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Regulations and Procedures for the International Registry

Sixth Edition — 2014

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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 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.

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, telephone number, electronic address and, in the case of an entity or a natural person who elects to designate a contact person, the name of such entity’s or natural person’s contact person and such contact person’s telephone number and electronic address (if different from that of the entity or natural person).

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 “Entry point” means an entity designated by a Contracting State as contemplated by Section 12.1.

2.1.10 “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
- (c) any other information reasonably required by the Registrar.

2.1.11 “Named party” means the transacting user entity named in a registration.

2.1.12 “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.

2.1.13 “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) and (c), 5.5 (a), (c) and (d), 5.7 (d), 5.8 (a), (c), (d), (e) and (f), 5.10 (a), (c) and (d), 5.12, 5.14 (a) (ii), 5.16 and 5.17 (a), (c) and (d), in each case as applicable to such category of registration, and shall include any correction or discharge of a registration pursuant to Section 5.15. 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.

2.1.14 “Registration” means an interest electronically registered with the International Registry. For the purposes of Sections 4.4, 5.18, 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 direct entry point user transmitting information to the International Registry to effect a registration.

2.1.15 “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.

2.1.16 “Searching person” means a person making a search in accordance with Section 7 of these Regulations.

2.1.17 “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.

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” and “registry user entity 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.

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.

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:

- (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.

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 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 the contact information of an administrator or other registry user 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 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, may be revoked by such administrator at any time, and may be renounced by the registry user at any time.

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: (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 shall comply with these Regulations and the Procedures.

Section 5

INFORMATION REQUIRED TO EFFECT REGISTRATION

Use of electronic information

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). 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 Procedures, except as regards named parties (other than those whose consent is not required under Section 5.9) because they must be approved transacting user entities.

Documentation and information posted by the Registrar

5.2 The Registrar may post documentation and information designed to assist registry users in determining if information has been provided by the International Registry for the purposes of Section 5.1. The use of such documentation and all information referred to therein, including information provided by the International Registry, is subject to the notice and disclaimer posted on the International Registry.

Registration of an international interest, prospective international interest, notice of national interest or registrable non-consensual interest

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

- (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) in the case of an international interest or a prospective international interest, the consent of the named parties, given under an authorization;

- (f) the electronic addresses of the persons to which the International Registry is required to 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.

Registration of a sale or prospective sale

5.4 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

5.5 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), (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 (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

5.6 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.

Discharge of a registration

5.7 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 5.7.1, 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.

5.7.1 The parties mentioned in Sections 5.7 (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.

5.7.2 The party or parties referred to in Section 5.7 (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.

5.7.3 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.

5.7.4 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 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.

Registration of a subordination

5.8 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, a registrable non-consensual interest, 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 5.8 (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 benefiting from the subordination acquired its rights in the interest benefiting from the subordination;
- (e) if the interest being subordinated or benefiting from the subordination is a registered interest that was acquired by subrogation, the file number of the registered subrogation by which the party granting the subordination acquired its rights in that registered interest and, if applicable, the file number of the registered subrogation by which the party

benefiting from the subordination acquired its rights in the interest benefiting from the subordination; and

- (f) 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 Procedures.

Registration of a pre-existing right

5.9 Notwithstanding Sections 5.3 (e), 5.5 (b) and 5.8 (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 or person subordinating the right or interest, but shall otherwise include all of the information specified for the applicable category of the registration that is being registered.

Amending a registration

5.10 Subject to Section 5.11, the information required to amend a registration or to amend information contained in an assignment, subrogation or subordination is:

- (a) the information referred to in Sections 5.3 (a), (b), (c) and (f);
- (b) the consent of the named parties that consented to the registration to be amended, and, where a right of consent to discharge a registration has been transferred, the consent of the party having this right in place of the immediate transferor, in each case given under an authorization;
- (c) the file number of the registration to be amended; and
- (d) the amendments to be made.

