



PREPARATORY COMMISSION FOR THE INTERNATIONAL REGISTRY

REGULATIONS FOR THE INTERNATIONAL REGISTRY

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CONTENTS

Section 1	Authority
Section 2	Definitions
Section 3	General Provisions
Section 4	Access to the International Registry
Section 5	Information Required to Effect Registration
Section 6	Confirmation and Notice of Registration
Section 7	Searches
Section 8	Operational Complaints
Section 9	Confidentiality
Section 10	Statistics
Section 11	Annual Report to the Supervisory Authority
Section 12	Relations with the Entry Points
Section 13	Fees
Section 14	Liability and Insurance
Section 15	International Registry Procedures
Section 16	Publication
Section 17	Amendments
Section 18	Effective Dates

Section 1 AUTHORITY

1.1 These Regulations are issued by the Supervisory Authority pursuant to Article 17 (2)(d) of the *Convention on International Interests in Mobile Equipment* (“**Convention**”) and Article XVIII of the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment* (“**Protocol**”).

Section 2 DEFINITIONS

2.1 Terms defined in the Convention and the Protocol shall have the same meanings in these Regulations. In addition, the following terms shall have the meanings set out below:

2.1.1 “**administrator**” means the person with authority to act on behalf of a registry user entity on administrative matters in dealings with the International Registry, and an “**acting administrator**” has the meaning set out in Section 4.1.

2.1.2 “**authorisation**” means an electronic authorisation given by the administrator of a transacting user entity to one of its transacting users or to a professional user to transmit information to the International Registry to effect or consent to a registration on behalf of that transacting user entity.

2.1.3 “**consent**” means an electronic consent to a registration.

2.1.4 “**identity**” means the name, address and electronic address of the entity or person in respect of whom the identifying information is sought.

2.1.5 “**named party**” means the transacting user entity named in a registration, and a “**named representative**” means a person named in a registration acting for others in an agency, trust or other representative capacity.

2.1.6 “**professional user entity**” means a firm or other grouping of persons providing professional services to transacting user entities in connection with the transmission of information to the International Registry relating to registrations, and a “**professional user**” means an individual employee, member, or partner of a professional user entity.

2.1.7 “**registration**” means an interest electronically registered with the International Registry. For purposes of Sections 4.4 and 6, the term has the extended meaning set out in Section 6.1. A “**registering person**” means the transacting user, professional user, or direct entry point transmitting information to the International Registry to effect a registration.

2.1.8 “**registry user entity**” means (i) a transacting user entity, or (ii) a professional user entity, and a “**registry user**” means a transacting user or a professional user.

2.1.9 “**searching person**” means a person making a search in accordance with Section 7 of these Regulations.

2.1.10 “**special purpose entity**” means an entity created by a transacting user entity for the limited purpose of entering into transactions to which a registration relates, where the latter entity electronically asserts that it has effective control of, or the exclusive right to service, the former entity.

2.1.11 “**transacting user entity**” means a legal entity or natural person intending to be a named party in one or more registrations, and a “**transacting user**” means an individual employee, member, or partner of a transacting user entity.

2.2 The term or terms:

- (a) “**entry point**”, “**authorising entry point**”, and “**direct entry point**” have the meanings set out in Section 12.1;
- (b) “**International Registry Procedures**” has the meaning set out in Section 15.1; and
- (c) “**priority search**”, “**priority search certificate**”, “**informational search listing**”, “**Contracting State search**”, and “**Contracting State search certificate**” have the meanings set out in Section 7.

Section 3 GENERAL PROVISIONS

3.1 The International Registry is established as the facility for effecting and searching registrations under the Convention and the Protocol.

3.2 As the International Registry merely provides notice of registrations, the facts underlying any such registration or registered interest shall determine whether it falls within the scope of the Convention or Protocol. Without limiting the foregoing, while there will be no technical impediment to the registration of pre-existing rights and interests, such registrations shall have no legal effect under the Convention and Protocol, except where, by virtue of a declaration under Article 60 (3) of the Convention, registration thereof is required. The contents of this Section 3.2 shall be prominently displayed by the International Registry as a general cautionary note.

3.3 The Registrar shall perform the functions specified in the Convention, the Protocol, these Regulations, and the International Registry Procedures.

