

LEGAL BRIEFING FOR INTERNATIONAL CLIENTS

Intellectual Property & Media Law in Iceland

Protecting brands, creations and free expression — a practical guide for international rights holders, media and creators.

MAGNA Legal — MAGNA Lögmenn
Attorneys at Law — Reykjavík, Iceland
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INTRODUCTION

Why This Matters for International Clients

Iceland's intellectual-property framework is fully harmonised with European standards through the EEA Agreement — but with one critical catch for foreign brand owners: Iceland is not in the EU, so an EU trade mark does **not** cover Iceland. Separate protection must be secured nationally or through the international systems. On the media side, Iceland combines strong constitutional protection of free expression with an active defamation practice — and MAGNA's lawyers have litigated the leading Icelandic freedom-of-expression cases all the way to the European Court of Human Rights.

EUTM ≠ IS

EU trade marks do not
extend to Iceland

EPC

European patents can be
validated in Iceland

Madrid

international registrations
may designate Iceland

Art. 10

ECHR — leading Strasbourg
free-speech practice

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PART I — IP FRAMEWORK

Registering and Protecting Rights in Iceland

Icelandic IP legislation mirrors the EU acquis through the EEA Agreement and is administered by the Icelandic Intellectual Property Office (Hugverkastofan, ISIPO). The main regimes:

- **Trade marks** — Trade Mark Act No. 45/1997. Protection is obtained by national registration with ISIPO or by designating Iceland in an international registration under the Madrid Protocol; registrations run for renewable ten-year terms. Because EU trade marks do not extend to Iceland, international brand owners routinely have an Icelandic gap in their portfolios — an audit is a cheap insurance policy.
- **Patents** — Patent Act No. 17/1991. Iceland is a party to the European Patent Convention, so European patents can be validated in Iceland; national and PCT routes are also available, and supplementary protection certificates can extend protection for pharmaceuticals and plant-protection products.
- **Designs** — Design Protection Act No. 46/2001; national registration with ISIPO or international registration under the Hague system.
- **Copyright** — Copyright Act No. 73/1972, as amended in line with EEA law. Protection arises automatically without registration; collective management organisations administer music and other mass uses.
- **Trade secrets** — Act No. 131/2020, implementing the EU Trade Secrets Directive through the EEA, provides civil remedies for unlawful acquisition, use and disclosure.
- **Domain names** — the .is country domain is administered by ISNIC; disputes are handled under ISNIC's rules and, where needed, before the courts.

Checklist for foreign rights holders

- 1 Audit whether existing EU/international registrations actually cover Iceland.
- 2 File national or Madrid designations for core marks before market entry.
- 3 Validate European patents in Iceland within the statutory deadline.
- 4 Register key .is domains and set up watch services.
- 5 Put licensing and distribution agreements under review for Icelandic law points.

PART II — ENFORCEMENT

Enforcing IP Rights in Iceland

Administrative and judicial routes

- **Oppositions and invalidations** — third parties may oppose trade-mark registrations before ISIPO and seek administrative invalidation; ISIPO decisions may be appealed to the Board of Appeal for Intellectual Property Rights and thereafter to the courts.
- **Civil litigation** — infringement actions are brought before the District Courts, with appeal to the Landsréttur Court of Appeal and, by leave, the Supreme Court. Remedies include prohibitory judgments, damages and reasonable royalty, recall and destruction of infringing goods, and publication of judgments.
- **Interim relief** — injunctions (lögbann) are imposed by the district commissioner on the rights holder's security and must be confirmed in follow-up court proceedings; the procedure is fast and frequently decisive in counterfeit and get-up cases.
- **Border measures** — Icelandic Customs can detain suspected counterfeit and pirated goods on application by the rights holder in line with EEA-based rules; a customs watch application is inexpensive protection for consumer brands.
- **Criminal liability** — wilful infringement of trade marks and copyright can attract criminal sanctions; in practice, criminal enforcement supplements civil action in serious counterfeiting cases.

Practical notes

- Icelandic courts regularly apply EEA-harmonised IP law in line with EU case-law, and questions of interpretation can be referred to the EFTA Court — familiar and predictable terrain for international rights holders.
- Proceedings are conducted in Icelandic; foreign-language evidence is common but pleadings must be translated. Cost exposure is moderate and adverse-costs awards are modest by international standards.
- MAGNA acts both for claimants enforcing rights and for Icelandic and international defendants — including handling parallel ISIPO, court and customs tracks in the same dispute.

