



Organisation intergouvernementale pour les transports internationaux ferroviaires  
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr  
Intergovernmental Organisation for International Carriage by Rail



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**PREPARATORY COMMISSION FOR THE ESTABLISHMENT  
OF THE INTERNATIONAL REGISTRY FOR RAILWAY  
ROLLING STOCK PURSUANT TO THE LUXEMBOURG  
(RAIL) PROTOCOL**

Prep. Comm. Rail/9/Doc. 5/rev.1  
Original: English  
April 2021

***9<sup>th</sup> session***  
**Berne/remote, 8 April 2021**

**Item n° 6 on the Agenda: Discussion and approval of the updated Baseline Draft  
Regulations for the International Registry for railway rolling stock**

This is a working draft of regulations which would be issued in due course by the Supervisory Authority in accordance with Luxembourg Protocol to the Cape Town Convention.

Shortly before the Protocol is expected to come into force, the Preparatory Commission will issue a further consultation draft particularly reflecting the software and other operational aspects applicable to the International Registry as it comes into operation.

The Preparatory Commission also expects to issue a separate schedule of charges expected to apply to the services being provided by the International Registry.

DRAFT  
REGULATIONS FOR THE INTERNATIONAL REGISTRY

(Article 17(2) (d) of the Convention on international interests in mobile equipment and the  
Luxembourg Protocol)

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## 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* ("Convention") and are authorised by the *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* ("Protocol").

## Section 2 DEFINITIONS

- 2.1 Terms defined in the Convention and the Protocol shall have the same meanings in these Regulations. In addition, the following terms shall have the meanings set out below:
- 2.1.1. "Administrator" means the person with authority to act on behalf of a registry user entity on administrative matters in dealings with the Registrar and the International Registry, and includes his/her acting administrator to whom he/she has delegated his/her powers in accordance with Section 4.1.
- 2.1.2. "Amendment", unless the context suggests otherwise, means any change in registered information, including any change in the lapse date of a registration, but does not include assignment, subrogation or subordination.
- 2.1.3. "Authorization" means an electronic authorization given by the administrator of a transacting user entity to one of its transacting users or to a professional user to transmit information to the International Registry to effect or consent to a registration on behalf of that transacting user entity.
- 2.1.4. "Consent" means an electronic consent to a registration.
- 2.1.5. "Contact information" means, with respect to the entity or natural person to whom such information relates, such entity's or natural person's name, administrator and that administrator's telephone number and electronic address.
- 2.1.6. "Contracting State agreement" means an agreement between a Contracting State and the Supervisory Authority pursuant to, [or in relation to implementation of Article XIII or Article XIV](#) of the Protocol.
- 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. "Documentary evidence" means documentation that fully substantiates that an interest being registered [is of a kind that](#) has been conferred under the law of the Contracting State identified in the information to effect a registration, including evidentiary documentation issued by government entities.
- 2.1.9. "Entry point" means an entity designated by a Contracting State as contemplated by [Section 13.1 Article XIII \(1\) of the Protocol through which information required for registration under the Convention and the Protocol shall or may be directly transmitted to the International Registry](#) and an "entry point user" means an official, employee, member or partner of an entry point.
- 2.1.10. "Fee schedule" means a schedule issued by the Supervisory Authority in accordance with section 14.1 and which is in force at the relevant time.
- 2.1.11. "Identification data" means information required to effect a registration of an international interest in an item of rolling stock referred to in Section 5.3 (a) - (c).

2.1.12. "Identity information" means the following in respect of the entity or natural person for whom the identity 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.

2.1.13. "Information" includes signatures, consents to registration, certifications and other documents.

~~2.1.13.~~2.1.14. "Named party" means the transacting user entity named in a registration.

~~2.1.14.~~2.1.15. "Non-Convention ~~interest~~ filing" means a notice of sale or a filing or contract information relating to an international interest approved under Section 7.1.

~~2.1.15.~~2.1.16. "Professional user entity" means a person, firm, limited liability partnership or corporation 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.

~~2.1.16.~~2.1.17. "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), 5.6 (a), (b) and (c), 5.7 (a), 5.8 (a), (c) and (d), 5.10 (d), 5.11 (a), (c), (d), (e) and (f), 5.13 (a), (c) and (d), 5.17, 5.18 (a) (ii), 5.20 (a), (c) and (d), and 5.23 (a) and (b) in each case as applicable to such category of registration, and shall include any correction or discharge of a registration pursuant to Section 5.21. The name and the electronic signature of the registering person, and the contact information of the persons to which the International Registry is required to send notices pursuant to Section 6, shall not be regarded as registered information. For purposes of a registration under Sections 5.6, 5.12, 5.22 and 5.23, the name of the registry user entity that effects the registration shall be regarded as registered information.

~~2.1.17.~~2.1.18. "Registration" means ~~registration of a right or an~~ interest or notice of sale electronically registered with the International Registry. For the purposes of Sections 4.4, 5.24, 6 and 13.34, the term has the extended meaning set out in Section 6.1. A "registering person" means the transacting user, professional user or entry point user transmitting information to the International Registry to effect a registration.