Rules for amendments

5.11 The following shall apply in respect of amendments to and discharges of amendments to registrations:

- (a) registration of an amendment of information referred to in Section 5.3 (c) or a change of a category of registration shall be treated as a new registration in respect of the object or category to which the amending registration refers, with priority ranking from the time the amending registration is searchable. The named parties to such amendment shall consent to the discharge of the previous registration under an authorization, which shall be effected automatically;
- (b) registration of an amendment in which the information referred to in Section 5.3 (b) has been changed shall require the consent of the named parties that consented to that registration and of the named party to be specified in the amended registration, each given under an authorization;
- (c) registration of an amendment in which the information referred to in Section 5.3 (d) has been changed shall have no effect on the priority of the original registration for the amended duration of that registration. The foregoing is without prejudice as to whether a new underlying interest has been constituted that requires registration under the Convention; and
- (d) when a registration is discharged, the party consenting to that discharge shall be deemed to consent to the discharge of all amendments to that registration, which shall be effected automatically.

Registering fractional or partial interests

5.12 Any 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.

Rules for fractional or partial interests

5.13 With respect to an interest referred to in Section 5.12 (a):

- (a) an increase or decrease to such interest arising by virtue of a sale or an assignment of an international interest shall be registered as such in accordance with Section 5.4 or 5.5, respectively; and
- (b) a decrease in such an interest arising by virtue of payment of a secured obligation shall be partially or wholly discharged in accordance with Sections 5.7 to 5.7.4.

Entity name change

5.14 The International Registry may provide a facility for notice of a change of the name of a transacting user entity, where set out in a “name change notification request”. For purposes of the foregoing, a “change of name” means either that the transacting user entity has changed its name, that any rights and interests of the transacting user entity reflected on the International Registry have become vested in another transacting user entity as a result of a merger, a change in entity form or otherwise by operation of law, or that a correction is required due to an error in its name. In such a case:

- (a) the information required to submit a name change notification to the International Registry is:
 - (i) the name currently shown on the International Registry for the entity which is to be changed, and its other identity information;

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- (ii) the name which is to supersede the name being changed, and in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, the corresponding entity's other identity information and contact information; and
 - (iii) the name and electronic signature of the relevant transacting user entity and a statement on whose behalf that person is acting, and in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, (A) the name and electronic signature of such other transacting user entity and a statement on whose behalf that person is acting, and (B) the election specified in Section 5.14 (c) (ii) (B);
 - (b) the Registrar shall confirm that a name change notification request satisfies the requirements of this Section 5.14 following the standard set out in Section 4.1, and a name change shall take effect on the later of such confirmation by the Registrar and completion of the actions required in Section 5.14 (a) (iii);
 - (c) when a name change takes effect:
 - (i) all rights and interests reflected on the International Registry in which the transacting user entity specified in Section 5.14 (a) (i) is a named party shall, without amending registered information or registering an assignment of such rights and interests, be annotated to advise of the change of name, such annotation to be included in all priority search certificates; and
 - (ii) in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, (A) the transacting user entity in which such rights and interests have vested shall retain its status as a transacting user entity for the

purposes of the International Registry and all authorizations given or held by or on behalf of such transacting user entity shall remain in full force and effect, and (B) all authorizations given or held by or on behalf of the transacting user entity specified in Section 5.14 (a) (i) shall either remain in full force and effect or shall be extinguished, as elected by such transacting user entity; and

- (d) a name change shall have no effect on the validity or priority of any registration or other rights or interests.

The International Registry may provide a corresponding facility for notice of a change of name to a professional user entity and for notice of a name change to a controlled entity.

Correcting an error of the International Registry system

5.15 The Registrar may correct an error in a registration or a discharge or the chronological order of registrations, or discharge a registration, if such error has been created by a malfunction in the International Registry, provided that such correction or discharge shall be effective only from the time it is made, and shall have no effect on the priority of any other registration. If such correction or discharge would change the registered information which would otherwise appear on a priority search certificate, notice that such correction or discharge has been made by the Registrar shall appear on all priority search certificates relating to the subject aircraft object.

