

ICELAND: The Supreme Court confirms a copyright owner's ISP injunction against illegal file-sharing on the Internet

The Supreme Court of Iceland has ruled in favour of rights holders by upholding an injunction against internet service providers (ISPs). The decision requires ISPs to take measures to prevent copyright infringements by restricting their customers' access to certain file-sharing piracy websites.

In a recent development in Iceland, the Supreme Court ruled in a case related to the enforcement of copyright against online file-sharing piracy. In the case, an association of copyright holders sought the confirmation of an injunction decision, which required ISPs to restrict access to certain file-sharing websites by making them unavailable to their customers.

The websites in question are of the nature of having the intent to infringe copyrights by enabling peer-to-peer file-sharing piracy. The sites were hosted in a foreign jurisdiction. Therefore, it was impossible to file the injunction directly against the owner or person responsible for the websites in question.

Instead, the injunction was filed against the ISPs, as conveyors of the service, making the file-sharing possible through access to the websites. The Supreme Court acknowledged the claim of the rights holders and confirmed the legality of the injunction.

The decision by the Supreme Court makes it clear that based on Article 59(a)(2) of the Copyright Act rights holders may if certain conditions are met request ISPs to take measures to restrict and prevent their customers access to public file-sharing piracy webpages.

The decision is a positive result for rights holders and a step in the right direction for the enforcement of copyrights in Iceland.

NJORD Law Firm assists copyright owners all over Scandinavia and in Iceland in the enforcement of copyrights to film, music, software, computer games, and other works of art.



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