3.4 The International Registry shall be accessible 24 hours a day, 7 days a week, except for maintenance, performed outside peak periods, or technical or security problems, as set out in the International Registry Procedures.

3.5 Technical support shall be provided to registering persons, searching persons and administrators by a help desk of the International Registry, which shall be available 24 hours a day, 7 days a week, via telephone and/or electronic mail, as set out in the International Registry Procedures.

3.6 The International Registry may be used for no other purpose, other than that set forth in Sections 3.1 and 3.2, unless approved in advance by the Supervisory Authority and subject to the terms of that approval.

Section 4 ACCESS TO THE INTERNATIONAL REGISTRY

4.1 No registry user entity or administrator of that entity shall have access to the International Registry unless that entity and administrator are first approved as such by the Registrar and are otherwise in compliance with these Regulations and the International Registry Procedures. For purposes of the preceding sentence, such approval shall be given when the Registrar reasonably concludes (a) that such entity and administrator are who they assert they are, and (b) on the basis of information submitted, and without undertaking specific legal analysis, that the latter is entitled to act as administrator of the former, in

each case, following the standards and procedures set out in the International Registry Procedures. An administrator may electronically delegate its powers to an “acting administrator” from time to time for periods not to exceed three (3) months.

4.2 No registry user shall have access to the International Registry unless that user is first electronically approved as such by the administrator of the subject registry user entity and is otherwise in compliance with these Regulations and the International Registry Procedures. No approved registry user shall be entitled to transmit information to the International Registry to effect a registration unless it has first received authorisation to do so. For purposes of the preceding sentence, such electronic approval and authorisation may be given in the sole discretion of the relevant administrator and may be revoked by such administrator at any time.

4.3 Notwithstanding the preceding paragraphs:

- (a) the administrator of a transacting user entity approved by the Registrar may electronically approve a special purpose entity as a transacting user entity; and
- (b) in such a case, the rights, powers and obligations of the administrator of the approving transacting user entity and its transacting users, respectively, shall apply equally to the approved transacting user entity.

4.4 Subject to these Regulations and in accordance with the International Registry Procedures, a registration may only be effected, with an authorisation, by a registering person, on behalf of the transacting user entity which is a named party required or permitted to effect that registration under Article 20 of the Convention and Article III of the Protocol.

4.5 No searching person shall have access to the International Registry unless that person is first in compliance with these Regulations and the International Registry Procedures.

Section 5 INFORMATION REQUIRED TO EFFECT REGISTRATION

5.1 Information required to effect a registration shall be selected from electronic information provided by the International Registry. To the extent such information is not so provided, it shall be electronically entered by a registering person using the format prescribed in the International Registry Procedures, except as regards named parties (other than one whose consent is not required under Section 5.8) as they must be approved transacting user entities.

5.2 Identity information shall be deemed complete only if each of the three elements contained in the definition of identity is provided.

5.3 The information required to effect a registration of an international interest, a prospective international interest, an international interest acquired through subrogation, a notice of a national interest, or a registrable non-consensual right or interest is:

- (a) the identity and electronic signature of the registering person and a statement on whose behalf it is acting;
- (b) the identity of the named parties;
- (c) the following information identifying the aircraft object:
 - (i) type of aircraft object;
 - (ii) manufacturer's name;
 - (iii) manufacturer's generic model designation; and
 - (iv) manufacturer's serial number assigned to the aircraft object;
- (d) in the case of an airframe or helicopter, the following information, if known:
 - (i) the current, and, if different, intended State of Registry for nationality purposes; and
 - (ii) the current, and, if different, intended aircraft nationality and registration marks assigned pursuant to the Chicago Convention;
- (e) the duration of the registration, if the registration is to lapse prior to the filing of a discharge;
- (f) in the case of an international interest or a prospective international interest, the consents of the named parties, given under an authorisation;
- (g) in the case of an international interest acquired through subrogation, the file number of the registration of that interest; and
- (h) the names and electronic addresses of persons to which the Registrar is required to send information notices pursuant to Section 6.

5.4 The information required to effect a registration of a contract of sale or a prospective sale is:

- (a) the information referred to in Sections 5.3 (a)-(d) and 5.3 (h);
- (b) the consents of the named parties, given under an authorisation; and
- (c) in the case of a prospective sale, the duration of the registration, if that registration is to lapse prior to the time of a discharge.

