DEFENSE STATEMENT OF THE DEFENDANT

In the Court of Appeals Case No. 812/2023:

Anti-Defamation League
versus
1984 ehf

I. Legal Representation:

Ólafur Örn Svansson, attorney at law with Forum Legal, Ármúli 13, Reykjavík, represents the defendant 1984 ehf in this Court of Appeals case.

II. Legal Demands:

The defendant demands that the appealed decision be upheld and that the plaintiff be ordered to pay the costs of the appeal.

III. The Appealed Decision:

In the appealed decision, reference is made to the expression specified in the plaintiff's case preparation, and it is denied that it constitutes hate speech within the meaning of Article 233 a of the General Penal Code or according to other definitions referred to by the plaintiff. The district court also concluded that an injunction against hosting the website would constitute a restriction on freedom of expression and that an organization of this size must tolerate critical coverage. The plaintiff's argument, first presented in the statement to the district court, claiming that the defendant had attacked the plaintiff's honor, was found to be significantly underdeveloped and unsupported by any arguments. Furthermore, the decision states that there was no attempt to justify how the plaintiff could enjoy the privacy rights in question, as per Article 71 of the Constitution and Article 8 of the European Convention on Human Rights. Additionally, it was found underdeveloped or unjustified on what grounds the plaintiff believes they can claim that there is an attack on the privacy of others besides the organization itself, if that is even the basis of their argument. With reference, among other things, to the aforementioned reasons, the legal conditions were not met to grant the plaintiff's request to invalidate the decision of the Magistrate of the capital area to reject the plaintiff's request for an injunction.

The defendant believes that the appealed decision should be upheld.

IV. Arguments and Other Circumstances:

As outlined in the defendant's statement to the district court, the defendant specializes in web hosting and hosts thousands of websites, most of which are foreign.

The content that the domain www.mapliberation.org refers to is hosted by the defendant. However, the domain itself is registered with the company GoDaddy in the United States. This company has about 7,000 employees, as can be seen in the Wikipedia article about the company on page 541 in the case documents. It is one of the largest companies of its kind in the world. The plaintiff has already directed claims against this company, which has stated that the content does not violate its rules. As reported on pages 315-316 in the case documents (bottom of page 316), the company reviewed the website and concluded that there was no need for action.

Subsequently, the plaintiff chose to direct their claim more towards the defendant instead of GoDaddy, which has its operations in the United States, as does the plaintiff. Although the claim is directed at the defendant, who hosts the content the domain refers to, it amounts to a demand equivalent to shutting down the domain. Specifically, the claim is for an injunction on hosting all of the content and making it inaccessible to the public. If such a claim were accepted, the defendant would not be able to host any of the content found there or content referred to on the website. The defendant believes it is clear that the plaintiff's claim is excessive and that the purpose is other than stated in the organization's case preparation.

The defendant finds it appropriate to briefly describe the content found on the website. It contains a vast amount of information with references to other websites used as electronic citations. The website thus serves as a database with information about various parties, including the plaintiff. It is claimed, for instance, that certain forces are working together to coordinate actions against Palestinians and others fighting for the interests of various minority groups. It is also claimed that the same parties supporting the occupation in Palestine profit from the production of military equipment and devices used against oppressed groups. Many stories are told that intersect or overlap. The website attempts to illustrate these connections between institutions in the military, police, universities, banks, etc., to demonstrate these intersections.

The purpose of the website is said to be, among other things, to expose these connections and to point out that "any network can be disrupted." It encourages communication between stakeholders and political entities, noting the importance of creating a counterbalance for future generations. It also aims to shed light on destructive societies and organizations so that the public understands their methods, connections, and interests. As previously mentioned, the plaintiff wishes to shut down the website and make all its content inaccessible. Thus, it is clear that the

plaintiff finds the content inconvenient. However, it is argued that the content is not illegal, even though it may be uncomfortable.