The Registrar shall promptly give notice of any such correction or discharge to the named parties in the original registration and, if different, the parties making that registration, other parties with registered interests in that aircraft object, and those who have conducted a priority search on that aircraft object since the time of the original registration.

Alternatively, the Registrar may request the named parties to the original registration to amend or discharge that registration, leave that registration in place as registered, or, without limiting this Section 5.15, seek an order from a court with jurisdiction under Article 44 (1) of the Convention.

Discharge of a sale

5.16 A registration relating to a sale to which Article 25 (4) of the Convention applies may be discharged by the buyer or the seller with the consent of the other given under an authorization, provided that:

- (a) such discharge shall be effective only from the time it is made and shall have no effect on the priority of any other registration; and
- (b) the original registration and its discharge shall appear on all priority search certificates relating to the subject aircraft object.

Registering a subrogation

5.17 The information required to effect the registration of the acquisition of an international interest through subrogation is:

- (a) the information referred to in Sections 5.3 (a), (b), (c) and (f);
- (b) the consent of the subrogee, given under an authorization;
- (c) if the interest being acquired by subrogation is a registered interest, the file number of the registration relating to that interest (in the case of the initial acquisition by subrogation of a registered interest), or if such interest has been assigned, the file number relating to such assignment; and
- (d) if the interest being acquired by subrogation is not a registered interest, a description of the interest acquired by

subrogation and the original debtor thereunder, using the format prescribed by the Procedures, or if such interest has been assigned, the file number relating to such assignment.

Closing room

5.18 The International Registry may provide a closing room facility (“closing room”) on its website permitting registry users to assemble the information required to effect a registration in advance of completing such registration and, in the case of multiple registrations in respect of one or more aircraft objects, to establish the chronological order of such registrations. The Appendix to these Regulations describes the closing room, including the conditions and procedures for:

- (a) assembling information prior to any registration taking effect;
- (b) entering registrations into the International Registry data base containing such information; and
- (c) making such registrations searchable, and establishing the order, date and time of receipt of such registrations by the International Registry;

and in the cases of (b) and (c) above, for the purposes of Articles 18 (4) and 19 of the Convention.

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 or transfer of the right to consent to the discharge of a registration.

6.2 The International Registry shall send 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. Non-receipt of such confirmation does not imply that the registration has not been effected, that fact being determinable solely by use of a priority search.

6.3 When a registration is effected relating to an aircraft object, an electronic notice thereof shall be sent to the named parties and registering person of any other registration which has not been discharged relating to that object.

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

6.5 Named parties may electronically elect not to receive the notices referred to in Section 6.3. Such elections shall require digital signatures. Registry users may request not to receive electronic notices in respect of one or more registrations.

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.

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

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 registered information using the three criteria specified in Article XX (1) of the Protocol, as set out in Sections 7.1 (a) to (c). Such information is searchable for the purposes of Articles 19 (2) and 19 (6) of the Convention and Article XX (1) of the Protocol.

7.3 An “informational search” is an aircraft object search other than a priority search, using the criterion set out in Section 7.1 (c). The results of an informational search, an “informational search listing”, shall be a list of all matching aircraft objects, described by the item set out in Section 7.1 (c). The facility to perform such an informational search does not make that information “searchable” for the purposes of Articles 19 (2) and 19 (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 registered information required by Section 5 and comply with Article 22 (3) of the Convention;
- (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;
- (c) indicate the current holder of the right to consent to the discharge of a registration and set out in chronological order when that right has been transferred and the parties executing such transfer; and

- (d) set out the electronic address of each of the named parties to the registration and of the current holder of the right to consent to the discharge of such registration, such addresses in each case to be based upon the most current contact information provided to the International Registry.

