No 11/2016 (entry into force 5 March 2016; *EEA Agreement:* Annex XVII, Directive 2011/77/EU); Act No 109/2016 (entry into force 22 October 2016); Act No 90/2018 (entry into force 15 July 2018; *EEA Agreement:* Annex XI, Regulation No 2016/679). Act No 53/2019 (entry into force 1 July 2019); Act No 88/2019 (entry into force 1 January 2020 with the exception of Article 32, which enters into force one year after the entry into force of Decision of the EEA Joint Committee No 186/2017; *EEA Agreement:* Annex XVII, Directive 2014/26/EU); Act No 153/2020 (entry into force 6 January 2021); Act No 13/2021 (entry into force 26 March 2021 with the exception of Article 2(c)(2) and Article 2(c)(3) (Article 19c), which only enter into force when the Marrakesh Treaty enters into force for Iceland and the Minister has published in the Law Gazette a notice concerning that entry into force in accordance with Transitional Provision II; *EEA Agreement:* Annex XVII, Directive 2017/1564). Act No 27/2021 (entry into force 30 April 2021).

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Education, Science and Culture** or to the **Ministry of Education, Science and Culture** as responsible for the implementation of this Act.

Section I Authors’ rights, etc.

■ Article 1

- The author of a literary or artistic work has the proprietary right thereto with the limitations stated in this Act.
- Literary and artistic works include oral and written texts; dramatic works; musical compositions; works of visual art; architectural, cinematographic, and photographic works; applied arts; and other comparable art forms, irrespective of the means by which, and the form in which, a work is expressed.
- Maps, drawings, casts, models and other similar objects capable of providing information about specific issues or explaining them are protected in the same manner as literary works.
- [The provisions of the third paragraph also apply to computer programs.] (1)

(1) Act No 57/1992, Article 1.

■ Article 2

- [Subject to the limitations laid down in this Act, authors have the exclusive right to reproduce their works and to make them available to the public in their original or amended form; in translation or other adapted form; in a different literary genre or art form; or using a different type of technology.
- A reproduction is any act of creating, directly or indirectly, a temporary or permanent copy of a work as a whole or of any of its parts, by any means and in any form whatsoever. Reproduction includes the transfer of a work to a medium capable of being used to redistribute the work.
- A work is considered to have been made available to the public where:
 1. copies of the work are offered for sale or rent or on loan, or distributed to the public in other ways;
 2. copies of the work are exhibited in public;
 3. the work is communicated publicly.
- A communication is considered ‘public’, for the purposes of point 3 of the third paragraph, when:
 1. a work is communicated to the public by wire or wireless means, including when it is broadcast or made available in a manner enabling members of the public to gain access to the work wherever, whenever and through whatever device they choose;
 2. a work is communicated in a workplace to a sizeable audience which ordinarily is regarded as a closed group of persons;
 3. a broadcast of a piece of music or a literary work is made available to the public by relaying the broadcast by means of a speaker, or in other similar ways, in a space open to the public.
- In regard to the communication of a work, the term ‘broadcast’ covers both radio and television broadcasts unless otherwise specified.] (1)

(1)Act No 9/2016, Article 1.

■ Article 3

- [A work is considered to have been made public when it has been lawfully made available to the public.
- A work is considered to have been published when copies of it have been publicly offered for sale, on loan or for rent, or distributed to the public in other ways, with a legitimate authorisation.] (1)

(1)Act No 9/2016, Article 2.

■ Article 4

- To the extent appropriate, the name of the author must both be indicated on individual copies of a work and made known when the work is made public.
- It is prohibited to alter an author’s work or make it public it in a manner or in a context as would prejudice the author’s honour or characteristics as an author.
- The decision by an author to relinquish any right provided for in this Article is without effect, except in individual instances where both the type of right waived and the content concerned are duly specified.

■ Article 5

- A person who translates a work, modifies it for a specific type of use, converts it from one literary or artistic form to another, or adapts it in any other manner acquires copyright in the work in its new form. This right does not affect copyright pertaining to the original work.
- Where a work has served as a model or been used in any other way in the creation of another work which may be regarded as new and independent, the new work is independent of the copyright in the older work.

■ Article 6

□ Where works, or parts of works, by one or more authors are incorporated into a composite work capable of being considered a literary or artistic work in itself, the person creating the composite work acquires copyright therein. This right does not affect copyright pertaining to the works incorporated into the composite work.

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

□ ... (1)

(1) Act No 9/2016, Article 3.

■ Article 7

□ Where a work has two or more authors whose individual contributions cannot be separated as independent works, the authors have a joint copyright in the work.

■ Article 8

□ Until the contrary is proven, the author of a work is considered to be the person whose name is indicated in the usual manner on copies of the work, or declared to be the author when the work is made public. This also applies to authors who make use of pseudonyms or identifying marks in those cases where the identity of the author is a matter of general knowledge. The foregoing provisions also apply to the producer of a cinematographic work. [Moreover, in cases of major or continuous communication of works, or extensive reproduction or rental, it is to be assumed that the works communicated, rented or reproduced are protected by the Copyright Act unless demonstrated otherwise.] (1)

□ Where a work is published without the name of the author being indicated in the manner referred to in the first paragraph, the publisher is to act on behalf of the author until the latter's name appears in a new edition of the work or is notified to the [Minister]. (2)

(1) Act No 57/1992, Article 2. (2) Act No 126/2011, Article 56.

■ Article 9

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

■ Article 10

□ [Where a work to which this Act applies, or any part thereof, is registered as a design under Act No 46/2001, this does not preclude parallel copyright protection.] (1)

(1) Act No 9/2016, Article 4.

Section II [Limitations on copyright, and copyright management based on extended collective licensing](1)

(1) Act No 9/2016, Article 15.

■ [Article 10a

□ An author's exclusive right under Article 3, (1) cf. Article 2, does not apply to reproductions that:

1. are transient or incidental;
2. constitute an integral and essential part of a technological process;
3. are created for the sole purpose of enabling either efficient transmission between third parties over a network by an intermediary, or the lawful use of a work or other material; and
4. have no independent economic significance.

□ The provisions of the first paragraph do not apply to computer programs or databases.] (2)

(1) Presently Article 2 cf. amendments introduced by Act No 9/2016, Articles 1 and 2. (2) Act No 9/2006, Article 1.

■ Article 11

□ [Works that have been made public may be reproduced by natural persons exclusively for private use, provided that this is not done for commercial purposes. Copies thus created may not be used for any other purpose.] (1)

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

1. erect architectural structures reproducing a work which is protected by rules pertaining to architecture;

2. reproduce works which are protected by rules pertaining to sculpture, applied arts or drawing, where the assistance of other persons is sought for this purpose;

3. reproduce protected musical or literary works, where the assistance of third parties who carry out such reproduction for a commercial purpose is sought;

4. reproduce protected computer programs], (2)

5. [reproduce machine-readable copies of databases.] (3)

□ [The authors of works which have been broadcast, made available in a manner enabling members of the public to gain access to a work wherever, whenever and through whatever device they choose, or published as phonograms or audiovisual recordings, are entitled to fair compensation for the reproduction of the works for private use. The compensation is to be paid annually to a collective management organisation from an appropriation in the National Budget. The payment should constitute a fair compensation for the reproduction of the aforementioned works for private use, and should be calculated as the following percentages of the customs value of tapes, hard disks, optical disks or other storage media, whatever their form, capable of being used to make analogue or digital recordings of sound or images, as well as of devices intended to be used to make such recordings for private use and which have been imported into, or manufactured in, this country in the preceding year:

Tariff heading	Description	Percentage (%) of customs value
8523.2922–8523.2929	unrecorded magnetic tapes	2
8523.2912–8523.2919	unrecorded videotapes	2
8523.4112 and 8523.4113	optical disks	2
8523.5111 and 8523.5119	semiconductor memory devices (USB memory keys)	4
8523.5211 and 8523.5219	chip cards (SD cards)	4
8471.3001–8471.4909	laptops, tablets and computers	1
8471.7000	external data storage units (external disk drives, housings with in-built hard drives) up to 12 TB	4
8519.8110–8519.8990	sound recording apparatus	1
8521.1029 and 8521.9023	video recording apparatus	1
8527.1303	reception apparatus for radio broadcasting, with sound recording apparatus	2
8517.1200	hand units for mobile telephone networks or other wireless networks, with the capacity to record sound and images	1

□ The compensation referred to in the third paragraph is to be paid to a collective management organisation authorised by the Minister to exercise such rights on behalf of authors. The organisation distributes the compensation to their member associations, after deducting a reasonable administration fee. The authorisation of a collective management organisation pursuant to this Article is governed by the procedural rules of Article 26a(4) and any rules issued on the basis of that paragraph. The tribunal set up pursuant to Article 57 is to carry out, at intervals no longer than three years, a review of the basis used to calculate fair compensation pursuant to the third paragraph, and submit any proposals for changes to the Minister.] (4)

□ ... (4)

(1)Act No 9/2006, Article 2. (2)Act No 57/1992, Article 3. (3)Act No 60/2000, Article 2. (4)Act No 109/2016, Article 1. According to Article 4 of the same Act, compensation pursuant to the third paragraph is to be paid for the first time on 1 March 2017.

■ [Article 11a](1)

□ [Notwithstanding the provisions of Article 11(2)(4), the owner or lawful user of a copy of a published computer program may make copies of the program, including backup and security copies, as necessary for the user's utilisation of the program. Such copies may not be used in other ways, and the right to use them expires on the transfer of the owner's original copy to other persons.] (2)

□ [Furthermore, anyone who has acquired the right to use a computer program may, without the specific permission of its author, inspect, investigate and test the program for the purpose of studying its functions and the ideas and principles underlying the individual aspects of the program, provided that such actions are related to the uses permitted to a rightholder in connection with the utilisation of the program.

□ The provisions of this Article cannot be overridden by contract.] (3)

(1)Act No 57/1992, Article 4. (2)Act No 60/2000, Article 3. (3)Act No 145/1996, Article 1.

■ Article 12

□ [Public archives; public libraries; university libraries and any other libraries supported with public funds; other public collecting institutions; and collecting institutions governed by the Museum Act may reproduce:

1. works for purposes of safekeeping and preservation;

2. works from which parts are missing, provided that such parts constitute a minor proportion of the work, and which cannot be obtained in the general market or from the publisher; the right to reproduction under this provision only applies to those parts of a work which are missing from the copy held by the collecting institution concerned;

3. works, copies of which the institution concerned is legally required to keep in its collections and which cannot be obtained in the general market or from the publisher;

4. works the originals of which are too delicate for lending and which cannot be obtained in the general market or from the publisher.

