



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/12/Doc. 4/rev1
Original: English/French
20 February 2024

12th session
Berne/remote, 7 March 2024

**Draft Registry Regulations and Draft Procedures for the International Registry for
Railway Rolling Stock**

The draft Regulations were submitted to the Preparatory Commission on 9 January 2024. The members of the Preparatory Commission were kindly invited to review the revised draft Regulations and send any comments they might have by 15 February 2024 to secretary.general@otif.org.

A revised version taking into account the proposed modifications and comments received is provided in annex 1 for approval. The modifications are shown in track changes. In addition, a clean version of the draft Regulations is submitted in annex 2.

As there were substantive changes to the Regulations, a supplemental note produced by the Rail Working Group on the amendments is provided in annex 3.

The draft Procedures for the International Registry for Railway Rolling Stock provided in annex 4 addresses administrative matters related to the use of the International Registry and supplements the draft Regulations.

Annex 1

REGULATIONS FOR THE INTERNATIONAL REGISTRY OF INTERESTS IN
ROLLING STOCK

(Article 17(2)-(d) of the Convention on ~~international interests~~ International Interests in
~~mobile equipment~~ Mobile Equipment and the Luxembourg Protocol)

CONTENTS

Section	1	AUTHORITY	3
Section	2	DEFINITIONS	3
Section	3	GENERAL PROVISIONS	8
Section	4	ACCESS TO THE INTERNATIONAL REGISTRY	10
Section	5	INFORMATION REQUIRED TO EFFECT REGISTRATION	12 <u>13</u>
Section	6	CONFIRMATION AND NOTICE OF REGISTRATION	26 <u>28</u>
Section	7	NON-CONVENTION FILINGS	28 <u>30</u>
Section	8	SEARCHES IN THE INTERNATIONAL REGISTRY	28 <u>30</u>
Section	9	COMPLAINTS	30 <u>32</u>
Section	10	CONFIDENTIALITY	31 <u>33</u>
Section	11	STATISTICS	31 <u>33</u>
Section	12	ANNUAL REPORT TO THE SUPERVISORY AUTHORITY	31 <u>33</u>
Section	13	RELATIONS WITH THE DESIGNATED ENTRY POINTS	31 <u>33</u>
Section	14	FEES	33 <u>35</u>
Section	15	RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS	34 <u>36</u>
Section	16	LIABILITY AND INSURANCE OF THE REGISTRAR	34 <u>36</u>
Section	17	INTERNATIONAL REGISTRY PROCEDURES	35 <u>37</u>
Section	18	PUBLICATION	35 <u>38</u>
Section	19	NOTIFICATIONS	36 <u>36</u>

Section	20	FINAL PROVISIONS
Appendix		RAIL CLOSING FACILITY

38

~~36~~

38

40

DRAFT

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 an authorised user who has been identified to the Registrar by an authenticated entity or by ~~a duly~~ appointed administrator pursuant to Section 4.1.6 as having authority to act on behalf of that authenticated entity on administrative matters in dealings with the Registrar and the International Registry.
- 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 “authorisation” means an authorisation ~~given by either:~~
- (a) ~~an authenticated entity to transmit information given by a named party to the International Registry to effect or consent to a registration or discharge on behalf of a named party as provided in Section 4.4;~~ or
 - (b) ~~an authorising entry point to transmit information to the International Registry on behalf of a named party.~~
- (b) referred to in Sections 5.20, 13.6, or 17.2.
- 2.1.4 “authorisation code” means the code issued by the relevant Contracting State or its agency where a Contracting State has designated an authorising entry point pursuant to Section 13.1 (a).
- 2.1.5 “authorised user” means a natural person who has been approved as ~~such by the Registrar~~ an authorised user in accordance with these Regulations and the Procedures.
- 2.1.6 “authenticated entity” means a person who ~~has been approved~~ retains a current approval as such by the Registrar in accordance with these Regulations and the Procedures ~~and intends to be a named party or a designated representative in one or more registrations.~~
- 2.1.7 “caution” means an entry in the International Registry stating that the International Registry has received, in respect of an item, an application for

registration of respectively an R-NCRI or a pre-existing right or interest in the International Registry.

- 2.1.8 “consent” means consent provided by a named party in the prescribed manner.
- 2.1.9 “contact information” means, with respect to the person to whom such information relates, such person’s name, telephone number and electronic address or as otherwise prescribed.
- 2.1.10 “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.
- 2.1.11 “days” shall mean the number of consecutive periods of 24 hours calculated by reference to Coordinated Universal Time (UTC).
- ~~2.1.11~~2.1.12 “designated representative” means an authenticated entity identified to the Registrar by a named party in accordance with Section 4.2.1 as a person who, may make, or consent to, registrations in the International Registry on behalf of that named party.
- ~~2.1.12~~2.1.13 “documentary evidence” means documentation that purports to substantiate that an interest being registered is of a kind that has been conferred, created or has arisen under the law of the Contracting State identified in the information to effect a registration, including evidentiary documentation issued by a government entity.
- ~~2.1.13~~2.1.14 “electronic ~~signature~~credentials” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used ~~by the signatory to sign~~provide validation.
- ~~2.1.14~~2.1.15 “entity number” means the unique number allocated by the Registrar to an authenticated entity when approving a person as such entity.
- ~~2.1.15~~2.1.16 “fee schedule” means ~~at the fee schedule issued by the Supervisory Authority referred to in accordance with~~ Section 14.1 and which is in force at the relevant time.
- ~~2.1.16~~2.1.17 “government entity” means a government department, body or public authority or agency, and includes an identified individual employee, member or officer of that entity appointed by such department, body, authority or agency to act on its behalf.
- ~~2.1.17~~2.1.18 “guest user” means a natural person who ~~is not a registry user or an authorised user and, having has been approved only as a guest user account referred to in Section 4.2.4, may interact~~accordance with or search these Regulations and the International Registry as described in Section 4.2.2, or for the purposes of obtaining an URVIS identifier pursuant to Section 5.5~~Procedures.~~
- ~~2.1.18~~2.1.19 “identity information” means the following in respect of the person for whom the identity information is sought:

~~(a)~~—for

~~(b)~~(a) a natural person, the name, the principal physical, ~~mailing~~ and electronic addresses, telephone number and date of birth or as otherwise prescribed;

~~(c)~~(b) for a person that is not a natural person, the name, description of type of entity, its state of incorporation or formation, principal physical business address, if applicable, and, if different, where it is situated, if it is a debtor or a primary obligor, or otherwise its principal place of business or, if it has no place of business, its habitual residence, telephone number and electronic address; ~~and~~ or as otherwise prescribed.

~~(b)~~—any other information required by the Registrar.

2.1.20 “information” includes signatures, consents to registration, certifications and other documents.

2.1.21 “lapse date” means the date of expiry of a registration if this is expressed to expire on a specified date or after expiry of a specified period

2.1.21.2.1.22 “Model Rules” means the Model Rules on the Permanent Identification of Railway Rolling Stock issued by the Working Party on Rail Transport of the Inland Transport Committee of United Nations Economic Commission for Europe and as amended from time to time and approved, for the purposes of these Regulations, by the Supervisory Authority.

2.1.22.1.23 “named party” means an authenticated entity who is a person named as a debtor or creditor in a submission or registration, provided that for the purposes of

(a) Sections 5.6 and 5.12, a unilateral registration applicant;

(b) Section 5.7, each of the vendor and the purchaser specified in the notice;

(c) Sections 5.8 and 5.9, each of the assignor and the assignee;

(d) Section 5.11, each of the entity subordinating its interest and the entity benefiting from the subordination;

~~(d)~~(e) Section 5.22, each of the subrogor and the subrogee; ~~and/or~~

~~(e)~~(f) Section 5.23, the holder of, and the debtor under, the national interest

shall be deemed to be a named party.

