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**Response to the reflection document of DG INFSO and DG MARKT on Creative Content in a European Digital Single Market: Challenges for the Future**

The Association of Danish Museums agrees in the need of and urge for a common European interpretation and legislation based on the Berner Convention. However especially in the digital market the possibilities of border crossing distribution, also from non-EU states, are legion and it is impossible to predict even in the near future ways and means for storing and distribution. Therefore we also should call for possible coordination with the work in process within UNESCO.

Since the management of rights even to non-digital material already now differs widely within the member states we highly acknowledge the efforts to create a common European framework for the protection of immaterial rights with regards to both analogue and digitalized material. We have however noticed that the paper only deals with consumers – as ordinary private end users – and commercial users access.

Considering the evergrowing public use of digitalized material within public education and communication of national and European heritage, we should refer to the existing Danish legislation, Lbk nr. 763 af 30 juni 2006 (Bekendtgørelse af lov om ophavsret kap. 2 § 16), which in its present form excludes photographic and digital material. These restrictions have shown prohibitive to modern practice of augmenting the museum and to public dissemination of the common cultural heritage.

Therefore we should suggest that the Commission with great thoroughness consider the balance not only between the producers and commercial users, but also between the legal rights of producers and the public interests of education purposes and the dissemination of European cultural heritage by non commercial state or state approved museums.

Yours faithfully

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