5.5 The information required to effect the registration of an assignment of an international interest, a prospective assignment of an international interest, or the assignment of a registrable non-consensual interest is:

- (a) the information referred to in Sections 5.3 (a)-(d) and 5.3 (h);
- (b) the consents of the named parties, given under an authorisation;
- (c) if the interest being assigned is a registered interest, the file number of the registration relating to that interest; and
- (d) if the interest being assigned is not a registered interest, a description of the interest assigned and original debtor thereunder, using the format prescribed by the International Registry Procedures.

5.6 The information required to discharge a registration, other than a registration relating to a contract of sale is:

- (a) the information referred to in Sections 5.3 (a)-(d) and 5.3 (h);
- (b) the consents of the named parties benefiting from the registered interest, given under an authorisation, but not of the debtor, assignor or person subordinating the registered interest, or of the prospective seller in the case of a registration relating to a prospective sale;
- (c) the file number of the registration to be discharged; and
- (d) the date the discharge is to be effective.

5.7 The information required to effect the registration of a subordination of an international interest, a prospective international interest, a national interest, or a registrable non-consensual interest is:

- (a) the information referred to in Sections 5.3 (a)-(d) and 5.3 (h), and, for purposes of the foregoing reference to Section 5.3 (b) and for purposes of Section 5.7 (b), the “named parties” shall be the registry user entities subordinating its interest and benefiting from that subordination;
- (b) the consent of the named party whose interest is subordinated, given under an authorization;
- (c) if the interest being subordinated or benefiting from the subordination is a registered interest, the file number relating to each such interest; and
- (d) if the interest being subordinated or benefiting from the subordination is not a registered interest, a description of such interest and the original debtor thereunder, using the format prescribed by the International Registry Procedures.

5.8 Notwithstanding Sections 5.3 (f), 5.4 (b) and 5.5 (b), the information needed to effect a registration of a pre-existing right or interest required by virtue of a declaration under Article 60 (3) of the Convention need not include the consent of the debtor, assignor, seller, or person subordinating the right or interest.

5.9 The information required to amend a registration, defined as any change to the information contained therein, is:

- (a) the information referred to in Sections 5.3 (a)-(d) and 5.3 (h);
- (b) the consents of the named parties that consented to the registration to be amended, given under an authorisation;
- (c) the file number of the registration to be amended; and
- (d) the amendments to be made.

5.10 Without prejudice to Section 12.6, the lack of information referred to in Section 5.3 (d), including where cross referenced in other Sections, does not invalidate a registration.

5.11 The consent requirements of this Section 5 shall be satisfied:

- (a) in the case of a registration initiated by a direct entry point in accordance with Section 12.1 (b), when the International Registry receives the consents from all parties whose consent is required under the Convention, the Protocol, and these Regulations; and
- (b) in the case of a registration authorised in accordance with Section 12.1 (a), in respect of the submitting party when the International Registry receives such registration together with the authorisation.

Section 6 CONFIRMATION AND NOTICE OF REGISTRATION

6.1 In this section, the term “**registration**” includes, where appropriate, an amendment, extension or discharge of a registration.

6.2 The Registrar shall provide prompt electronic confirmation of a registration to the named parties, the registering person, and all other persons entitled to receive notice of that registration under Section 5. A confirmation shall contain the information set forth in Article 22 (2)(a) of the Convention.

6.3 When a registration is effected relating to an aircraft object, a notice thereof shall be sent to persons referred to in Section 6.2 in any other registration relating to that object.

6.4 The confirmation and notice referred to in Sections 6.2 and 6.3, respectively, shall include information specified in Section 5 relating thereto and the file number of the registration.

Section 7 SEARCHES

7.1 Searches of the International Registry may be performed against:

- (a) a manufacturer's name;
- (b) a manufacturer's generic model designation; and
- (c) a manufacturer's serial number of an aircraft object;
and, in the case of an airframe or helicopter, against:
- (d) a State of Registry of an aircraft of which it is a part; or
- (e) an aircraft nationality or registration mark.

Such information may be searched by means of a priority search or informational search, as set out in Sections 7.2 and 7.3, respectively. A Contracting State search may also be made, as set out in Section 7.5. A search may be performed by any person that complies with the International Registry Procedures, whether or not that searching person has a specific interest. All searches shall be performed by electronic means.