□ The right of reproduction set out in the first paragraph only extends to copies which are intended for use in the context of the work of the collecting institutions and not for commercial purposes. However, collecting institutions may lend copies created in accordance with points 2 to 4 of the first paragraph.

□ The right of reproduction set out in the first paragraph does not extend to computer programs in digital form, with the exception of computer games.] (1)

(1)Act No 93/2010, Article 1.

■ [Article 12a

□ The institutions referred to in Article 12(1) may grant individuals access, for purposes of research or education, to works that have been made public but are not subject to purchase or licence agreements, by means of special equipment to be used within their premises.] (1)

(1)Act No 93/2010, Article 2.

■ [Article 12b

□ Collecting institutions falling under Article 12(1) may reproduce any works that have been made public and that are contained in their collections, and make them available to the public, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing.] (1)

(1)Act No 9/2016, Article 5.

■ [Article 12c

□ The term ‘orphan work’ designates a work in written form, a phonogram, an audiovisual work or a cinematographic work where none of the rightholders in that work have been identified and located despite a diligent search having been carried out, cf. Article 12e.

□ Where there is more than one rightholder in a work covered by the first paragraph and not all of them have been identified and located, the work may be used in accordance with the provisions of this Section, provided that the rightholders that have been identified and located have given permission for such use in relation to the rights they hold.

□ If a previously non-identified or non-located rightholder of a work comes to the attention of an institution that uses works in accordance with the provisions of this Section, the work in question is no longer to be considered orphan and the use thereof no longer permitted without the rightholder’s consent. The rightholder is entitled to receive fair compensation from the institution concerned for any use that has already been made of the work. Moreover, the institution must notify the changed status of the work to the authority competent for receiving notifications pursuant to Directive 2012/28/EU of the European Parliament and of the Council, cf. Article 12e(5).

□ A work or phonogram which is considered to be orphan under the legislation of another Member State of the European Economic Area is also to be considered orphan in Iceland.] (1)

(1)Act No 10/2016, Article 1.

■ [Article 12d

□ Publicly accessible libraries, educational establishments, museums, archives, film or audio heritage institutions, and public-service media service providers are permitted to use orphan works as laid down in this Section.

□ If established in the European Economic Area, the institutions referred to in the first paragraph are permitted to use orphan works contained in their collections in the following ways:

1. By reproducing orphan works for the purposes of digitisation, indexing, cataloguing, preservation, restoration, and making the works available to the public;

2. By making orphan works available in a manner enabling members of the public to gain access to the work wherever, whenever and through whatever device they choose.

□ The uses described in the second paragraph are permitted provided that:

1. the work has a connection with a Member State of the European Economic Area through having been:

(a) published first in one of the Member States of the European Economic Area;

(b) broadcast first in one of the Member States of the European Economic Area;

(c) made available to the public by an institution referred to in the first paragraph with the rightholder’s consent, without having been published or broadcast, where there is no reason to believe that the rightholder would be opposed to such use of the work.

2. Revenue generated by such use may only be used to cover the cost of digitising orphan works, and to make them available to the public in accordance with the provisions of this Article.

3. Where the rightholder of an orphan work has already been identified, the rightholder's name must be mentioned in connection with the use of the work.

□ Public-service media service providers may only use orphan phonograms and audiovisual or cinematographic works from their archives if those works are their own production dating from before 1 January 2003.

□ Works that are incorporated in, or constitute an integral part of, an orphan work may be used by institutions referred to in the first paragraph in accordance with other provisions of this Article.] (1)

(1) Act No 10/2016, Article 1.

■ **Article 12e**

□ A diligent search for the rightholder must be carried out before declaring a work in written form, a phonogram, an audiovisual work or a cinematographic work to be an orphan work as described in Article 12c. An institution which is permitted under Article 12d(1) to use orphan works and intends to do so must ensure that such a search has been carried out and recorded.

□ The search must be carried out by consulting the appropriate sources for the category of works in question. It must always include the sources listed in the Annex to Directive 2012/28/EU of the European Parliament and of the Council.

□ The search is to be carried out in the Member State of the European Economic Area of first publication or first broadcast. If, in the absence of publication or broadcast, the work has been made available to the public by an institution referred to in Article 12d(1) with the rightholder's consent, the search is to be carried out in the Member State of the European Economic Area where the institution is located. In the case of a cinematographic work the producer of which has its headquarters or habitual residence in a Member State of the European Economic Area, the search is to be carried out in that state.

□ If there is evidence to suggest that relevant information on rightholders is to be found in other countries than those covered by the third paragraph, sources of information available in those other countries must also be consulted.

□ The Minister may issue more detailed implementation and registration rules to be applied to diligent searches and the use of orphan works, including in regard to the types of sources that should be consulted for each category of work, and in regard to the dissemination of registered information to the competent authority entrusted by the Minister with the task of receiving notifications under Directive 2012/28/EU of the European Parliament and of the Council.] (1)

(1) Act No 10/2016, Article 1.

■ **Article 13**

□ A building having protected status under rules pertaining to architecture may, despite that status, be modified without the author's consent to the extent that this is considered necessary for its intended use or for technical reasons.

□ Objects protected by rules pertaining to applied arts may be modified without the author's consent.

■ **Article 14**

□ Literary works that have been made public, including dramatic works, as well as cinematographic and musical works that have been made public, may be quoted directly in the context of criticism or review, academic research, general presentations, or for any other legitimate purpose, provided that the quotation is of a reasonable length and reproduced faithfully.

□ It is permitted, subject to the same conditions, to use images and drawings of works of art, and of materials referred to in Article 1(3), that have been made public, [provided that this is not done for commercial purposes]. (1)

□ [Works of art may be reproduced in general educational material, in the context of criticism or review, or academic research, even for commercial purposes, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing. This does not apply, however, where the author has prohibited a contracting party from using a work in this manner.] (2)

(1)Act No 9/2006, Article 4. (2)Act No 9/2016, Article 6.

■ Article 15

□ Topical articles appearing in newspapers, journals or periodicals and relating to economics, politics, or religion, as well as broadcast material of a similar nature, may be reproduced in newspapers, journals, periodicals and broadcasting media, unless notice is given in connection with the article or in the broadcast that such reproduction is prohibited. The source must always be stated in connection with this type of reproduction.

□ Images or drawings of works of art that have been made public may be reproduced in newspapers and periodicals or shown on television or on film in connection with the reporting of topical events. However, this does not extend to works which have been created for the purpose of making them public in the manner described above.

□ Whenever the communication or display of a work ties into a topical event which is reported to the public through a broadcast or in a film, individual sections of the work may be included in the visual material showing the event or in the news report describing it.

□ [Where a broadcaster transmits short extracts as permitted by Article 48(4), the transmission may also cover works that are protected under this Act.] (1)

(1)Act No 38/2011, Article 65.

■ [Article 15a ... (1)] (2)

(1)Act No 9/2016, Article 7. (2)Act No 57/1992, Article 5.

■ Article 16

□ It is permitted to create and make public images of buildings, as well as of works of art that have been permanently placed in outdoor public places. Where a building enjoying protection under rules pertaining to architecture, or a work of art as described above, is the main feature of an image that is sold in the market, the author is entitled to remuneration, except in the case of newspaper and television images.

■ Article 17

□ The following may be included in composite works consisting of selections from works by many authors and intended for use in religious services, classroom instruction or educational broadcasts, [provided that this is not done for commercial purposes]: (1)

1. Individual literary and musical works, when of limited size, and sections of larger works, when five years have elapsed from the end of the calendar year in which they were published;

2. Images and drawings of works of art, or of material referred to in Article 1(3), incorporated into a work falling under point 1, provided that five years have elapsed from the end of the calendar year in which the work was made public.

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

□ Where a work is included, in whole or in part, in a composite work in accordance with this Article, the author is entitled to remuneration.

(1)Act No 9/2006, Article 5.

■ Article 18

- [Public and private institutions, organisations and companies may reproduce, or have reproduced, published works for use in their operations, as well as reproduce, through the use of a recording, works which are broadcast on radio or television or which are made available in the content delivery network of a media service provider in a manner enabling members of the public to gain access to a work wherever and whenever they choose, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing. This does not apply, however, where the author has prohibited a contracting party from using a work in this manner.
- The provisions of the first paragraph do not apply to cinematographic works intended for theatrical release, even when shown on television, with the exception of short excerpts from each work, nor to computer programs in digital form.
- Copies made under the provision of the first paragraph may only be used in the own operations of the institution, organisation or company which is covered by an agreement drawn up pursuant to Article 26a.] (1)

(1) Act No 9/2016, Article 8.

■ Article 19

- [[[The reproduction and distribution of copies of published works is permitted when such copies are specifically intended for persons who are deaf or have a speech and language impairment, to the extent that the provisions of Articles 19a to 19e do not apply.] (1) This provision does not apply where the reproduction or distribution is carried out for commercial purposes.] (2)
- The provision of the first paragraph does not apply to the reproduction of sound recordings ... (2)
- ... (1)] (3)
- [Central and local government institutions and other institutions working in the public interest and having no commercial purpose may reproduce, in the form of either an audiovisual recording or a phonogram, works which are broadcast on radio or television or which are made available in the content delivery network of a media service provider in a manner enabling members of the public to gain access to a work wherever and whenever they choose, for use by the blind, visually impaired, deaf, or those who as a result of disability or for other reasons are unable to take advantage of traditional media services, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing. Such recordings may only be used within the institution covered by an agreement drawn up pursuant to Article 26a. [The provisions of this paragraph do not apply to fields covered by the provisions of Articles 19a to 19e.] (1)] (4)

(1) Act No 13/2021, Article 1. (2) Act No 93/2010, Article 4 (3) Act No 9/2006, Article 6. (4) Act No 9/2016, Article 9.

■ [Article 19a

- For the purposes of Articles 19b to 19e, the following definitions apply:
 1. *Beneficiary person* means any person who, regardless of any other disability:
 - (a) is blind;
 - (b) has a visual impairment which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment, and who is, as a result, unable to read printed works to substantially the same degree as a person without such an impairment;
 - (c) has a perceptual or reading disability and is, as a result, unable to read printed works to substantially the same degree as a person without such disability; or
 - (d) is otherwise unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.

