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Regulations and Procedures for the International Registry

Second Edition — 2007

International Civil Aviation Organization

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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 International Registry, and an “acting administrator” has the meaning set out in Section 4.1.

2.1.2 “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.

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 and 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 (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.

2.1.7 “Registration” means an interest electronically registered with the International Registry. For the 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:

- (a) a transacting user entity; or
- (b) a professional user entity.

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 a business entity, trust or association of any kind, however established, with capacity to be a named party in registrations, whose limited purpose is to enter into a transaction to which such registrations relate, where a transacting user entity electronically asserts that it controls, manages or administers that business entity, trust or association.

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 or an affiliate of that entity.

- 2.2 The term or terms:
- (a) “entry point”, “authorizing 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 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 or assignment thereof, 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.

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 if precluded by 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 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 the purposes of the preceding sentence, such approval shall be given when the Registrar reasonably concludes:

- (a) that such entity and administrator are who they claim to be; 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 his/her 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 that user has first received authorization to do so. For the purposes of the preceding sentence, such electronic approval and authorization may be given at 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 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.

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 In order to effect a registration, use of electronic information provided by the International Registry relating to the aircraft object is

mandatory and, where so provided, is the sole means of satisfying the requirements of Section 5.3 (c) (ii) to (iv). For the purposes of the foregoing, “information provided by the International Registry” excludes information submitted in a different format by the registering person. To the extent such information is not so provided at the time the registration data are submitted to the International Registry, 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 those whose consent is not required under Section 5.8) because 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 the 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 that person 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 consent of the named parties, given under an authorization;
- (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 the registration of a contract of sale or a prospective sale is:

- (a) the information referred to in Sections 5.3 (a) to (d) and 5.3 (h);
- (b) the consent of the named parties, given under an authorization; 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 the assignment of an international interest, the 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) to (d) and 5.3 (h);
- (b) the consent of the named parties, given under an authorization;
- (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) to (d) and 5.3 (h);
- (b) the consent of the named parties benefiting from the registered interest, given under an authorization, 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 the 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) to (d) and 5.3 (h), and for the purposes of the foregoing reference to Section 5.3 (b) and for the purposes of Section 5.7 (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 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 the 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) to (d) and 5.3 (h);
- (b) the consent of the named parties that consented to the registration to be amended, given under an authorization;
- (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 consent from all parties whose consent is required under the Convention, the Protocol, and these Regulations; and

- (b) in the case of a registration authorized in accordance with Section 12.1 (a), in respect of the submitting party when the International Registry receives such registration together with the authorization.

5.12 A registration may specify that:

- (a) it covers a fractional or partial interest in an aircraft object and, if so, the extent of such interest; and/or
- (b) multiple named parties hold or have granted an interest evidenced thereby.

Where an amendment to a registration specified in clause (a) hereof changes the extent of an interest, that amendment takes effect from, and only affects interests arising after, the time of the amended registration.

Section 6

CONFIRMATION AND NOTICE OF REGISTRATION

6.1 In this section, the term “registration” includes, where appropriate, the 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) the State of Registry of the aircraft of which it is part; or
- (e) the 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 who 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) to (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, using the criterion set out in Section 7.1 (c) or, when available on the

International Registry, Section 7.1 (e), in either case alone or with another criterion set out in that Section. Such informational searches may include the use of symbols specified in the International Registry designed to produce inclusive search results. 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) to (c) and, if available in the International Registry, the items in Section 7.1 (d) to (e). The facility to perform such an informational search does not make that information “searchable” for the 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 where Article 22 (2) (a) of the Convention applies, list the registered information in both:
 - (i) chronological order; and
 - (ii) a manner that 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 the purposes of Section 8.1, a matter “concerns the operation of the International Registry” when the matter relates to the 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 his/her assertions in writing.

8.4 The Supervisory Authority shall consider complaints, and where, on the basis of that consideration, it determines changes to 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

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 at 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:

- (a) transactional volumes and revenues subdivided in each case by registration type and geographic distribution; and
- (b) other compilations of non-confidential information requested by the Supervisory Authority.