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 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 The International Registry may provide a facility for a “registry user entity search”. The results of a registry user entity search shall be a list of the entity’s identity information and contact information (subject to such exclusions as the registry user entity selected pursuant to Section 4.1). When conducted by a registry user, such a search shall also indicate whether or not such registry user entity’s account is active. For the purposes of this Section 7.6, a registry user entity search shall include searches of controlled entities.

7.7 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 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”).

In the case of a designation under Section 12.1 (a), all registrations made pursuant to Sections 5.3, 5.4, 5.5 and 5.8 from such entry point shall, subject to Section 12.8, include the authorization code issued by the relevant Contracting State with respect to such registrations.

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 A direct entry point shall transmit a registration when the conditions established by it have been satisfied, such conditions to be consistent with the Convention, the Protocol, and these Regulations, and the named parties in that registration are approved transacting user entities. Subject to the receipt by the International Registry of the consent from each party whose consent is required under the Convention, the Protocol and these Regulations, including, if so required, the named parties in the subject registration, a registration transmitted by a direct entry point shall be effected when received by the International Registry.

12.5 Without prejudice to Section 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. Such arrangements between an entry point and the International Registry shall not impose any additional cost on the International Registry and shall not adversely affect the functioning of the International Registry system or impose a burden on International Registry resources.

12.6 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.

12.7 A registration effected in violation of the terms of a designation under Section 12.1, or, in the case of Section 12.1 (a), without an authorization code issued by the authorizing entry point, is invalid.

12.8 A registration is not invalid if:

- (a) in the case of an authorizing entry point, an authorization code is not obtainable under its procedures; or
- (b) in the case of a direct entry point, use of that entry point is not permitted under its procedures;

based on the facts of the transaction to which it relates.

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 law 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 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 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 and shall be complied with by all registry users and searching persons.

15.2 Without restricting their content, the 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 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 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 Procedures approved by the Supervisory Authority shall be published in an official publication of the Supervisory Authority.

17.3 The validity and priority of, and other rights and interests appurtenant to, a registration made in conformity with the Regulations and the Procedures as in effect at the time of such registration, and taking into account the functional capabilities of the International Registry at such time, shall not be affected by any subsequent change to such Regulations, Procedures or capabilities of the International Registry, and the provision of a facility that allows the parties to a registration to amend or otherwise modify a registration in order to conform to such changes shall not be construed as implying any obligation to effect any such amendment or modification.

17.4 The validity of any action taken by the Registrar in conformity with the Regulations and the Procedures as in effect at the time of such action, shall not be affected by any subsequent change to such Regulations or Procedures.

Section 18

EFFECTIVE DATES

Any amendments to these Regulations or the Procedures shall take effect one calendar month after the date of their publication unless otherwise determined by the Supervisory Authority.

Appendix

Closing Room

(Section 5.18 of these Regulations)

1. General

1.1 The International Registry may include a closing room facility permitting a registry user entity to create a file that may be used to assemble the information required under these Regulations to effect one or more registrations in advance of completing such registrations. For the purposes of this Appendix, such information is referred to as a “prepositioned registration” or “prepositioned registrations”, and the action to assemble such information is referred to as an action to “preposition a registration” or to “preposition registrations”.

1.2 A closing room is not searchable for the purposes of Articles 18 (4) and 19 of the Convention. A prepositioned registration has no legal effect under the Convention or the Protocol until such time as such prepositioned registration has been entered into the International Registry data base in accordance with paragraph 7.2 of this Appendix. Once a prepositioned registration has been entered into the International Registry data base in accordance with paragraph 7.2, it shall be regarded as “registered” (as such term is defined in Article 1 (bb) of the Convention).

1.3 This Appendix describes the conditions and procedures for establishing a closing room, assembling and managing the information required to preposition registrations in the closing room, consenting to prepositioned registrations and releasing such prepositioned registrations for entry into the International Registry data base so as to become registrations that are searchable and valid under the Convention and the Protocol.

2. Establishing a closing room

2.1 A registry user entity may establish a closing room by following the directions on the International Registry website.