2.1.23.1.24 “non-convention filing” means a notice of sale or a filing or contract information relating to an interest referred to in Section 7.1.

2.1.24.1.25 “notice of registration” means a notice issued by the Registrar in accordance with Section 6.2.

2.1.25.1.26 “person”, unless the context dictates otherwise, is a reference to a legal or natural person, partnership, association, trust company, government entity or

local government authority or department or other body (whether corporate or unincorporate).

~~2.1.26~~2.1.27 “pre-existing right or interest” means a pre-existing right or interest to which Article 60 of the Convention (as amended by Article XXVI of the Protocol) applies.

~~2.1.27~~2.1.28 “pre-existing right or interest authorisation” means an authorisation that confers the authority to effect or amend the registration referred to respectively in Sections 5.12 (d) and 5.14(d).

~~2.1.28~~2.1.29 “prescribed” means prescribed in accordance with these Regulations or the Procedures.

~~2.1.29~~2.1.30 “primary obligor” means the person against whom an obligation is sought to be secured by an R-NCRI.

~~2.1.30~~2.1.31 “registered information” means the information entered in the International Registry as required by one or more of the following sections and shall include any correction or discharge of a registration pursuant to Section 5.21:

Section 5.3 - international interest or prospective international interest;

Section 5.6 - R-NCRI;

Section 5.7 - notice of sale;

Section 5.8 — assignment;

Section 5.9 - block assignment;

Section 5.10 - discharge of registration;

Section 5.11 - subordination;

Section 5.12 - pre-~~existing~~existing right or interest;

Sections 5.13 - 5.17 — amendment;

Section 5.19 - fractional or partial interests;

Section 5.20 - change of name;

Section 5.22 - subrogation; and

Section 5.23 - national interest.

For purposes of a registration under Sections 5.6, and 5.12, ~~5.22 and 5.23, 2.1.4~~

(a) the name of the registering person shall be regarded as registered information; and

- (b) the electronic ~~signature~~ credentials 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.

~~2.1.31~~2.1.32 “registering person” means ~~an authenticated entity registering an international interest at the International Registry acting a person making a registration~~ on its own behalf or as a designated representative ~~either directly or indirectly through~~ a direct entry point ~~transmitting information to the International Registry, where applicable.~~

2.1.33 “Registrar discretion” shall have the meaning set out in Section 16.7;

~~2.1.32~~2.1.34 “registration” means registration of a right or interest or prospective right or interest or a pre-existing right or interest electronically registered with the International Registry. Where the context permits, it also means registration of a non-convention filing, an assignment, a transfer, a subordination or subrogation of a right or interest ~~and/or~~ an amendment or discharge of a registration. For the purposes of Sections 5.29, 6 and 13.3, the term has the extended meaning set out in Section 6.1.

~~2.1.33~~2.1.35 “registration number” means the number allocated by the Registrar to any registration

~~2.1.34~~2.1.36 “registry user” means ~~an authenticated entity~~ a guest user or a direct entry point an authorised user, as the case may be.

~~2.1.35~~2.1.37 “running number” means the identification number allocated to an item of railway rolling stock by a national or regional agency authorising railway rolling stock for entry into operational circulation in accordance with applicable law.

~~2.1.36~~2.1.38 “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.

~~2.1.37~~2.1.39 “R-NCRI authorisation” means an authorisation that confers the authority to effect or amend the registration that is contemplated respectively by Sections 5.6 and 5.14.

~~2.1.38~~2.1.40 “searching person” means a person making a search in accordance with Section 8.

~~2.1.39~~2.1.41 “situated” shall have the meaning in respect of any debtor or primary obligor in accordance with Article 4 of the Convention.

~~2.1.40~~2.1.42 “submission reference number” means the number allocated by the Registrar to any application for a registration in respect of one or more items of railway rolling stock.

~~2.1.41~~2.1.42~~2.1.43~~ “supplemental descriptor” means a numeric or alphanumeric descriptor specified by a registering person when making a registration which may include a running number and shall include any information provided under Section 5.3.1 (a) and (b) where conditions have not been fulfilled to enable the provision of such information to comply with the requirements therein to effect the registration.

~~2.1.42~~2.1.42~~2.1.44~~ “unilateral registration” means a registration pursuant to Section 5.6 or 5.12

~~2.1.43~~2.1.43~~2.1.45~~ “unilateral registration applicant” means the ~~authenticated entity~~registering person making an application for a unilateral registration.

~~2.1.44~~2.1.44~~2.1.46~~ “URVIS identifier” means, ~~in respect of an item of railway rolling stock, the unique, 16 digit identification~~a Unique Rail Vehicle Identification System number allocated~~issued~~ by the Registrar in accordance with ~~the system set out by~~Section 5.1.

2.2 In these Regulations, the term or terms:

~~“Procedures” has~~(a) “entry point”, “direct entry point” and “authorising entry point” have the meaning set out~~meanings contemplated in Section 17 and references herein shall mean~~13.1; and

~~(b) “notification party” and “notification parties” means respectively the Procedures~~person or persons entitled to receive notice as provided in ~~for~~Section 6.2;~~from time to time.~~

~~(bc)~~ “priority search”, “priority search certificate”, “informational search”, “authenticated entity search” and “self-search” and “supplementary priority search information” have the meanings set out in Section 8;

~~(c) “notification party” and “notification parties” means respectively~~(d) “Procedures” has the person or persons entitled to receive notice as provided~~meaning set out in Section 6.2;~~

~~(d) “entry point”, “direct entry point” and “authorising entry point” have the meanings contemplated in Section 13.1; and~~

~~“days”~~17 and references herein shall mean calendar days being consecutive periods of 24 hours calculated, in relation to any notice periods, in accordance with the local~~the Procedures in force from time applicable to the Registrar in Luxembourg~~to time.

~~(e) “website” shall mean, unless the context otherwise dictates, the International Registry website prescribed from time to time.~~

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

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

- (b) may be physically separated from other vehicles and may continue to be operated under normal industry conditions after such separation; and
- (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, a train set or rake 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.

2.4 All documentary evidence shall be delivered in the English language or accompanied by a certified translation into English.

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 The International Registry provides notice of registrations. The facts underlying a registration or registered interest shall determine whether it falls within the scope of the Convention and the Protocol. The contents of this Section 3.2 shall be prominently displayed by the International Registry on its website. Neither this Section, nor the technical function of the International Registry, shall relieve any person effecting 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 may 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 approval of the Supervisory Authority.

3.5 Technical support shall be provided 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, in the manner 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 a person shall not be used for marketing or promotional purposes or other commercial purposes unrelated to the use of the International Registry other than as approved by the Supervisory Authority.
- 3.8 The Registrar shall maintain and make available on the International Registry website:
- (a) a list of persons who have made, and provided to the Registrar, a declaration undertaking to be bound by the Model Rules and noting where a person has subsequently made, and provided to the Registrar, a declaration revoking such undertaking;
 - (b) a privacy policy detailing how personal data is collected and processed and for what purpose, as well as establish a system for opting into any website cookies; and
 - (c) a link to the Depository's website page providing a list in chronological order, of all declarations and designations, and withdrawals thereof, by Contracting State and, in each case, showing:
 - (i) the date and effective date of any Contracting State agreements with each Contracting State and the date of any amendments thereto or termination thereof;
 - (ii) 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 each Contracting State
 - (iii) copies of agreements referred to in (i) immediately above and
 - (iv) copies of all instruments deposited by Contracting States relating to (ii) immediately above.

Section 4 ACCESS TO THE INTERNATIONAL REGISTRY

Authenticated entities

- 4.1.1 No person shall be entitled to make, or consent to, or consent to the discharge of, registrations in the International Registry as, or on behalf of, a named party unless:
- (a) the Registrar has approved that person as an authenticated entity in the prescribed manner;
 - (b) where that person is acting on behalf of a named party, the person is:
 - (i) the designated representative of that named party; or
 - (ii) the administrator of that named party, or of a designated

representative of that named party; and

- (c) that person is otherwise in compliance with these Regulations and the Procedures.