Section 11

ANNUAL REPORT TO THE SUPERVISORY AUTHORITY

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 shall or may authorize the transmission of information required for registration under the Convention and the Protocol to the International Registry (“authorizing 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:

- (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 authorizing or direct entry point. The Supervisory Authority shall keep the Registrar informed of such designations, and the Registrar shall maintain a current list thereof that is electronically accessible to users.

12.4 The Registrar shall establish arrangements applicable to the electronic transmission of registration information from, or authorized 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 coordinated 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 a registration that is not effected:

- (a) through a direct entry point where use thereof is mandatory;
or
- (b) in accordance with procedures required by an authorizing 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 issued by the Supervisory Authority, which shall state the amount of fees payable for each service.

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

Section 14

LIABILITY AND INSURANCE

14.1 For the 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 consultations 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 authorizations 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

The present Regulations and the initial International Registry Procedures shall take effect on the date the Protocol enters into force. Any amendments 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.

PROCEDURES

Section 1

AUTHORITY

(Section 15 of the Regulations)

These “Procedures” are issued by the Supervisory Authority of the International Registry under the *Convention on International Interests in Mobile Equipment*, signed at Cape Town on 16 November 2001 (the “Convention”), 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”), and the *Regulations for the International Registry* (the “Regulations”). They address administrative items required by the Regulations as conditions to use of the International Registry or otherwise relating to the technical operation and administrative processes of the International Registry.

Section 2

DEFINITIONS

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

- (a) “Approval” means either:
 - (i) an electronic approval, by the Registrar, of an entity as a registry user entity and/or of an individual as that registry user entity’s administrator, in accordance with Section 10 below; or
 - (ii) an electronic approval, by the administrator, of an individual as a registry user of such registry user entity, in accordance with Section 11 below, and “approve” and “approved” shall be construed accordingly.

- (b) “Confirmation” means an electronic confirmation provided in accordance with Section 6 of the Regulations, automatically issued by the Registrar when a registration, amendment or discharge is searchable.
- (c) “CPS” means the Registrar’s certification practice statement, as displayed on the website.
- (d) “Digital certificate” means a digital certificate for use in communications with the International Registry, issued to an administrator or other registry user by the Registrar in accordance with these Procedures and the CPS.
- (e) “Final consent” means the electronic consent of the last of the named parties whose consent is required under Article 20 of the Convention in relation to a registration, amendment or discharge.
- (f) “Private key” means the private key associated with a digital certificate.
- (g) “Website” means the website that provides the public interface of the International Registry and associated content provided by the Registrar under the Uniform Resource Locator (URL):

<http://www.internationalregistry.aero>.

Section 3

FUNCTIONS OF THE REGISTRAR

(Section 3 of the Regulations)

The Registrar shall operate the International Registry and perform the functions assigned to it by the Convention, the Protocol and the Regulations.

Section 4

FUNCTIONS OF THE REGISTRY USER ENTITY

(Section 4 of the Regulations)

For the purpose of using the International Registry, the following functions fall within the scope of responsibility of each registry user entity:

- (a) the proper selection and appointment of its administrator;
- (b) any actions of its administrator, including any acting administrator, and of its registry users taken in relation to the Registry, which shall be deemed to have been duly authorized by that registry user entity;
- (c) the accuracy of the data transmitted to the International Registry on its behalf;
- (d) requesting, through its “back-up contact” referred to in Section 5.12 below, that the Registrar revoke the approval of the administrator acting on behalf of a registry user entity if the administrator ceases to be employed by that registry user entity or otherwise ceases to be authorized to act on its behalf;
- (e) abiding by the applicable terms and conditions in place from time to time governing use of the International Registry. The applicable terms and conditions can be accessed on the website.

Section 5

FUNCTIONS OF THE ADMINISTRATOR OF A REGISTRY USER ENTITY

(Section 4 of the Regulations)

5.1 An administrator, who may but need not be an employee of a registry user entity, shall be duly appointed by each registry user entity,

with authority to act on its behalf for the purposes of the International Registry, and such authority shall be represented during the approval process.

5.2 An administrator should hold appropriate formal professional qualifications commensurate with the requirements of the functions of administrator.

5.3 Each registry user entity may have only one administrator at any given time.

5.4 The administrator of a transacting user entity, who has been approved by the Registrar, is automatically authorized to effect, amend, discharge or consent to registrations in which that entity is a named party.