On the website, the discussion is not only about the plaintiff. It does not specifically address Jews, although some Jewish organizations may be mentioned. The website discusses hundreds of entities and institutions, including the police, fire departments, schools, and various organizations. The plaintiff is the only party requesting an injunction in this case.

But who is the plaintiff? In their statement, the plaintiff claims to be a human rights organization. Sharon S. Nazarian's testimony revealed that it is a human rights organization fighting, among other things, for freedom of expression (page 29 of the case documents). However, the reality is that it is an interest group that has been criticized for decades for its practices and methods of silencing discussions unfavorable to the organization. This is specifically addressed on the website with references to sources.

Many discussions about the plaintiff have suggested that their practices do not necessarily align with what is generally expected of human rights organizations. In this context, reference is made to a letter from Benjamin Epstein, then executive director of the plaintiff, to Paul Joftes, the chief secretary of the organization, dated July 7, 1961 (page 87 of the case documents), which has been discussed in the media. In the letter, he explains the goals of the organization's actions discussed on the website. The letter roughly translates to:

> *ADL has maintained a very important research role for many years on the activities and propaganda of Arabs. We have been collecting information since 1948 on activities related to the Arab consulates, the Arab delegation at the United Nations, the Arab Information Center, the Arab Refugee Office, and the organization of Arab students.*
>
> *Information from us has been very valuable and served both the U.S. State Department and the Israeli government, in addition to being necessary for our operations. The information has been made accessible in both countries with full knowledge that it comes from us. In many cases, our information has revealed Arab plans before they have been implemented.*

This letter was never meant to be public but was part of the court documents in a lawsuit against the plaintiff, where they were accused of spying with the help of public officials. The organization chose to settle the case, so no verdict was given. The website refers to various sources that claim the plaintiff engaged in spying on over 1,000 people since the mid-last century. It includes hyperlinks to court documents from the mentioned lawsuit. It also refers to numerous news articles,

though only a few are part of the case documents of this case. For example, a Los Angeles Times article from September 28, 1999, titled "Anti-Defamation League Settles Spying Lawsuit" (page 153 of the case documents), an Eir News Service article by Joseph Brewda from May 7, 1993, titled "The Joftes Case: ADL spying for Israel since the 1960s" (page 143 of the case documents), and an article from The Israel Lobby Archive titled "Criminal investigation and successful civil lawsuits against the ADL over privacy right violations – 1992-1993" (page 149 of the case documents), the latter containing references to numerous court documents and sources.

As previously mentioned, the website refers to these sources, indicating that the content found on it is not baseless. From the plaintiff's statement to the district court, it seems the plaintiff is surprised that they are accused of espionage (paragraph 80 of the statement on page 60 of the case documents). It is left unsaid that numerous articles have been written about alleged spying, and a lawsuit has been filed against the organization, as previously mentioned. The website refers to organizations that the plaintiff might have spied on according to documents in the mentioned case, including: General Union of Palestinian Students (GUPS), Institute for Palestine Studies, Palestine Congress of North America, Palestine Human Rights Campaign, Palestine National Council, Palestine Solidarity Committee, and The Organization of Arab Students in the United States and Canada, to name a few. Emphasis is placed on the fact that the website refers to sources in its discussion. Authors of the content should be allowed some leeway in interpreting these sources and drawing conclusions in their discussion.

The website also discusses the plaintiff's ties to the police and the interests the plaintiff believes it has in training police officers. It is undisputed that the plaintiff has been involved in police training for decades. The website's discussion refers to various sources, including documents and information from the plaintiff itself. This includes annual reports, emails, letters from board members, etc., covering a long period of the organization's history. For instance, the website discusses the plaintiff's 1967 report titled "MAJOR PROGRAMS OF THE B'NAI B'RITH ANTI-DEFAMATION LEAGUE: 1945-1965" (page 115 of the case documents). The website concludes from this report, among other things, that the plaintiff saw the police as key to ensuring that civil rights movements did not become too radical. The report states that during the time referred to in the report, the plaintiff provided training for "more than 130 top police officials from 31 states of the United States," as translated into Icelandic. The website leaves it to the readers to assess whether human rights organizations typically train police officers.