~~2.1.18.~~2.1.19. "Registry user entity" means:

- (a) a transacting user entity; or
- (b) a professional user entity; and
- (c) an entry point.

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

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

~~2.1.19.~~2.1.20. "R-NCRI" means a registrable non-consensual right or interest in an item of railway rolling stock conferred under the law of the Contracting State in which the right or interest arose, as provided in Articles 1 (dd) and 40 of the Convention.

~~2.1.20~~2.1.21. "R-NCRI authorization" means a registrable non-consensual right or interest authorization that confers the authority to effect or amend the registration that is contemplated by Section 5.6.

~~2.1.21~~2.1.22. "Searching person" means a person making a search in accordance with Sections 7 or 8 of these Regulations.

~~2.1.22~~2.1.23. "Supplemental descriptor" means a numeric or alphanumeric descriptor specified by a registering person when making a registration of an international interest or a notice of sale and which shall include any information provided under Section 5.3 (c) (ii) and (iii) where conditions have not been fulfilled to enable the provision of such information to comply with the requirements therein to effect the registration of an international interest.

~~2.1.23~~2.1.24. "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.

~~2.1.24~~2.1.25. "Unilateral registration" means a registration pursuant to Section 5.6, 5.12, 5.22 or 5.23.

~~2.1.25~~2.1.26. "URVIS identifier" means, in respect of an item of railway rolling stock, the unique, 16-digit identification number allocated in accordance with the system prescribed by Section 5.

2.2 The term or terms:

"Procedures" has the meaning set out in Section 17.1;

"priority search", "priority search certificate", "["informational search"](#)", "Contracting State search", "Contracting State search certificate", "registry user entity search" and "self-search" and "supplementary priority search information" have the meanings set out in Section 8;

A "group identifier" has the meaning set out in Section 5.5.

2.3 For the purposes of these Regulations an "item of railway rolling stock" means a vehicle which:

(a) satisfies the definition of "railway rolling stock" in Article I. (2) (e) of the Protocol;

~~(b) is able to be operated with or without traction;~~

~~(e)~~(b) may be physically separated from other vehicles and may continue to be operated under normal industry conditions after such separation; and

~~(d)~~(c) may be operated alone or contiguous to various other vehicles without the need for any special adaptation or use of additional special equipment.

Where a vehicle is made up of a number of articulated sections which are physically fixed to each other, but it is possible to replace or substitute such sections in the normal course of maintenance operations, whether using specialist equipment or otherwise, each articulated section shall be regarded as an item of railway rolling stock.

**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 and the Protocol. ~~Without limiting the foregoing, registrations of pre-existing rights and interests or assignment thereof 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 on its website. Neither this Section, nor the technical function of the Registry, shall relieve any party making a registration that ought not to have been made or is incorrect, from liability under applicable law.
- 3.3 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. The International Registry shall be available in English and such other languages as shall be agreed between the Registrar and the Supervisory Authority from time to time.
- 3.4 The Registrar shall operate the International Registry and perform the functions assigned to it by the Convention, the Protocol, these Regulations and the Procedures and such other functions and duties assigned to it or permitted by the Supervisory Authority. The Registrar shall not undertake other operations or responsibilities nor permit other parties to have access to or use the facilities of the International Registry without the prior written consent of the Supervisory Authority.
- 3.5 Technical support shall be provided to registry users, searching persons and administrators by a help desk of the International Registry, which shall be available during the Registrar's normal business hours (or otherwise as may be agreed between the Supervisory Authority and the Registrar), via telephone and/or fax, and/or email or otherwise, 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, 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.

No administrator of a transacting user entity shall be entitled to register or amend the registration of an R-NCRI or issue an R-NCRI authorization unless that administrator is first approved by the Registrar for that purpose. Such approval shall be given when the Registrar reasonably concludes, without undertaking specific legal analysis, that the administrator has the authority from his/her transacting user entity to make the certification and agreement required by Sections 5.6 (d) and (f), respectively.

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 the Procedures.

A requested change to the electronic contact details of an administrator or other registry user may be made after the Registrar reasonably concludes that such requested change is authentic.

- 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 and may be revoked by such administrator at any time, and may be renounced by the registry user at any time.
- 4.2.1 No guest user shall have access to the International Registry unless that user first provides a valid electronic address at which he/she may be contacted and which shall be automatically verified.
- 4.3. Notwithstanding Section 4.1 and 4.2:
- (a) the administrator of a transacting user entity approved by the Registrar may electronically approve a controlled entity as a transacting user entity for the purposes of being named in the registrations upon the payment of the fee set out in the fee schedule and confirmation by that administrator that such transacting user entity controls, manages or administers such controlled entity; and
  - (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 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. 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 an entry point, which shall be made in accordance with Section 13.34.
- 4.5. A searching person and a guest user 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 the URVIS identifier provided by the International Registry relating to railway rolling stock is mandatory and, where so provided, is the sole means of satisfying the requirements of Section 5.3 (c). 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 5.10) because they must be approved transacting user entities.