2.2 The registry user entity who establishes a closing room, the “coordinating entity”, shall have the responsibilities for the closing room described in this Appendix.

2.3 Each closing room shall have a unique identifier automatically assigned by the International Registry, the “closing room ID”, and registry users may search for a closing room on the International Registry website using the closing room ID.

2.4 The coordinating entity may extinguish a closing room at any time prior to taking the action described in paragraph 7.1.

3. Assembling and managing closing room registrations

3.1 The coordinating entity shall be responsible for assembling and managing all the information required to preposition registrations in the closing room. The registry users of the coordinating entity, and no other persons, will be entitled to enter or modify information in the closing room. References in this Appendix to action by a coordinating entity shall mean action on its behalf by any of its registry users.

3.2 In order to preposition a registration, the coordinating entity must enter all of the information for that category of registration specified in the applicable section of these Regulations. For example, all the information specified in Section 5.3 of these Regulations shall be required to preposition a registration of an international interest. In addition, if any aircraft object is the subject of more than one prepositioned registration, the coordinating entity shall specify the chronological order in which, when released, such prepositioned registrations are to be entered into the International Registry data base.

3.3 After the coordinating entity has completed assembling the information required to effect all of the prepositioned registrations to be included in the closing room, following the directions on the International Registry website, it may suspend the ability to amend or enter further registration information (referred to as designating the closing room as “locked”). The locked status of the closing room will (a) initiate the actions described in paragraph 4.1, and (b) signify that all the information for the prepositioned registrations in the closing room has

been assembled and that the closing room is available for each registry user entity whose consent is required under these Regulations to take one of the actions specified in paragraph 4.2.

3.4 A coordinating entity may at any time (whether or not a closing room has been locked) provide any registry user entity and any registry user with “read only” access to such closing room to read, but not modify, the information contained therein by following the directions on the International Registry website for identifying such persons and establishing such access. Once the closing room is locked, each registry user entity whose consent to the registrations prepositioned in the closing room is required under these Regulations, shall automatically have read only access to such closing room. The registry user entities and registry users with access rights to the closing room are referred to as the “closing room participants”.

3.5 A coordinating entity may transfer its rights and responsibilities to another registry user entity as its replacement. Such a transfer shall take effect when the administrator for the transferee registry user entity gives its acceptance in the manner specified on the International Registry website, and shall have the effect specified in paragraphs 5.1 and 5.2.

4. Consenting to prepositioned registrations

4.1 When the coordinating entity designates the status of a closing room as locked, the International Registry shall issue to the closing room participants a notice:

- (a) identifying the coordinating entity;
- (b) providing a link to access the closing room and setting forth the closing room ID;
- (c) stating that the closing room is available for each registry user entity whose consent is required under these Regulations to take the action specified in paragraph 4.2;
- (d) stating the period of time (as provided by paragraph 5.3) that the closing room will remain accessible for the

purpose of providing consent or reviewing information;
and

- (e) attaching a “pre-registration report” that shows all prepositioned registrations, including the specified chronological order of any multiple registrations for an aircraft object .

4.2 After the notice described in paragraph 4.1 has been issued, each registry user entity whose consent is required under these Regulations may consent or decline to consent to such prepositioned registration by following the directions on the International Registry website.

4.3 A consent to a prepositioned registration may be revoked at any time prior to release of that prepositioned registration for entry into the International Registry data base, as described in paragraph 7.1.

4.4 A registry user entity who has declined to give a consent or has revoked a consent shall be entitled to reverse that action at any time prior to the release of its prepositioned registration for entry into the International Registry data base, as described in paragraph 7.1.

4.5 Revoking an authorization under which a consent to a prepositioned registration was given, including an authorization provided to a professional user, will have the effect of revoking such consent. In order to reverse that action, the registry user entity must either consent to such prepositioned registration, or re-issue its authorization to another registry user entity who then consents to such prepositioned registration, with such action occurring in each case at any time prior to the release of such prepositioned registration for entry into the International Registry data base, as described in paragraph 7.1.