In the plaintiff's 2016 annual report (page 225 of the case documents), referred to on the website, there is a discussion about the "National Counterterrorism Seminar" held in Israel for U.S. police officers. It is specified that all costs were paid by the plaintiff, including all accommodation. The report states that "100% of the top police

departments in U.S. cities have sent participants to the ADL's anti-terrorism conference in Israel and ADL's follow-up training school on extremist and terrorist threats." Training courses were also held in the United States, where teachers on behalf of the plaintiff were involved in police training, as referred to in emails, promotional materials, and expense reports on the website, found on page 545 of the case documents. The purpose of this training, according to the website, is to get the police to view those who show solidarity with Palestinians as terrorist supporters. It is vehemently denied that this discussion constitutes anti-Semitism, as there is no attack on Jews, let alone a condemnation of Jews or any other social groups. The criticism is thus directed at specific governments, companies, institutions, and organizations, including the plaintiff. It is up to each individual to determine whether such criticism is fully justified. However, it is argued that the plaintiff must tolerate harsh criticism, as stated in the grounds of the appealed decision.

Emphasis is placed on the fact that the plaintiff had assets amounting to 221 million dollars at the end of 2020, according to the organization's financial statement on page 283 of the case documents. This amount corresponds to approximately 30 billion Icelandic krona. The total income for the year was 91 million dollars, equivalent to about 12.5 billion krona. Additionally, contributions were about 85 million dollars per year, although it is not disclosed where the majority of these contributions come from. It is particularly important to consider the size of the organization and the role it has assumed when assessing whether the content hosted by the defendant constitutes a breach against the organization and when evaluating if the alleged breaches justify banning all content found there.

It may well be uncomfortable for the plaintiff that articles about the organization have been compiled in one place. However, as previously stated, uncomfortable discussion is not illegal discussion that justifies an injunction against it, especially since freedom of expression is particularly important under these circumstances. There is a special reason to defend freedom of expression against those who systematically work to control the discussion and stop the debate on certain issues.

The core issue is that the website does not contain any hate speech, neither in the sense of general penal laws nor international treaties referred to by the plaintiff. Looking at how the case is framed in the plaintiff's statement to the district court, the legal argument mainly focuses on two words: *dismantled* and *disturbed*. It is important to emphasize that neither of these words is directed at Jews or any race. The word *dismantled* is incorrectly translated as *uproot* when it actually refers to "disassembling" or "dissolving companies/organizations," as stated in the district court's statement. The word *disturbe*" refers to disruption, and the website mentions that "any network can be disrupted," referring to the network of those discussed on the website. None of this implies incitement to violence, as the website is protesting violence.

The plaintiff's statement refers to the Icelandic translation on the website: *We hope that people will use our map to see how it is possible to respond effectively.* As previously mentioned, this is not a call for actions against "Jews" or social groups, as those listed on the website are likely not mostly Jewish, but include banks, arms manufacturers, various organizations, universities, police departments, various public institutions, etc. No encouragement of actions against individuals is found, as it says: *These organizations actually exist and it is possible to disrupt them (e. disrupted in the physical world)* (see page 473 of the case documents). Again, there is no incitement to any form of violence.

In the injunction request (top of page 370 in the case documents), it states that it is *left to the readers to decide for themselves what such actions should entail.* The plaintiff here acknowledges that there is no incitement to violence, as no encouragement for such is found. It is highlighted that numerous parties have thoroughly investigated the site and all have concluded that nothing illegal is found there, including the large company GoDaddy, as discussed earlier, the defendant, the police in the United States, and the local police who are responsible for investigating crimes against general penal laws. The Magistrate reached the same conclusion as the aforementioned when they rejected the plaintiff's request for an injunction. There is no reason to overturn the office's decision.