2. *Accessible format copy* means a copy of a work or other subject matter in an alternative manner or form that gives a beneficiary person access to the work or other subject matter, including allowing such person to have access as feasibly and comfortably as a person without any of the impairments or disabilities referred to in point 1.

3. *Authorised entity* means a non-profit entity that is authorised or recognised by a member state of the European Economic Area or any other state party to the Marrakesh Treaty, cf. point 4, to provide education, instructional training, adaptive reading or information access to beneficiary persons. The definition includes public institutions and non-profit organisations that provide the same services to beneficiary persons as one of its primary activities, institutional obligations or as part of their public-interest missions.

4. *Marrakesh Treaty*: means the Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities, adopted in Marrakesh on 27 June 2013.] (1)

(1) *Act No 13/2021, Article 2.*

■ [Article 19b

□ The provisions of Articles 19c to 19e apply to works that have been made public in the form of books, journals, newspapers, magazines and other kind of writing, notation, including sheet music, and related illustrations, in any media.] (1)

(1) *Act No 13/2021, Article 2.*

■ [Article 19c

□ A beneficiary person, or a person acting on their behalf, may make an accessible format copy of a work or other subject matter to which the beneficiary person has lawful access for the exclusive use of the beneficiary person.

□ (1) An authorised entity may make an accessible format copy of a work or other subject matter to which it has lawful access, or communicate, make available, distribute or lend an accessible format copy to a beneficiary person or another authorised entity established in the European Economic Area, provided that this is done on a non-profit basis and for the purpose of exclusive use by a beneficiary person. Similarly, an authorised entity may, subject to the same conditions, communicate, make available, distribute or lend an accessible format copy to a beneficiary person residing in, or to another authorised entity established in, a state party to the Marrakesh Treaty.

□ (1) A beneficiary person, or an authorised entity, may gain or have access to an accessible format copy of a work which is communicated, made available, distributed or lent by an authorised entity established in the European Economic Area, or by an authorised entity established in a state party to the Marrakesh Treaty.

□ The provisions of the second and third paragraphs cannot be overridden by contract.] (2)

(1) *The second and third paragraphs of the Article only enter into force when the Marrakesh Treaty enters into force for Iceland and the Minister has published a notice in the Law Gazette concerning that entry into force in accordance with Transitional Provision II; (2) Act No 13/2021, Article 2.*

■ [Article 19d

□ If an authorised entity established in Iceland makes use of Article 19c(2), the author is entitled to compensation, except in those cases enumerated in the second paragraph below. If the author's damage is insignificant no right to compensation is deemed to exist.

□ No compensation is due if an authorised entity established in Iceland makes, communicates, makes available, distributes or lends a copy of a work or other subject matter to which it has lawful access, in Braille or in another accessible format only used by beneficiary persons.

□ In the event that no agreement is reached on the compensation to be paid under the first paragraph, each party may refer the dispute to the tribunal set up pursuant to Article 57.] (1)

(1) *Act No 13/2021, Article 2.*

■ [Article 19e

□ An authorised entity established in Iceland that makes use of Article 19(2) to communicate, make available, distribute or lend an accessible format copy to beneficiary persons or to authorised entities established in the European Economic Area, or to authorised entities established in states party to the Marrakesh Treaty, or that imports accessible format copies from such entities, must establish and follow its own practices to ensure that it:

(a) distributes, communicates and makes available accessible format copies only to beneficiary persons or other authorised entities;

(b) takes appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies;

(c) demonstrates due care in, and maintains records of, its handling of works or other subject matter and of accessible format copies thereof; and

(d) publishes and updates, on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations laid down in points (a) to (c).

□ An authorised entity as referred to in the first paragraph must also provide the following information in an accessible way, on request, to beneficiary persons, other authorised entities or rightholders:

(a) the list of works or other subject matter for which it has accessible format copies and the available formats; and

(b) the name and contact details of the authorised entities with which it has engaged in the exchange of accessible format copies.

Where the recipient of information referred to in this paragraph is a beneficiary person the information must be provided in a format accessible to that person.] (1)

(1) Act No 13/2021, Article 2.

■ 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 use by the audience.

□ The author is entitled to remuneration for any use made pursuant to this Article.

■ Article 21

□ The public performance of a [published work] (1) is permitted as follows:

1. For educational purposes. The author is entitled to remuneration if the performer receives a payment for the performance;

2. At fundraising events for charity, at general social gatherings, at events held to provide information on educational or cultural issues, or in support of causes otherwise favourable to the common good, provided that no payment is made for the performance;

3. At gatherings without a business or financial purpose, such as meetings organised by schools or associations, and at other similar occasions, provided that no payment is made for the performance and that the admission charged does not exceed the direct costs incurred;

4. At religious services and other official church functions. The author is then entitled to remuneration in accordance with rules (2) issued by [the Minister] (3).

□ [The provisions of this Article do not apply to dramatic or cinematographic works.] (1)

(1) Act No 60/2000, Article 4. (2) Regulation No 232/1974. (3) Act No 126/2011, Article 56.

■ Article 22

□ Debates taking place in public at meetings of official representatives, and documents submitted officially at such meetings and relating to the business conducted, may be printed, recorded as a

phonogram, or reproduced by other means, and made public. The same applies to court sessions which are open to the public, unless a court of law prohibits certain material from being made public.

- The provisions of the first paragraph also apply to debates on common-interest issues taking place at gatherings to which the public has access or in a broadcast.
- Authors have the exclusive right to publish collections of their own contributions in debates as referred to in the first and second paragraphs, or of any material presented by them during such debates.

■ [Article 22a

- [The granting of access to documents or other case materials in accordance with the Administrative Procedures Act, the Information Act or other statutes may take place through the release of photocopies or transcripts of the material in question, even where works contained in the material are protected under this Act.
- However, the right to information under the first paragraph is subject to the condition that the works will not be made public, that no copies of them will be made or distributed, and that they will not be exploited in any other way without the consent of the author.
- Notwithstanding the provisions of the first paragraph, information may be provided in accordance with [Article 17 of the Act on Data Protection and the Processing of Personal Data]. (1) (2) (3)

(1)Act No 90/2018, Article 54. (2)Act No 23/2006, Article 18. (3)Act No 50/1996, Article 25.

■ Article 23

- [Broadcasters may broadcast published works subject to fulfilment of the conditions of Article 26a relating to extended collective licensing. The same applies to the public communication of published works by any other party, provided that such communication does not amount to communication of content within the meaning of Article 2(4)(1). However, this does not apply to dramatic or cinematographic works, or when the author has prohibited the broadcast and other performance of his or her works.
- The provisions of the first paragraph do not apply to satellite broadcasts except where a ground-based broadcast takes place simultaneously.
- In cases where a broadcaster has permission to broadcast a work, it is free to make phonograms or audiovisual recordings of it for its own internal use. More detailed rules on the recording of works and on the preservation and use thereof by broadcasters may be issued in a Regulation.] (1)

(1)Act No 9/2016, Article 10.

■ [Article 23a

- [A work which is broadcast legally, directly or via satellite, may be retransmitted to the public by cable without alteration and simultaneously to the original transmission, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing.] (1) (2)

(1)Act No 9/2016, Article 11. (2)Act No 57/1992, Article 7.

■ [Article 23b

- Broadcasters may, subject to fulfilment of the conditions of Article 26a relating to extended collective licensing, retransmit works contained in their archives and make them available in a manner enabling members of the public to gain access to the works wherever and whenever they choose, as well as making any such copies of the works as are necessary in order to broadcast them or make them available to the public. The provisions of this Article only apply to works which were broadcast prior to the coming into force of this Act and which qualify as the own production of the broadcaster concerned.

□ Authors may prohibit a broadcaster from using their works in the manner provided for in the first paragraph.] (1)

(1)Act No 9/2016, Article 12.

■ Article 24

□ [Where a copy of a work has been sold or otherwise transferred to a party within the European Economic Area with the consent of the author, its further distribution is also permitted. Where the distribution takes place in the form of a lending or rental, the provision of the first sentence also applies to sale or other transfer to parties outside the European Economic Area.

□ Notwithstanding the provisions of the first paragraph, copies of works may not be distributed to the public by means of rental except with the author's consent. However, this does not apply to works of architecture or applied arts.

□ Notwithstanding the provisions of the first paragraph, it is prohibited, except with the author's consent, to distribute to the public digital copies of films and computer programs through lending. However, this does not apply where a digital copy of a computer program constitutes part of a literary work and is lent together with it.

□ The provisions of the first paragraph do not impair the right to receive allocations under the Authors' Library Fund Act.] (1)

(1)Act No 9/2006, Article 7.

■ Article 25

□ [Following the transfer of ownership of a copy of a work of visual art, and absent a restriction to the contrary, the owner may dispose of the work and exhibit it to the public. However, the public exhibition of the work at art exhibitions and in similar ways is not permitted without the consent of the author, except in public galleries open to the general public. The provisions of this paragraph also apply to published reproductions of art works.] (1)

□ The owner of a work of visual art may photograph it or have it photographed for display in a cinematographic work or television programme, provided that the photograph is only a minor feature of the cinematographic work or television programme in question. ... (2)

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

□ Where a work of art is offered for sale, photographs of it may be included in notices concerning the offer.

□ Where a portrait has been painted, sculpted or created in any other manner on commission, the author may only exercise his or her exclusive right under [Article 2] (2) with the consent of the person who commissioned the portrait, or the heirs of that person, if deceased.

(1)Act No 57/1992, Article 9. (2)Act No 9/2016, Article 13.

■ [Article 25a

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

□ However, the custodian is not obliged to allow the author access to the work or hand it over to this end unless it has been ensured that the work will not be damaged or lost.

□ If denied a request for access to a work of visual art in accordance with the first paragraph, the author may refer the claim to a court, in which case the judge may specify in the ruling the conditions to be fulfilled for right of access to be granted.

□ In such cases, the custodian is always to be granted award of costs.] (1)

(1)Act No 57/1992, Article 10.