5.5 An administrator:

- (a) shall keep his/her password and digital certificate secure; and
- (b) shall not transfer his/her digital certificate from the computer on which it was first installed, except to a replacement computer under his/her control, in which case he/she shall first apply to the Registrar for that purpose.

5.6 Where an administrator electronically delegates his/her powers to an acting administrator in accordance with Section 4.1 of the Regulations, that acting administrator shall be deemed to be the administrator for the purposes of these Procedures.

5.7 Where an administrator electronically approves a registry user to act on behalf of a registry user entity in accordance with Section 4.2 of the Regulations, the Registrar shall issue an email to that registry user containing a link to a digital certificate in accordance with these Procedures.

5.8 An administrator shall, through the website:

- (a) keep up to date the email address and other details of the administrator and each registry user representing such registry user entity held by the International Registry;

- (b) promptly revoke the approval of a registry user representing such registry user entity in the event that such registry user leaves the employment of, or otherwise ceases to be associated with, such registry user entity; and
- (c) promptly revoke the authorization of a registry user representing such registry user entity in the event that such registry user is no longer authorized to effect, amend, discharge or consent to one or more registrations in which that entity is a named party.

5.9 In the event that an administrator is to leave the employment of the registry user entity on whose behalf he/she is authorized to act or if there is to be a change of administrator, the administrator shall electronically notify the Registrar thereof in a timely fashion. Should the registry user entity wish to appoint a replacement administrator, such appointment shall be subject to a sign-up fee applicable to a new administrator.

5.10 The administrator of a registry user entity shall have the authority, through the website, to block and/or disable the user account of any registry user representing his/her registry user entity. It is the administrator's responsibility to take such action promptly in the event of a security breach relating to any such registry user's user account, of which he/she has actual knowledge, including but not limited to compromise of such registry user's private key.

5.11 The administrator of a registry user entity shall notify the Registrar of any security breach (for example, a breach compromising a private key), of which he/she has actual knowledge, that is expected to result in unauthorized registrations. If the security breach relates to a registry user account, the administrator may block and/or disable the account.

5.12 If the account of an administrator is subject to a security breach that could reasonably be expected to result in unauthorized access to and use of the International Registry, the Registrar and the registry user entity shall cooperate to expeditiously take corrective action appropriate under the circumstances. A registry user entity shall designate a "back-up contact" for these purposes.

5.13 On notification of a security breach, the Registrar may block and/or disable any user account.

5.14 The Registrar may make such reasonable identity checks of a proposed administrator as the Registrar considers necessary in relation to that person undertaking such function. The Registrar may make similar checks of a registry user, where deemed necessary by the Registrar.

5.15 Each administrator may electronically approve further registry users to act on behalf of the registry user entity which that administrator represents (when authorized to do so) and may approve the issue of a digital certificate to each of those registry users.

5.16 The administrator has sole responsibility for the selection of his/her registry user entity's registry users and for ensuring that only individuals who are duly authorized to act on behalf of his/her registry user entity are appointed as registry users from time to time.

Section 6

FUNCTIONS OF THE REGISTRY USER

(Section 4 of the Regulations)

6.1 No individual other than an administrator may effect, amend, discharge or consent to registrations with the International Registry until he/she has been approved as a registry user by the administrator of the registry user entity that such person represents.

6.2 No registry user may transmit information to the International Registry to effect, amend or discharge a registration in respect of an aircraft object unless such registry user has first received authorization to do so in relation to such aircraft object either:

- (a) in the case of a transacting user, from the administrator of the transacting user entity that represents it; or

- (b) in the case of a professional user, from the administrator of the transacting user entity being such professional user's client.

6.3 Each registry user:

- (a) shall keep his/her password and digital certificate secure; and
- (b) shall not transfer his/her digital certificate from the computer on which it was first installed, except to a replacement computer under his/her control, in which case he/she shall first apply to the Registrar for that purpose.

6.4 Each registry user shall notify his/her respective administrator of any security breach, of which he/she is aware, that is expected to result in unauthorized registrations, including unauthorized use, disclosure or compromise of his/her password or private keys.