The defendant believes it is incorrect and reckless to assert that the discussion targets Jews or constitutes hate speech. In the defendant's opinion, it is completely irrelevant to refer to news about attacks on Jews that have nothing to do with the website or its content.

Furthermore, the defendant emphasizes that an injunction can only be directed at what has been submitted in the Icelandic translation and the remarks specifically mentioned in the injunction request or, as the case may be, in the statement to the district court. The plaintiff has now seemingly submitted the entire website on a USB drive. It appears that the plaintiff expects the court to review the entire website and form a comprehensive judgment on its content. The defendant entirely opposes this approach. The plaintiff has defined the basis of the case and identified specific statements they consider to be hate speech. Therefore, no other remarks are under consideration in this case. In this context, it is appropriate to reiterate that the defendant, in an email dated March 10, 2023, on page 252 of the case documents, challenged the plaintiff to *specify more precisely... ...what constitutes 'hate speech' on the website* and requested information on *what criminal behavior is being incited according to [the plaintiff's] opinion, with specific references to the text on the website*" This reasonable request was never answered, and the plaintiff proceeded directly with the injunction. In the injunction request, no other words are mentioned besides the two previously noted. There is also a lack of detailed discussion about what actions or content are

being referred to. Thus, it is completely underdeveloped what on the website should justify an injunction against hosting all the content found there, if the claim is based on other text than what was specifically translated and mentioned in the injunction request itself. It is evident in the plaintiff's case that there are various assertions without reference to the content on the website. None of these justify an injunction, in the defendant's opinion.

During the oral argument in the district court, emphasis was placed on the fact that the website, in some instances, specifies the home address of those discussed, including the plaintiff. It's important to note that the plaintiff's address can be accessed in many places, including on their own website. It was claimed during the case presentation that the home addresses of the plaintiff's board members could be found on the website. This is outright false, as confirmed by Sharon S. Nazarian, who stated her home address is not on the mentioned website (page 34 in the case documents). Furthermore, the judge requested to be shown the part of the submitted documents where the board members' addresses could be seen. No such place in the documents could be pointed out. In Sharon Nazarian's testimony, it was also mentioned that her name appears on the plaintiff's website along with other board members. Therefore, the website in question does not provide any more information than what is available on the plaintiff's website, www.adl.org. The defendant emphasizes that the plaintiff does not represent others in this case. It is therefore pointless to refer to potential discussions about parties other than the plaintiff, especially since it's underdeveloped on what authority such legal action is based or such representation is made.

The defendant argues that the plaintiff's demand is overly broad and excessive, as detailed in the defendant's statement to the district court. The nature of the demand suggests that the objective is something other than preventing alleged hate speech against Jews, which is the superficial claim of the injunction request. Rather, the plaintiff's approach and demand seem more like an attempt to silence uncomfortable discussions about them, as there is no specific claim against particular statements but a demand for a ban on hosting the content in its entirety. Moreover, there's a demand to make the content inaccessible indefinitely. If the demand were granted, it would be impossible to host or publish any content currently on the mentioned website, whether related to the plaintiff or others. Also, it would be impossible to host content on the website for other service users. The defendant considers such a claim unacceptable, as it would obviously infringe on freedom of speech, unprecedented in a civilized country.

The defendant contests the assertion that the service users' discussions about the plaintiff constitute *obvious characteristics of hate speech and anti-Semitism"* as the plaintiff has not been able to specify which statements constitute such discussion despite challenges. During the oral presentation in the district court, the plaintiff's

lawyer was specifically asked by the judge to point out statements other than the words *dismantle*" and *disturbed* discussed in the statement, which are part of the translated text. No other text on the website was pointed out; instead, it was merely claimed that the website is full of hate speech. This approach aligns with Sharon S. Nazarian's testimony on page 30 of the case documents. Specifically asked about what constitutes anti-Semitism on the website, she responded:

> *Basically, the pattern in the presentation is the same as always accusing Jews of being behind everything that goes wrong in the world. They own, yes. They specifically mention Jewish... academics from Jewish ranks. And they say that because Jews are so greedy, and this is what I am saying now is like anti-Semitism... here, the presentation, that Jews just use the money they earn to help each other. And that's exactly what is anti-Jewish. And the presentation is also there on the site where they are accusing the Jews of being behind all the difficulties of the Palestinians, and of holding Jews in the United States and elsewhere, like... responsible for what is happening in the Mediterranean or around the Mediterranean. And that is... such presentations are like anti-Semitic framing...*

The plaintiff, therefore, cannot refer to text that contains alleged hate speech or anti-Semitism but instead refers to the supposed overall tone of the website, which is not in line with reality. The defendant argues that it is entirely underdeveloped what text on the mentioned website constitutes the alleged hate speech. In this context, it is not sufficient to submit the entire website and expect a defense without specifying the text being referred to. Similarly, it is not possible to present the case to the court without specifically pointing out the text and arguing why it constitutes illegal discourse, instead of making general assertions without text reference. It should be remembered that hate speech leads to legal penalties. Neither the local police nor the police in the United States have found reason for action.

The principle here is that limitations on freedom of expression must be narrowly construed. When assessing the discussion, it must be taken into account that the organization is enormous and has placed itself in a position where it must tolerate very critical discussion. It has been reiterated in both judgments of the European Court of Human Rights and the Supreme Court of Iceland that certain groups in society need to endure discussion that closely concerns them. In Halldóra Þorsteinsdóttir's article titled "Injunction Against Media Coverage – Judgment of the Supreme Court of Iceland, March 22, 2019 (29/1018) in the case of Glitnir HoldCo ehf. vs. Útgáfufélagið Stundin ehf. and Reykjavík Media ehf." published in Úlfljótur, it states: *This is in line with other judgments of the Supreme Court, where the court has concluded that participants in business life create a certain status in society and thus have to endure more intrusive media coverage than others…*

It is evident that massive international organizations must tolerate critical discussion of their practices in the same way as business entities, politicians, government authorities of individual countries, etc. This rationale applies both to media coverage and other forms of discussion. Furthermore, it should be noted that the discussion is not about individuals but about large interest organizations. Additionally, the discussion on the website is primarily a compilation of information from the plaintiff itself, information from legal cases, news, articles, etc. The defendant argues that accepting the plaintiff's claims, which are not directed at specific statements but aim for the closure of the entire website and a ban on hosting all its content, would constitute an obvious infringement on freedom of expression.

Moreover, the defendant argues that an injunction would be contrary to the comments in the general remarks of the legislative bill for Act No. 30/2002 on electronic commerce and other electronic services, which states: *The bill aims to expand freedom of expression, achieved by reducing the liability of hosting providers and their obligation to remove data, as such liability and obligation can cause a chilling effect on freedom of expression.* The defendant believes these comments precisely apply to this case.

The defendant emphasizes, as previously stated, that the plaintiff is not requesting the removal of specific statements but is seeking an injunction against hosting the entire website. Thus, the plaintiff is choosing the most extreme measure available. In Halldóra Þorsteinsdóttir's aforementioned article, under section 5 regarding the application of this measure, it is stated: *Regardless of the above, it is clear that an injunction is the measure that goes furthest in terms of expression and should be avoided unless in exceptional circumstances. In any case, such a restriction is dubious to be in compliance with Article 73(3) of the Constitution and Article 10(2) of the European Convention on Human Rights if the discussion is directed at a socially important issue that is relevant to public debate.* The defendant considers it absurd to view the case as one of the narrow instances that justify the use of an injunction against the content of the website.

The defendant also stresses that no statements on the website are inappropriate, as no specific statements that could be considered such have been pointed out. Moreover, the remarks must always concern the plaintiff, as the plaintiff does not represent others in this matter. Thus, nothing on the website justifies the use of an injunction, and the discussion is indeed relevant to public debate, as evidenced by the plaintiff's reactions.