4.6 As provided in paragraph 7.1, none of the prepositioned registrations in a closing room may be released into the International Registry data base unless all such prepositioned registrations have been consented to by or for each registry user entity whose consent is required by these Regulations, and such consents are in effect at the time that the

coordinating entity issues a release instruction (as defined in paragraph 7.1).

5. Making changes to prepositioned registrations

5.1 Although a closing room may not be modified while it is locked (except as provided in paragraph 8), the coordinating entity may make changes to the prepositioned registrations, whether on its initiative or in response to requests by closing room participants, or transfer its responsibility as coordinating entity to another registry user entity, by following the directions on the International Registry website for reinstating the ability to change or enter further information (referred to as designating the closing room as “unlocked”).

5.2 If a closing room is unlocked, all consents to prepositioned registrations will be cancelled automatically, the closing room will revert to the status described in paragraph 3, and the International Registry will issue a notice to all the closing room participants advising that the closing room has been unlocked and that the pre-registration report issued with respect to the closing room has lapsed. The coordinating entity may then change the prepositioned registrations and lock the closing room with such changes in place, at which time the provisions of paragraphs 4.1 to 4.4 shall apply.

5.3 If the prepositioned registrations in a closing room have not been released for entry into the International Registry data base, as described in paragraph 7.1, prior to the expiry of ten (10) calendar days following the date that the closing room is locked, the closing room shall become unlocked automatically, with the effect described in paragraph 5.2. Notwithstanding the foregoing, the coordinating entity may extend the locked period for a closing room for ten (10) additional calendar days up to a maximum of eleven (11) times in succession. Notice of any such extension shall be issued to the closing room participants by the International Registry.

6. Payment of fees

6.1 At any time after a closing room has been locked, but prior to the issuance of a release instruction under paragraph 7.1, the

coordinating entity shall pay the fees in respect of all prepositioned registrations in the closing room.

6.2 Such payment shall be final if such prepositioned registrations are released for entry into the International Registry data base, as described in paragraph 7.1.

6.3 If such prepositioned registrations are not so released, the coordinating entity shall be entitled to a refund of such fees, less applicable third party payment processing expenses.

7. Entering prepositioned registrations into the International Registry data base

7.1 The coordinating entity may, by following the directions on the International Registry website, issue an instruction to the International Registry, a “release instruction”, to enter all the prepositioned registrations in the closing room into the International Registry data base in the chronological order specified in the pre-registration report and make them searchable for the purposes of Articles 18 (4) and 19 of the Convention when all of the following conditions are satisfied:

- (a) the closing room is locked;
- (b) all prepositioned registrations in the closing room have been consented to by or for each registry user entity whose consent is required by these Regulations;
- (c) the fees referred to in paragraph 6.1 have been paid; and
- (d) if applicable, the special procedures and conditions described in paragraph 8 have been completed and satisfied.

7.2 Upon receipt of a release instruction, the International Registry shall cause all the prepositioned registrations in the closing room to be entered into the International Registry data base in the chronological order specified in the pre-registration report and made searchable for the purposes of Articles 18 (4) and 19 of the Convention. When so entered

into the International Registry data base, each of the prepositioned registrations and consents thereto shall be a “registration” and a “consent” to such registration, as such terms are defined in these Regulations, and each such registration shall be “registered” for the purposes of the Convention.

7.3 After the prepositioned registrations in the closing room have been entered into the International Registry data base, the closing room shall be extinguished. However, the Registrar shall retain a record of the pre-registration report. Any closing room participant may obtain a copy of the pre-registration report by following the directions on the International Registry website.

7.4 The closing room participants shall report to the Registrar within 72 hours from the issuance of the release instruction any discrepancies between the registrations that have been entered into the International Registry data base and the pre-registration report. Any such discrepancies shall be subject to correction in accordance with Section 5.15 of these Regulations.