4.1.2 For the purposes of Section 4.1.1 (a), approval as an authenticated entity shall be notified by the Registrar to such entity together with the applicable entity number and may be given by the Registrar on the basis of prescribed information submitted by an authorised user on behalf of a person requesting to be an authenticated entity and without the Registrar undertaking specific legal analysis or further enquiry:

- (a) that the person is who the person claims to be; or
- (b) that the documents submitted are a valid record of the information required by the Registrar.

Administrators

4.1.3 ~~Unless an~~ An authenticated entity is a natural person, may access the facilities of the International Registry only through an administrator appointed in accordance with these Regulations and the Procedures to act for and on behalf of the authenticated entity may to, including but not limited to:

- (a) make, or consent to, registrations in the International Registry or;
- (b) give a consent to a discharge of a registration on behalf of the authenticated entity; or
- (c) access the facilities set out in Section 4.2.3 (a) to (e).

Searching persons

4.1.4 The requirement for approval as an authenticated entity or authorised user is not applicable to a searching person, except where Section 8.7 applies.

Identity information ~~4.1.5 In connection with the foregoing and Sections 5, 6 and 8, the~~

4.1.5 The Registrar is entitled to collect identity information from any person who applies to be an authenticated entity or authorised a registry user as the Registrar considers appropriate. Each Any natural person who so applies may elect to exclude from the information generated by a search under Section 8.6 its that person's physical address and, telephone number, and in the case of a natural person, the person's date of birth, or any other information prescribed for the purposes of this Section 4.1.5.

Appointment of administrators

4.1.6 In conjunction with the application for Registrar approval as an authenticated entity in accordance with Section 4.1.1, any person requesting to be an

authenticated entity shall appoint one or more authorised users to act as administrators ~~duly~~ authorised to act on its behalf and specifying their privileges in accordance with the Procedures. Such appointment is revocable by an authenticated entity at any time on notice to the Registrar in the prescribed form, such revocation to be effective as from the date the Registrar receives written notice thereof.

Review and renewal of status

4.1.7 For the purposes of these Regulations, the status of a person as an authenticated entity or ~~an authorised~~ a registry user ~~shall~~may be subject to a periodic review and may be renewed by the Registrar in accordance with the provisions of the Procedures. This status continues only as long as it has not lapsed or has not been terminated by the Registrar or such person.

Designated representatives

4.2.1 A named party may at any time, in accordance with these Regulations and the Procedures, designate one or more authenticated entities to act as its designated representative or withdraw a designation already made. Any such designation must be a general designation and may not be restricted to one or more specified transactions or actions. For the purposes of these Regulations,

- (a) a named party shall be deemed to include any designated representative of that named party for the period of its designation;
- (b) the Registrar may accept any registration or consent by a designated representative on behalf of a named party without any duty to enquire as to the circumstances relating to a named party's designation of a designated representative; and
- (c) a named party may act on its own behalf, notwithstanding any designation of a designated representative to act on its behalf.

4.2.2

Registry users

4.2.2 No person shall have access to facilities of the International Registry unless:

- (a) that person is a natural person who has been approved by the Registrar as a guest user or an authorised user in the prescribed manner; or
- (b) in accordance with Section 4.1.3.

4.2.3 A guest user may interact with the International Registry for the following purposes only:

- (a) filing a declaration undertaking to be bound by the Model Rules or a declaration revoking such undertaking;
- (b) obtaining a priority search;
- (c) obtaining an authenticated entity search;
- (d) obtaining an informational search, other than a self-search; or
- (e) obtaining an URVIS identifier, subject to Section 5.4.

and, for the avoidance of doubt, a guest user does not have the right to effect any registration or give a consent to a registration or discharge thereof.

4.2.34 The facilities set out in Section 4.2.23 (a) – (e) shall be available also to:

(a) an authorised user and; or

(b) an authenticated entity-

~~4.2.4 No guest user shall interact in accordance with the International Registry unless that guest user first establishes a guest user account by agreeing to the Registrar's terms and conditions for a guest user and providing to the Registrar a valid electronic address, automatically verifiable by the Registrar, at which the guest user may be contacted, and any other information as may be required by the Registrar. Section 4.1.3.~~

4.3 A requested change to the electronic contact details of an authenticated entity or ~~an authorised registry~~ user may be made after the Registrar concludes that such requested change is authentic in accordance with the Procedures.

Authorisation by named party

4.4 Subject to these Regulations and in accordance with the Procedures, a registration may only be effected, or consented to, or discharged with an authorisation of a named party who is required or permitted to effect, or consent to, that registration under Article 20 of the Convention.

Transfer of consent

4.5 A registration or transfer of a right to consent to the discharge of a registration is valid if it is effected by a named party. The foregoing shall not apply in respect of a registration transmitted by a direct entry point, which shall be made in accordance with Section 13.5.

General conditions

4.6 All persons accessing the International Registry, shall comply with these Regulations and the Procedures.

4.7 ~~Where the~~The Registrar determines that there exists ~~may~~ oversee, including approve, provide, suspend, restrict or revoke:

(a) ~~risk~~ access to or use of ~~misuse~~the facilities of the International Registry ~~by a registry user, ; or~~

(b) access to issuance or allocation of an ~~authorised user or a guest user, it may,~~URVIS identifier;

~~by any person in its absolute discretion, suspend or revoke~~accordance with these Regulations, the approval, or ~~disable or block~~Procedures or any terms and conditions of the ~~account, of the relevant person.~~Registrar.

Section 5 INFORMATION REQUIRED TO EFFECT REGISTRATION

Use of electronic information

URVIS identifier

5.1 ~~The Registrar shall establish and maintain a system to issue and allocate URVIS identifiers to persons to enable the unique identification of items of railway rolling stock.~~

5.1.1 ~~An 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 otherwise be unstructured.~~

5.1.2 ~~An URVIS identifier may be allocated only to a person as determined by the Registrar in accordance with Section 5.4.~~

5.2 ~~In order to effect a registration, ~~use~~the utilisation of ~~the~~an URVIS identifier provided by the Registrar is mandatory and is the sole means of satisfying to satisfy the requirements of Section 5.3-(c).~~

Complete identification

~~5.2~~

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

Information Required to Register 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 signaturecredentials of the ~~authenticated entity~~registering person applying for the registration;

(b) each of the named parties and their respective entity ~~number~~numbers;

- (c) the following information identifying the item of railway rolling stock:
 - (i) the URVIS identifier; for that item;
 - (ii) confirmation that ~~the~~such URVIS identifier has been, or will be, affixed to the item of railway rolling stock in accordance with the Model Rules; and
 - (iii) the running number, if the Model Rules do not require that the URVIS identifier must be affixed to the item at the time of the registration and the URVIS identifier is not so affixed;
- (d) the lapse date of the registration if the registration is to lapse prior to ~~the filing of a discharge~~ of the registration;
- (e) the consent of the named parties;
- (f) the electronic address of the primary obligor (aswhere required by Section 5.6 (a);); 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.

5.3.1

If the Supervisory Authority has agreed in advance that either the manufacturer's name and its identifier affixed to the item or a national or regional identification number so affixed are currently and prospectively unique and are compatible with the International Registry's systems, the information ~~requirement~~requirements in Section 5.3(c) ~~is~~(ii) and (iii) are, for the purposes of these Regulations, deemed ~~amended to be either respectively the manufacturer's name and its identifier or a national or regional number provided there is confirmation that~~ to not apply and are replaced with requirements to provide:

- (a) ~~(a)~~ the manufacturer's name (in English) and its identifier, the manufacturer's identification number for the item; or
- (b) ~~(b)~~ the current national or regional identification number

as appropriate and, respectively, confirmation that the manufacturer's name and the manufacturer's identification number for the item, or the current national or regional identification number, is permanently affixed to the item and the affixation corresponds by analogy to at least the minimum standards set out in the Model Rules, together with, in case (b) applies, a certification of the respective 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.

