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Regulations and Procedures for the International Registry

Eighth Edition — 2019

International Civil Aviation Organization

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AMENDMENTS

Amendments are announced in the supplements to the Products and Services Catalogue; the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS AND CORRIGENDA

AMENDMENTS			CORRIGENDA		
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REGULATIONS

Section 1

AUTHORITY

These "Regulations" are issued by the Supervisory Authority pursuant to Article 17 (2) (d) of the *Convention on International Interests in Mobile Equipment*, signed at Cape Town on 16 November 2001 (the "Convention") and Article XVIII of the *Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment*, signed at Cape Town on 16 November 2001 (the "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 Registrar and the International Registry, and includes his/her acting administrator to whom he/she has delegated his/her powers in accordance with Section 4.1.

2.1.2 "Amendment", unless the context suggests otherwise, means any change in registered information, including any change in the lapse date of a registration, but does not include assignment, subrogation or subordination.

2.1.3 "Authorization" means an electronic authorization 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.

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2.1.4 "Authorizing entry point" means an entity designated by a Contracting State as contemplated by Section 12.1 (a).

2.1.5 "Consent" means an electronic consent to a registration.

2.1.6 "Contact information" means, with respect to the entity or natural person to whom such information relates, such entity's or natural person's name, administrator and that administrator's telephone number and electronic address.

2.1.7 "Controlled entity" means a business entity, trust or association of any kind, however established, with capacity to be a named party in registrations, where a transacting user entity electronically asserts that it controls, manages or administers that business entity, trust or association.

2.1.8 "Direct entry point" means an entity designated by a Contracting State as contemplated by Section 12.1 (b), and a "direct entry point user" means an official, employee, member or partner of a direct entry point.

2.1.9 "Documentary evidence" means documentation that fully substantiates that an interest being registered has been conferred under the law of the Contracting State identified in the information to effect a registration, including evidentiary documentation issued by government entities.

2.1.10 "Entry point" means an entity designated by a Contracting State as contemplated by Section 12.1.

2.1.11 "Identity information" means the following in respect of the entity or natural person for whom the identifying information is sought:

(a) the name, principal physical address, and date of birth for a natural person;

(b) the name, state of incorporation or formation, and principal physical business address for an entity; and

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(c) any other information reasonably required by the Registrar.

2.1.12 "Named party" means the transacting user entity named in a registration.

2.1.13 "Professional user entity" means a firm or other grouping of persons (such as an internal legal department of a transacting user entity) providing professional services to transacting user entities in connection with the transmission, to the International Registry, of information relating to registrations, and a "professional user" means an individual employee, member or partner of a professional user entity.

2.1.14 "Provided object identification information" means, for the purposes of Sections 5.1 and 5.3 (c), information provided by the International Registry for selection by a registry user when effecting a registration, and excludes information submitted in a different format by the registering person.

2.1.15 "Registered information" means the category of registration, together with the information entered in the International Registry to effect such registration pursuant to Sections 5.3 (b), (c), (d) and (g), 5.4 (a), (b) and (c), 5.5 (a) and (c), 5.6 (a), (c) and (d), 5.8 (d), 5.9 (a), (c), (d), (e) and (f), 5.10 (a) and (b), 5.11 (a), (c) and (d), 5.14, 5.16 (a) (ii), 5.18, 5.19 (a), (c) and (d), and 5.20 (a) and (b), in each case as applicable to such category of registration, and shall include any correction or discharge of a registration pursuant to Section 5.17. The name and the electronic signature of the registering person, and the contact information of the persons to which the International Registry is required to send notices pursuant to Section 6, shall not be regarded as registered information. For purposes of a registration under Sections 5.4, 5.10 and 5.20, the name of the registry user entity that effects the registration shall be regarded as registered information.

2.1.16 "Registration" means an interest electronically registered with the International Registry. For the purposes of Sections 4.4, 5.21, 6 and 12.4, the term has the extended meaning set out in Section 6.1. A "registering person" means the transacting user, professional user or

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direct entry point user transmitting information to the International Registry to effect a registration.

2.1.17 "Registry user entity" means:

(a) a transacting user entity;

(b) a professional user entity; or

(c) a direct entry point.

A "registry user" means a transacting user, a professional user or a direct entry point user.

A "guest user" means a person having a guest user account who may search the International Registry, but not having the right to consent to a registration.

2.1.18 "R-NCRI" means a registrable non-consensual right or interest in an object conferred under the law of the Contracting State in which the right or interest arose, as provided in Articles 1 (dd) and 40 of the Convention.