8. Special conditions and procedures applicable to entry points

8.1 The foregoing conditions and procedures are modified as set forth in this paragraph 8 with respect to any prepositioned registrations that are subject to Section 12.1 of these Regulations relating to entry points.

8.2 For the purposes of compliance with Sections 12.1 (a) and 12.7 of these Regulations with respect to an authorizing entry point, the coordinating entity may enter the authorization code for any prepositioned registration to which those Sections apply at any time prior to issuing the release instruction, notwithstanding that the closing room has been locked. If any of the prepositioned registrations in a closing room require an authorization code pursuant to such Sections, the required authorization codes must be entered before the release instruction is issued.

8.3 For the purposes of compliance with Sections 12.1 (b), 12.4 and 12.7 with respect to a direct entry point, issuing the release instruction with respect to any prepositioned registration to which those Sections apply shall require the prior authorization of the direct entry point, given in accordance with the directions on the International Registry website. If any prepositioned registration in a closing room must be transmitted to the International Registry by the direct entry point pursuant to such Sections, the required authorization by the direct entry point must be given before the release instruction is issued. The term “registry user entity” shall not, for the purposes of paragraphs 2.1 and 2.2, include a direct entry point.

8.4 The obligation to enter an authorization code, as described in paragraph 8.2, and the obligation to obtain the authorization of a direct entry point, as described in paragraph 8.3, are both subject to Section 12.8 of these Regulations, relating to circumstances in which an authorization code is not obtainable or the use of an entry point is not permitted.

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 International Registry 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 International 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; and
- (e) abiding by the applicable terms and conditions in place from time to time governing access to and 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, and to transfer the right to consent to the discharge of registrations in which that entity is a named party.

5.5 An administrator:

- (a) shall keep his/her password and digital certificate secure;
- (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; and
- (c) is permitted to make a secure back-up copy of his/her digital certificate subject to the requirements of the CPS as amended from time to time.

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 An administrator may electronically approve a registry user to act on behalf of a registry user entity in accordance with Section 4.2 of the Regulations. Upon such approval, the Registrar shall issue an email to such

approved 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 for the remainder of the unexpired subscription term, such appointment shall be subject to a replacement administrator fee.

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 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;
- (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; and
- (c) is permitted to make a secure back-up copy of his/her digital certificate subject to the requirements of the CPS as amended from time to time.

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 key.

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 and published by the Supervisory Authority, and posted on the website; and
- (d) the agreement of a registry user at the time of issuance or renewal of a digital certificate to the terms of the Regulations and these Procedures and any amendments thereof.

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 registered 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 the Regulations and these Procedures and of the website terms and conditions governing the access to and use of the International Registry.

10.2 All applications for approval must be accompanied by full payment (using only payment methods that are permitted by the Registrar from time to time) 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 the required payment details. Once such payment 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 email 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 law.

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 suspend or revoke the approval or disable the account of a registry user entity's administrator or user at any time when: (a) in its view, there exists a material risk of fraudulent registrations or other misuse, including the misuse of information referred to in Section 3.7 of the Regulations; or (b) the registry user entity's administrator or user fails to renew his/her account and digital certificate in accordance with the Regulations and these Procedures. In either 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.

Section 11

SIGN-UP AND APPROVAL — REGISTRY USER

(Section 4 of the Regulations)

11.1 In connection with the approval of registry users under Section 4.2 of the Regulations and Section 5.7 of these Procedures, 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 registry user entity. The administrator shall electronically indicate his/her acceptance or rejection of such application through the website.

11.2 After a proposed registry user has received (i) the electronic approval from his/her registry user entity's administrator and (ii) an email from the International Registry containing a link to the registry user's digital certificate, such registry user should download the digital certificate to his/her computer.

Section 12

EFFECTING, AMENDING AND DISCHARGING REGISTRATIONS

(Sections 5 and 6 of the Regulations)

12.1 To effect, amend or discharge a registration, or transfer the right to consent to the discharge of 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, including all registered information required by Section 5 of the Regulations.