### **Complete identification**

- 5.2. Identity information shall be deemed complete only if all of the three elements contained in the definition of identity information are provided.

### **Registration of an international interest or a prospective international interest**

- 5.3. The information required to effect the registration of an international interest or a prospective international interest, is:
- (a) the electronic signature of the registering person;
  - (b) the name of each of the named parties, which in the case of the debtor shall include the state in which it is situated (in accordance with Article 4 of the Convention) both at the time the international interest is created and on the effective date of registration of the international interest;
  - (c) the following information identifying the item of railway rolling stock:
    - (i) the URVIS identifier allocated by the Registrar pursuant to Article XIV(1) of the Protocol; or
    - (ii) provided that the Registrar has agreed in advance that the name and identifier used are currently and prospectively unique and are compatible with the International Registry's systems, the manufacturer's name and the identifier affixed to the item associated with the URVIS identifier, if different to the URVIS identifier; or



- (iii) provided that an international interest is created or provided for, or is intended to be created or provided for, by an agreement entered into by a debtor situated in a Contracting State at the time of the conclusion of that agreement, the national or regional identification number assigned to the item under a national or regional system stated by a declaration made by that Contracting State according to Article XIV(2) of the Protocol, and agreed to by the Supervisory Authority under a Contracting State agreement, and affixed to the item associated with the URVIS identifier, if different to the URVIS identifier, and all of the national or regional identification numbers to which the item has been subject since the entry into force of the Protocol, and the time during which each number has applied to the item<sup>1</sup>.
- (d) the lapse date of the registration if the registration is to lapse prior to the filing of a discharge;
- (e) the consent of the named parties, given under an authorization;
- (f) the electronic addresses of persons to which the International Registry shall send information notices pursuant to Section 6; and
- (g) if the named parties include more than one creditor, the name of the creditor who is to hold the sole right to consent to the discharge of that registration.

Where all of the information required in this Section 5.3 is not provided by the registry user entity at the time of the registration application, the Registrar shall not effect that registration. However nothing shall preclude (A) information being provided under subsection (c) (iii) in addition to information under subsection (c) (i) or (ii) even if no declaration referred to therein is made, or the relevant Contracting State agreement is not entered into, and if so provided the Registrar shall ensure that such information is recorded and is shown on a priority search certificate in respect of such item and (B) the registering person including one or more supplemental descriptors in accordance with the Procedures. The Registrar shall have no responsibility for the accuracy of any supplemental descriptor and the provision of one or more supplemental descriptors shall not require the Registrar to effect a registration.

The URVIS identifier shall be composed of fifteen digits wholly numeric; zeroes shall be permitted in any position other than the first position and an automatically generated check digit shall form the sixteenth digit derived from the Luhn mod 10N algorithm. The URVIS identifier shall be unstructured, i.e shall be allocated as determined by the Registrar subject to Section 5.4 below, save that it must incorporate all or part of national or regional identification numbers where relevant (that is, where a Contracting State has made a declaration pursuant to Article XIV(2) of the Protocol) in accordance with the terms of the agreement between the Contracting State and the Supervisory Authority. Criteria for marking items of railway rolling stock with the URVIS identifier shall be set out in or adopted under the Procedures.

- 5.4. The International Registry will allow a registry user to access the International Registry in order to obtain or reserve an URVIS number in accordance with the Procedures. The International Registry may authorise a national or regional safety authority or agency or a party designated by such authority or agency, to issue URVIS numbers on behalf of the International Registry in accordance with the Procedures and any memorandum or agreement with such authority or agency.
- 5.5. The International Registry will provide a facility for registry users to establish, amend or delete groups of items of railway rolling stock ("group identifier") against which registrations may be effected and searches made.

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<sup>1</sup> The registry software will need to be able to identify and reject duplicates

### Unilateral Registration of an R-NCRI

- 5.6 The information, ~~certification, documents and agreement~~ required to effect the registration of an R-NCRI to which Article 40 of the Convention applies ~~are~~ is:
- (a) the identification data and the information referred to in Sections 5.3(d), (f) and (g), including, in the case of Section 5.3 (f), the electronic address of the primary obligor with respect to the obligation that is secured by the R-NCRI;
  - (b) the name of the Contracting State under whose laws the R-NCRI has been conferred;
  - (c) the category of R-NCRI, as listed in the declaration of the contracting state specified in Section 5.6 (b), within which the relevant R-NCRI being registered falls;
  - (d) the certification of the party named in the registration as the holder of the R-NCRI to which the registration relates, that (i) the R-NCRI has been validly conferred under the laws of the Contracting State specified in Section 5.6 (b), and (ii) all of the registration information being provided to effect the registration is accurate;
  - (e) documentary evidence pertaining to the R-NCRI submitted in electronic format; and
  - (f) the agreement of the party named in the registration as the holder of that R-NCRI that by effecting such registration it submits itself to the jurisdiction of the courts of the place in which the Registrar has its centre of administration in relation to legal action under Article 44 of the Convention with regard to the registration, and that it shall be liable to the Registrar for all costs incurred by the Registrar arising out of the legal action unless the validity of the registration is upheld.