6.5 Each registry user acknowledges that his/her respective administrator may make such identity checks as the Registrar considers necessary in connection with such registry user's access to the International Registry.

Section 7

ACCESS TO THE INTERNATIONAL REGISTRY *(Section 4 of the Regulations)*

7.1 The International Registry can be accessed via the public Internet under the URL:

<http://www.internationalregistry.aero>.

7.2 The International Registry will initially be available in English only. It is envisaged that other languages will be added when the necessary

financial means are available, taking into account the implications thereof as well as advantages for users.

7.3 To access the International Registry, an administrator, registry user or a searching person requires access to the Internet with a compatible browser(s), as specified on the website. Each such person shall establish his/her own arrangements for:

- (a) access to the Internet; and
- (b) contracting with, and paying the fees of, any third party Internet service provider.

The International Registry extends only to the access point to the Internet located at the Registrar's hosting location.

7.4 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. Advance notice of any interruption in access, and expected resumption of service, shall, to the maximum extent practicable, be provided via the website.

7.5 Access to the International Registry is conditioned on:

- (a) in the case of an administrator and a registry user, having a valid digital certificate and complying with the applicable part of the CPS relating to his/her use and, where required, entering the correct password;
- (b) following the steps and procedures provided on the website, including acceptance of the website terms and conditions, and of the CPS, and abiding thereby;
- (c) paying, in advance, the fees set by the Supervisory Authority and published on the website; and
- (d) complying with these Procedures.

7.6 If an administrator's or a registry user's password is entered incorrectly, that person shall be given the opportunity to re-enter the

password or terminate the action. If there are three failed attempts to enter the correct password, the corresponding user account will be blocked until contact has been made with the help desk and the issue giving rise to the failure has been corrected.

Section 8

ENTRY POINTS

(Section 12 of the Regulations)

8.1 The Registrar shall establish arrangements applicable to the electronic transmission of registration information from, or authorized by, entry points to the International Registry designated under Article XIX (1) of the Protocol and Section 12 of the Regulations and, after consultations with each designated entry point, shall specify the arrangements applicable to that entry point. The arrangements applicable, designed to enhance the efficient use of the International Registry by entry points, shall be published on the website.

8.2 All registry users making registrations through a designated entry point or entry points under Article XIX (1) of the Protocol shall comply with the arrangements referred to in the preceding Section 8.1.

Section 9

HELP DESK AND TECHNICAL SUPPORT

(Section 3.5 of the Regulations)

9.1 To access the technical support function of the International Registry, an administrator, registry user or searching person may email or call the help desk, as specified on the website. It is recommended that the “help” pages of the website and email be used, where possible. Any person communicating with the help desk via email is requested to:

- (a) specify the nature of the problem or question;

- (b) provide his/her full name and company name;
- (c) identify which type of user he/she is (e.g. administrator, registry user or searching person); and
- (d) provide a main contact telephone number.

The Registrar may, to the extent consistent with applicable privacy law, verify the identity of all callers and log and record all calls to the help desk.

9.2 The terms of Section 3.4 of the Regulations and Section 7.4 of these Procedures shall apply to:

- (a) the hours of operation of the help desk, and exceptions thereto; and
- (b) notice of interruption and resumption of access to the help desk and its services.

9.3 The initial working languages of the help desk will be English, French and Spanish. It is envisaged that other languages will be added when the necessary financial means are available, taking into account the implications thereof as well as advantages for users.

9.4 Help desk response times will depend on demand and cannot therefore be guaranteed.

9.5 The help desk is for technical support only and cannot provide support on other matters, including legal questions. The help desk cannot respond to queries concerning an administrator's, a registry user's or a searching person's:

- (a) computer or network system;
- (b) system security policies;
- (c) Internet access, including its connectivity and performance;
or
- (d) browser.

Section 10

SIGN-UP AND APPROVAL — REGISTRY USER ENTITY AND ADMINISTRATOR

(Section 4 of the Regulations)

10.1 In connection with approvals under Section 4.1 of the Regulations, the proposed administrator of a proposed registry user entity shall complete and electronically submit to the Registrar, through the website, the form for approval of:

- (a) a registry user entity; and
- (b) an administrator of that entity.