■ [Article 25b

- [Authors are entitled to a royalty for the resale of their original works of art, including oil, acrylic, tempera, water-colour, gouache and pastel paintings; pictures and drawings executed using other techniques; graphics works, including lithographs, engravings, etchings and woodblock prints; sculptures; textile works; glassware and mosaics; ceramics and porcelain; silver and gold works of an artistic category; and photographs (*droit de suite*). The royalty is calculated on each copy of works of art produced in one or more copies by the authors themselves or with their permission. The royalty does not apply to architectural structures.
- Royalties must be paid in the case of the resale of a work of art involving art market professionals as sellers, buyers or intermediaries, including auction houses, art galleries and art dealers. The payment of the royalties is to be ensured by the seller or intermediary. However, where the buyer is the only art market professional involved, the buyer has sole responsibility for ensuring the payment of the royalties. The royalty as calculated in Icelandic krónas may not exceed an amount corresponding to EUR 12 500.
- The royalty is to be calculated in Icelandic krónas as follows, using the sell exchange rate of the euro on the day of the transaction:
 1. 10 % for the portion of the sale price corresponding to the equivalent of up to EUR 3 000;
 2. 5 % for the portion of the sale price corresponding to the equivalent of EUR 3 000.01 to EUR 50 000;
 3. 3 % for the portion of the sale price corresponding to the equivalent of EUR 50 000.01 to EUR 200 000;
 4. 1 % for the portion of the sale price corresponding to the equivalent of EUR 200 000.01 to EUR 350 000;
 5. 0.5 % for the portion of the sale price corresponding to the equivalent of EUR 350 000.01 to EUR 500 000;
 6. 0.25 % for the portion of the sale price exceeding the equivalent of EUR 500 000.
- The right to royalties pursuant to the first paragraph remains enforceable until copyright expires, cf. Article 43. The right is personal and non-transferable. However, a deceased author's right is inherited by the author's legal heirs. Where an author's right to royalties is not inherited for lack of legal heirs, or where the amounts due cannot be assigned, they accrue to the collective management organisation referred to in the fifth paragraph.
- Royalties may only be collected by a collective management organisation authorised for this purpose by [the Ministry]. (1) The organisation collects royalties as provided in the first paragraph and distributes them to authors, after deducting a reasonable collecting fee. Rightholder claims against the organisation remain payable for a period of three years from the end of the calendar year in which the resale took place. A written request to pay by a rightholder suspends the limitation period.
- Sellers, intermediaries and buyers covered by the second paragraph must:
 1. submit to the organisation referred to in the fifth paragraph six-monthly financial statements and reports, 1 January and 1 July of each year serving as cut-off dates, in respect of the resale of works of arts covered by the first paragraph in the preceding six months, certified by a chartered accountant; and
 2. on the demand of the organisation, submit within four weeks any information necessary to ensure the payment of the royalty, where the demand is submitted within three years of the resale of the work of art.

□ If financial statements or information relating to the resale of works of art as outlined in the sixth paragraph are not received by the organisation referred to in the fifth paragraph within 30 days of the submission, to the party liable for the royalty, of a request to provide that information, the organisation may estimate the amount of the royalty collected by the party concerned in respect of the resale of the works of art. Such estimated amounts constitute an enforceable claim.

□ ... (2) More detailed provisions on the implementation of this Article are to be laid down in a Regulation. (2)] (3)] (4)

(1)Act No 126/2011, Article 56. (2)Act No 27/2021, Article 9. (3)Regulation No 486/2001. (4)Act No 97/2006, Article 1. (5)Act No 57/1992, Article 10.

■ Article 26

□ With the exception of Article 13, the provisions of this Section do not prejudice the rights of an author as laid down in Article 4.

□ When a work is made public pursuant to this Section, mention is to be made of the author's name as well as of the source used, to the extent possible.

□ When a work is reproduced pursuant to this Section, the work may not, except with the consent of the author, be altered except to the extent justified by the legal purpose of the reproduction.

■ [Article 26a

□ Where a collective management organisation, cf. the fourth paragraph, has entered into an agreement with a user on the specified use of works in accordance with Article 12b; Article 14(3); Article 18(1); Article 19(4); Article 23(1); Article 23a; or Article 23b(1), that user acquires the right to use other works of the same kind by authors not represented by the organisation, in the same manner and with the same conditions as entailed by the agreement with the organisation and the provisions referred to above. The user right pursuant to the first sentence is called an extended collective licence.

□ Extended collective licences may also be granted to users who enter into an agreement on this with a collective management organisation, cf. the fourth paragraph, provided that:

(a) the extended collective licensing agreement covers a limited and clearly defined subject area;

(b) an extended collective licence is a prerequisite for the practical implementation of the use;

(c) the agreement is made in writing and expressly provides for extended collective licensing.

□ However, the provision of the second paragraph does not apply to works of authors who have prohibited a contracting party from using their works in this manner.

□ A collective management organisation wishing to conclude agreements providing for extended collective licensing, cf. the first and second paragraphs, must be authorised for this purpose by the Minister. The authorisation of an organisation is subject to the condition that it represent a substantial number of authors of a certain type of works used in Iceland. The Minister may decide to require an organisation seeking authorisation in a certain field to be the joint organisation of two or more organisations meeting the conditions of the first and second paragraphs. The Minister issues more detailed procedural rules for the authorisation, including the review of authorisation, of organisations referred to in the first and second paragraphs and of organisations covered by Article 47(2).] (1)

(1)Act No 9/2016, Article 14.

■ [Article 26b

□ Royalty payments for use that takes place on the basis of an extended collective licensing agreement pursuant to Article 26a must be decided in the same manner for all authors covered by the extended collective licence, irrespective of whether they are members or non-members of the collective management organisation that is party to the agreement.

- Authors not represented by the collective management organisation are entitled to claim an individual remuneration for use of their works that takes place under an extended collective licensing agreement, even where such a right is neither provided for in the extended collective licensing agreement concluded between the organisation and the user, nor in the organisation's remuneration rules. The amount of the individual remuneration may be decided in accordance with Article 57. A claim for such remuneration can only be made against the organisation and must be made in writing.
- A collective management organisation party to an agreement providing for extended collective licensing pursuant to Article 26a must make known, in an appropriate manner, the information that such an agreement has been entered into, as well as any information necessary to allow non-member rightholders to make claims for remuneration.
- Claims by organisations authorised under Article 26a(4) for remuneration against a user for the use of works as referred to in Article 23a, must be made simultaneously and in writing.
- Claims for remuneration for the use of works under an extended collective licence are subject to a limitation period of four years after the date at which the use took place. The limitation period is suspended by a written claim, cf. the second and fourth paragraphs.] (1)

(1) Act No 9/2016, Article 14.

■ [Article 26c

- In the event that no agreement is reached which can serve as that basis of extended collective licensing as referred to in Article 26a(1), a party to the negotiations may request mediation.
- Demands for mediation should be addressed to the Minister. A demand for mediation may be submitted when one of the parties involved has terminated ongoing negotiations or refused a request for negotiations, or where negotiations do not appear likely to lead to a satisfactory outcome.
- The mediation process is to be handled by a special mediator appointed by the Minister. The mediator must be independent of all negotiating parties and must not have any personal interest in the outcome. The mediation work should be based on any proposals for a resolution which the parties may have submitted. The mediator may propose that any dispute between the parties be resolved by arbitration, and may in such cases assist the parties in the choice of arbitrators.
- The mediator may propose a solution to the dispute, and may demand that the proposal be submitted to the parties' competent bodies for approval or rejection within a specified time limit. In the case of a dispute relating to cable retransmission as referred to in Article 23a, the proposal will be considered as having been approved if no objections are made within three months. The mediator notifies the Minister of the outcome of the mediation process.
- The mediator may decide to extend the terms of existing agreements that have already expired or that will expire during the mediation period. However, the term of an existing agreement may not be extended beyond a period of two weeks after the parties have declared their position on a mediation proposal presented in accordance with the fourth paragraph or a proposal for arbitration, or after the mediator has declared that presenting such proposals serves no useful purpose.
- The Minister may issue more detailed rules on the work of the mediator and on the costs incurred as a result of that work.] (1)

(1) Act No 9/2016, Article 14.

[Section II A Contractual relations between collective management organisations and users](1)

(1)Act No 88/2019, Article 40.

■ [Article 26d Granting of licences

- Negotiations between collective management organisations and users for the licensing of rights must be conducted in good faith. The negotiating partners must provide each other with all necessary information.
- Licensing terms must be based on objective and non-discriminatory criteria. When licensing rights, collective management organisations are not required to use, as a precedent for other online services, licensing terms agreed with a user where the user is providing a new type of online service which has been available to the public in the European Economic Area for less than three years.
- Rightholders must receive appropriate remuneration for the use of their rights.
- Collective management organisations must inform their users of the criteria used for the setting of tariffs.
- Collective management organisations must reply without undue delay to requests from users, indicating, *inter alia*, the information needed in order for the collective management organisation to offer a licence. Upon receipt of all relevant information, the collective management organisation must, without undue delay, either offer a licence or provide the user with a reasoned statement explaining why it does not intend to license a particular service.
- Collective management organisations must allow users to communicate with it by electronic means.
- The provisions of the first paragraph also apply to all independently operated management entities established in Iceland.
- The dispute of a collective management organisation which grants or offers to grant multi-territorial licences for online rights in musical works with an actual or potential online service provider regarding the application of Articles 1 to 6 may be submitted to the copyright tribunal set up pursuant to Article 57, provided that the dispute concerns such multi-territorial licences.] (1)

(1)Act No 88/2019, Article 40.

■ [Article 26e Users' obligations

- Users must provide a collective management organisation with such relevant information at their disposal on the use of the rights represented by the collective management organisation as is necessary for the collection of rights revenue and for the distribution and payment of amounts due to rightholders.
- Where the user and the collective management organisation do not specifically negotiate the time at which the information referred to in the first paragraph is to be submitted, it is to be provided as soon as possible after the use of the rights concerned.
- Where the user and the collective management organisation do not specifically negotiate the format in which the information referred to in the first paragraph is to be provided, the user must use the reporting format provided by the collective management organisation, unless this is deemed unreasonable.
- Disputes regarding the obligation of a user to provide information pursuant to the first to third paragraphs may be referred to the copyright tribunal set up pursuant to Article 57.] (1)

(1)Act No 88/2019, Article 40.

Section III Assignment of copyright

General provisions

■ Article 27

- The full or partial transfer of copyright is permitted subject to the limitation provided for in Article 4.
- The transfer of ownership of a copy of a work does not constitute an assignment of copyright in the work, unless expressly stated.

■ Article 28

- The assignment of copyright in a work does not confer on the assignee the right to modify the work, unless expressly agreed.
- The assignee may not assign the copyright to a third party without the author's consent. However, if the copyright is part of the assets of a business enterprise, it may be assigned along with the business or a division thereof. Notwithstanding such assignments, assignors remain responsible for the fulfilment of their obligations towards the author.