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

- 5.6.1 The Registrar shall provide a copy of the documentary evidence submitted in connection with the registration of an R-NCRI as regards ~~an~~ an item of railway rolling stock to any of the following upon request:
- (a) the primary obligor identified in that registration;
  - (b) the holder of any other registered right or interest relating to that an item of railway rolling stock or
  - (c) any other person or entity that substantiates a potential adverse effect as a result of that registration to the reasonable satisfaction of the Registrar.

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

### Registration of a notice of sale

- 5.7 The information required to effect the registration of notices of sale, which shall be subject to Article XVII of the Protocol, is:
- (a) the identification data and the information referred to in Section 5.3 (f); and
  - (b) the consent of the named parties, given under an authorization.

**Registration of an assignment**

- 5.8. The information required to effect the registration of the assignment of an international interest, the prospective assignment of an international interest, the assignment of an R-NCRI is:
- (a) the identification data and the information referred to in Section 5.3 (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); and
    - (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**

- 5.9. 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**

- 5.10. The information required to discharge a registration is:
- (a) the information referred to in Sections 5.3 (a) and (f);
  - (b) except as provided in Section 5.10.1, 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 to consent to, discharge a registration has been transferred, the consent of the party having this right;
  - (d) the file number of the registration to be discharged; and
  - (e) the date the discharge is to be effective.

- 5.10.1 The party or parties mentioned in Sections 5.10 (b) and (c) do not include the debtor, assignor, subrogor or person subordinating the registered interest.
- 5.10.2 The party or parties referred to in Section 5.10 (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.
- 5.10.3 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.

### **Registration of a subordination**

- 5.11. The information required to effect the registration of a 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 or an R-NCRI, the interest of a lessee under a lease, or the interest of a buyer under a conditional sale is:
- (a) the identification data and information referred to in Section 5.3 (f) and (g), and for the purposes of the foregoing reference to Section 5.3 (b) and for the purposes of Section 5.11 (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) the file number of the registration of the interest benefiting from the subordination;
  - (d) if the interest being subordinated or benefiting from the subordination is a registered interest, the URVIS identifier relating to each such interest;
  - (e) 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;
  - (f) 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
  - (g) 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.

**Unilateral registration of a pre-existing right or interest**

- 5.12. The information required to effect the registration of a pre-existing right or interest to which Article 60 of the Convention (as amended by Article XXVI of the Protocol applies is:
- (a) the identification data and the information referred to in Sections 5.3(d), (f) and (g);
  - (b) the name of the Contracting State under whose laws the pre-existing right or interest was constituted; and
  - (c) the certification of the party named in that registration as the holder of the pre-existing right or interest to which the registration relates, that (i) the pre-existing right or interest has been validly conferred under the laws of the Contracting State specified in Section 5.12 (b), and (ii) all of the registration information being provided to effect the registration is accurate and complete.

**Amending a registration**

- 5.13. Subject to Section 5.15, the information required to amend a registration (other than a registration of an R-NCRI) or to amend information contained in an assignment, subrogation or subordination is:
- (a) the identification data and information referred to in Section 5.3 (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;
  - (c) the file number of the registration to be amended; and
  - (d) the amendments to be made.

**Amending a registration of an R-NCRI**

- 5.14. Subject to Section 5.15, the information required to amend a registration of an R-NCRI is:
- (a) the information referred to in Section 5.6 (a);
  - (b) the file number of the registration to be amended;
  - (c) the amendments to be made; and
  - (d) the certification required by Section 5.6 (d).

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

**Rules for amendments**

- 5.15. The following shall apply in respect of amendments to and discharges of amendments to registrations:
- (a) registration of an amendment of the identification data 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 save that this shall not apply if the only amendment

is to the data provided pursuant to Section 5.3(c) (ii) or 5.3(c) (iii) if the URVIS identifier remains unchanged. 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 save that a name change notification request as described in Section 5.18 shall not require such consent;
- (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;
- (d) a change to a user capacity statement or the contact details of a registry user are outside of Section 5.13, and may be made after the Registrar reasonably concludes that such requested change is accurate;
- (e) 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.

The consent requirements of Sections 5.15 (a) and (b) shall, in the case of an amendment of a registration of an R-NCRI , be limited to the party named in the registration as the holder of such R-NCRI.

- 5.16. The consent requirements of this Section 5 shall be satisfied in the case of a registration initiated by an entry point in accordance with Article XIII (1) of the Protocol, when the International Registry receives the consent from all parties whose consent is required under the Convention, the Protocol, and these Regulations.
- 5.17. Any registration may specify that multiple named parties hold or have granted an interest evidenced thereby.