Information designated as mandatory on the form shall be provided. Information designated as optional on the form may be provided. Names of organizations and persons must be their correct legal names. In exceptional cases (e.g. where the space on the form is insufficient), prior approval of the Registrar for using a name other than the correct legal name must be sought by email. A proposed registry user entity shall also electronically submit to the Registrar, with proper signature, confirmation that a proposed administrator is entitled to act in that capacity. At the specific request of the Registrar, such confirmation shall be provided in hardcopy on the entity's letterhead with proper signature. All applications for approval shall include acceptance of these Procedures and of the website terms and conditions governing the use of the International Registry.

10.2 All applications for approval must be accompanied by full payment (by credit or debit card) of the appropriate non-refundable fee, together with value added tax (VAT), if required by law. The proposed administrator will be presented with a summary of the amount (in U.S. dollars) to be paid and prompted to enter credit or debit card details. Once the card details have been submitted and validated, payment will be taken from the relevant account and that person will be presented with a confirmation screen and the option to save a digital copy of the invoice.

10.3 All applications for approvals will be acknowledged to the electronic mail address provided on the submitted application form.

10.4 The proposed administrator shall promptly reply to requests for additional information from the Registrar in connection with the approval process. Such requests, made at the sole discretion of the Registrar, shall be consistent with applicable privacy laws.

10.5 If satisfied with the information provided, the Registrar shall issue to the proposed administrator, in electronic form, the Registrar's approval and a notification of the URL at which the administrator can access his/her digital certificate, together with appropriate instructions on its use.

10.6 The Registrar shall issue its approval (if given) as soon as is reasonably practicable and will endeavour to complete the approval process within 48 hours of receipt of the application.

10.7 Once the Registrar has issued its approval, the administrator shall test his/her ability to access the website.

10.8 The Registrar shall not approve a registry user entity or an administrator where the Registrar believes that the requirements of Section 4.1 of the Regulations have not been met. In such a case, the Registrar, if requested in writing shall:

- (a) specify in writing, via email, the reasons why such requirements have not been met; and
- (b) provide the applicant with a reasonable opportunity to take corrective action.

If not corrected, at the sole discretion of the Registrar, the application shall be declined. Refusal of an application shall not prevent an applicant from making a subsequent application for approval, provided that the requirements of these Procedures are fully complied with in respect thereto, and payment of the appropriate fee together with VAT (if applicable) is made.

10.9 The fee for issuing a replacement digital certificate shall be borne by the registry user entity. A person seeking a replacement digital certificate shall apply to the Registrar and follow the instructions specified on the website.

10.10 The Registrar may revoke the approval of a registry user entity and/or an administrator at any time where, in its view, there exists a material risk of fraudulent registrations or other misuse. In such a case, the Registrar and the registry user entity shall take all reasonable steps to cooperate to expeditiously take corrective action appropriate under the circumstances; the back-up contact designated under Section 5.12 may be used as required. The Registrar may block and/or disable any user account of the registry user entity concerned.

Section 11

SIGN-UP AND APPROVAL — REGISTRY USER *(Section 4 of the Regulations)*

11.1 In connection with approval of registry users under Section 4.2 of the Regulations, a proposed registry user seeking to act on behalf of an approved registry user entity shall apply through the website, requesting electronic approval from the administrator of that entity.

11.2 An administrator has the sole right to approve one or more registry users employed by a registry user entity to act on his/her behalf. If the administrator elects to approve such registry users, the administrator shall take that action through the “approved registry user” page on the website, specifying the period of validity of a proposed registry user’s access to the International Registry and directing that the associated payment be made.

11.3 Upon receiving the approval of his/her administrator and following successful testing of his/her ability to access the website, a registry user will be issued a digital certificate by the administrator via an email containing a link to the website. The registry user should then download from the website the digital certificate, providing him/her with a private key.

Section 12

EFFECTING, AMENDING AND DISCHARGING REGISTRATIONS

(Sections 5 and 6 of the Regulations)

12.1 To effect, amend or discharge a registration, a registering person shall:

- (a) follow the relevant process and instructions specified on the website; and
- (b) complete the electronic forms contained on the website, with the relevant information required by Section 5 of the Regulations.

