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ORGANIZACIÓN MUNDIAL DEL COMERCIO

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Iceland

The present document reproduces¹ the 1972 Copyright Act, as amended in 1984, 1991 and 1992, as notified by Iceland under Article 63.2 of the Agreement.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE DE
L'ARTICLE 63:2 DE L'ACCORD**

Islande

Le présent document contient le texte¹ de la Loi de 1972 sur le droit d'auteur, modifiée en 1984, 1991 et 1992, notifiée par l'Islande au titre de l'article 63:2 de l'Accord.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

Islandia

En el presente documento se reproduce¹ el texto de la Ley de Derecho de Autor de 1972, modificada en 1984, 1991 y 1992, notificada por Islandia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo.

¹English only/anglais seulement/inglés solamente.

(Official Journal A,
No. 73/1972,
no. 78/1984,
no. 20/1991
no. 57/1992)

The 1972 Copyright Act as amended 1984, 1991 and 1992

THE PRESIDENT OF ICELAND

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

SECTION I Authors' rights, etc.

Article 1

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

Literary and artistic works include any text composed orally or in writing, a dramatic work, musical composition, work of fine art, architecture, cinematography, photography or applied art or other comparable art form, by whatever method and in whatever form it is presented.

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

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

Article 2

It shall be considered as the production of copies when an intellectual work (a literary or artistic work) is fixed in one tangible object or more.

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

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

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

Should a work be performed or shown at a workplace where ten or more persons are employed, this shall be considered as a public presentation.

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

Article 3

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

Article 4

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

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

The right of the author as provided for in this Article may not be waived, except under special circumstances, the nature and extent of which are clearly defined.

Article 5

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

If a work has served as a model, or been made use of by other means, in creating another work, which may be regarded as new and independent, the new work shall be independent of the former work with regard to copyright.

Article 6

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

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

Article 7

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

Article 8

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

If a work is published without indication of the name of the author as referred to in the first paragraph, the publisher shall act on his behalf until such time as his name is indicated in a new edition or is notified to the Minister of Culture and Education.

Article 9

Laws, regulations, administrative provisions, judicial rulings and similar official documents are not subject to copyright according to the provisions of this Act, nor are official translations of such documents.

Article 10

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

SECTION II

Limitations of copyright

Article 11

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

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

1. erect structures patterned on a work which is protected by rules concerning architecture,
2. reproduce works which are protected by rules concerning sculpture, industrial design or handwork, or drawing if the assistance of other persons is sought for this purpose,
3. reproduce protected musical and literary works, if the assistance of other persons who carry out such reproduction on a commercial basis is sought for this purpose,
4. reproduce protected computer programs.

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

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

Article 11a

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

Article 12

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

Article 13

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

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

Article 14

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

The same conditions apply to representations of pictures and drawings of presented works of art and documents, as referred to in the third paragraph of Article 1.

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

Article 15

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

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

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

Article 15a

Anyone having been granted permission to photocopy works or copy them in a similar fashion in his activities by agreement with the associations of organisations of copyright holders, who act in the interests of a substantial part of Icelandic authors to this end and have received formal legal recognition from the Ministry of Culture and Education for this purpose, is also entitled to reproduce the works in the same fashion, without requiring the express consent of the author in each case, even though the author is not a member of the association. Each individual author can, by a written interdict, prohibit the reproduction of his works in accordance with this paragraph.

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

Copyright associations, as referred to in the first paragraph, are responsible for all claims which may be submitted by copyright holders who are not members of the association and who are legitimately entitled to reimbursement for reproduction, and may such claims be sought only to the association. Claims referred to in this paragraph expire after four years have elapsed from the time the properly permitted reproduction was carried out. Disputes arising with regard to claims shall be settled by the committee for resolution referred to in Article 57.

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

Article 16

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

Article 17

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

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

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

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

Article 18

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

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

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

Article 19

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

Article 20

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

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

Article 21

A published literary or musical work which is not a dramatic work may be performed publicly under the following circumstances:

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

Article 22

The proceedings of public meetings of official representatives may be printed, recorded or copied by other means, in addition to the documents regarding these activities which are made publicly available. The same shall apply to legal proceedings which are open to the public, unless a court of law prohibits the publication of certain documents.