7.2 A "**priority search**" is a search for registration information using the three criteria specified in Article XX (1) of the Protocol, as set out in Section 7.1 (a)-(c). Such information is searchable for purposes of Articles 19 (2) and (6) of the Convention and Article XX (1) of the Protocol.

7.3 An "**informational search**" is a search, other than a priority search. The results of an informational search, an "**informational search listing**", shall be a list of all matching aircraft objects, described by the items set out in Section 7.1 (a)-(c), and, if available in the International Registry, the items in Section 7.1 (d)-(e). The facility to perform such an informational search does not make that information "searchable" for purposes of Articles 19 (2) and (6) of the Convention and Article XX (1) of the Protocol.

7.4 A "**priority search certificate**" is a certificate issued in response to a priority search. It shall:

- (a) set out the information required by Article 22 (2)(a) or (b) of the Convention, as applicable, and comply with Article 22 (3) of the Convention; and
- (b) in the case Article 22 (2)(a) of the Convention applies, list the registered information in both (i) chronological order, and (ii) a manner which indicates the transactional history of each registered interest.

7.5 A "**Contracting State search**" is a search for all declarations and designations, and withdrawals thereof made under the Convention and the Protocol by the Contracting State specified in the search. A "**Contracting State search certificate**" is a certificate issued in response to a Contracting State search. A Contracting State search certificate shall:

- (a) indicate, in chronological order, all declarations and designations, and withdrawals thereof by the specified Contracting State;
- (b) list the effective date of ratification, acceptance, approval or accession of the Convention and the Protocol, and of each declaration or designation, and withdrawal thereof, by the specified Contracting State; and

- (c) attach, in the electronic form set out in the International Registry Procedures, a copy of all instruments deposited by the specified Contracting State relating to items within the scope of Section 7.5 (b).

7.6 Each search certificate and listing shall be issued and made available in electronic form. Upon request, a printed copy of a priority search certificate or Contracting State search certificate shall be provided by the Registrar.

Section 8 OPERATIONAL COMPLAINTS

8.1 Any person may submit a complaint to the Registrar concerning the operation of the International Registry. If not satisfactorily addressed by the Registrar, that complaint may be further submitted by that person to the Supervisory Authority.

8.2 For purposes of Section 8.1, a matter “concerns the operation of the International Registry” when the matter relates to general procedures and policies of the International Registry and does not involve specific adjudication by the Registrar or Supervisory Authority.

8.3 A person making a complaint shall substantiate its assertions in writing.

8.4 The Supervisory Authority shall consider complaints and where, on the basis of that consideration, it determines changes in the procedures or policies are appropriate, it shall so instruct the Registrar.

8.5 The International Registry Procedures shall set out details relating to the procedure contemplated by Sections 8.1 to 8.4.

Section 9 CONFIDENTIALITY

9.1 All information in the International Registry shall be confidential except where it is:

- (a) provided by the Registrar in response to a search under Section 7;
- (b) made electronically available to enable registry users to effect, amend or discharge registrations;
- (c) provided to the Supervisory Authority on the latter’s request; or
- (d) used for the purposes of the statistics required by Section 10.

Section 10 STATISTICS

10.1 The Registrar shall maintain updated registration statistics and shall publish them in an annual report. This report shall be electronically accessible to any person.

10.2 The registration statistics under Section 10.1 shall consist of (i) transactional volumes and revenues, subdivided, in each case, by registration type and geographic distribution, and (ii) other compilations of non-confidential information requested by the Supervisory Authority.

Section 11 ANNUAL REPORT TO THE SUPERVISORY AUTHORITY

11.1 The Registrar shall prepare an annual report, including statistical data referred to in Section 10, and shall submit it to the Supervisory Authority.

Section 12 RELATIONS WITH THE ENTRY POINTS

12.1 A Contracting State may designate an entry point or entry points (“**entry point**”) under Article XIX (1) of the Protocol:

- (a) which designation shall or may authorise the transmission of information required for registration under the Convention and the Protocol to the International Registry (“**authorising entry point**”); or
- (b) through which information required for registration under the Convention and the Protocol shall or may be directly transmitted to the International Registry (“**direct entry point**”).