■ Article 29 ... (1)

(1) Act No 11/1986, Article 9.

■ Article 30

- Where an author has entered into marriage, any copyright remains the author's separate property which cannot be restricted by a prenuptial agreement or by any other means, including the [dissolution of the marital estate], (1) during the author's lifetime. Copyright revenue and payments for the assignment of copyright are marital property unless otherwise provided in a prenuptial agreement. Copyright in the works of a deceased author is considered part of the author's marital estate, unless otherwise provided in a prenuptial agreement, cf. also Article 31(2).
- Creditors may not enforce their claims against copyright, whether in possession of the author or of others through inheritance or marriage. Where a party has acquired copyright through assignment, claims may only be enforced against that copyright to the extent that further assignment is permitted, cf. Article 28(2).
- The provisions of the first and second paragraphs also apply to copies of works of art which the author has not exhibited in public, offered for sale publicly or otherwise given approval for them to be made public, as well as to manuscripts.

(1) Act No 20/1991, Article 136.

■ Article 31

- Copyright in the works of a deceased author is governed by the provisions of the Inheritance Act, cf. also Article 30.
- Authors may include directions in their wills on the manner in which their copyright should be administered after their death, including by entrusting that task to a specially appointed executor. Any such provision is binding on all heirs, including legal heirs, also with regard to that portion of the estate falling to the deceased's spouse.
- The provisions of the second paragraph also apply to such copies of works as are referred to in Article 30(3).

Performance rights

■ Article 32

- An author's permission for the public performance of a work does not confer an exclusive performance right, unless expressly agreed.
- If the permission, regardless of whether it confers exclusive right or not, is granted for an indefinite period of time, it is to be taken to be valid for a maximum of three years. This provision

does not cover performance rights agreements to which collective management organisations of such rights are parties.

- Where an exclusive performance right has been granted for a specified period exceeding three years, the author's own performances of the work, as well as performances authorised by the author, are nevertheless permitted if that exclusive right has not been exercised for three consecutive years, unless otherwise agreed.
- The provisions of this Article do not apply to cinematographic works.

Publishing agreements

■ **Article 33**

- A publishing agreement consists in the transfer by an author to a specified party (the publisher) of the right to make copies of a literary or artistic work, by printing or a similar process, and publish them.
- A publishing agreement does not confer on the publisher ownership of the manuscript or other copy of the work being reproduced, unless expressly agreed.

■ **Article 34**

- Provided that nothing to the contrary has been agreed, the publisher may publish an impression not exceeding 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 'impression' refers to the number of copies published at one time.

■ **Article 35**

- The publisher must publish the work within a reasonable period of time and promote its distribution to the extent practicable and in accordance with normal practice for the type of work concerned.

■ **Article 36**

- Where a publisher has not published a work of literature or visual art within two years, or a musical work within four years, of receiving a final manuscript or other copy to be used for reproduction purposes, and provided that a longer time limit for publication has not been agreed, the author may cancel the publishing agreement irrespective of whether the general legal requirements for cancelling an agreement are met. This also applies where an impression is sold out and a publisher who has been granted the right to a new impression fails to republish the work within two years of being requested to do so by the author.
- Where a publishing agreement is cancelled in accordance with the first paragraph, the author does not have an obligation to repay any fee already received. Conversely, any damage sustained by the author as the result of the publisher's culpable failure to honour contractual obligations, and for which such fee does not fully compensate, gives rise to a right to further compensation.

■ **Article 37**

- The publisher must furnish the author with a written statement, issued by the printer or by any other party producing copies, confirming the number of copies produced.
- Where the author is entitled to remuneration based on the sale or rental of copies during a financial year, the publisher must forward to the author, within nine months of the conclusion of the financial year, a report detailing sales or rentals during the financial year and the number of unsold copies of the impression at the end of the financial year.
- An author who is not entitled to remuneration as referred to in the second paragraph is nevertheless entitled to receive a report detailing the number of unsold copies of the impression at the end of the financial year, once nine months have elapsed from that point in time.
- Authors' rights pursuant to this Article cannot be waived by contract.

■ Article 38

□ If the production of a new impression is begun more than one year after the publication of the previous impression, the publisher must afford the author the opportunity to make such changes in the work as do not entail unreasonable cost nor alter the general appearance of the work.

■ Article 39

□ Unless otherwise agreed, the publisher acquires exclusive right to publish the work in the manner and form indicated in the publishing agreement. The exclusive right of a publisher to publish a work entails a prohibition for the author to publish the work in the indicated manner, or to give permission to others to do so, until the impression(s) covered by the publishing agreement have been exhausted.

□ Notwithstanding the provisions of the first paragraph, authors may publish literary works as part of editions of their collected or selected works when fifteen years have elapsed from the end of the calendar year in which the publishing agreement was concluded. Authors may waive this right by contract.

■ Article 40

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

□ The rights of publishers in no way impact on the copyright in individual essays, images or other works appearing in newspapers, journals or periodicals. However, authors' consent need not be sought for reprinting as referred to in the first paragraph, unless expressly agreed.

□ The provisions of this Section regarding publishing agreements do not apply to newspapers, journals or 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 agreements

■ Article 41

□ Unless express provision has been made to the contrary, an author who has made a contribution to a cinematographic work under a contract does not have the right to prevent the reproduction, distribution, public exhibition, transmission or dissemination to the public by wire 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 created for use in a cinematographic work, or the contribution of the principal director.

□ [The author of a cinematographic work who has transferred the right to the rental of a cinematographic work, cf. the first paragraph, is in all cases entitled to reasonable remuneration for the rental, and cannot waive this right by contract.] (1)

(1) Act No 60/2000, Article 6.

■ Article 42

□ A party who by agreement has acquired the right to use a literary or musical work in the production of a cinematographic work intended for viewing by the public, must, unless otherwise agreed, complete the cinematographic work within a reasonable length of time, and ensure that it is shown to the public, to the extent practicable and in accordance with normal practice for the type of work concerned.

□ In the event that a cinematographic work is not completed within five years of the fulfilment of the author's contractual obligations, the author may terminate the agreement, unless a longer time limit has been agreed, irrespective of whether generally applicable conditions for termination are fulfilled or not. The provisions of Article 36(2) apply as appropriate.

[Special provisions on computer programs](1)

(1)Act No 57/1992, Article 11.

■ **[Article 42a](1)**

□ [A person having the right to use a computer program may modify the program as required for its permitted use.] (2)

□ [The reproduction and compilation or decompilation of a program's source code is also permitted where indispensable to acquire the information necessary to ensure the interoperability of an independently created program with other programs, provided that:

1. the action is carried out by the party who has legally acquired the right to use the program;
2. such information was not readily available previously to a party as referred to in point 1;
3. the actions are confined to the parts of the original program which are necessary to achieve interoperability.

□ Information acquired as permitted by this Article may only be used to facilitate interoperability with other programs; it may not be used in any manner which prejudices the legitimate interests of the author of the original program as regards its normal exploitation or otherwise violates the author's copyright.

□ The provisions of this Article cannot be overridden by contract.] (3)

(1)Act No 57/1992, Article 11. (2)Act No 60/2000, Article 7. (3)Act No 145/1996, Article 3.

■ **[Article 42b**

□ Where the creation of computer programs is an inherent part of the terms of an employment, the employer acquires copyright to the program unless otherwise agreed.] (1)

(1)Act No 57/1992, Article 11.

■ **[Article 42c**

□ A person who has the right to use a database, cf. Article 50, is entitled to take any action necessary for accessing the content of the database and for its normal utilisation.] (1)

(1)Act No 60/2000, Article 8.

Section IV Duration of copyright

■ **Article 43**

□ [Copyright lasts until 70 years have elapsed from the end of the calendar year in which the author dies. In the case of works covered by the provisions of Article 7, the prescribed 70-year period is to be calculated from the end of the calendar year in which the last surviving author dies.

□ Copyright in a musical work with lyrics, where both the lyrics and the music are written specifically for the musical work with lyrics in question, lasts until 70 years have elapsed from the end of the calendar year in which the last surviving of the following persons dies:

1. the authors of the lyrics;
2. the composers.

□ Copyright in a cinematographic work last until 70 years have elapsed from the end of the calendar year in which the last surviving of the following authors of the cinematographic work dies:

1. the principal directors;
2. the manuscript authors, including the authors of the dialogue;
3. the composers, provided that the music was composed specifically for use in cinematographic works.] (1)

(1)Act No 11/2016, Article 1, cf. also Article 8 of the Act.

■ Article 44

□ [Where a work has been made public anonymously, cf. Article 8(2), copyright in the work lasts until 70 years have elapsed from the end of the calendar year in which it was made public. Where a work is made public in separate parts, such as fascicles, volumes or in any other similar way, an independent copyright period applies for each separate part.

□ If the name of the author is indicated in the manner referred to in Article 8(2), before the end of the aforementioned 70-year period, or the author is proven to have died before the work was made public, the duration of copyright is governed by the provisions of in Article 43.

□ In the case of a work which has not been made public and whose author is unknown, copyright expires when 70 years have elapsed from the end of the calendar year in which it was created.] (1)

(1) Act No 145/1996, Article 5.

■ [Article 44a

□ If a work has not been made public before the end of the period of protection stipulated in Articles 43 and 44, the person who is the first to make the work public after this period has elapsed acquires the economic rights to the work comparable to those enjoyed by authors under this Act. The protection lasts until 25 years have elapsed from the end of the calendar year in which the work was made public.] (1)

(1) Act No 145/1996, Article 6.

Section V Miscellaneous rights related to copyright

■ Article 45

□ [Performers have an exclusive reproduction right in their performances and exclusive right of dissemination or transmission thereof to the public, cf. however the provisions of Article 47.

Accordingly, the actions listed below are among those prohibited without the performer's consent:

1. The recording of a live performance for purposes of rebroadcast. A performance is considered 'live' when it is performed in person by a performer, including live broadcasts. Where a broadcasting organisation has made a temporary recording of a performance in person, the broadcast of that performance is subject to the same provisions as a live performance.

2. The broadcast of a live performance.

3. The transmission of a live performance by technical means, whether wire 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, as well as its distribution to the public, until 50 years have elapsed from the end of the calendar year in which the performance took place. ... (1)

□ [However, where a recording of a performance as referred to in the first paragraph, excluding phonograms, is published or made available to the public within the time limit indicated therein, protection lasts until 50 years have elapsed from the end of the calendar year in which publication took place or from the date on which the recording was made available to the public, whichever is the earlier.