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

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

Article 23

When a broadcasting organisation has been granted permission to broadcast works after having reached agreement with an association of copyright holders, which negotiates agreements concerning the performing right in literary or musical works or individual types of these works for a substantial part of Icelandic authors and has received formal legal recognition of the Ministry of Culture and Education for the exercise of these rights, it is also entitled to broadcast works of a similar type, without requiring the express consent of the author in each case, even though the author is not a member of the association. Only one association in each literary or musical field shall be entitled to exercise these rights. Authors who are not members of the association shall enjoy the same right to reimbursement for the use of their works as do members.

Broadcasting permission granted to a broadcasting organisation in accordance with the first paragraph is limited, however, to smaller works, such as individual poems, short stories, essays, chapters from longer works, individual songs and smaller musical works and sections of longer works. The rules previously described do not apply to the negotiation of contracts concerning dramatic works nor to works whose author has prohibited their performance for broadcasting purposes by a written interdict.

Associations of copyright holders, which have been legally recognized in accordance with the first paragraph, shall be entitled to collect general royalties for performance rights for authors who are not members of the association as well, provided they have previously obtained permission to collect such fees on behalf of a significant number of such authors.

Associations of copyright holders as referred to in the first paragraph shall also be entitled to set rates for the performing of works apart from broadcasting. Such rates shall be subject to the approval of the Ministry of Culture and Education.

When a broadcasting organisation has been permitted to broadcast a work it is free to make ephemeral fixations of the work in the form of audio or video recordings exclusively for its own use. Permission must be obtained from the association of copyright holders concerned for permanent fixations and for their repeated use. More detailed provisions concerning the fixation of works, their preservation and use shall be issued in the form of a regulation, which shall have regard to agreements which have traditionally been negotiated with associations of copyright holders concerning those matters and practices which have become accepted in this country in this regard.

The Minister of Culture and Education may set further provisions concerning the implementation of this article.

Article 23a

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

Authors and other copyright holders shall always be entitled to reimbursement for rebroadcasts in accordance with the first paragraph. Distribution by cable, to which fewer than twenty-five residences in one and the same building or in adjacent buildings connected, is, however, exempt from charge.

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

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

Article 24

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

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

Article 25

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

The owner of a work of art may photograph it or have it photographed for display in a film or on television, if the reproduction is of minor importance in relation to the contents of the film or programme. It is also permitted, without the express consent of the artist in each instance, to display on television a previously exhibited work when the television broadcasting station has reached an agreement concerning this material with an authors' association who represent the interests of a substantial part of Icelandic authors and have received formal legal recognition from the Ministry of Culture and Education for the exercise of these rights. Authors who are not members of the association shall enjoy the same right to reimbursement for the use of their works as do members. Each author can, by a written interdict, prohibit the reproduction of his works in accordance with this paragraph. The association shall be entitled to set rates for the exhibition of

works at art exhibitions or in similar fashion, in accordance with the first paragraph. The association shall also be entitled to set rates for other presentation of works of art. Such rates shall be subject to the approval of the Ministry of Culture and Education. The Minister of Culture and Education shall set detailed provisions concerning the implementation of this article.

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

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

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

Article 25a

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

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

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

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

Article 25b

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

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

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

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

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

Article 26

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

When a work is publicly presented in accordance with the provisions of this Section, mention shall be made of the source as well as the name of the author in whatever manner is practicable under the circumstances.

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

SECTION III
Transfer of copyright

General provisions
Article 27

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

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

Article 28

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

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

Article 29

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

Article 30

If an author is married the copyright is his personal property and cannot be restricted by a marriage settlement or other means, including the dissolution or settlement of the marital estate during the author's lifetime. Copyright royalties and revenue from the transfer of copyright are the joint property of the couple, unless otherwise provided for in a marriage settlement. Upon the death of the author the copyright shall constitute part of his marital estate, unless otherwise provided for in a marriage settlement, cf. also the provisions of the second paragraph of Article 31.