#### **Registering fractional or partial interests**

- 5.18. Any registration may specify that:
  - (a) it covers a fractional or partial interest in an item of railway rolling stock 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**

- 5.19. With respect to an interest referred to in Section 5.18 (a):
  - (a) an increase or decrease to such interest arising by virtue an assignment of an international interest shall be registered as such in accordance with Section 5.7; 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 Section 5.10.

**Entity name change**

- 5.20. The International Registry will provide a facility for notice of a change of the name of a registry user entity, where set out in a "name change notification request". For purposes of the foregoing, a "change of name" means either that the registry 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;
    - (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 5.20 (c) (ii) (B);
  - (b) the Registrar shall confirm that a name change notification request satisfies the requirements of this Section 5.20 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 5.20 (a) (iii); such changed name has been effected following the standard set out in Section 4.1;
  - (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 5.20 (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;
    - (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 5.20 (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**

- 5.21 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 railway rolling stock.

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 item of railway rolling stock, and those who have conducted a priority search on that item of railway rolling stock 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 5.21 seek an order from a court with jurisdiction under Article 44 (1) of the Convention.

### **Unilateral Registration of a subrogation**

- 5.22 The information required to effect the registration of the acquisition of an international interest through subrogation is:
- (a) the identification data and the information referred to in Section 5.3 (f);
  - (b) the consent only 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.

### **Unilateral registration of a notice of a national interest**

- 5.23 The information required to effect the registration of a notice of a national interest to which Article 50 of the Convention applies is:
- (a) the identification data and the information referred to in Section 5.3 (d), (f) and (g);
  - (b) the consent of the holder of the national interest given under an authorization;



- (c) the name of the Contracting State under whose laws the national interest was constituted;
- (d) the certification of the party named in the registration as the holder of the national interest to which the registration relates, that (i) the national interest has been validly conferred under the laws of the Contracting State specified in Section 5.23 (b), and (ii) all of the registration information being provided to effect the registration is accurate and complete; and
- (e) documentary evidence pertaining to the national registration of the interest in electronic format.

5.23.1 The Registrar shall provide a copy of the documentary evidence submitted in connection with the registration of a notice of a national interest as regards an object to any of the following upon request:

- (a) the debtor identified in that registration;
- (b) the holder of any other registered right or interest relating to that object; or
- (c) any other person or entity that substantiates a potential adverse effect as a result of that registration to the reasonable satisfaction of the Registrar.

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

### **Rail Closing facility**

5.24 The International Registry may provide a closing facility ("closing facility") 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 items of railway rolling stock, to establish the chronological order of such registrations. The Appendix to these Regulations describes the closing facility, 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, an amendment, extension, or discharge of a registration or transfer of the right to apply for, or 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. The receipt or non-receipt of such confirmation does not imply that the registration has or has not been effected, that fact being determinable solely by means of a priority search.

- 6.3 When a registration is effected relating to an item of railway rolling stock, 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 item.
- 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 items of railway rolling stock.

## **Section 7 NON-CONVENTION FILINGS**

- 7.1 To the extent approved by the Supervisory Authority, the Registrar shall provide for filings of other interests in railway rolling stock or contract information relating to international interests that are for the purposes of information only and do not affect the rights of any person, or have any other effect, under the Convention or this Protocol.
- 7.2 Non-Convention ~~interests~~ filings shall be subject to search as a priority search but the Registrar shall bear no responsibility or liability for any errors or omissions, and search results whether or not effective shall not affect perfection, priority or other rights or obligations under the Convention or the Protocol.
- 7.3 The provisions of Sections 5.13, 5.15 and 5.21 shall apply equally to non-Convention interests~~filings~~.

## **Section 8 SEARCHES IN THE INTERNATIONAL REGISTRY**

- 8.1 A search of the International Registry as provided by Article 22 of the Convention in respect of an item of railway rolling stock shall be made by electronic means using one or more of the following criteria:
- (a) the URVIS identifier allocated to the item by the Registrar pursuant to Article XIV (1) of the Protocol; or
  - (b) the group identifier

Such search may be by means of a priority search, as set out in Section 8.2. A Contracting State search and a registered user entity search may also be made, as set out in Section 8.54 and 8.65, respectively. A self-search may be made, as set out in Section 8.76. A search, other than a self-search pursuant to Section 8.76, may be performed by any person who complies with the Procedures, whether or not that searching person has a specific interest. A self-search of a particular transacting user entity (including any of its controlled entities) may be performed only by the administrator or replacement administrator of the entity in question where that administrator or replacement administrator complies with the Procedures. All searches shall be performed by electronic means.

The Registrar shall not permit searches other than by reference to the criteria stated above except where this has been approved by the Supervisory Authority.

- 8.2 A "priority search" is a search for registered information using one of the criteria specified in Section 8.1. Such information is searchable for the purposes of Articles 19 (2) and 19 (6) of the Convention and Article XV (1) of the Protocol.