5.3.2

Where all of the information required in this Section 5.3 is not provided by the registering person, at the time of the registration application, the Registrar shall not effect that registration. Nothing in these Regulations shall preclude the registering person providing the running number (where subsection 5.3 (c) (iii)

or, if applicable, section 5.3.1 does not require its provision) and any other supplemental descriptor in addition to information under subsection 5.3 (c) (i) or (ii) or, if applicable, section 5.3.1, 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 items provided that 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.

URVIS identifier allocation

~~5.4~~ 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 5.5 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 and the national or regional identification number is permanently affixed, is currently and prospectively unique, and is compatible with the International Registry's systems.

~~5.5~~ The International Registry will allow an authenticated entity, an authorised user, a guest user, or any official distributor of URVIS identifiers appointed by the Registrar, to obtain an URVIS identifier, in the prescribed manner and under any terms and conditions of the Registrar, without effecting a registration. The Registrar5.4 The Registrar, through exercise of Registrar discretion, may allocate, in the prescribed manner and under any terms and conditions of the Registrar, one or more URVIS identifiers to an authenticated entity, or any official distributor of URVIS identifiers appointed by the Registrar, or to a registry user, unless, and to the extent, as otherwise precluded by the Registrar and published on the website.

~~5.4.1~~ The Registrar, through the exercise of Registrar discretion, may appoint a national or regional safety authority or agency or a person designated by such authority or agency, or any other person authorised by the Registrar, to issuedistribute URVIS identifiers on behalf of the Registrar as an official distributor in accordance with the Procedures and any terms and conditions of the Registrar and any memorandum or agreement with such authority or agency-, or other person.

~~5.5~~ The allocation of any URVIS identifier by the Registrar to any person, including any official distributor appointed or authorised pursuant to Section 5.4, does not include or result in the URVIS identifier being associated with any item of railway rolling stock by the Registrar.

Unilateral ~~Registration~~registration of an R-NCRI

5.6

The information required to effect the registration of an R-NCRI is:

- (a) the information referred to in Sections 5.3 (a) – (d), (f) and (g), including, in the case of Section 5.3 (f) or (g) the electronic address of the primary obligor;
- (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 applied to be registered falls;
- (d) the confirmation of the person named in the application for registration as the holder of the R-NCRI, certified by its ~~duly~~ authorised officer or representative, 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) the consent only of the person named in the application for the registration as the holder of the R-NCRI;
- (f) documentary evidence pertaining to the R-NCRI submitted in electronic format;
- (g) the agreement of the person named in the application for the registration as the holder of that R-NCRI that by applying for such registration it submits itself to the jurisdiction of the courts of the Grand Duchy of Luxembourg, and that,
 - (i) such person shall be liable to the Registrar for all costs incurred by the Registrar arising out of any legal action relating to the application or to the validity of the registration unless the registration, or the application therefor, is found by the court, in a final judgment, to be valid, and that it shall pay on demand such amounts as the Registrar may at its ~~sole~~ discretion require from time to time on account of such costs; and
 - (ii) if such person is a government entity, it waives sovereign immunity in relation to any proceedings before the courts of the Grand Duchy of Luxembourg concerning the registration, or the application therefor; and
- (h) confirmation that the unilateral registration applicant holds an R-NCRI authorisation.

5.6.1

At the same time as it sends to each notification party a notice of a caution pursuant to Section 6.2, the Registrar shall annex to such notice a copy of the

documentary evidence submitted in connection with the proposed registration of an R-NCRI as regards an item of railway rolling stock.

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

5.6.2 The Registrar may contact the unilateral registration applicant and, where different, the named party listed as the holder, or proposed holder, of the R-NCRI, to request clarification or supplemental information relating to the information provided pursuant to Sections 5.6 (a)-(c) and (f) and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will send to the notification parties any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such provision thereof is prevented by applicable law.

5.6.3 On receipt of the information set out in this Section 5.6, if the Registrar concludes that the Contracting State specified in information provided by the unilateral registration applicant has not made a declaration relating to the category of R-NCRI sought to be registered, the Registrar shall reject the application for registration. In all other cases, the Registrar shall:

- (a) accept the application for review;
- (b) enter a caution in the International Registry relating to the respective item of railway rolling stock referred to in the information; and
- (c) determine whether the information provided in Section 5.6 (f) is *prima facie* evidence of the R-NCRI.

5.6.4 If the Registrar has accepted the application for review pursuant to Section 5.6.3 and

- (a) determines that the information provided in Section 5.6 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and additional information provided to the Registrar pursuant to Section 5.6.2 or Section 5.24.1) is *prima facie* evidence of the R-NCRI, or
- (b) the Registrar has not made the determination referred to in (a) within 14 days from its receipt of the application,

the caution entered in the International Registry shall be cancelled and replaced by the registration of the R-NCRI with the date and time of the caution and it shall promptly notify the unilateral registration applicant and the notification parties of such registration.

5.6.5 If the Registrar determines that the information provided in Section 5.6 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and any additional information provided to the Registrar pursuant to Section 5.6.2 or Section 5.24.1) is not *prima facie* evidence of the R-NCRI, it shall promptly notify the unilateral registration applicant and the notification parties

of such determination and the caution entered in the International Registry shall be cancelled.

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 information referred to in Sections 5.3 (a) – (c), (f); and (g); and
- (b) the consent of the named parties.

Registration of an assignment

5.8 The information required to effect the registration of the assignment of ~~a registered interest in respect of~~ an international interest, the prospective assignment of an international interest, the assignment of an R-NCRI ~~and/or~~ the assignment of a pre-existing right or interest is:

- (a) the information referred to in Sections 5.3 (a) – (c), 5.3 (f) and (g);
- (b) the consent of the named parties save that an assignment of an R-NCRI or a pre-existing right or interest shall require only the consent of the assignor; ~~and~~
- (c) if the assignment is with respect to a registered interest in addition to the information and requirements set out in clauses (a) and (b):
 - ~~(i) the registration number relating to~~
that registered interest (in the case of the initial assignment); or
 - (ii) the registration 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 assignment is with respect to an interest that is not a registered interest, in addition to the information and requirements set out in clauses (a) and (b):
 - (i) a description of the interest assigned and the identity of the original debtor (in the case of the initial assignment); or
 - (ii) the registration number of the registered assignment by which the assignor acquired its rights in that 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) the consent thereto given by the assignor and the assignee.

Discharge of a registration

5.10 The information required to discharge a registration is:

- (a) the information referred to in Sections 5.3 (a), (f) and (g);
- (b) except as provided in Section 5.10.1 and subject to Section 5.10.3, the consent of the named party or named parties benefiting from the registered interest or the named party holding the right to consent to the discharge of such interest;
- (c) where a right to consent to discharge a registration has been transferred, the consent of the authenticated entity having this right;
- (d) the registration number of the registration to be discharged; and
- (e) the date the discharge is to be effective.

5.10.1 The person or persons mentioned in Sections 5.10 (b) and (c) do not include the debtor, assignor, subrogor or person subordinating the registered interest or pre-existing right or interest or the primary obligor.

5.10.2 The person or persons referred to in Section 5.10 (b) may electronically transfer to an authenticated entity, with the consent of that authenticated entity, the sole right to consent to the discharge of such registration.