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

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

Article 31

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

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

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

Right to public performances

Article 32

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

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

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

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

Publishing contracts

Article 33

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

A publishing contract does not confer upon the publisher the right of ownership to a manuscript or other original of a work being reproduced, unless expressly agreed upon.

Article 34

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

The term edition refers to the number of copies produced by a publisher at one time.

Article 35

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

Article 36

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

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

Article 37

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

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

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

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

Article 38

If the production of a new edition is commenced more than one year after the publication of the previous edition the publisher shall allow the author to make such changes in the work as do not entail unreasonable cost or alter the general appearance of the work.

Article 39

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

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

Article 40

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

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

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

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

Film contracts

Article 41

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

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

Article 42

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

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

Special provisions concerning computer programs

Article 42a

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

Article 42b

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

SECTION IV **Duration of copyright**

Article 43

Copyright shall last until fifty years have elapsed from the end of the year of the author's death. In the case of works covered by the provisions of Article 7, the prescribed fifty-year period shall be calculated from the end of the year of the death of the last surviving author.

Article 44

When a work has been publicly presented without indication of the author's name, cf. the second paragraph of Article 8, the copyright shall last until fifty years have elapsed from the end of the year in which it was first publicly presented. If such a work has been published in several parts, which nevertheless form one whole with regard to their contents, the copyright shall last for fifty years from the end of the year in which the last part was publicly presented.

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

SECTION V **Various rights related to copyright**

Article 45

The following actions are prohibited without the consent of the performer:

1. audio recordings for the reproduction of a live performance. A live performance means one performed in person by an actor, and includes a broadcast performance. If a broadcasting organisation has made a temporary audio recording of a performance in person, the broadcasting of that performance is subject to the same provisions as is a live performance;
2. the broadcast of a live performance;
3. the communication of a live performance by technical means, either by cable or wireless, from the place of performance to other specified locations to which the public has access;
4. the copying of a recording of a performance which has been made with the consent of the performer. The rights of a performer as provided for in this point shall apply for fifty years from the end of the year in which the recording was made.

The provisions of Article 4, the first, third and fourth paragraphs of Article 11, the first paragraph of Article 14, the third paragraph of Article 15, Articles 18 and 21, the second paragraph of Article 23, Articles 26 to 31 and Article 53, regarding recording, distribution and reproduction of performances, shall apply as appropriate.

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

Article 46

The copying of video and audio recording, including gramophone records and other audio recordings is not permitted without the consent of the producer until fifty years have elapsed from the end of the year in which the recording was made.

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

Article 47

If an audio recording, which has been published commercially, is used within the period referred to in Article 46, 1) in broadcasts, or 2) in other public distribution of the performance on a commercial or profit-making basis, whether this use is direct or in a broadcast, the user shall be required to remunerate both producer and performer in the form of a single payment.

Further rules in this regard shall be laid down in a regulation to determine, in particular, who shall have the right to represent performers, where two or more performers have taken part in the same performance, the manner in which remuneration shall be collected, and its division between the producer and the performers. These rules shall not apply, however, if a joint organisation of producers and performers, recognized by the Minister of Culture and Education, has negotiated a collective agreement with a user or users, or if separate contracts exist in individual cases.

With the consent of a joint organisation of performers and producers, as referred to in the second paragraph, provision may be made in a regulation for the remuneration paid in accordance with the first paragraph to revert to a special fund having two sections, one for performers and the other for producers. Custody of this fund and allocations from its accounts shall be provided for in a regulation with the consent of the previously mentioned organisation.

The provisions of the first paragraph of Article 14, the third paragraph of Article 15 and Article 21 shall apply as appropriate. The same is true of Articles 27 to 31 with regard to performers.

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

Article 48

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

1. the rebroadcasting (simultaneous transmission) of a broadcast and its distribution by cable;
2. a recording for the purpose of repeating a performance;
3. the commercial distribution of a television broadcast;
4. the reproduction of a previously made recording of a broadcast. The rights of a broadcasting organisation shall last for a period of twenty-five years from the end of the year in which the broadcast took place.

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

Article 49

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

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

Article 50

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

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

SECTION VI
Miscellaneous provisions

Article 51

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

Article 52

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

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

Article 53

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

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

SECTION VII
Penalties, damages, claim procedures, etc.