8.3 An "informational search" is a search other than a priority search, using the criterion set out in Section 5.3 (c) (ii) and (iii). The results of an informational search, an "informational search listing", shall be a list of all matching items of railway rolling stock, described by the item set out in Section 5.3 (c) (ii) or (iii). 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 XV (1) of the Protocol.

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

- (a) set out the registered information required or permitted 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 which 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;
- (d) indicate the current holder of the right to discharge a registration and set out in chronological order when that right to discharge has been transferred and the parties executing such transfer; and
- (e) 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.

8.48.5 A "Contracting State search" is a search for all Contracting State agreements, 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) show the date and effective date of any Contracting State agreements with the specified Contracting State and the date of any amendments thereto or termination thereof;
- (c) 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
- (d) attach, in the electronic form set out in the Procedures, (i) copies of agreements referred to in Section 8.54 (b) and (ii) a copy of all instruments deposited by the specified Contracting State relating to items within the scope of Section 8.54 (c).

8.58.6 A "registry user entity search" is a search for the registry user identity information and contact information (subject to such exclusions that the registry user entity has selected pursuant to Section 4.1). When conducted by a registry user, the search result shall indicate whether or not such registry user entity's account is active. For

the purposes of this Section 8.65, a registry user entity search shall include searches of controlled entities.

#### 8-68.7

A "self-search" is a search against a particular transacting user entity and, optionally, against its controlled entities, that shall return a priority search certificate for each item of railway rolling stock, in which the transacting user entity or controlled entity is a named party. The searching party may limit the results by date, entity or as otherwise permitted on the website. An electronic notification will be sent to the relevant back-up contact each time a self-search is initiated.

#### 8-78.8

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.

The Registrar may also, at its discretion, when issuing a priority search certificate, provide supplementary priority search information, including:

- (a) the supplemental descriptor;
- (b) information under Section 5.3 subsections (c) (ii) and (iii) being provided by the registry user when making a registration;
- (c) an information table summarizing the registered information in accordance with Section 8.43 (a); or
- (d) the contents of the priority search certificate in a different electronic format, designed to be machine-readable.

Such supplementary priority search information, where provided, is for information purposes only to assist users in reviewing the registered information contained in the priority search certificate. Users must review all registered information contained in the priority search certificate and not just the information contained in the supplementary priority search information. In the case of inconsistency between the registered information contained in the priority search certificate and the supplementary priority search information, the registered information contained in the priority search certificate shall prevail.

## Section 9 COMPLAINTS

- 9.1 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 pursuant to the Procedures.
- 9.2 For the purposes of Section 9.1, a matter "concerns the operation of the International Registry" when the matter relates to general procedures and policies of the International Registry and does not involve specific adjudication by the Registrar or Supervisory Authority.
- 9.3 A person making a complaint shall substantiate his/her assertions in writing.
- 9.4 The Supervisory Authority shall promptly consider complaints and where, on the basis of that consideration, it determines changes in the procedures or policies are appropriate, it shall so instruct the Registrar or amend the Procedures.
- 9.5 Any person adversely affected by a unilateral registration who reasonably believes that the registration does not meet the requirements of Section 5.6, 5.12, 5.22 or 5.23 may submit a complaint to the Registrar. Where such adverse effect is substantiated to its reasonable satisfaction, the Registrar shall act in accordance with Section 9.6 below.

- 9.6 Where a complaint meets the requirements of Section 9.5,
- (a) the Registrar may contact the registering person and, where different, the named party listed as the holder of the unilateral registration, to request additional information relating to:
    - (i) whether the requirements of Sections 5.6, 5.12, 5.22 or 5.23 have been met;
    - (ii) the complaint and its subject registration; or
    - (iii) the Registrar's evaluation of such complaint;
- and the response shall be provided to the Registrar within 5 calendar days.
- (b) the Registrar may, if it deems necessary for the purpose of its evaluation, seek information relating to the registration from the relevant entry point;
  - (c) where, upon review of the documentary evidence and other relevant information received under the Regulations or under Procedures, the Registrar determines there exists a material risk of misuse of the system, it may suspend or revoke the approval, or disable or block the account, of the relevant registering person's administrator or user; and
  - (d) the Registrar may make all correspondence and evidence in relation to a complaint under Section 9.5 available to a court;

Provided that the Registrar shall inform the Supervisory Authority when it takes an action under this Section 9.6 (c) and may review its decision upon receipt of additional information.

9.7 No complaint under Section 9.5 may be submitted to the Supervisory Authority.

9.8 The Procedures shall set out details relating to the procedure contemplated by Sections 9.1 to 9.4.

## **Section 10 CONFIDENTIALITY**

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

- (a) documentary evidence provided to the Registrar under the Regulations;
- (b) provided by the Registrar in response to a search under Section 8;
- (c) made electronically available to enable registry users to effect, amend or discharge registrations;
- (d) provided to the Supervisory Authority at the latter's request;
- (e) submitted by the Registrar in court proceedings under Article 44 of the Convention;
- (f) used for the purposes of the statistics required by Section 11, or
- (g) provided to a court pursuant to Section 9.6 (d), required to be disclosed by applicable law or authorised to be disclosed by the Supervisory Authority.

