Abstract: Recent months have seen heated debate in both the popular press and in more academic forums about the Google Book Search settlement agreement. One important cause of concern therein is the legal status of, and rights regarding, so-called “orphan books”—books the rights holders of which are either unknown or difficult to find and that, consequently, are not used for fear that their authors might later be discovered or make themselves known. The recent settlement would allow Google to display up to 20% of the content of books that are “in-copyright” and out-of-print. In addition, Google would be allowed to generate revenue both through ads run alongside the display of such books and by selling access to their full texts. In return for these rights, Google is to fund the establishment of a Book Rights Registry which would not only apportion settlement funds to registered copyright owners for the past use of their books but would also receive and allocate 63% of Google’s revenue from book searches subject to sharing provisions. Google would thus become the only company to lawfully use and make money from orphan books. The provisions of the settlement pose several problems in need of careful study. One of these is that they could be construed to confer monopoly rights for all orphan books published in the United States to a single private company. Another is that these provisions provide an initial solution to the dilemma presented by one type of orphan work that is different from the one that the United States has more generally pursued in recent years, resembling, instead, the solutions to the same problems presented by the European Commission. There is every reason, however, to see this second issue as presenting the first step towards a more equitable and efficient solution to the problem than those thus far presented. In the past, we have seen many areas of copyright law, most notably legislation regarding the copyright term and the treatment of computer programs, in which legal bodies on one or the other side of the Atlantic have enacted legislation without taking the other into account, only to realize after the fact that common solutions were not only favorable but necessary. This, coupled with the fact that changing established systems comes at a high price, underlines the extreme desirability of a common solution to the orphan works problem on the part of the US and the European Union. In my paper I will discuss a proposed legislative solution that the United States as well as the Member States of the EU might simultaneously adopt and which would, ideally, provide a solution for all groups of works and all players in the marketplace.