5.10.3 The person or persons benefiting from a registration, the person 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 ~~a registered interest respecting~~ an international interest, an assignment ~~and of an international interest~~, a prospective assignment of an international interest, a prospective international interest, a national interest, a pre-existing right or 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 or a unilateral registration is:

- (a) the information referred to in Sections 5.3 (a) to (c), (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 ~~authenticated~~ entities subordinating their interest and the entities benefiting from that subordination;
- (b) the consent of the named parties;
- (c) if the interest being subordinated or benefitting from the subordination is a registered interest, and has not been assigned or acquired by subrogation, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registration of the interest being subordinated or benefiting from the subordination;
- (d) if the interest being subordinated or benefiting from the subordination is a registered interest that has been assigned, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registered assignment by which the person granting the subordination acquired its rights in that registered interest and, if applicable, the registration number of the registered assignment by which the person benefiting from the subordination acquired its rights in the interest benefiting from the subordination; ~~and~~
- (e) if the interest being subordinated or benefiting from the subordination is a registered interest that was acquired by subrogation, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registered subrogation by which the person granting the subordination acquired its rights in that registered interest and, if applicable, the registration number of the registered subrogation by which the person benefiting from the subordination acquired its rights ~~in~~ the interest benefiting from the subordination;
- (e)(f) if the interest being subordinated or benefitting from the subordination is not a registered interest, in addition to the information requirements set out in clauses (a) and (b), a description of such interest and the identity of the original debtor.

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 is:

- (a) the information referred to in Sections 5.3 (a) – (d), (f) and (g);
- (b) the State in which the debtor was situated at the time the pre-existing right or interest was created;
- (c) the date the pre-existing right or interest was created;

- (d) the confirmation of the person named in the application for registration as the holder of the pre-existing right or interest, certified by its duly authorised officer or representative that:
 - (i) the pre-existing right or interest has been validly created or arose under the law applicable to the agreement or by operation of law; and
 - (ii) all the registration information being provided to effect the registration is accurate and complete;
- (e) the consent only of the person named in the application for registration as the holder of the pre-existing right or interest;
- (f) documentary evidence of a pre-existing right or interest submitted in electronic format; and
- (g) the agreement of the person named in the application for the registration as the holder of that pre-existing right or interest that by effecting such registration it submits itself to the jurisdiction of the courts of the Grand Duchy of Luxembourg, and that:
 - (i) it shall be liable to the Registrar for all costs incurred by the Registrar arising out of any legal action relating to the application or to the validity of the registration unless the registration, or the application therefor, is found by the court, in a final judgment, to be valid, and that it shall pay on demand such amounts as the Registrar may at its sole discretion from time to time on account of such costs; and
 - (ii) if such person is a government entity, it waives sovereign immunity in relation to any proceedings before the courts of the Grand Duchy of Luxembourg concerning the registration, or the application therefor.

The unilateral registration applicant must hold a pre-existing right or interest authorisation.

5.12.1 At the same time as it sends to each notification party a notice of a caution pursuant to Section 6.2, the Registrar shall annex to such notice a copy of the documentary evidence submitted in connection with the proposed registration of a pre-existing right or interest as regards an item of railway rolling stock. The foregoing shall not apply to the extent, in the Registrar's opinion, such provision of documentary evidence is prevented by applicable law.

5.12.2 The Registrar may contact the registering person and, where different, the named party listed as the holder, or proposed holder, of the pre-existing right or interest, to request clarification or supplemental information relating to the information provided pursuant to Sections 5.12 (a)-(c) and (f) and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will send to the notification parties any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such

provision thereof is prevented by applicable law.

- 5.12.3 On receipt of information set out in this Section 5.12, if the Registrar concludes that, at the time of the agreement under which the pre-existing right or interest arose, the debtor was not situated in a Contracting State that has made a declaration as provided in Article 60 of the Convention, as amended by Article XXVI of the Protocol, the Registrar shall reject the application for registration. In all other cases, the Registrar shall:
- (a) accept the application for review,
 - (b) enter a caution in the International Registry against the respective item of railway rolling stock referred to in the information; and
 - (c) determine whether the information provided in Section 5.12 (f) is *prima facie* evidence of the pre-existing right or interest.

5.12.4 If the Registrar has accepted the application for review pursuant to Section 5.12.3 and

- (a) determines that the information provided in Section 5.12 (f) (after consideration of any objection sent to the Registrar pursuant to Section 5.24 and additional information provided to the Registrar pursuant to Section 5.12.2 or Section 5.24.1) is *prima facie* evidence of the pre-existing right or interest, or
- (b) the Registrar has not made the determination referred to in (a) within 14 days from its receipt of the application,

the caution entered in the International Registry shall be cancelled and replaced by the registration of the pre-existing right or interest with the date and time of the caution and it shall promptly notify the unilateral registration applicant and the notification parties of such registration.

- 5.12.5 If the Registrar determines that the information provided in Section 5.12 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and any additional information provided to the Registrar pursuant to Section 5.12.2 and 5.24.1) is not *prima facie* evidence of the pre-existing right or interest it shall promptly notify the unilateral registration applicant and the notification parties of such determination and the caution entered in the International Registry shall be cancelled.

Amending a registration

5.13 Subject to Section 5.15, the information required to amend a registration, other than a unilateral registration, or to amend information contained in an assignment, subrogation, or subordination is:

- (a) the information referred to in Section 5.3 (a) – (c), (f) and (g);
- (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 person having this right in place of the immediate transferor; ~~(e) the registration number of the registration to be amended; and (d) the amendments to be made.~~

(c) the registration number of the registration to be amended; and

(d) the amendments to be made.

Amending a unilateral registration

5.14 ~~5.14~~—Subject to Section 5.15, the information required to amend a registration of an R-NCRI or a pre-existing right or interest is:

- (a) the information referred to in respectively Section 5.6 (a) or Section 5.12 (a);
- (b) the registration number of the registration to be amended;
- (c) the amendments to be made; and
- (d) the certification required by respectively Section 5.6 (d) and 5.12 (d).

The person applying to register an amendment of an R-NCRI or a pre-existing right or interest registration must hold an R-NCRI or pre-existing right or interest authorisation as appropriate.

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 item or category of railway rolling stock to which the amending registration refers, with priority ranking from the time the amending registration is searchable. This shall not apply if the only amendment is to the running number provided if the URVIS identifier remains unchanged. The named parties to such amendment shall provide consent to the discharge of the previous registration; 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. 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 the privileges of an administrator or the contact details of an authenticated entity are outside of Section 5.13, and may be made after the Registrar concludes that such requested change is accurate;
- (e) when a registration is discharged, the person 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 or a pre-existing right or interest, be limited to the person named in the registration as the holder of respectively such R-NCRI or pre-existing right or interest.

5.16 The consent requirements of this Section 5 shall be satisfied in the case of a registration transmitted by a direct 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 [Section 13 of 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 5.8; 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 Name change

5.20

The International Registry will provide a facility for notice of a change of the name of an authenticated entity upon receipt of a “name change notification request”. For purposes of the foregoing, a “change of name” means either that the authenticated entity has changed its name, that any rights and interests of the authenticated entity reflected on the International Registry have become vested in another authenticated 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 person submitting the name change notification request shall be an authenticated entity;

(a)(b) the information required to submit a name change notification request to the International Registry is:

- (i) the name currently shown on the International Registry for the authenticated 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 authenticated entity, the corresponding person’s other identity information; and
- (iii) the name and electronic signature credentials of the relevant authenticated 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 authenticated entity:
 - (A) the name and electronic signature credentials of such other authenticated entity and a statement on whose behalf that person is acting; and
 - (B) the election specified in Section 5.20 (ed) (ii) (B);

(b)(c) 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,~~ and a ~~name change~~ of name 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;~~ b) (iii);

(e)(d) when a ~~name change~~ of name takes effect:

- (i) all rights and interests reflected on the International Registry in which the authenticated entity specified in Section 5.20 ~~(ab)~~ (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 authenticated entity:

(A) the authenticated entity in which such rights and interests have vested shall retain its status as an authenticated entity for the purposes of the International Registry and all authorisations given or held by or on behalf of such entity shall remain in full force and effect; and

(B) all authorisations given or held by or on behalf of the authenticated entity specified in Section 5.20 (ab) (i) shall either remain in full force and effect or shall be extinguished, as elected by such entity; and

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

The International Registry shall provide a corresponding facility for notice of a change of name to a government 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 the Registrar concludes that 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 a 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.