**Section 11 STATISTICS**

- 11.1 The Registrar shall maintain updated registration statistics and shall publish them in an annual report. This report shall be electronically accessible to any person.
- 11.2 The registration statistics under Section 11.1 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 12 ANNUAL REPORT TO THE SUPERVISORY AUTHORITY**

- 12.1 The Registrar shall prepare an annual report, including statistical data referred to in Section 11, and shall submit it to the Supervisory Authority. The annual report may include recommendations for changes in these Regulations or in the Procedures.

**Section 13 RELATIONS WITH THE DESIGNATED ENTRY POINTS**

~~13.1~~ A Contracting State may designate an entry point or entry points ("entry point") under Article XIII (1) of the Protocol through which information required for registration under the Convention and the Protocol shall or may be directly transmitted to the International Registry.

~~13.2~~13.1 A Contracting State designating an entry point shall notify the Depository and the Supervisory Authority thereof. The Supervisory Authority shall keep the Registrar informed of such designations.

~~13.3~~13.2 The Registrar shall maintain a current list of Contracting States that have designated entry points. The list shall also identify the entry points, the entities that operate them and their locations and shall be electronically accessible without limitation in the public domain.

~~13.4~~13.3 An 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 an entry point shall be processed when received by the International Registry.

~~13.5~~13.4 Subject to any Contracting State agreement, but without prejudice to Section 13.34, the Registrar shall establish arrangements applicable to the electronic transmission of registration information from, entry points to the International Registry and, after consultations with each entry point, shall specify the procedures and costs applicable to that entry point.

~~13.6~~13.5 Such arrangements between an entry point and the International Registry shall not impose any additional costs or other material burden on the International Registry and shall not adversely affect the integrity or the functioning of the International Registry system or impose a burden on International Registry resources. The foregoing shall not require the establishment of electronically coordinated systems but rather arrangements designed to enhance the efficient use of the International Registry by entry points.

~~13.7~~13.6 A registration effected in violation of the terms of a designation [of an entry point pursuant to Article XIII \(1\) of the Protocol](#) ~~under Section 13.1~~ is invalid.

~~13.8~~13.7 Notwithstanding Section 13.67, a registration effected in violation of the terms of a designation [of an entry point pursuant to Article XIII \(1\) of the Protocol](#) ~~under Section 13.1~~ is not invalid where the use of the entry point is not permitted under its procedures and based on the facts of the transaction to which it relates.

13.89 The International Registry shall provide an electronic warning against a registration that is not effected through an entry point where use thereof is mandatory to the extent agreed between the International Registry and the Contracting State designating that entry point.

## **Section 14 FEES**

14.1 Fees in relation to the services provided by the Registrar shall be established and adjusted by the Supervisory Authority as required by the Convention and the Protocol. The fee tariff shall be set by a schedule issued by the Supervisory Authority from time to time and which shall state the amount of fees payable for each service. The fee schedule shall be published by the Registrar at the request of the Supervisory Authority on the website of the International Registry and enter into effect 30 days after that publication.

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

The Registrar may also charge a supplement on the fees in excess of the tariffs set out in the fee schedule where payment is made by credit or debit cards or other similar third party payment systems, provided that such supplement shall generally correspond to the Registrar's direct third party costs in collecting such payment.

14.3 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 provided that the Registrar shall not be permitted to require payment more than 7 days prior to such operation.

## **Section 15 RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS**

Implementing or amending any procedures or mechanisms that involve declared national or regional systems shall require agreement between the Registrar and that system or systems and absent agreement cannot be imposed on that system or systems or vice versa.

## **Section 16 LIABILITY AND INSURANCE OF THE REGISTRAR**

16.1 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 3.3 of these Regulations.

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

- (a) shall be made in writing within the time period applicable under the laws of the State where the International Registry is located;
- (b) should be made, where practicable, following consultations between the claimant and the Registrar; and
- (c) may be pursued by the claimant in accordance with Article 44 of the Convention.

16.3 The Procedures shall set out details relating to the procedure contemplated by Section 16.2.

16.4 For the purposes of the second sentence of Article XV ~~paragraph (5)~~ of the Protocol, the liability of the Registrar is determined not to exceed 5 million SDRs per event of loss. An event of loss comprises all losses suffered as a result of the same error or omission or malfunction insofar as the losses are compensable under Article 28 ~~paragraph (1)~~ of the Convention.

16.5 For the purposes of Article XV ~~paragraph (7)~~ of the Protocol, the amount of insurance or financial guarantee shall not be less than 5 million SDRs per event of loss. The Registrar is obliged to maintain such coverage through insurance or financial guarantee for the term of its appointment and under such conditions as set by the Supervisory Authority.

16.6 For the purposes of this Section 16, an error or omission or malfunction relating to more than one item of railway rolling stock registered under group identifier shall be considered as one event of loss.