Registration information electronically provided on the website shall be used by a registering person, as required by Section 5 of the Regulations. To the extent such information is not provided, registration information shall be inserted by a registering person following the instructions specified on the website.

12.2 Each named party, other than the registering party, required to consent under Article 20 of the Convention in order for a registration, amendment or discharge to become effective shall be electronically requested to consent thereto, in accordance with Article 18 (1) (a) of the Convention, prior to that registration, amendment or discharge becoming searchable. Once a registering person has entered registration, amendment or discharge information on the website and has digitally signed it, each named party identified in the registration:

- (a) will be notified thereof by electronic mail; and
- (b) shall be given the opportunity to consent thereto, through the website, for a period of 36 hours.

In the event that any such named party fails to give its consent within the 36-hour period, the registration, amendment or discharge will be automatically aborted.

12.3 Upon receipt of the final consent, the Registrar shall automatically issue a confirmation thereof to all named parties on that registration, and a notice thereof to all named parties on other registrations relating to the same aircraft object, and to all other parties entitled to receive a confirmation thereof under Section 6 of the Regulations, provided that the correct email addresses of all such parties have previously been provided.

12.4 An administrator may, at his/her sole discretion, authorize one or more of his/her approved registry users or professional users to effect, amend or discharge a registration. The authorization may cover one or more aircraft objects. Several users may be authorized to work on the same aircraft object or objects, but not simultaneously during the same registration session. An administrator may, at any time, revoke an authorization he/she has given and grant further authorizations to qualifying registry users.

12.5 Upon receipt of a confirmation, any named party wishing to ensure that the respective entry has been correctly made may undertake a priority search.

12.6 Rectification of any error or inaccuracy in a registration, once searchable, may only be effected through an amended registration.

12.7 Initiated, but not completed, registrations, amendments or discharges shall not appear on any search results.

Section 13

MAKING SEARCHES AND OBTAINING SEARCH RESULTS

(Section 7 of the Regulations)

13.1 Any person may, following payment of the required fee, search the International Registry, and that searching person shall:

- (a) follow the relevant process and instructions specified on the website; and

- (b) complete the electronic forms contained on the website, with the relevant information required by Section 7 of the Regulations.

13.2 The object of an informational search is to provide the searching person with sufficient information to perform a priority search.

13.3 An informational search listing shall be made available in electronic form to the person undertaking the search. For the avoidance of doubt, an informational search will not generate a search certificate. The Registrar shall not be liable in respect of the content of an informational search listing.

13.4 In making a priority search or a Contracting State search, the searching person shall state the name of the person or persons having the benefit of the search. The name of such person or persons shall appear on the priority search certificate or the Contracting State search certificate, as the case may be. Beneficiaries may include:

- (a) parties entering into, planning or forbearing from commercial transactions involving a named party of an aircraft object; or
- (b) parties providing legal or other professional advice to, or insuring, the parties specified in clause (a) immediately preceding.

13.5 Priority search certificates and Contracting State search certificates will be digitally signed by the Registrar and must be so signed in order to be valid. They shall be stored electronically by the Registrar. An electronic version thereof shall be issued and made available to the searching person. A printed version of either such certificate shall be made available upon payment of the required fee.

13.6 The fees for Contracting State searches undertaken by government authorities in Contracting States for official purposes shall

be waived. The fees for other searches performed by such authorities may be waived pursuant to arrangements made with the Registrar.

Section 14

OPERATIONAL COMPLAINTS

(Section 8 of the Regulations)

14.1 In accordance with Section 8 of the Regulations, any person may submit an operational complaint to the Registrar through the “operational complaints” section of the website or by email as specified on the website. The receipt of an operational complaint shall be promptly acknowledged by the Registrar.

14.2 Operational complaints shall include a written statement containing full details of the facts said to give rise to the complaint.

14.3 The Registrar shall respond to the complaint or state why it is not able to do so, within 15 calendar days of receipt of the complaint or, if later, receipt of the full facts statement. The Registrar shall transmit a copy of its reply to the Supervisory Authority.

