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The Association of Danish Museums has received the proposal for a **Directive of the European Parliament and of the Council on certain permitted uses of orphan works CO;(2011)289 final** from The Danish Ministry of Culture and has the following comments:

The Association of Danish Museums welcomes the overall purpose of the proposal that will make it possible for Danish museums to legally publish orphan works without interfering with copyright issues and thereby contribute to the spread of cultural information within the European Union.

However, The Association of Danish Museums also wishes to express two points of concern:

- a) Regarding the eventual administrative burden of research for the author before stating a work orphan; a burden that we fear might end, unfinanced, in the museums from which some of the needed expertise will be required (Article 3, 1-2).

- b) Regarding the rightholder's possible later claim on a fee from a work former published as orphan and thereby in good faith. As it seems to us that Article 7,5 states that the *publisher*, not the member state, is responsible for eventual later claims, we expect that this financial uncertainty might prevent museums from publishing orphan works at all and thereby not contributing to the spread of cultural information intended by this proposal for a new directive.

On behalf of the Association of Danish Museums

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