## **Section 17 INTERNATIONAL REGISTRY PROCEDURES**

17.1 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, guest users and searching persons. Unless specifically prohibited by the Supervisory Authority, in situations where such operation or processes need to be changed urgently, the Registrar shall be entitled to issue interim amendments to the Procedures in relation to such changes which shall be notified to the Supervisory Authority as soon as reasonably practicable thereafter and immediately withdrawn if requested by the Supervisory Authority.

17.2 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.

17.3 Subject to the approval of the Supervisory Authority, the Registrar shall issue guidance notes from time to time concerning the implementation of these Regulations and the Procedures.



**Section 18 PUBLICATION**

- 18.1 The authentic version of these Regulations and the Procedures shall be published in an official publication of the Supervisory Authority on its website.
- 18.2 The Registrar shall make an electronic version of the authentic texts referred to in Section 18.1, as may be amended as contemplated by Section 20, available to the public at no cost.
- 18.3 Copyright in all documents published and information displayed on the website of the International Registry or published by the Supervisory Authority, and the domain of the website of the International Registry as identified by the Supervisory Authority in writing shall belong to the Supervisory Authority. The contents of this Section 18.3 shall be prominently displayed by the International Registry on its website.
- 18.4 Section 18.3 shall apply analogously to any other business or social media or applications used by the International Registry for effecting and searching registrations under the Convention and the Protocol.

**Section 19 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 20 FINAL PROVISIONS**

- 20.1 Requests for amendments to these Regulations or the Procedures may be submitted by the Registrar to the Supervisory Authority which shall consider such proposed amendments. In considering any proposed amendments, the Supervisory Authority shall take into consideration the views of rail industry groups. Approval by the Supervisory Authority, in consultation with the Registrar, shall be required to bring any amendments into effect.
- 20.2 The present Regulations and the initial Procedures shall take effect on the date the Protocol enters into force. Any amendments to these Regulations or the Procedures shall take effect 30 days after the date of their publication unless otherwise determined by the Supervisory Authority.
- 20.3 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.
- 20.4 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.

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## **Appendix**

### **Rail Closing Facility**

*(Section 5.24 of these Regulations)*

#### **1. General**

- 1.1 The International Registry may include a closing 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 facility 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 facility, assembling and managing the information required to preposition registrations in the closing facility, 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 facility**

- 2.1 A registry user entity may establish a closing facility by following the directions on the International Registry website.
- 2.2 The registry user entity who establishes a closing facility, the "coordinating entity", shall have the responsibilities for the closing facility described in this Appendix.
- 2.3 Each closing facility shall have a unique identifier automatically assigned by the International Registry, the "closing facility ID", and registry users may search for a closing facility on the International Registry website using the closing facility ID.
- 2.4 The coordinating entity may extinguish a closing facility at any time prior to taking the action described in paragraph 7.1.

### **3. Assembling and managing closing facility registrations**

- 3.1 The coordinating entity shall be responsible for assembling and managing all the information required to preposition registrations in the closing facility. The registry users of the coordinating entity, and no other persons, will be entitled to enter or modify information in the closing facility. 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 item of railway rolling stock 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 facility, 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 facility 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 facility has been assembled and that the closing facility 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 facility has been locked) provide any registry user entity and any registry user with "read only" access to such closing facility 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 facility is locked, each registry user entity whose consent to the registrations prepositioned in the closing facility is required under these Regulations, shall automatically have read only access to such closing facility. The registry user entities and registry users with access rights to the closing facility are referred to as the "closing facility 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 facility as locked, the International Registry shall issue to the closing facility participants a notice:
- (a) identifying the coordinating entity;
  - (b) providing access to the closing facility and setting forth the closing facility ID;
  - (c) stating that the closing facility 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 facility 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 item of railway rolling stock.
- 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 facility 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 facility 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 facility 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 facility as "unlocked").
- 5.2 If a closing facility is unlocked, all consents to prepositioned registrations will be cancelled automatically, the closing facility will revert to the status described in paragraph 3, and the International Registry will issue a notice to all the closing facility participants advising that the closing facility has been unlocked and that the pre-registration report issued with respect to the closing facility has lapsed. The coordinating entity may then change the prepositioned registrations and lock the closing facility 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 facility 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 facility is locked, the closing facility 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 facility 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 facility participants by the International Registry.

## **6. Payment of fees**

- 6.1 At any time after a closing facility 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 facility.
- 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 facility 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 facility is locked;
  - (b) all prepositioned registrations in the closing facility 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 facility 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 facility have been entered into the International Registry data base, the closing facility shall be extinguished. However, the Registrar shall retain a record of the pre-registration report. Any closing facility participant may obtain a copy of the pre-registration report by following the directions on the International Registry website.
- 7.4 The closing facility 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 5.19 of these Regulations.

## **8. Special conditions and procedures applicable to entry points**

The foregoing conditions and procedures may be modified under the terms of a Contracting State agreement with respect to any registrations that are subject to Section 13-2 of these Regulations relating to entry points.