Registration of a subrogation

5.22 The information required to effect the registration of the acquisition of ~~a registered interest respecting~~ an international interest or a pre-existing right or interest through subrogation is:

- (a) the information referred to in Section 5.3 (a) – (c), (f) and (g);
- (b) the consent of the named parties ~~;~~ and;
- ~~(e)~~ (c) if the interest being acquired by subrogation is a registered interest:
 - (i) that has not been assigned, in addition to the information and requirements set out in clauses (a) and (b), the registration 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 registration number relating to such assignment.~~); or
 - (ii) that has been assigned, in addition to the information and requirements set out in clauses (a) and (b), the registration number relating to such assignment; and
- (d) if the interest being acquired by subrogation is not a registered interest:
 - (i) where such interest has not been previously subrogated, in addition to the information and requirements set out in clauses (a) and (b), a description of the interest acquired by subrogation and the identity of the original debtor; or
 - (ii) where such interest has been previously subrogated, in addition to the information requirements set out in clauses (a) and (b), the registration number relating to such subrogation.

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 information referred to in Section 5.3 (a) – (c), (f) and (g);
- (b) the name of the Contracting State under whose laws the national interest was created;
- (c) the confirmation of the person named in the registration as the holder of the national interest to which the registration relates, certified by its duly authorised officer or representative, that:
 - (i) the national interest has been validly created 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;
- (d) the consent of the named parties; and
- (e) documentary evidence pertaining to the registration of the interest in

electronic format.

- 5.23.1 ~~At the same time as it sends to each~~On receipt by the Registrar of a written request from a notification party that has received notification of the notice of national interest pursuant to Section 6.2, the Registrar shall ~~annex~~provide to such notification party a copy of the documentary evidence submitted in connection with the registration of a notice of a national interest as regards an item of railway rolling stock.

Registrar determinations

- 5.24 A notification party who believes that an application for registration of an R-NCRI or an pre-existing right or interest does not meet the requirements of Section 5.6 or 5.12, may submit to the Registrar an objection to the proposed registration specifying in detail the basis for the objection and accompanied by relevant supporting documentation. Such objection and documentation shall be in writing and sent to the Registrar no later than 5 days following the date the Registrar sends it a notification of a caution pursuant to Section 6.2.
- 5.24.1 The Registrar may contact such notification party to request clarification or supplemental information relating to the objection and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will circulate to all notification parties and the unilateral registration applicant any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such provision thereof is prevented by applicable law.
- 5.25 ~~Documentation not~~The Registrar will only consider documents, information, or documentary evidence, as applicable:
- (a) ~~submitted with the objection pursuant to Section 5.24, or;~~
 - (b) ~~with the~~ application for registration pursuant to Section 5.6 or 5.12; ~~or information not~~
 - ~~(a)(c)~~(c) ~~provided to the Registrar pursuant to section~~Section 5.6.2 ~~or,~~ 5.12.2 or ~~Section 5.24.1, will not be considered by the Registrar.~~
- 5.26 The Registrar's determination under Sections 5.6.4, 5.6.5, 5.12.4 or 5.12.5 shall be final and no recourse against the Registrar's determination may be submitted to the Supervisory Authority.
- 5.27 In making its determination, the Registrar is acting in an administrative capacity and does not exercise any judicial, quasi-judicial or arbitral function.
- 5.28 The Registrar may make all documentation and information it receives in relation to an objection under Section 5.24 available to a court.

Rail ~~Closing~~closing facility

5.29 The International Registry may, effective from a date it specified on its website, provide a closing facility (“closing facility”) on its website permitting authenticated entities 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~~requirements, which may be further prescribed in the 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, ~~entity name~~change of name, subordination, assignment, block assignment, subrogation, notice of national interest, notice of sale 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 notice of a registration, or notice of a caution to:

- (a) ~~(a) every named party and, if the debtor is not a named party, the debtor:~~
 - (i) identified in the registration; or
 - (ii) in the case of a caution, identified in the submitted application for registration that is the subject of the caution;
- (b) the primary obligor, if the registration relates to a R-NCRI; ~~and~~
- (c) the administrator who submitted the application for registration; and
- (d) all named parties who have a registered interests~~interest~~ in the item of railway rolling stock ~~described in that is the subject of~~ the registration that has not been discharged or who are named in the caution

(each a “notification party” and collectively the “notification parties”).

The receipt or non-receipt of such notice does not imply that the registration or caution has or has not been respectively effected or entered, that fact being determinable solely by means of a priority search.

6.3

The notice referred to in Section 6.2 shall include:

- (a) in the case of a registration, the registration number and the submission reference number of the registration;
- (b) in the case of entry of an entry of a caution, a copy of the caution entry;
- (c) the name of each of the named parties;
- (d) the following information identifying the item of railway rolling stock described in the registration:

~~(ii)~~(iii) _____ ~~(i)~~ —the URVIS identifier; for that item; or

~~(iii)~~(iv) _____ ~~(ii)~~ —if 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

~~(iv)~~(v) _____ ~~(iii)~~ —if the international interest was 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;

- (e) confirmation from the registering person that the URVIS identifier, or the alternative identifier if subsections (d) (ii) or (iii) immediately above apply, together with the running number if provided as part of the registration, has been, or will be, affixed to the item of railway rolling stock in accordance with the Model Rules; and
- (f) the lapse date of the registration if the registration is to lapse prior to ~~the filing of a discharge~~ of the registration;

6.4

~~Named parties~~ A named party may electronically at any time, in the prescribed manner, elect not to receive the notices referred to in Section 6.2. Such elections shall require digital signatures. ~~Authenticated entities~~ may request not to receive electronic notices in respect of one or more items of railway rolling stock. revoke such an election.

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 in railway rolling stock 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~~convention filings shall be subject to search as a priority search, but the Registrar has no responsibility or liability for any errors or omissions with respect to such filings or search results relating thereto, 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~~convention filings.

Section 8 SEARCHES IN THE INTERNATIONAL REGISTRY

Search ~~Criteria~~criteria

- 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 using the URVIS identifier. Such search may be by means of a priority search, as set out in Section 8.2.

Priority ~~Search~~search

- 8.2 A “priority search” is a search for registered information using the criterion 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 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, including any supplemental descriptor, 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; 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.

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

- (a) an information table summarizing the registered information in accordance with Section 8.3 (a); or
- (b) 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 the searching person in reviewing the registered information contained in the priority search certificate. Searching persons should 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. Any inconsistencies or inaccuracies discovered between the registered information contained in the priority search certificate and the supplementary priority search information should be reported to the Registrar within 72 hours of their receipt by the searching person.

Informational ~~Search~~search

8.4 An “informational search” is a search other than a priority search. ~~A searching person may make an informational search as follows,~~ in accordance with the Procedures:

- (a) a search based on a submission reference number or supplemental descriptor;
- ~~(b)~~ an authenticated entity search or a self-search; or
- ~~(b)~~ (c) any other search prescribed as an informational search.

The International Registry may offer, from time to time, such enhancements to the informational search listing as the Registrar considers appropriate to assist a searching person in organizing, sorting, and viewing the data produced by the informational search.

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.

8.5 The Registrar shall have no liability for any informational search, including by supplemental descriptor that is provided to assist a searching person in selecting an URVIS identifier to be used to conduct a priority search. It is the sole responsibility of the searching person to select any URVIS identifier for the

purposes of conducting a priority search.

Authenticated ~~Entity Search~~entity search

8.6 An “authenticated entity search” is a search for the identity information of an authenticated entity ~~registry user identity information~~ (subject to such exclusions that the registry user authenticated entity has ~~selected~~delected pursuant to Section 4.1.5). The search result shall indicate ~~whether~~ the account status of the authenticated entity; that is the subject of the search; ~~is active~~.