14.4 If, within 30 calendar days of making the complaint, the person does not consider that the matter has been or is being satisfactorily addressed by the Registrar, that person may submit the complaint to the Supervisory Authority (with a copy to the Registrar) for further consideration. Submission of the complaint to the Supervisory Authority shall be made stating the full facts of the case either by email to LEB@icao.int or by letter or facsimile to:

International Civil Aviation Organization
Supervisory Authority of the International Registry
c/o Legal Bureau
999 University Street
Montréal, Quebec
Canada H3C 5H7

Fax: +1 514-954-8032.

14.5 If the Supervisory Authority determines that changes to the procedures or policies of the International Registry are appropriate, it will instruct the Registrar to carry out such changes.

Section 15

CLAIMS AGAINST THE REGISTRAR

(Section 14 of the Regulations)

15.1 Claims may be brought against the Registrar under Article 28 of the Convention for loss suffered as defined in Section 14 of the Regulations. In accordance with Article 28 (2), the Registrar shall not be liable for factual inaccuracy of registration information received by the Registrar or transmitted by the Registrar in the form in which it received that information nor for acts or circumstances for which the Registrar and its officers and employees are not responsible and arising prior to receipt of registration information at the International Registry.

15.2 All such claims shall be notified in writing to the Registrar by post and/or facsimile and by email at:

Aviareto Ltd.
Suite 11
Plaza 212
Blanchardstown Corporate Park Phase 2
Blanchardstown
Dublin 15
Republic of Ireland

Fax.: +353 (0)1 829 3508
Email: registryofficials@aviareto.aero

and shall include a full statement of the facts giving rise to the claim pursuant to Article 28 of the Convention. Such statement shall be provided to the Registrar within three months of the person becoming aware of the existence of the claim.

15.3 All such claims shall be subject to a consultation period during which the claimant and the Registrar will in good faith attempt to resolve the claim. The consultation period shall be three months from the date the Registrar receives notification of the claim, or the statement of facts (if later). The three-month period may be extended by mutual agreement of the parties.

15.4 If, following the consultation period, the claim has not been resolved, the parties are encouraged to engage in mediation, conciliation, arbitration or other dispute resolution process but the claimant may, subject to the procedural requirements of the applicable law, commence proceedings against the Registrar in accordance with Articles 28 and 44 of the Convention.

15.5 Nothing in these Procedures shall:

- (a) operate to extend any limitation period applicable under the applicable law; or
- (b) affect a party's right to commence proceedings where otherwise a limitation period would expire.

Section 16

CONFIDENTIALITY

(Section 9 of the Regulations)

The Registrar shall keep all information in the International Registry confidential, except where:

- (a) it is provided in response to a priority search, a Contracting State search or informational search, or made electronically available to enable registry users to effect, amend or discharge registrations;
- (b) it is requested under Article 27, paragraph 5, of the Convention, or provided to the Supervisory Authority at the latter's request; or

- (c) it is used for the purposes of the statistics required by Section 10 of the Regulations for the International Registry.

Section 17

NOTIFICATIONS

The Registrar may notify an administrator or a registry user entity, by email to the current email address provided by or for that person, of any matters affecting the International Registry. Except when a system-generated non-delivery notice is received, any such notification shall be presumed to have been received 24 hours after it is sent.

Section 18

FEES

(Section 13 of the Regulations)

All applicable fees shall be paid in advance. The current fee schedule is set out in the Appendix to the present Procedures and may be adjusted from time to time by the Supervisory Authority, as provided by the Convention and the Protocol.

Section 19

PUBLICATION

(Section 16 of the Regulations)

19.1 The authentic version of these Procedures shall be published in an official publication of the Supervisory Authority.

19.2 The Registrar shall make an electronic version of these Procedures, as may be amended, available to the public at no cost by publishing it on the website.

Section 20

AMENDMENTS

(Section 17 of the Regulations)

20.1 Requests for amendments to these Procedures may be submitted by the Registrar to the Supervisory Authority, which shall consider such amendments.

20.2 The authentic version of any amendments to these Procedures approved by the Supervisory Authority shall be published in an official publication of the Supervisory Authority.

Section 21

EFFECTIVE DATES

(Section 18 of the Regulations)

These Procedures shall take effect on the date the Protocol enters into force. Any amendments to these Procedures shall take effect one calendar month after the date of their publication unless otherwise determined by the Supervisory Authority.