12.2 A Contracting State may only designate a mandatory entry point in respect of such (a) registrations relating to airframes and helicopters for which it is the State of Registry, and/or (b) registrations of prospective international interests, prospective sales, or prospective assignments of international interests in any airframe or helicopter for which it has taken regulatory steps to become the State of Registry.

12.3 A Contracting State designating an entry point shall notify the Depositary and the Supervisory Authority thereof, indicating whether such entry point is an authorising or direct entry point. The Supervisory Authority shall keep the Registrar informed of such designations, and the Registrar shall maintain a current list thereof electronically accessible to users.

12.4 The Registrar shall establish arrangements applicable to the electronic transmission of registration information from or authorised by entry points to the International Registry, and, after consultations with each designated entry point, shall specify the procedures applicable to that entry point. The foregoing shall not require the establishment of electronically co-ordinated systems, but, rather, arrangements designed to enhance the efficient use of the International Registry by entry points.

12.5 The International Registry shall provide an electronic warning against the effecting of a registration that is not made:

- (a) through a direct entry point where use thereof is mandatory; or
- (b) in accordance with procedures required by an authorising entry point

to the extent agreed between the International Registry and the Contracting State declaring that entry point.

12.6 A registration effected in violation of the terms of a designation under Sections 12.1 and 12.2 is invalid.

Section 13 FEES

13.1 The Registrar shall collect a fee prior to undertaking services relating to the International Registry.

13.2 Fees, including fees arising from operations through an entry point, must be paid to the Registrar prior to the requested operation, unless otherwise agreed between the Registrar and such entry point.

13.3 Fees shall be collected according to a schedule, which shall state the amount of fees payable for each service, issued by the Supervisory Authority.

13.4 Fees shall be established and adjusted by the Supervisory Authority, as required by the Convention and Protocol.

Section 14 LIABILITY AND INSURANCE

14.1 For purposes of Article 28 (1) of the Convention, “loss suffered” means loss or damage resulting from an error or omission of the Registrar and its officers and employees or from a malfunction of the international registration system except as provided for by Article 28 of the Convention, but does not include loss or damage resulting from lack of access to the International Registry as a result of measures referred to in Section 3.4 of these Regulations.

14.2 Any claim against the Registrar under Article 28 (1) of the Convention:

- (a) shall be made in writing within the time period applicable under the laws of the State where the International Registry is located;
- (b) shall be subject to consultation between the claimant and the Registrar; and
- (c) if not resolved by such consultations, may be pursued by the claimant in accordance with Article 44 of the Convention.

14.3 The International Registry Procedures shall set out details relating to the procedure contemplated by Section 14.2.

14.4 The amount of insurance or financial guarantee required under Article 28 (4) of the Convention and Article XX (5) of the Protocol shall be determined and may be revised by the Supervisory Authority.

Section 15 INTERNATIONAL REGISTRY PROCEDURES

15.1 International Registry Procedures addressing items required by these Regulations or otherwise relating to the technical operation and administrative processes of the International Registry shall be established by the Supervisory Authority.

15.2 Without restricting their content, the International Registry Procedures shall set out the technical and administrative processes for:

- (a) effecting, amending, and discharging registrations and making and obtaining copies of searches; and
- (b) obtaining the approvals and authorisations required to access the International Registry.

Section 16 PUBLICATION

16.1 The authentic version of these Regulations and the International Registry Procedures shall be published in an official publication of the Supervisory Authority.

16.2 The Registrar shall make an electronic version of the authentic texts referred to in Section 16.1, as may be amended as contemplated by Section 17, available to the public at no cost.

Section 17 AMENDMENTS

17.1 Requests for amendments to these Regulations or the International Registry Procedures may be submitted by the Registrar to the Supervisory Authority, which shall consider such amendments.

17.2 The authentic version of any amendments to these Regulations or the International Registry Procedures approved by the Supervisory Authority shall be published in an official publication of the Supervisory Authority.

Section 18 EFFECTIVE DATES

18.1 The present Regulations and the initial International Registry Procedures shall take effect on the date the Protocol enters into force. Any amendment to these Regulations or the International Registry Procedures shall take effect one calendar month after the date of their publication, unless otherwise determined by the Supervisory Authority.