

 Respondent 101790

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<b>Single response:</b>	<b>Questionnaire on Limitations and Exceptions</b>
Respondent id:	101790
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**1. The answers to this questionnaire have been provided on behalf of:**

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**2. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?**

1. Specific

**3. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?**

2. No

**4. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?**

1. Yes

Use of the private copying exemption for reprography does not incur the payment of remuneration, provided that is exclusively for private use and not done for commercial purposes, cf. art 11(1) of the Icelandic copyright act. An owner or legally authorised user of a copy of a computer program, which has been published, is permitted to make copies of the program, including back-up and security copies, as necessary for his/her utilisation of the program. Furthermore, anyone who has acquired the right to use a computer program shall be authorised to inspect, investigate or try the program, without the express permission of the program author, for the purposes of examining its operation and the basic ideas and principles upon which individual aspects of the program are based, provided that such actions are related to the uses permitted to a rightholder in connection with utilisation of the program, cf. art 11a of the Icelandic copyright act. Archives, libraries, museums and educational institutions may reproduce copies for use in their operations as defined in further detail in the regulations, providing that this is not done for commercial purposes, cf. art 12 of the Icelandic copyright act. Protected works of architecture may altered by the owner without the author's consent to the extent which such is deemed necessary for its utilisation or for technical reasons, cf. art 13 of the Icelandic copyright act. Furthermore objects protected by rules concerning applied art may be altered without the consent of the author. Article 14 of the Icelandic copyright act provides that any presented literary work, including dramatic works and presented cinematographic or musical works, may be quoted if this is done in the context of a critical or scientific public discussion, or other recognised purpose, provided the quotation is correct and of reasonable length. The same conditions apply to presentations of pictures and drawings of presented works of art and documents, providing that no commercial purpose is involved. Article 15 of the Icelandic copyright act provides that popular articles on the subject of economics, politics or religion in newspapers or periodicals, or broadcast material or the same type, may be cited in other newspapers or periodicals or performed in a broadcast, unless expressly stated in the articles or the broadcasts that such representation is prohibited. Reference shall, as a rule, be made to the source when such representation is made. Pictures or drawings of presented works of art may be presented in newspapers and periodicals, on television and in cinematographic works in connection with the reporting of current events. This shall not, however, apply to works which were intended for presentation in the foregoing manner. When the performance or exhibition of a work is among newsworthy events, excerpts from the work, or a recapitulation of it, may accompany a presentation of the event shown to the public in a

broadcast or cinematographic work. Article 16 of the Icelandic copyright act provides that photographs may be taken and presented of buildings, as well as works of art, which have been situated permanently out-of-doors in a public location. Should a building, which enjoys protection under the rules concerning works of architecture, or a work of art as previously referred to, comprise the principal motif in a photograph which is exploited for marketing purposes, the author shall be entitled to remuneration, unless the pictures are intended for use by a newspaper or in television broadcasting. Article 18 of the Icelandic copyright act provides that educational authorities may permit the audio recording of presented works in public educational institutions for their temporary instructional use. The audio recordings may not be used for any other purposes. Article 19 of the Icelandic copyright act permits the making and distribution of copies of published works when such copies are specifically intended for the use of blind, sight-impaired or deaf persons, or persons with reading disabilities or others who, by reason of disabilities, are not capable of reading printed material, provided that the reproduction or distribution is not carried out for a commercial purpose. Article 22 of the Icelandic copyright act provides that proceedings of public meetings of official representatives, and documents publicly submitted there which concern their activities, may be printed, recorded as audio recordings, or copied by other means and presented. The same shall apply to legal proceedings which are open to the public, unless a court of law prohibits the publication of certain documents. The same conditions apply also to debates on questions concerning the public good which take place at gatherings to which the public has access or are broadcast. Article 22a of the Icelandic copyright act provides that access may be granted to documents or other case materials under the Executive Procedure Act, the Information Act and other statutes by making over photocopies or copies of them even though they contain works that are protected under the copyright act. This right to information may be subject to the condition that the works will not be published, copied, distributed in copies or exploited in another manner without the consent of the author. Notwithstanding the provisions of the first paragraph, information may be provided in accordance with Article 18 of the Data Protection Act.[1]

5. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

1. Yes

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6. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

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7. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

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8. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

1. Yes

Article 11(3) of the Icelandic copyright act provides that authors of works, which have been broadcast or which have been issued on an audio or video recording, shall be entitled to special compensation due to their recording for private use on tape, disk, CD-ROM or other means, in any form whatsoever by which audio or video material may be recorded by analogue or digital means. Furthermore, a fee shall be paid for equipment intended in particular for such recording. This levy shall be paid without regard to whether the product is of domestic or imported origin and the obligation to pay this levy rests with importers and producers.

9. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

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10. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

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11. Does your national statute protect technological measures?

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12. Does your national statute protect rights management information?

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13. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

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14. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

15. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

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16. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

17. Does your national statute include limitations and exceptions especially for the use of computer programs?

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18. Does your national statute provide limitations and exceptions for the temporary use of digital works?

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19. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

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20. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

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21. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

22. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)<sup>1</sup>, do you consider that the analysis is correct?

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23. Does your national statute provide specific limitations and exceptions for educational purposes?

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24. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

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25. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

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26. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

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27. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

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28. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

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29. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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30. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

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31. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

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32. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

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33. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

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34. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

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35. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

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36. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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37. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

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38. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

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39. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

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40. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

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41. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

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42. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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43. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

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44. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

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45. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

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46. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

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47. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available

in digital networks for educational purposes? (more than one option can be selected)

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48. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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49. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

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50. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

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51. If not, what other limitations and exceptions for educational purposes would be necessary?

52. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

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53. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)<sup>3</sup>, do you consider that the analysis is correct?

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54. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

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55. What types of works may be reproduced for these purposes?

56. Does your national statute establish qualitative or quantitative limits for these purposes?

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57. What other conditions must be met in order for such reproduction to be authorized?

58. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

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59. What types of works may be reproduced for these purposes?

60. Does your national statute include specific provisions regarding orphan works?

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61. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

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62. If not, what other limitations and exceptions for libraries and archives would be necessary?

63. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

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64. Does your national statute establish qualitative or quantitative limits for these purposes?

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65. What other conditions must be met in order for such reproduction to be authorized?

66. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

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67. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

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68. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>4</sup>, do you consider that the analysis is correct?

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69. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

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70. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

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71. What other conditions must be met in order for such uses to be authorized?

72. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

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73. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

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74. Does your national statute specify the formats that fall under this exception?

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75. What other conditions must be met in order for such uses to be authorized?

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76. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

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77. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

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78. Does your national statute specify the formats that fall under this exception?

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79. What other conditions must be met in order for such uses to be authorized?

80. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

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81. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

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82. If not, what other the limitations and exceptions for persons with disabilities would be required?

83. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

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84. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

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85. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

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86. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?



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87. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

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88. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

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89. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

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90. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

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91. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

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92. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

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93. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

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94. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

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95. Does your national statute provide any limitations or exceptions for reverse engineering?

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96. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

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97. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

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98. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to

the liability of online service providers?

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99. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

100. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

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101. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

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102. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

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103. If so, with which country or group of countries?

104. Please add any further comments and information you deem interesting for this questionnaire.