Self-search

8.7 A “self-search” ~~may be made~~is a search by a named party ~~for each item of railway rolling stock in to obtain the URVIS identifiers with respect to which such that~~ named party ~~appears~~is identified in a registration. The searching person may limit the results by date or as otherwise permitted under the Procedures.

Electronic ~~Searches Only~~searches only

8.8 _____ All searches shall be by electronic means unless otherwise prescribed. 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; ~~or as otherwise prescribed~~. Each priority search certificate and listing or informational search shall be issued and made available in printable electronic form. ~~Upon request, a printed copy of a priority search certificate or Contracting State search certificate shall be provided by the Registrar.~~

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

Section 10 CONFIDENTIALITY

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

- (a) documentary evidence provided to the Registrar under these Regulations;
- (b) provided by the Registrar in response to a search under Section 8;
- (c) made electronically available to enable authenticated entities to effect, amend or discharge registrations;
- (d) provided to the Supervisory Authority at its 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 5.28, 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 transaction 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 (and the Registrar shall make provision for) an entry point or entry points ("entry point") under Article XIII (1) of the

Protocol:

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

where, in each case, the debtor is situated in such Contracting State on the date when the actual or prospective right or interest, relating to the registration, was created.

- 13.2 In the case of a designation under Section 13.1(a), all registrations made pursuant to Sections 5.3 and 5.7, to which Section 13.1 (a) applies, shall, subject to Sections 13.3 and 13.8, include the authorisation code with respect to such registrations.
- 13.3 Notwithstanding a designation under Section 13.1(a), the registration of a notice of sale, assignment, block assignment, discharge of registration, subordination or subrogation under respectively Sections 5.7, 5.8, 5.9, 5.10, 5.11 and 5.22 as well as amendments to registrations under Sections 5.13 - 5.17 shall not require an authorisation code.
- 13.4 The Registrar shall obtain from the Depository and maintain a current list of Contracting States that have designated entry points. The list shall also indicate whether such an entry point is an authorising entry point or direct entry point as ascertained by the Registrar from those Contracting States, the entities that operate them and their locations and shall be electronically accessible on the website of the International Registry.
- 13.5 In the case of a designation under Section 13.1(b), a direct entry point may transmit the information required for a registration.
- 13.6 The Registrar shall establish arrangements applicable to the authorisation by, or the electronic transmission of registration information from, entry points to the International Registry and, after consultation with each designated entry point, shall specify the procedures and costs applicable to that entry point.
- 13.7 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.
- 13.8 Subject to Section 13.9, a registration is invalid if it is effected:

- (a) without an authorisation code issued by the authorising entry point when such an authorisation code is required by Section 13.1 (a); or
- (b) without transmission through the relevant Contracting State's direct entry point when such transmission is required by Section 13.1(b).

13.9 Notwithstanding Sections 13.1 ~~and~~ 13.8, a registration that is otherwise in compliance with the Regulations and Procedures is not invalid when

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

13.10 The International Registry shall provide an electronic warning notice to an authenticated entity making a registration that the registration may not be effective if

- (a) not made through a direct entry point where use thereof is mandatory; or
- (b) not made in accordance with procedures required by an authorising entry point.

13.11 Notwithstanding the terms of this Section 13, the Registrar is not responsible for ensuring and shall have no liability for not ensuring that an authorisation code is included in a registration or that a registration is submitted to the International Registry through a direct entry point and nothing shall preclude the Registrar from accepting a registration where the requirements of Section 13.1 are not complied with.

Section 14 FEES

14.1 Fees in relation to the services provided by the Registrar shall be ~~established~~set and ~~adjusted~~amended by the Supervisory Authority from time to time as required by the Convention and the Protocol. ~~The and set out in a fee tariff shall be set by a schedule issued by the Supervisory Authority from time to time and which.~~ The fee schedule shall state the maximum amount of fees payable to the Registrar for each service. ~~The fee schedule and~~ shall be published by the Registrar at the request of the Supervisory Authority on the website of the International Registry. The first fee schedule shall be published, and shall enter into effect, on the date the Protocol enters into force. Subsequent fee schedules shall enter into effect 30 days after publication. The Procedures may prescribe matters respecting the administration and implementation of the fee schedule.

14.2 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 The Registrar shall collect a fee prior to undertaking services relating to the International Registry.
- 14.4 Fees, including fees arising from registrations through a direct entry point, must be paid to the Registrar prior to the requested registration unless otherwise agreed between the Registrar and such direct entry point provided that the Registrar shall not be permitted to require payment more than 7 days prior to such registration.

Section 15 RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS

- 15.1 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, but, except as provided for by Article 28 of the Convention, 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 Grand Duchy of Luxembourg;
 - (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 (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 (1) of the Convention.
- 16.5 For the purposes of Article XV (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 by reference to a submission reference number shall be considered as one event of loss.

~~16.7 No action shall lie or be brought against the Registrar or International Registry in relation to~~

16.7 “Registrar discretion” means any approval or refusal to approve, acceptance or refusal to accept, determination, action, decision or any discretion exercised by the Registrar under these Regulations and the Procedures and includes but is not limited to:

- ~~(a) the Registrar’s approval or refusal to approve a person to act as an authenticated entity or an authorised user; or~~
- ~~(b) the exercise of the Registrar’s discretion~~acceptance or refusal to accept any registration or consent under Sections~~Section 4.2.1-8, 5.6(g)(i), 5.12(g)(i) or 8.3.1; ;~~
- ~~(c) a decision of the Registrar under Sections 5.15(d) or 5.21; or~~
- ~~(d) determinations made by the Registrar under Sections 4.1.7, 4.7, 5.6.2-4, 5.6.5, 5.12.4, and 5.12.2-5; ;~~
- ~~(e) 16.7.1 Section 16.7 does not preclude an action based on the Registrar’s refusal~~actions taken by the Registrar pursuant to make a determination referred to in Sections 5.4.7, 5.4.1, 5.6.2, 5.6.3, 5.12.2, and 5.12.3; or
- ~~(e) a determination made in~~decision of the absence of information referred~~Registrar under Section 5.21.~~

16.7.1 The exercise of Registrar discretion is to be treated as valid and conclusive with respect to in all matters relating to the operation of the International Registry.

16.7.2 Subject to Section 5.6.3 (e)16.7.3, neither the Registrar nor the International Registry shall have any liability in relation to the exercise of Registrar discretion.

16.7.3 The exercise of Registrar discretion as provided in these Regulations does not constitute an error or 5.12.3 (e)-omission for the purposes of Article 28 of the Convention, except:

- (a) in the case of the Registrar’s gross negligence or intentional misconduct;
- (b) where the Registrar has failed to consider one or more documents sent to the Registrar as provided in these Regulations or the Procedures; or

(c) where the decision of the Registrar was manifestly based on legally irrelevant documents.

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, authorised users and authenticated entities, searching persons, registering persons, and entry points. 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 modifications 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 or amended if requested by the Supervisory Authority.
- 17.2 Without restricting their content, the Procedures shall set out the technical and administrative processes for:
- ~~(b)~~(d) effecting, amending and discharging registrations and making and obtaining copies of searches; and
 - ~~(e)~~(e) obtaining the approvals and authorisations required to access the International Registry.
- 17.3 ~~Subject to the approval of the Supervisory Authority, the~~The Registrar ~~shall~~may 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 on the website of the International Registry 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

- 19.1 The Registrar may notify an authenticated entity, or its administrator, 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 by the authenticated entity 24 hours after the notification entered the email system of the International Registry addressed to such person using its identity information last provided to the Registrar.

Section 20 FINAL PROVISIONS

- 20.1 Requests for changes to these Regulations or the Procedures may be submitted by the Registrar to the Supervisory Authority which shall consider such proposed changes. In considering any proposed changes, 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 changes into effect.
- 20.2 The present Regulations and the initial Procedures shall take effect on the date the Protocol enters into force. Changes 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.
- 20.5 Notwithstanding any provision in these Regulations, nothing herein shall require the Registrar to take any action or accept any payment which shall be unlawful under any law applicable to the Registrar, its shareholders or the International Registry.