□ Further, where a phonogram of a performance as referred to in the first paragraph is published or made available to the public within the time limit indicated therein, protection lasts until 70 years have elapsed from the end of the calendar year in which publication took place or from the date on which the recording was made available to the public, whichever is the earlier.] (1)

□ Unless express provision has been made to the contrary, a performer who has made a contribution to a cinematographic work under a contract does not have the right to prevent the rental of copies of the cinematographic work.

□ [The recording, reproduction and dissemination or transmission of a performance, as referred to in the first paragraph, are subject, as appropriate, to the provisions of Article 2(2) to Article 2(5); Article 4; Article 7; Article 8; Article 10a; Article 11(1) and Article 11(2)(3); Article 12; Article 12a; Article 12b, Article 14(1) and Article 14(3); Article 15(3) and Article 15(4); Article 17; Article 18; [Article 19; Articles 19a to 19e]; (2) Article 21; Article 22; Article 22a; Article 23; Article 23a; Article 23b; Article 24; Articles 26 to 31; Article 41(3); Article 53; or Article 57.] (3)

□ If more than twelve performers are involved in a performance, permission for reproduction and reuse need only be sought from the performers' trade union, provided that the performers receive payment for their work.] (4)

□ [Performers of folklore or other traditional cultural expressions have the same rights as other performers under this Article.](5)

(1)Act No 11/2016, Article 2, cf. also Article 8 of the Act. (2)Act No 13/2021, Article 3. (3)Act No 9/2016, Article 16. (4)Act No 145/1996, Article 7. (5)Act No 9/2006, Article 8.

■ [Article 45a ... (1)] (2)

(1)Act No 9/2016, Article 17. (2)Act No 145/1996, Article 8.

■ Article 46

□ [The reproduction, and the dissemination or transmission to the public by any means, of audiovisual recordings and phonograms, including gramophone records, is prohibited without the consent of the producer until 50 years have elapsed from the end of the calendar year in which the original recording was made. [However, if a recording is disseminated to the public within the stated period of protection, the protection lasts for 50 years for audiovisual recordings and 70 years for phonograms from the end of the calendar year of the first dissemination.] (1)

□ [The provisions of Article 2(2) to Article 2(5); Article 7; Article 8; Article 10a; Article 11(1) and Article 11(2)(3); Article 12; Article 12a; Article 12b, Article 14(1) and Article 14(3); Article 15(3) and Article 15(4); Article 17; Article 18; [Article 19(1) and Article 19(4) (for audiovisual recordings) and Article 19 and Articles 19a to 19e (for phonograms)]; (1) Article 21; Article 22; Article 22a; Article 23b; Article 24; Article 26(3); Articles 26a to 26c; and Article 57 are applicable, as appropriate.] (2)] (3)

(1)Act No 13/2021, Article 4. (2)Act No 9/2016, Article 18. (3)Act No 145/1996, Article 9.

■ Article 47

□ [Where a published phonogram is used in a broadcast or other public dissemination or transmission of the performance, within the period referred to in Article 46, whether this use is direct or from a broadcast, the user must remunerate the producer and the performer jointly. [The permission for the use of a published phonogram in a broadcast or other public dissemination or transmission of the performance does not apply to any communication of a phonogram making it available in a manner enabling members of the public to gain access to it wherever and whenever they choose.] (1)

□ A demand for remuneration in accordance with the first paragraph can only be made by [an organisation of producers and performers]. (2) Such an organisation must have articles of association which are drawn up in consultation with [the Ministry] (3) and made subject to its approval. The articles must provide for the division of revenues between the organisation's member societies.

□ [Where the producer of a phonogram or a performer is entitled to remuneration as laid down in the first sentence of first paragraph, this is to be governed by a collective agreement entered into between an organisation as referred to in the second paragraph and the user or the organisation to which the user belongs. Such organisations may set tariffs for the playback of phonograms outside

broadcasts, provided that such communication does not amount to communication of content within the meaning of Article 2(4)(1). Disputes regarding remuneration may be referred to the tribunal set up pursuant to Article 57. The tribunal may require a user to make a suitable deposit to guarantee the payment until such time as the amount of the remuneration has been decided or, failing this, order the user to suspend the use of protected phonograms until the deposit has been made.

□ These provisions do not apply to audiovisual recordings.] (2)] (4)

(1)Act No 9/2006, Article 10. (2)Act No 9/2016, Article 19. (3)Act No 126/2011, Article 56. (4)Act No 145/1996, Article 10.

■ [Article 47a

□ Performers may terminate agreements on the transfer of rights to a phonogram of their performances to the producer of the recording when 50 years have elapsed from its publication or, failing such publication, when 50 years have elapsed from the date on which it was made public, unless the producer takes adequate measures to:

1. offer copies of the phonogram for sale in sufficient quantity, or

2. make the phonogram available to members of the public in a manner permitting access to it from a place and at a time individually chosen by them, cf. Article 2(4)(1).

□ The termination by a performer of an agreement pursuant to the first paragraph is subject to a period of notice of one year. The termination of the agreement becomes effective at the end of the period of notice unless the producer of the phonogram takes appropriate measures as referred to in points (1) and (2) of the first paragraph. The right to terminate provided by this Article may not be waived by the performer.

□ The termination of an agreement in accordance with the first paragraph cancels any right of the producer in the relevant phonogram under Article 46.] (1)

(1)Act No 11/2016, Article 4, cf. also Article 8 of the Act.

■ [Article 47b

□ Where a performer assigns the rights in a phonogram of a performance to its producer in exchange for a one-off payment, the performer is entitled to an annual supplementary remuneration from the producer of the phonogram for each full year that passes after 50 years have elapsed from the publication of the phonogram or, failing such publication, when 50 years have elapsed from the date on which the phonogram was made available to the public. The right to obtain an annual supplementary remuneration may not be waived by the performer.

□ The producer of a phonogram must set aside an amount for the payment of the supplementary remuneration referred to in the first paragraph. The overall amount set aside must correspond to 20 per cent of the producer's revenue during the preceding year. The supplementary remuneration paid pursuant to the first paragraph is to be calculated on the basis of the producer's revenue from reproducing and distributing copies and from making the phonogram available to the public, beginning when 50 years have elapsed from the publication of the phonogram or, failing such publication, when 50 years have elapsed from the date on which the phonogram was made available to the public.

□ The administration and disbursement of the supplementary remuneration referred to in the first paragraph is to be handled by a collective management organisation authorised by the Ministry.

□ At the request of a performer, or of an organisation authorised pursuant to the third paragraph, the producer of a phonogram must provide any information necessary to secure payment of the annual supplementary remuneration.

□ The Minister issues more detailed procedural rules for the authorisation of organisations pursuant to the third paragraph.] (1)

(1)Act No 11/2016, Article 4, cf. also Article 8 of the Act.

■ [Article 47c

□ Where a performer assigns the rights in a phonogram to a producer in exchange for recurring payments, neither advance payments nor any contractually defined deductions may be deducted from the annual supplementary remuneration to which the performer is entitled when 50 years have elapsed from the publication of the phonogram or, failing such publication, when 50 years have elapsed from the date on which the phonogram was made available to the public.] (1)

(1)Act No 11/2016, Article 4, cf. also Article 8 of the Act.

■ Article 48

□ The following actions are prohibited without the consent of the relevant broadcasting organisation:

1. The retransmission (simultaneous broadcasting) of its broadcast and the distribution thereof by cable;

2. The recording of a retransmission of its broadcast;

3. The making public of its television broadcast for a commercial purpose or for profit;

4. [The reproduction of a previously made recording of its broadcast, and the making public of such a recording.] (1)

□ [Broadcasters' rights under the first paragraph remain in force until 50 years have elapsed from the end of the calendar year in which the first transmission took place.] (1)

□ [The provisions of Article 2(2) and Article 2(4); Article 8; Article 10a; Article 11(1) and Article 11(2)(3); Article 12; Article 12a; Article 12b, Article 14(1) and Article 14(3); Article 15(4); Article 17; Article 18; [Article 19, Articles 19a to 19e]; (2) Article 21; Article 22; Article 22a; Article 24; and Article 26(3)] (3) are applicable, as appropriate.

□ [Where a broadcaster enjoying protection under this Act broadcasts an event of high interest to the public on the basis of an agreement awarding exclusive transmission rights, other broadcasters established in the European Economic Area may, notwithstanding the provisions of the first paragraph, transmit short extracts freely chosen from the event in question. However, this only extends to the transmission of such extracts within the context of general news programmes. Where extracts are transmitted as permitted by this paragraph, the name or other identifier of the broadcaster holding the exclusive right must be displayed whenever possible.

□ The terms applied by a broadcaster party to an agreement awarding exclusive transmission rights for use as referred to in the fourth paragraph must be just, fair and non-discriminatory, and must be communicated with sufficient notice.] (4)

(1)Act No 9/2006, Article 11. (2)Act No 13/2021, Article 5. (3)Act No 9/2016, Article 20. (4)Act No 38/2011, Article 65.

■ Article 49

□ The reproduction of photographs which do not enjoy the protection of this Act as works of art, cf. Article 1(2), is prohibited without the consent of the photographer or any party having acquired the photographer's rights. [Making such photographs public without the consent of the rightholder is also prohibited.] (1) In the event that such a photograph is made public for a commercial purpose or for profit, the photographer or any subsequent holder of the photographer's rights is entitled to compensation. The protection of a photograph pursuant to this Article last until [50 years] (1) have elapsed from the end of the calendar year in which it was taken.

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

(1)Act No 9/2006, Article 12.

■ Article 50

□ [A person who produces records, tables, forms, databases or similar works which contain a significant amount of information or are the result of substantial investment, has exclusive right to reproduce the work or make it public, as a whole or in substantial part. The repeated or systematic extraction and/or re-utilisation of an insubstantial part of a database is prohibited if such action conflicts with its normal exploitation or unreasonably prejudices the legitimate interests of the producers of the database.

□ The exclusive right to the *sui generis* protection provided by this Article remains in place for 15 years from the end of the calendar year in which the work came into existence. However, if the work is made public within the stated period of protection, the protection remains in place for 15 years from the end of the calendar year in which the database is deemed to have been made public.

□ Where a work covered by this Article, or part thereof, is protected by copyright, such right may be applied in parallel.