PART III — MEDIA LAW

Media, Defamation and Freedom of Expression

Freedom of expression is protected by Article 73 of the Icelandic Constitution and Article 10 of the European Convention on Human Rights, which has the force of law in Iceland. Within that framework, an active body of defamation and privacy law governs what may be published — and who answers for it.

The framework

- **Media Act No. 38/2011** — regulates media undertakings under the supervision of the Icelandic Media Commission; it contains the allocation-of-liability rules for published content (who is responsible: the speaker, the author or the responsible editor) and statutory protection of journalists' sources.
- **Defamation** — actionable under the General Penal Code and tort law; remedies include nullification of statements (ómerking), damages and, exceptionally, criminal sanctions. Icelandic courts increasingly apply Strasbourg balancing between reputation and expression.
- **Privacy** — the constitutional protection of private life and data-protection law constrain publication of personal matters; injunctions against publication are available but rare and strictly scrutinised.
- **Online expression** — the liability rules extend to online media and social platforms; questions of intermediary liability and jurisdiction over cross-border publication are a growing part of the practice.

The Strasbourg dimension

A series of judgments of the European Court of Human Rights against Iceland — several of them argued by MAGNA's lawyers — reshaped Icelandic defamation law, in particular on journalists' liability for quoted statements of interviewees and for headlines. The result is a body of law that any international media organisation publishing on Iceland, or defending publication in Iceland, needs to understand.

The firm's lawyers have taught media law for many years, including in the graduate journalism programme at the University of Iceland, and regularly represent media outlets, journalists and individuals on both sides of expression disputes.

PART IV — SELECTED EXPERIENCE

Leading Cases in Free Expression, Media and IP

MAGNA's lawyers litigate media, defamation and intellectual-property disputes at all domestic court levels and before the European Court of Human Rights. The publicly reported matters below illustrate the practice.*

European Court of Human Rights

- **Erla Hlynisdóttir v. Iceland (Nos. 1–3)** — acted for the applicant journalist in three successive applications (judgments of 10 July 2012, 21 October 2014 and 2 June 2015), in each of which the Court found that Iceland had violated Article 10 ECHR by holding the journalist liable — for statements quoted from interviewees, for a description of court proceedings and for a headline — landmark rulings on journalistic liability.
- **Björk Eiðsdóttir v. Iceland** (judgment of 10 July 2012) — acted for the applicant journalist; the Court found a violation of Article 10 ECHR where the journalist had been held liable in defamation for statements made by an interviewee.

Domestic courts and ISIPO

- **Media and defamation litigation** — regular representation of media outlets, editors, journalists and individuals in defamation and privacy proceedings before the District Courts, the Landsréttur Court of Appeal and the Supreme Court of Iceland.
- **Intellectual-property disputes** — numerous disputes concerning trade marks, copyright and other IP rights before the Icelandic courts and the Icelandic Intellectual Property Office, alongside portfolio, licensing and transactional work for Icelandic and international rights holders.
- **Academic standing** — the firm's partners have taught media law at university level for many years, contributing to the development of the field in Iceland.

References available

Detailed case references and CVs of the responsible partners are available on request; client-specific matters are disclosed only with the client's consent.

* Certain matters were handled by MAGNA's partners at the firm's predecessor offices (Lögmenn Höfðabakka and Málflutningsstofa Reykjavíkur), which merged to form MAGNA Lögmenn in 2019.

PART V — HOW WE CAN ASSIST

Your Icelandic Legal Partner

MAGNA Legal (MAGNA Lögmenn) advises international clients across the full life cycle of an Icelandic investment — from first market analysis to operations, expansion and exit. We work in English and Icelandic and coordinate seamlessly with foreign counsel, tax advisers and technical consultants.

IP Protection & Portfolio

Icelandic and Madrid trade-mark filings; patent validation; design and domain registrations; portfolio audits; licensing, assignment and distribution agreements.

IP Enforcement & Disputes

Infringement litigation; ISIPO oppositions and appeals; injunctions and customs watch applications; anti-counterfeiting programmes; defence of infringement claims.

Media & Defamation

Pre-publication review; defamation and privacy litigation for media, journalists and individuals; source-protection and Media Act compliance; crisis response.

Human Rights & Strasbourg

Applications to the European Court of Human Rights; constitutional and ECHR arguments before the Icelandic courts; freedom-of-expression strategy for publishers and platforms.

Contact

MAGNA Legal — MAGNA Lögmenn

Höfðabakki 9, 5th & 6th floor
110 Reykjavík, Iceland

T +354 571 5400

E logmenn@magna.is

W www.magna.is

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