2.1.19 "R-NCRI authorization" means a registrable non-consensual right or interest authorization that confers the authority to effect or amend the registration that is contemplated by Section 5.4.

2.1.20 "Searching person" means a person making a search in accordance with Section 7 of these Regulations.

2.1.21 "Supplemental object identification materials" means materials as contemplated by Section 5.2.

2.1.22 "Transacting user entity" means a legal entity, natural person or more than one of the foregoing acting jointly 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 or an affiliate of that entity.

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2.1.23 "Unilateral registration" means a registration pursuant to Section 5.4, 5.10 or 5.20.

2.1.24 "Variant information" means manufacturer's name, model designation or serial number information identified as variant information in the supplemental object identification materials.

2.2 The term or terms:

(a) "Procedures" has the meaning set out in Section 15.1; and

(b) "priority search", "priority search certificate", "informational search", "informational search listing", "Contracting State search", "Contracting State search certificate", "registry user entity search" and "self-search" 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 Since 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 the 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 the 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. Neither this Section, nor the technical function of the Registry, shall relieve any party making a registration that ought not to have been made or is incorrect, from liability under applicable law.

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

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

3.6 The International Registry may be used for no other purpose 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.

3.7 Information obtained from or through the International Registry about an entity or natural person shall not be used for marketing or promotional purposes or other commercial purposes unrelated to the use of the International Registry.

3.8 The Registrar may collect and store transaction, technical and payment logs necessary for the efficient and secure operation of the International Registry.

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 Procedures. For the purposes of the preceding sentence, such approval shall be given when the Registrar reasonably concludes, without undertaking specific legal analysis:

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(a) that such entity and administrator are who they claim to be; and

(b) on the basis of information submitted, that the latter is entitled to act as administrator of the former;

in each case, following the standards and procedures set out in the Procedures. The foregoing approval requirement is not applicable to a searching person.

No administrator of a transacting user entity shall be entitled to register or amend the registration of an R-NCRI or issue an R-NCRI authorization unless that administrator is first approved by the Registrar for that purpose. Such approval shall be given when the Registrar reasonably concludes, without undertaking specific legal analysis, that the administrator has the authority from his/her transacting user entity to make the certification and agreement required by Sections 5.4 (d) and (f), respectively.

In connection with the foregoing and Sections 5, 6 and 7, the Registrar is entitled to collect identity information and contact information from each registry user entity. Each registry user entity may elect to exclude from the information generated by a search under Section 7.6 its physical address and administrator's telephone number, and in the case of a natural person, his/her date of birth.

An administrator may from time to time, for periods not exceeding three (3) months, electronically delegate his/her powers to an "acting administrator" meeting the requirements of Section 5.2 of the Procedures.

A requested change to contact information or identity information may be made after the Registrar reasonably concludes that such requested change is accurate.

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 Procedures. No approved

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registry user shall be entitled to transmit information to the International Registry to effect a registration unless that user has first received authorization to do so. For the purposes of the preceding sentences, such electronic approval and authorization may be given at the sole discretion of the relevant administrator, may be revoked by such administrator at any time, and may be renounced by the registry user at any time. The administrator of a professional user entity may renounce the authorizations granted to all the users of that entity on their behalf.

4.2.1 No guest user shall have access to the International Registry unless that user first provides a valid electronic address at which he/she may be contacted and which shall be automatically verified.

4.3 Notwithstanding Sections 4.1 and 4.2:

(a) the administrator of a transacting user entity approved by the Registrar may electronically approve a controlled entity for the purposes of being named in registrations upon the payment of the fee set out in Table 1 of the Appendix to the Procedures and confirmation by that administrator that such transacting user entity controls, manages or administers such controlled entity;

(b) upon such approval, the rights, powers and obligations of the administrator of the approving transacting user entity and its transacting users, respectively, shall apply to the approved controlled entity;

(c) the International Registry may provide a facility whereby a controlled entity approved pursuant to Section 4.3 (a) may be converted into a transacting user entity upon compliance with Section 4.1, including the appointment and approval of an administrator and the payment of applicable fees pursuant to the Procedures. Upon completion of the actions set forth in Section 4.1 with respect to such controlled entity, including approval by the Registrar:

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(i) such controlled entity shall cease to be a controlled entity and shall henceforth be a transacting user entity; and

(ii) the administrator of such transacting user entity shall thereupon have all rights, powers and obligations under these Regulations including, but not limited to, the right to revoke all previously approved registry user authorizations; and

(d) the International Registry may provide a facility whereby the control of a controlled entity may be transferred from one transacting user entity to another transacting user entity. Upon acceptance of the transfer of a controlled entity, the controlled entity will cease to be controlled by its initial approving administrator and the rights, powers and obligations of the administrator of the accepting transacting user entity shall apply to the transferred controlled entity. The administrator of the accepting transacting user entity shall thereupon have all the rights, powers and obligations of an administrator under these Regulations, including, but not limited to, the right to revoke all previously approved registry user authorizations.