□ The provisions of Section II of this Act apply as appropriate.] (1)

(1) Act No 60/2000, Article 10.

[Section V A Technological measures, etc.](1)

(1) Act No 9/2006, Article 13.

■ [Article 50a

□ It is prohibited to trade in or be in possession of, for commercial purposes, any device or material intended solely as a means of facilitating the unlawful removal or circumvention of technological measures the purpose of which is to prevent the unlawful reproduction of a computer program.] (1)

(1) Act No 9/2006, Article 13.

■ [Article 50b

□ It is prohibited, without the consent of the rightholder, to circumvent technological measures as referred to in the fourth paragraph.

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

1. are promoted or advertised as a means of circumventing technological measures;

2. have limited financial value or application potential other than to circumvent technological measures; or

3. are designed, manufactured, adapted or performed primarily for the purpose of enabling or facilitating the circumvention of technological measures.

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

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

□ The provisions of the first through the fourth paragraphs do not apply to the protection of computer programs.

□ The provisions of the first through the fourth paragraphs do not stand in the way of research into encryption.] (1)

(1) Act No 9/2006, Article 13.

■ [Article 50c

□ On demand of a user, the tribunal set up pursuant to Article 57 may instruct a rightholder who has implemented effective technological measures as referred to in Article 50b(1), to grant the user

access to the means necessary for the user to be able to take advantage of the provisions of Article 12; Article 14(2); and Article 17(1), with regard to teaching; [Article 19]; (1) [Article 19c]; (2) Article 21(1)(1); Article 22(1) and Article 22(2); Article 22a; and [Article 23(3)] (3) If the rightholder does not comply with such instructions within four weeks of the tribunal's decision, the user may, notwithstanding the provisions of Article 50b(1), circumvent the technological measures. The provisions of this paragraph may only be applied in the case of users who have legal access to the work or material in question.

□ The provisions of the first paragraph only apply in the absence of voluntary measures taken by the rightholder, including through agreements with other parties concerned, to ensure that the user can take advantage of the provisions referred to in the first paragraph, regardless of the application of effective technological measures.

□ The provisions of the first paragraph may not be applied to works and other materials made available, under an agreement, in a manner enabling members of the public to gain access to them wherever and whenever they choose. [However, this does not apply to use as referred to in Article 19c.] (2)] (4)

(1)Act No 93/2010, Article 8. (2)Act No 13/2021, Article 6. (3)Act No 9/2016, Article 21. (4)Act No 9/2006, Article 13.

■ **[Article 50d**

□ It is prohibited without the consent of the rightholder to

1. remove or alter any electronic rights-management information; or

2. distribute, import for distribution or communicate to the public works or other materials the electronic rights-management information of which has been removed or altered without the consent of the rightholder.

□ The provisions of the first paragraph may only be applied if the person responsible for the action knew, or could be expected to know, that the action would serve to induce, enable, facilitate or conceal an infringement of copyright in a work or other material protected by this Act.] (1)

(1)Act No 9/2006, Article 13.

Section VI Miscellaneous provisions

■ **Article 51**

□ Where an author has used a special title, pseudonym or identifying mark on a work which has been made public, no one else may make public a work using the same means of identification or one so similar as likely to cause confusion of the works or their authors.

■ **Article 52**

□ No one may attach the name or identifying mark of an author to a work of art without the consent of the author.

□ Neither the author nor any other person may attach the author's name or identifying mark to a copy made from a work of art where there is a risk of confusion between the reproduction and the original.

■ **Article 53**

□ The provisions of Article 4(2) apply to literary and artistic works which are not subject to copyright.

□ Legal proceedings for infringement of the first paragraph may only be instigated at the demand of [the Minister], (1) who may take such action where this is deemed necessary for the general protection of cultural heritage.

(1)Act No 126/2011, Article 56.

■ [Article 53a

□ [The provisions of Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market, published [in Icelandic] in the EEA Supplement to the Official Journal of the European Union No 49, 26 July 2018, pp. 383–393, shall apply in this country as adapted by Decision of the EEA Joint Committee No 158/2018 of 6 July 2018, cf. also Protocol 1 to the Agreement on the European Economic Area, on horizontal adaptations, cf. Act on the European Economic Area No 2/1993, which transposes the Protocol into law.] (1) (2)

(1)Act No 53/2019, Article 1. (2)Act No 93/2010, Article 9.

Section VII Penalties, compensation, prosecution procedures, etc.

■ Article 54

□ Infringements of this Act are subject to penalties only in cases of intent or gross negligence. [Participation in such offences is subject to penalties in the same manner.] (1)

□ [A fine ... (2), or imprisonment for up to two years, can be imposed for:] (3)

1. Actions infringing upon the exclusive right of an author[, as referred to in Article 2]; (4)

[2. Failure by a party referred to in Article 25b(2) to provide an organisation as referred to in Article 25b(5) with the information referred to in Article 25b(6);] (5)

[3.] (6) Violations of Article 4(1) or Article 4(2); Article 26(2) or Article 26(3); Article 28(1); Article 39(1); Article 53; or the directions referred to in Article 31(2);

[4. Violations of Article 45(1) and (3 [*sic*]), cf. references made therein to Article 4; Article 28(1); or the directions referred to in Article 31(2);] (6)

[5.] (6) Violations of Article 46(1); Article 48(1); Article 49(1); Article 50(1); [Article 50a; Article 50b; Article 50d]; (7) Article 51; or Article 52.

[6.] (6) The importation into this country of copies of works or other productions which are protected under Section V of this Act, provided that the copies are produced abroad under circumstances which, in this country, would make the production contrary to law, and that the copies are imported for the purpose of public exhibition or distribution;

[[7.] (6) ... (8)] (9)

□ In the event that the violation is attributable to a company or other enterprise, that entity is liable to a fine.

□ [Notwithstanding the provisions of the second paragraph, cf. Article 11(2)(4) and Article 11(2)(5), and Article 50b(1), the following acts of private reproduction are not subject to penalties:

1. The reproduction of an individual copy of a protected computer program or a copy of a machine-readable database which has been published, sold or permanently released with the consent of the author or manufacturer;

2. Reproduction carried out in violation of Article 50b(1).] (7)

(1)Act No 93/2010, Article 10. (2)Act No 82/1998, Article 162. (3)Act No 78/1984, Article 5. (4)Act No 9/2016, Article 23. (5)Act No 97/2006, Article 2. (6)Act No 60/2000, Article 11. (7)Act No 9/2006, Article 14. (8)Act No 109/2016, Article 2. (9)Act No 78/1984, Article 6.

■ Article 55

□ [Where copies of works have been made, imported to Iceland or made public in contravention of the provisions of this Act or of directions issued pursuant to Article 31(2), a judgment may provide that the copies be turned over to the injured party, destroyed, or removed from the market or from distribution, permanently or temporarily, or otherwise made unfit for the illegal use.

- The same applies to materials, tools and any other items connected with the preparation or execution of such violation.
- Measures as referred to in the first and second paragraphs are to be carried out at the expense of the infringer and at no cost to the injured party. However, in very exceptional cases a judgment may require the injured party to pay reasonable consideration.
- A judge issuing a ruling as referred to in the first and second paragraphs must ensure that the measures decided upon are proportional to the scope of the violation, while at the same time taking reasonable account of the interests of any third party, including where the owner of an item is unaware of the violation.] (1)

(1) Act No 93/2010, Article 11.

■ Article 56

- [A person guilty of a violation of this Act, whether intentionally or negligently, must pay a compensation. Compensation to the injured party may be ordered even where the infringer acted in good faith.
- The amount of any compensation decided as referred to in the first paragraph is to be decided not only with reference to the direct financial damage sustained by the author or other rightholder, but also taking into account any financial gain obtained by the infringer. Where the damage sustained by the injured party and the gain obtained by the infringer cannot be demonstrated, compensation is to be reasonably assessed in each individual case.
- An author or other rightholder may be awarded compensation for non-financial damage caused by a violation of this Act.] (1)

(1) Act No 93/2010, Article 12.

■ Article 57

- [In the event that no agreement is reached on the amount [or arrangement] (1) of payments to be made in accordance with Article 12b; Article 14(3); Articles 16 to 18; Article 19(4); [Article 19d(3)]; (1) Articles 20 and 21; Article 23(1); Article 23a; Article 23b; Article 26b; or Article 47, or on other disputes concerning extended collective licensing, either party may refer the dispute to a three-person tribunal appointed by the Minister from a group of five persons nominated by the Copyright Committee referred to in Article 58.
- Rulings issued by the tribunal are final at the administrative level. The Minister may issue a Regulation (2) containing procedural rules for the tribunal and rules for the payment of costs.] (3)

(1) Act No 13/2021, Article 7. (2) Regulation No 97/1996. (3) Act No 9/2016, Article 24.

■ Article 58

- [A [seven](2)-person committee of experts in the field of copyright, appointed by the Minister (1) for a four-year term, is to advise the Minister on copyright issues. Committee members are to be selected after consulting with the principal national copyright associations. A Copyright Council is also to be set up. The Council is to be informed of and discuss any questions concerning copyright which are of current interest. The Council is to be composed of representatives nominated by organisations having been authorised by the Ministry to administer copyright, as well as by the other principal national copyright associations. Also to be included are representatives of broadcasting organisations and other stakeholders. Further members of the Council are the persons composing the Copyright Committee, as well as those specifically appointed to the Council by the Minister. The meetings of the Council are chaired by [the Minister] (1) or by a ministerial representative. The Minister issues more detailed rules (3) on the Copyright Committee and the Copyright Council.] (4)

(1) Act No 126/2011, Article 56. (2) Act No 9/2006, Article 15. (3) Regulation No 500/2008. (4) Act No 57/1992, Article 15.

■ Article 59

- [Violations of this Act are liable to ... (1) prosecution. Furthermore, it is always open to an injured party to initiate legal proceedings. ... (2)
- Following the death of an author, the executor appointed as provided in Article 31(2), or, failing this, the [spouse], (3) parents, children or siblings of the deceased, may also demand [prosecution] (1) or institute legal proceedings for an infringement of Article 4(1) or Article 4(2), Article 26(2) or Article 26(3), Article 28(1), or the directions of the author as referred to in Article 31(2), or of the performer under the same provision, [cf. Article 45(5).] (4)] (5)
- Proceedings for an infringement of the provisions of Article 53 are liable to ... (1) prosecution at the demand of [the Minister]. (6)

(1) Act No 88/2008, Article 234. (2) Act No 57/1992, Article 16. (3) Act No 153/2020, Article 22. (4) Act No 11/2016, Article 5, cf. also Article 8 of the Act. (5) Act No 78/1984, Article 8. (6) Act No 126/2011, Article 56.