In the plaintiff's statement to the district court, it was first claimed that the website's content violates the plaintiff's privacy, and this claim is continued in the statement to the Court of Appeals. This argument was not raised in the initial injunction request to the district court. It is completely underdeveloped how the website's content

infringes upon the plaintiff's privacy. The defendant contends that no content on the site violates the alleged honor of the plaintiff, as there is a complete lack of discussion about which specific statements are being referred to. Additionally, the right to privacy primarily extends to individuals, not legal entities. In this regard, reference is made to the bill accompanying Article 71 of the Constitution, which states: *Privacy primarily involves a person's right to control their life and body and to enjoy peace regarding their lifestyle and private affairs. It is also considered that emotional life and emotional relationships with others are protected under the article.* If this article is also applicable to the plaintiff, it is completely underdeveloped in what the alleged violation consists.

Furthermore, the defendant emphasizes that true statements cannot constitute a violation of the plaintiff's privacy. As previously mentioned, the website's discussion is based on sources, including court documents from a case against the plaintiff which they chose to settle, the plaintiff's own documents, news, etc. Courts have repeatedly affirmed that freedom of speech grants people the right to draw conclusions from existing information, including media reports. The defendant argues that the service users have not gone beyond what the law allows in their discussion about the plaintiff. Again, it is emphasized that it is unclear which specific statements on the website the plaintiff is referring to in support of their injunction request.

The defendant also argues that the conditions of Article 24 of the Act on Attachment and Injunctions are not met. This stance is based firstly on the fact that no violation against the plaintiff has occurred, as previously detailed and further argued in the statement to the district court. Secondly, it must be considered that the measure is a provisional one directed at all content on the website, even though the website discusses much more than the plaintiff. It is also argued that hosting the content cannot be seen as an act that disturbs the plaintiff's legally protected rights in such a manner that warrants an injunction, as the plaintiff must demonstrate that specific interests are at immediate risk pending a court decision. It must be noted that the content has been hosted by the defendant for nearly one and a half years without any harm to the plaintiff's interests. A clear reference to specific interests at risk is required, which has not been provided.

The defendant also highlights that in assessing whether the conditions of Article 24(3) of the Act are met, including paragraph 2, special attention must be given to the interests of the content creators and/or service users, not the defendant, as otherwise the interests of the former would be completely disregarded. In the plaintiff's statement to the district court, it is argued that the organization has already suffered damage. However, nowhere is it clarified what this damage entails, nor how the website has caused it, especially given that all the content has been previously disclosed. Sharon S. Nazarian testified in court that there was nothing new in the

content, as she stated on page 30 of the case documents, "The content itself on the site is not new to us." Thus, a causal relationship is entirely lacking, and any supposed damage resulting from better-informed public discourse is not a type of harm the law is intended to protect against. Future alleged damage is irrelevant as it is unproven and underdeveloped. The plaintiff represents only its own interests and has not demonstrated authority from others.

The defendant considers it appropriate and correct to defend the interests of service users when unfounded claims are made against content hosted by the company, which concerns the freedom of expression of the service users. The defendant's interests also lie in ensuring that injunctions are not granted based solely on assertions. When the defendant reviewed the website's content following a notification from the plaintiff, nothing illegal or in violation of international treaties was found. When the defendant requested further justification with specific references to the website's content, the plaintiff chose not to respond. The defendant believes this case is not only about defending the interests of the service users and the business interests of the defendant but also the significant interests of the public. The public has a right to a discussion not controlled by influential organizations by shutting down specific content based on mere claims of illegality. The interests of the service users and the public outweigh the vague and lightly substantiated interests of the plaintiff.