4.4 Subject to these Regulations and in accordance with the Procedures, a registration may only be effected, with an authorization, 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. A registration or transfer of a right to consent to the discharge of a registration is valid if it is effected by a natural person who has been given the power to do so by a registry user authorized to effect such registration or such transfer of the right to consent to the discharge. The foregoing shall not apply in respect of a registration transmitted by a direct entry point, which shall be made in accordance with Section 12.4.

4.5 A searching person and a guest user shall comply with these Regulations and the Procedures.

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Section 5

INFORMATION REQUIRED TO EFFECT REGISTRATION

Use of electronic information

5.1 In order to effect a registration, use of provided object identification information is mandatory and, where so provided, is the sole means of satisfying the requirements of Section 5.3 (c). To the extent that provided object identification information is not provided for an aircraft object at the time the registration data are submitted to the International Registry, the information required by Section 5.3 (c) shall be electronically entered by a registering person using the format prescribed in Section 12 of the Procedures.

The validity of a registration shall not be adversely affected by the subsequent availability of updated or new provided object identification information.

Supplemental object identification materials

5.2 The Registrar may post supplemental object identification materials, the use of which is subject to the notice and disclaimer posted on the International Registry.

The posted supplemental object identification materials establish the variant information which is encompassed by the provided object identification information. The use of provided object identification information (without any of the variant information) is necessary and sufficient to satisfy the requirements of Section 5.3 (c).

Registration of an international interest or a prospective international interest

5.3 The information required to effect the registration of an international interest or a prospective international interest is:

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(a) the electronic signature of the registering person;

(b) the name of each of the named parties;

(c) the following information identifying the aircraft object:

(i) manufacturer's name;

(ii) manufacturer's generic model designation; and

(iii) manufacturer's serial number assigned to the aircraft object;

(d) the lapse date of the registration, if the registration is to lapse prior to the filing of a discharge;

(e) the consent of the named parties, given under an authorization;

(f) the electronic addresses of the persons to which the International Registry shall send information notices pursuant to Section 6; and

(g) if the named parties include more than one creditor, the name of the creditor who is to hold the sole right to consent to the discharge of that registration.

Unilateral registration of an R-NCRI

5.4 The information, certification, documents and agreement required to effect the registration of an R-NCRI to which Article 40 of the Convention applies are:

(a) the information referred to in Sections 5.3 (a), (b), (c), (d), (f) and (g), including, in the case of Section 5.3 (f), the electronic address of the primary obligor with respect to the obligation that is secured by the R-NCRI;

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(b) the name of the Contracting State under whose laws the R-NCRI has been conferred;

(c) the category of R-NCRI, as listed in the declaration of the Contracting State specified in Section 5.4 (b), within which the relevant R-NCRI being registered falls;

(d) the certification of the party named in the registration as the holder of the R-NCRI to which the registration relates, that (i) the R-NCRI has been validly conferred under the laws of the Contracting State specified in Section 5.4 (b), and (ii) all of the registration information being provided to effect the registration is accurate and complete;

(e) documentary evidence pertaining to the R-NCRI, in electronic format; and

(f) the agreement of the party named in the registration as the holder of that R-NCRI that by effecting such registration it submits itself to the jurisdiction of the courts of the place in which the Registrar has its centre of administration in relation to legal action under Article 44 of the Convention with regard to the registration, and that it shall be liable to the Registrar for all costs incurred by the Registrar arising out of the legal action unless the validity of the registration is upheld.

The registering person of an R-NCRI registration must either hold, or be the administrator that is entitled to issue, an R-NCRI authorization.

5.4.1 The Registrar shall provide a copy of the documentary evidence submitted in connection with the registration of an R-NCRI as regards an object to any of the following upon request:

(a) the primary obligor identified in that registration;

(b) the holder of any other registered right or interest or the buyer in a registered sale relating to that object; or

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(c) any other person or entity that substantiates a potential adverse effect as a result of that registration to the reasonable satisfaction of the Registrar.