Appendix

Fee Schedule

1. FEES FOR USING THE INTERNATIONAL REGISTRY

User set-up fee

1.1 No person may register with the International Registry without having paid a “user set-up fee”. There shall be three options open to users:

- (a) a five-year subscription;
- (b) a one-year subscription;
- (c) a ten-user, five-year subscription.

1.2 For option (c), the person purchasing the subscription will be nominated as the administrator of the group of users and will be provided with a user credit to set up a further nine individual users in one or more user sessions. Such users will be valid for five years, subject to substitution of individual users through the administrator.

1.3 A user may represent both his/her primary employer and companies controlled by the primary employer (i.e. where a separate company is controlled by an existing registry user, no separate user set-up fees will be required).

1.4 User set-up fees are defined in Table 1. These fees include the provision of a public key infrastructure (PKI) certificate that is installed on the user workstation. In the event of this certificate being lost or destroyed, a new certificate will be supplied on payment of a “lost certificate fee” as set out in Table 1.

Registration fee

1.5 A single registration fee shall be charged for all registrations made during a “registration session”, defined to mean one session with the International Registry permitting “all registrations” relating to:

- (a) one airframe and all engines regularly used thereon (or any subset thereof or any individual engine); or
- (b) one helicopter.

For this purpose, “all registrations” means all registrations reflecting transactions relating to the object or objects set out in clauses (a) or (b) entered into with the same effective date, as electronically confirmed by the registering and consenting parties, including those reflecting different or multiple types of registrations permitted under the Convention and the Protocol without limitation in number (e.g. an international interest (leasing agreement), a second international interest (security agreement), a third international interest (a second security agreement), subordination (of the second international interest to the first), and an assignment of one or more of the international interests). A “registration session” will last for up to 24 hours for the purpose of the “registration fee”.

1.6 That single registration fee shall be defined as the “registration fee”, the amount of which is set out in Table 1.

1.7 Spare engines (i.e. further engines beyond the number normally fitted to an airframe) that are to be registered with an airframe during a single registration session will be subject to an additional “spare engine fee”, the amount of which is defined in Table 1.

Search fee

1.8 A single search fee shall be charged for all searches made during a “search session”, defined to mean “all searches” relating to:

- (a) one airframe and all engines to be regularly used thereon (or any subset thereof or any individual engine); or

- (b) one helicopter.

For this purpose, “all searches” means all searches relating to the object or objects set out in clauses (a) or (b), as electronically confirmed by the searching party. That single search fee shall be defined as the “search fee,” the amount of which is set out in Table 1.

Table 1. Fees

<i>Description</i>	<i>Fee (in U.S. dollars)</i>
User set-up fee (5 years)	500
User set-up fee (1 year)	200
Ten-user set-up fee (5 years)	2 500
Registration fee	100
Spare engine fee	50
Search fee	35
Lost certificate fee	100

2. PROCEDURE FOR ADJUSTMENT OF FEES

2.1 At the end of the initial period (first year of the operational phase), fees shall be reviewed by the Supervisory Authority, in consultation with the contractor. New fees may then be set by the Supervisory Authority, based upon anticipated volume at that point, taking into account:

- (a) the contractor’s cash reserves for working capital;
- (b) the level of insurance required by the Supervisory Authority;

- (c) any litigation budget required by the Supervisory Authority or the contractor above that contained in the cost schedule;
- (d) the Supervisory Authority costs;
- (e) any service enhancements requested by the Supervisory Authority or suggested by the contractor;
- (f) the transaction volume achieved by the Registry and the variation from the transaction volume projected by the contractor;
- (g) any other relevant factors.

2.2 The same review mechanism set out in paragraph 2.1 may be carried out at the end of the second, third and fourth years of operation.

3. IRISH VAT

Users will be invited to state their country of residence as part of their user profile and, if based in the European Union, will be asked for a company VAT number that will determine the application of Irish VAT (applies to Irish and European Union users). Under current legislation, European VAT is not applicable to services delivered to parties outside of Europe (therefore users outside of the European Union are not subject to VAT).

— **END** —

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