The defendant asserts that it has no obligation to provide information about the identity of service users and/or to gather such information. If a service user does not disclose this information on their website, the defendant does not provide it, as it is not their responsibility. Whether the plaintiff knows the identity behind the website is irrelevant since freedom of expression is not dependent on the speaker identifying themselves. Those engaging in critical discussion may have valid reasons for anonymity. The protection afforded by freedom of expression is not contingent on the speaker taking responsibility for their statements in their own name, as the plaintiff now suggests. The plaintiff's challenge is thus irrelevant, but the defendant does not base its argument on being the wrong party to the case. No objection is made to the injunction being directed at the defendant. However, the defendant argues that the conditions for imposing an injunction on hosting the content are not met. Furthermore, it is emphasized that this is about protecting the freedom of expression of the service users. The plaintiff's discussion about the freedom of expression of legal entities is thus irrelevant.

The plaintiff has referred to three court cases to support their claims. First, there is the Supreme Court judgment in case 214/2009 (Istorrent ehf. and Svavar Lúthersson vs. the Association of Composers and Owners of Performance Rights), where it was proven that those targeted by the injunction operated a website where extensive file-sharing of copyrighted material took place, thus directly facilitating users' copyright

infringements. In the Supreme Court judgment in case 25/2017 (Símfélagið ehf. vs. STEF), it was shown that copyright holders owned the content unlawfully distributed on websites through Símfélagið's mediation. A similar conclusion was reached in the Supreme Court judgment in case 33/2017 (Hringiðan ehf./Vortex Inc vs. STEF), the third case cited by the plaintiff. Since all content shared on those websites was copyright-protected, injunctions against hosting such content were justified. However, the current situation is not comparable, as this is not about copyrighted material but allegations of unspecified statements on the website violating the plaintiff's rights. The defendant contests that such an assertion justifies an injunction against hosting all content on the website.

The plaintiff has submitted new evidence to the Court of Appeals that was not presented in the district court. The defendant argues that the decision cannot be based on these new documents, as the so-called exclusion rule prohibits introducing new evidence in the Court of Appeals that could have been obtained and presented in the district court, according to Article 101(1) and 104 of Act No. 91/1991, see Article 35(1) of Act No. 20/1991, see Article 91(1) of Act No. 90/1989. In this context, the defendant refers to the Court of Appeals judgment in case 737/2020 (paragraph 6) and the Supreme Court judgment in case 511/2016. The plaintiff had the opportunity to present these documents in the district court. Therefore, they cannot be introduced now in the Court of Appeals.

Furthermore, the defendant objects to all new arguments presented by the plaintiff as being too late. Specifically, attention is drawn to the argument in paragraph 131 of the plaintiff's statement to the Court of Appeals, focusing on "the inseparable connection of the interactive map, 'The Mapping Project,' as it appears there, with the content and other information on the website..." The plaintiff now argues the necessity of determining "whether to allow such mapping online, for the aforementioned purposes, or to impose an injunction against it." Firstly, this approach asks the court to review the entire website, now submitted on a USB drive, without reference to specific content. Such presentation does not conform to legal provisions, as the court is not an investigative body. Secondly, this argument is based on a new line of reasoning not previously presented, either in the injunction request itself or in the statement to the district court. Regardless, the defendant contends that the mentioned map in no way justifies imposing an injunction against hosting the content referred to by the website.

The plaintiff made the decision to frame the case by only making a claim for an injunction against hosting all the content of the website, instead of targeting specific statements that could have been included in the claim and substantiated in the arguments as to how those statements violate the plaintiff's rights or those of others, as well as explaining on what basis the plaintiff is protecting the interests of others. Since this approach is excessively far-reaching, regardless of other factors, the

plaintiff's claim should be rejected, even if it were unlikely determined that specific statements constituted a violation against the plaintiff. Individual statements cannot justify an injunction against hosting all content on the website.

The defendant otherwise refers to its statement to the district court on pages 65-84 of the case documents and to the grounds of the appealed decision on pages 10-15 of the case documents.

Regarding legal references, the defendant refers to its statement to the district court. The defendant's claim for costs of the appeal is supported by paragraphs 2 and 4 of Article 150, Article 166 of Act No. 91/1991, and Chapter XXI of the same Act.

Reykjavík, 12.12.2023

Ólafur Örn Svansson, Attorney at Law

To the Court of Appeals