The foregoing shall not apply to the extent, in the Registrar's view, such provision of documentary evidence is prevented by applicable law.

Registration of a sale or prospective sale

5.5 The information required to effect the registration of a sale or a prospective sale is:

(a) the information referred to in Sections 5.3 (a), (b), (c) and (f);

(b) the consent of the named parties, given under an authorization; and

(c) in the case of a prospective sale, the lapse date of the registration, if that registration is to lapse prior to the time of a discharge, and the information referred to in Section 5.3 (g).

Registration of an assignment

5.6 The information required to effect the registration of the assignment of an international interest, the prospective assignment of an international interest or the assignment of an R-NCRI is:

(a) the information referred to in Sections 5.3 (a), (b), (c), (f) and (g);

(b) the consent of the named parties, given under an authorization;

(c) if the interest being assigned is a registered interest:

(i) the file number of the registration relating to that interest (in the case of the initial assignment); or

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(ii) the file number of the registered assignment by which the assignor acquired its rights in that registered interest (in the case of all subsequent assignments); and

(d) if the interest being assigned is not a registered interest:

(i) a description of the interest assigned and the original debtor thereunder, using the format prescribed by the Procedures (in the case of the initial assignment of an unregistered interest); or

(ii) the file number of the registered assignment by which the assignor acquired its rights in that registered interest (in the case of all subsequent assignments).

Registration of a block assignment

5.7 The International Registry may provide a facility permitting the registration of all assignments included in a "block assignment registration request". A "block assignment registration request" shall include:

(a) an electronic certification by the assignor that all of the underlying interests evidenced by registrations on the International Registry in which it is a named party have been assigned to the assignee; and

(b) a consent thereto given by the assignee,

each given under an authorization.

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Discharge of a registration

5.8 The information required to discharge a registration, other than a registration relating to a sale is:

(a) the information referred to in Sections 5.3 (a) and (f);

(b) except as provided in Section 5.8.1, the consent of the named party or parties benefiting from the registered interest or the party holding the right to consent to the discharge of such interest, given under an authorization;

(c) where a right of consent to discharge a registration has been transferred, the consent of the party having this right, given under an authorization; and

(d) the file number of the registration to be discharged.

5.8.1 The parties mentioned in Sections 5.8 (b) and (c) do not include the debtor, assignor, subrogor or person subordinating the registered interest, or the prospective seller in the case of a registration relating to a prospective sale.

5.8.2 The party or parties referred to in Section 5.8 (b) may electronically transfer to a registry user entity, with the consent of that entity, the sole right to consent to the discharge of such registration. Such sole right to consent to the discharge may be further transferred by a holder thereof to another registry user entity with the consent of the latter.

5.8.3 The party or parties benefiting from a registration, the party holding the right to consent to the discharge of a registration under Section 5.3 (g) or, if such right has been transferred, the transferee of such right, shall have the sole right to consent to the discharge of that registration.

5.8.4 The International Registry may provide a facility for entering an authorization code issued by an authorizing entry point in relation to the discharge of a registration. If an authorization code for a discharge is

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expressly required under the law of the Contracting State which is the State of registry at the time such registration is to be discharged, the party holding the right to consent to the discharge of such registration may enter the required authorization code.

5.8.5 From 6 June 2012, a discharge of a discharge is no longer possible. A discharge of a discharge does not re-effect the original registration.

Registration of a subordination

5.9 The information required to effect the registration of the subordination of an international interest, an assignment and prospective assignment of an international interest, a prospective international interest, a national interest, an interest acquired by subrogation, an R-NCRI, the interest of a buyer under a sale or prospective sale, the interest of a lessee under a lease, or the interest of a buyer under a conditional sale is:

(a) the information referred to in Sections 5.3 (a), (b), (c), (f) and (g), and, for the purposes of the foregoing reference to Section 5.3 (b) and for the purposes of Section 5.9 (b), the "named parties" shall be the registry user entities subordinating their interest and benefiting from that subordination;

(b) the consent of the named party whose interest is being subordinated, given under an authorization;

(c) if the interest being subordinated or benefiting from the subordination is a registered interest, and has not been assigned or acquired by subrogation, the file number relating to each such interest;

(d) if the interest being subordinated or benefiting from the subordination is a registered interest that has been assigned, the file number of the registered assignment by which the party granting the subordination acquired its rights in that registered interest and, if applicable, the file number of the registered assignment by which the party

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