Registered 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, registered information shall be inserted by a registering person following the instructions specified on the website.

12.2 The Registrar shall draw the attention of users to the application of Section 5.2 of the Regulations and the terms of the notice and disclaimer each time a user makes use of aircraft object information and the descriptive document.

12.3 Each named party, other than the registering party, required to consent under Article 20 of the Convention in order for a registration, amendment, discharge, or transfer of the right to consent to a 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, discharge, or transfer of the right to consent to a discharge, becoming searchable. Once a registering person has entered all the relevant registered information on the website and has digitally signed it, each named party identified in the registration:

- (a) will be notified thereof by email; 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, discharge, or transfer of the right to consent to a discharge, will be automatically aborted.

12.4 Upon receipt of the final consent, the International Registry shall automatically issue a confirmation thereof by email to all parties entitled to receive a confirmation thereof under Section 6 of the Regulations, provided that the email addresses of all such parties have previously been provided.

12.5 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, and to transfer the right to consent to the discharge of a registration. The authorization may cover one or more aircraft objects. Several users with the same registry user entity may be

authorized to work on the same aircraft object or objects. An administrator may, at any time, revoke an authorization he/she has given and grant further authorizations to qualifying registry users.

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

12.7 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 Section 13.4 (a).

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 priority searches performed by governments of Contracting States 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 or by letter or facsimile to:

International Civil Aviation Organization
Supervisory Authority of the International Registry
c/o Legal Affairs and External Relations Bureau
999 University Street
Montréal, Quebec
Canada H3C 5H7
Fax: +1 514-954-8032
Email: LEB@icao.int

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 registered 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 registered 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 3
Plaza 255
Blanchardstown Corporate Park 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 (3) 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 (3) 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, an informational search or a registry user entity search, or made electronically available to enable registry users to effect, amend or discharge registrations;
- (b) it is requested under Article 27 (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. Any such notification shall be presumed to have been received 24 hours after it was 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 these 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)

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”.

1.2 The user set-up fee payable in respect of a controlled entity, a “controlled entity set-up fee”, shall be levied as follows:

- (a) upon approval of the controlled entity by the administrator of an approved transacting user entity, after the coming into force of the Third Edition of the Regulations and Procedures for the International Registry; and
- (b) on the next date of the subscription renewal of an approved transacting user entity, where the administrator of said entity approved the controlled entity or the special purpose entity prior to the coming into force of the Third Edition of the Regulations and Procedures for the International Registry.

1.3 User set-up fees are set out 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

1.4 A single registration fee shall be charged for all registrations initiated by the same registering party 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, including a transfer of the right to consent to a discharge, or an amendment or a discharge relating to the object or objects set out in paragraph 1.4 (a) or (b) entered into within a period of 24 hours from the time of the initiation of the registration session, 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 24 hours for the purposes of the “registration fee”.

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

1.6 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 set out in Table 1.

Priority search fee

1.7 A “priority search fee” for each priority search certificate is set out in Table 1.

Entity name change fee

1.8 An “entity name change fee” shall apply for each submitted name change notification request.

Table 1. Fees

<i>Description</i>	<i>Fee (in U.S. dollars)</i>
Controlled entity set-up fee (1 year)	180
User set-up fee (1 year)	200
Registration fee	100
Replacement administrator fee	50
Entity name change fee	200
Spare engine fee	50
Priority search fee	22
Lost certificate fee	10

2. PROCEDURE FOR ADJUSTMENT OF FEES

2.1 The fees are subject to periodic review by the Supervisory Authority, in consultation with the Registrar. New fees may then be set by the Supervisory Authority, based upon anticipated volume at that point, taking into account:

- (a) the Registrar'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 Registrar 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 Registrar;

- (f) the transaction volume achieved by the International Registry and the variation from the transaction volume projected by the Registrar; and
- (g) any other relevant factors.

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 —