Article 54

Penalties for the infringement of this Act shall only be applied if the violation comprises an act of intent or gross negligence.

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

1. actions which infringe the exclusive rights of authors, as provided for in Article 3;
2. violation of the provisions of the first and second paragraphs of Article 4, the second and third paragraphs of Article 26, the first paragraph of Article 28, the first paragraph of Article 39, Article 53 and the directions referred to in the second paragraph of Article 31;
3. violations of the provisions of the first paragraph of Article 45 and the second paragraph of the same Article, cf. references to Article 4, the first paragraph of Article 28 and the directions referred to in the second paragraph of Article 31;
4. violation of the provisions of the first paragraphs of Articles 46, 48, 49 and 50 and Articles 51 and 52;
5. the importation into this country of copies of works or other productions, which are protected in accordance with Section V of this Act, if these copies are produced abroad under circumstances which, in this country, would make the production contrary to law, these copies being imported for the purpose of public exhibition or distribution;
6. the importation and manufacture of equipment or tapes for audio or video recording for the purpose of distribution to the public, and the distribution of such equipment or tapes to the public without the payment of the copyright charge provided for in the third and fourth paragraphs of Article 11, or in rules laid down in accordance thereof, cf. the third paragraph of Article 11.

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

Article 55

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

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

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

Provisions regarding seizure or destruction do not apply to structures.

Article 56

When an offence punishable by this Act has resulted in financial losses, damages shall be made according to the general laws of torts.

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

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

Article 57

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

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

Article 58

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

Article 59

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

If an author is deceased, the executor appointed as provided for in the second paragraph of Article 31, or the author's spouse, parents, children or brothers or sisters, may in addition demand public prosecution or institute legal proceedings as a result of an infringement against the first or second paragraph of Article 4, the second or third paragraph of Article 26, the first paragraph of Article 28 and the directions of the author, as referred to in the second paragraph of Article 31, or the performer, cf. the second paragraph of Article 45.

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

SECTION VIII

Scope of the Act

Article 60

The provisions of this Copyright Act shall apply to:

1. works by Icelandic nationals;
2. works by foreign nationals domiciled in this country;
3. works by stateless persons and refugees who have their habitual residence in this country;
4. works which were first published in this country, cf. the second paragraph of Article 2;
5. structures which have been constructed in this country and works of art incorporated in them;
6. cinematographic works, if the head office of the commercial enterprise of their producer is located in this country or the producer himself is permanently resident in this country.

The provisions of Article 25b apply to works by Icelandic nationals or foreign nationals who are residents of Iceland. They also apply to works by nationals of states which grant similar protection to Icelandic works.

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

Article 61

- A. The provisions of Article 45 shall apply to:
1. performances by Icelandic nationals, wherever they have taken place;
 2. performances by foreign nationals and stateless persons as follows:
 - (a) if the performance has taken place in this country,
 - (b) if an audio recording, which is protected according to the provisions of point 2 of Item C below, has been made of the performance, or
 - (c) if a performance, of which an audio recording was not made, has been broadcast by a broadcasting organisation, which is protected according to the provisions of item D below.
- B. The provisions of Article 46 shall apply to audio and video recordings, irrespective of where and by whom they have been produced; right to remuneration as provided for in the third and fourth paragraphs of Article 11 shall apply only to recordings which have been made in this country or in countries which grant similar protection to Icelandic recordings.
- C. The provisions of Article 47 shall apply to:
1. performances by Icelandic nationals, of which audio recordings have been made;
 2. audio recordings, and the performances which they preserve, if the producer is an Icelandic national or an enterprise which is located in this country.
- D. The provisions of Article 48 shall apply to broadcasting organisations fulfilling either of the following conditions:
1. the head office of the organisation is located in this country;
 2. the organisation has broadcast through a transmitter located in this country.

Article 61a

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

Article 62

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

Article 63

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

Article 64

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

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

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

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

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

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

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

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

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

Article 65

This Act comes into force six months after it has received official confirmation.

Done at Reykjavík, 29 May 1972.

Kristján Eldjárn
(L. S.)

Magnús T. Ólafsson