■ [Article 59a

- Organisations [authorised] (1) by [the Ministry] (2) [in accordance with Article 26a(4), with regard to the provisions of Articles 23 and 23a], (1) may request injunction against the commenced or imminent communication to the public or other use of any work covered by the [authorisation] (1) and protected by this Act, without having received mandate to do so from the author or other rightholders of the work, subject to the fulfilment of other requirements for injunction laid down in the Act on attachment, injunction, etc.
- Provided that other requirements for injunction laid down in the Act on attachment, injunction, etc. are fulfilled, individual rightholders or their organisations may obtain an injunction against the communication to the public by a service provider of data supplied by service recipients through communication networks, irrespective of the service provider's responsibility for the communication to the public or the automatic, intermediate or short-term storage of data. Moreover, an injunction may be obtained against a service provider's storage of data supplied by a service recipient, irrespective of the service provider's responsibility for the data. [Where a demand for injunction is filed pursuant to this provision, the service recipient must, as far as feasible, be afforded a legal position similar to that of the defendant with regard to the protection of their interests at the court hearing for the injunction, in addition to being notified of the injunction order, in accordance with Articles 14 and 18 of the Act on attachment, injunction, etc., No 31/1990.] (1)
- Injunction as referred to in this Article is in other respects governed by the Act on attachment, injunction, etc.] (3)

(1) Act No 9/2016, Article 25. (2) Act No 126/2011, Article 56. (3) Act No 93/2010, Article 13.

■ [Article 59b

- In a court case brought for breach of this Act, the judge may, at the request of a party, order the adversary or a third party to provide information to which that party has access concerning goods or services deemed in potential breach of the Act. However, this only applies where the party against whom such request is made:
 1. has had the goods at its disposition for commercial purposes;
 2. has used the services for commercial purposes;
 3. has provided services used for activities which are deemed in potential breach of this Act;
 4. has assisted in the production or distribution of the goods or in the provision of the services.
- The information referred to in the first paragraph may include:
 1. the names and addresses of the manufacturers, distributors, service providers or other previous holders of the goods or services, as well as the wholesale and retail distributors for whom the goods were intended;

2. information about the quantities of manufactured, supplied, received or ordered goods or services, as well as their sales value.

□ The judge must deny a request made pursuant to the first paragraph if it can be presumed that the provision of the information will cause undue damage to the party against whom the request is made, taking appropriate account of the interest of the requesting party in obtaining the information.

□ Information as provided in this Article need not be provided if the party against whom the request is made is exempt from the duty to testify according to general rules of legal procedure.] (1)

(1)Act No 93/2010, Article 13.

■ [Article 59c

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

□ The infringer must be required to ensure the publication of the judgment and bear the cost thereof.] (1)

(1)Act No 93/2010, Article 13.

Section VIII Scope of the Act

■ Article 60

□ Provisions on copyright contained in this Act apply to:

1. [The works of persons who are citizens or residents of a country within the European Economic Area.] (1)

2. ... (1)

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. also [Article 3(2).] (2)

5. architectural structures erected in this country, and works of art incorporated in such structures;

6. cinematographic works, the producer of which operates the head office of its commercial enterprise, or is itself permanently resident, in this country.

□ [[The provisions of Article 25b apply to the works of persons who are citizens or residents of a country within the European Economic Area.] (1) They also apply to the works of nationals of states affording reciprocal protection to Icelandic works.] (3)

□ [The provisions of Article 44a apply to the making public of works by persons who are citizens or residents of a country within the European Economic Area.] (4)

□ The provisions of Article 4(2) and of Articles 51 to 53 apply to all works covered by the provisions of Article 1, irrespective of their origin or the nationality of their authors.

(1)Act No 9/2006, Article 16. (2)Act No 9/2016, Article 26. (3)Act No 57/1992, Article 17. (4)Act No 145/1996, Article 11.

■ [Article 60a

□ The provisions of Article 50 apply to the works of persons who are citizens or residents of a country within the European Economic Area.] (1)

(1)Act No 60/2000, Article 14.

□ [Article 61

□ The provisions of Article 45 apply to:

1. [performances by persons who are citizens or residents of a country within the European Economic Area;] (1)

2. [performances by other foreign citizens and stateless persons, in the following cases:] (1)

(a) where the performance took place in this country;
(b) where the performance was recorded as a phonogram protected in accordance with point 2 of the third paragraph;

(c) where the performance, while not recorded as a phonogram, is broadcast by a broadcasting organisation protected under the fourth paragraph.

□ [The provisions of Article 46 apply to audiovisual recordings and phonograms irrespective of where, or by whom, they were produced, while the right to [fair compensation] (2) under Article 11(3) and Article 11(4) applies solely to recordings made in a country within the European Economic Area or in other states affording reciprocal protection to Icelandic recordings.] (1)

□ [The provisions of Article 47 apply to:

1. phonograms of performances by persons who are citizens or residents of a country within the European Economic Area;

2. phonograms, and performances recorded therein, where the producer of the phonogram is a citizen or resident of a country within the European Economic Area.] (1)

□ The provisions of Article 48 apply to broadcasting organisations meeting either of the following requirements:

1. The organisation is headquartered [in a country within the European Economic Area];(1)

2. broadcasts are made via a transmitter located [in a country within the European Economic Area].(1)] (3)

(1) Act No 9/2006, Article 17. (2) Act No 109/2016, Article 3. (3) Act No 60/2000, Article 16.

□ **[Article 61a**

□ The scope of this Act may be extended to foreign nationals, subject to reciprocity. To this end, the Government may confirm international treaties (1) providing for reciprocal protection with or without such reservations as are deemed appropriate by the Government and the treaty allows. The term ‘reciprocity’, as used in this Article, means that the rightholders of each Member State enjoy in other Member States the same rights as nationals of those states. The provisions of this Article apply without prejudice to the application of international treaties in the field of copyright previously ratified by Iceland.] (2)

(1) Notice No 763/1999. (2) Act No 57/1992, Article 18.

■ **Article 62**

□ The provisions of Article 60(1)(1) to Article 60(1)(4), apply to photographs and printed works referred to in Articles 49 and 50 to the extent appropriate.

■ **[Article 63](1)**

□ [The provisions of this Act furthermore apply to literary and artistic works created before the entry into force of the Act. The same applies to performances, phonograms and audiovisual recordings, cf. Section V of the Act.

□ The provisions of the first paragraph do not apply, however, to measures already taken or rights already acquired by third parties on the basis of prior Acts. The continued distribution to the public or public exhibition of copies of works or of performances is permitted if the making of such copies was unrestricted at the time when their distribution or exhibition took place, subject, however, to the full application of the provisions of Article 24 prohibiting the rental or loan of works.

□ [Agreements relating to the transfer or assignment of a performer’s rights in the phonogram of a performance and concluded before 1 November 2013 remain valid after that point in time in those cases where the duration of protection is considered as having expired under previously applicable rules, unless otherwise provided in an agreement.

- To the extent that agreements relating to the transfer or assignment of a performer's rights in a phonogram and concluded before 1 November 2013 entitle the performer to recurring payments, such payments can be made the subject of a new agreement when 50 years have elapsed from the publication of the phonogram or, failing such publication, when 50 years have elapsed from the date on which the phonogram was made available to the public.] (2)
- Where the reproduction of a work or performance which was not protected under previously applicable legislation, or substantial preparation for such reproduction, has begun prior to the entry into force of this Act, any planned, necessary and habitual reproduction may be completed, provided that this happens no later than 1 January 2000. Such reproductions may be distributed to the public or exhibited publicly.
- Where a work or performance is part of a recording intended for broadcasting which was made while the work or performance did not enjoy protection or as permitted by the third paragraph, the recording may be used for broadcasting purposes until 1 January 2000. The same applies to the making public of cinematographic works.
- If, on account of changes to the term of protection under this Act, the term of protection of a work or performance becomes shorter than mandated by previously applicable legislation, the duration of protection is governed by that previously applicable legislation. However, this does not apply in cases where the provisions of Article 44(3) are applicable.] (3)
- [The protection under Article 50 of databases created in the period from 1 January 1983 until the entry into force of this Act, lasts until 1 January 2016.] (1)

(1)Act No 60/2000, Article 15. (2)Act No 11/2016, Article 6, cf. also Article 8 of the Act. (3)Act No 145/1996, Article 12.

■ Article 64

- [This Act incorporates the provisions of Directive 2012/28/EU of the European Parliament and of the Council on certain permitted uses of orphan works, as incorporated into the Agreement on the European Economic Area by Decision of the EEA Joint Committee No 29/2015 of 25 February 2015, amending Annex XVII (Intellectual property) to the EEA Agreement of 2 May 1992.] (1)

(1)Act No 10/2016, Article 2.

■ Article 65

- The entry into force of this Act takes place six months after its adoption.

■ [Article 65a

- This Act incorporates the provisions of Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights. The Directive was incorporated into Annex XVII (Intellectual property) to the Agreement on the European Economic Area by Decision of the EEA Joint Committee No 94/2013 of 3 May 2013, which entered into force on 1 August 2014.
- [This Act incorporates the provisions of Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society.] (1) (2)

(1)Act No 13/2021, Article 8. (2)Act No 11/2016, Article 7, cf. also Article 8 of the Act.

[Transitional provisions

■ I.

- After the entry into force of this Act, the Minister of Education, Science and Culture is to initiate preparatory work for the dissolution of the Icelandic Visual Art Fund (*Myndlistarsjóður Íslands*) by appointing a special winding-up committee. The winding-up committee handling the dissolution of the Icelandic Visual Art Fund is to be composed of one members nominated by the Association of Icelandic Artists and two appointed without nomination, one of whom is to serve as Chair.
- The winding-up committee's settlement of the finances of the Icelandic Visual Art Fund is to be concluded within six months of the entry into force of this Act.] (1)

(1)Act No 60/2000, Article 17.

■ [II.

- The provisions of Article 19c(2) and Article 19c(3) only enter into force when the Marrakesh Treaty enters into force for Iceland and the Minister has published a notice in the Law Gazette concerning that entry into force.] (1)

(1)Act No 13/2021, Article 9.