Appendix

Rail Closing Facility

(Section 5.29 of these Regulations)

1. General
 - 1.1 The International Registry may include a closing facility permitting an authenticated 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 For the purposes of this Appendix, any reference to an authenticated entity shall include any administrators appointed by it but an authenticated entity shall not include a government entity, and administrator shall not include the administrator of a government entity.
 - 1.3 Any folders created in the closing facility are 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).
 - 1.4 This Appendix describes the conditions and proceduresrequirements for establishing a folder in the closing facility, assembling and managing the information required to preposition registrations in a folder, 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 folder in the closing facility**
 - 2.1 An authenticated entity may establish a closing facility folder by following the directions on the International Registry website.
 - 2.2 The authenticated entity who establishes a closing facility folder, referred to in this Appendix as a “coordinating entity”, shall have the responsibilities described in this Appendix.
 - 2.3 Each closing facility folder shall have a unique file number automatically assigned by the International Registry, the “closing facility folder ID”, and authenticated entities may search for a closing facility folder on the International Registry website using the closing facility folder ID.

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

3. Assembling and managing registrations via the closing facility

3.1 The coordinating entity shall be responsible for assembling and managing all the information required to preposition registrations in the closing facility folder. The coordinating entity, and no other persons, will be entitled to enter or modify information in the closing facility folder.

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 folder, 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 folder as “locked”). The locked status of the closing room folder 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 folder has been assembled and that the closing facility folder is available for the consent of each named party, 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 folder has been locked) provide any authenticated entity with “read only” access to such closing facility folder 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 folder is locked, each authenticated entity whose consent, by or on behalf of a named party, to the registrations prepositioned in the closing facility folder is required under these Regulations, shall automatically have read only access to such closing facility folder. The authenticated entities with access rights to the closing facility folder are referred to as the “closing facility participants”.

3.5 A coordinating entity may transfer its rights and responsibilities to another authenticated entity as its replacement. Such a transfer shall take effect when the transferee authenticated 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 folder 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 folder and setting forth the closing facility folder ID;
- (c) stating that the closing facility folder is available for each authenticated 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 folder 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 authenticated 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 An authenticated entity who has declined to give an consent or has revoked an 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 authorisation under which a consent to a prepositioned registration was given, will have the effect of revoking such consent. In order to reverse that action, the authenticated entity must either provide a further consent to such prepositioned registration, or the relevant named party must provide its authorisation to another authenticated 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 folder may be released into the International Registry data base unless all such prepositioned registrations have been consented to by or for each authenticated 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 folder 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 authenticated 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 folder as “unlocked”).
- 5.2 If a closing facility folder is unlocked, all consents to prepositioned registrations will be cancelled automatically, the closing facility folder 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 folder has been unlocked and that the pre-registration report issued with respect to the closing facility folder has lapsed. The coordinating entity may then change the prepositioned registrations and lock the closing facility folder 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 folder 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) days following the date that the closing facility folder is locked, the closing facility folder 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 folder for ten (10) additional 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 After a closing facility folder has been locked, and a release instruction under paragraph 7.1 has been issued, the coordinating entity shall pay the fees in respect of all prepositioned registrations in the closing facility folder.
- 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 folder 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 folder is locked;
- (b) all prepositioned registrations in the closing facility folder have been consented to by or for each authenticated 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 folder 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 folder have been entered into the International Registry data base, the closing facility folder 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 5.21 of these Regulations.

7.5 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 of these Regulations relating to entry points.

© Copyright ~~to~~of the Preparatory Commission regarding the establishment of the International Registry for ~~railway rolling stock~~Railway Rolling Stock according to the Luxembourg Protocol to the Cape Town Convention on International Interests in Mobile Equipment, 2024

Annex 2

REGULATIONS FOR THE INTERNATIONAL REGISTRY OF INTERESTS IN ROLLING STOCK

(Article 17(2)(d) of the Convention on International Interests in Mobile Equipment and the
Luxembourg Protocol)

CONTENTS

Section	1	AUTHORITY	3
Section	2	DEFINITIONS	3
Section	3	GENERAL PROVISIONS	8
Section	4	ACCESS TO THE INTERNATIONAL REGISTRY	10
Section	5	INFORMATION REQUIRED TO EFFECT REGISTRATION	13
Section	6	CONFIRMATION AND NOTICE OF REGISTRATION	28
Section	7	NON-CONVENTION FILINGS	30
Section	8	SEARCHES IN THE INTERNATIONAL REGISTRY	30
Section	9	COMPLAINTS	32
Section	10	CONFIDENTIALITY	33
Section	11	STATISTICS	33
Section	12	ANNUAL REPORT TO THE SUPERVISORY AUTHORITY	33
Section	13	RELATIONS WITH THE DESIGNATED ENTRY POINTS	33
Section	14	FEES	35
Section	15	RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS	36
Section	16	LIABILITY AND INSURANCE OF THE REGISTRAR	36
Section	17	INTERNATIONAL REGISTRY PROCEDURES	37
Section	18	PUBLICATION	38
Section	19	NOTIFICATIONS	38
Section	20	FINAL PROVISIONS	38
Appendix		RAIL CLOSING FACILITY	40

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 an authorised user who has been identified to the Registrar by an authenticated entity or by an appointed administrator pursuant to Section 4.1.6 as having authority to act on behalf of that authenticated entity on administrative matters in dealings with the Registrar and the International Registry.
- 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 “authorisation” means an authorisation:
- (a) given by a named party to the International Registry to effect or consent to a registration or discharge as provided in Section 4.4; or
 - (b) referred to in Sections 5.20, 13.6, or 17.2.
- 2.1.4 “authorisation code” means the code issued by the relevant Contracting State or its agency where a Contracting State has designated an authorising entry point pursuant to Section 13.1 (a).
- 2.1.5 “authorised user” means a natural person who has been approved as an authorised user in accordance with these Regulations and the Procedures.
- 2.1.6 “authenticated entity” means a person who retains a current approval as such by the Registrar in accordance with these Regulations and the Procedures.
- 2.1.7 “caution” means an entry in the International Registry stating that the International Registry has received, in respect of an item, an application for registration of respectively an R-NCRI or a pre-existing right or interest in the International Registry.
- 2.1.8 “consent” means consent provided by a named party in the prescribed manner.

- 2.1.9 “contact information” means, with respect to the person to whom such information relates, such person’s name, telephone number and electronic address or as otherwise prescribed.
- 2.1.10 “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.
- 2.1.11 “days” shall mean the number of consecutive periods of 24 hours calculated by reference to Coordinated Universal Time (UTC).
- 2.1.12 “designated representative” means an authenticated entity identified to the Registrar by a named party in accordance with Section 4.2.1 as a person who may make, or consent to, registrations in the International Registry on behalf of that named party.
- 2.1.13 “documentary evidence” means documentation that purports to substantiate that an interest being registered is of a kind that has been conferred, created or has arisen under the law of the Contracting State identified in the information to effect a registration, including evidentiary documentation issued by a government entity.
- 2.1.14 “electronic credentials” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used to provide validation.
- 2.1.15 “entity number” means the unique number allocated by the Registrar to an authenticated entity when approving a person as such entity.
- 2.1.16 “fee schedule” means the fee schedule referred to in Section 14.1 and which is in force at the relevant time.
- 2.1.17 “government entity” means a government department, body or public authority or agency, and includes an identified individual employee, member or officer of that entity appointed by such department, body, authority or agency to act on its behalf.
- 2.1.18 “guest user” means a natural person who has been approved only as a guest user in accordance with these Regulations and the Procedures.
- 2.1.19 “identity information” means the following in respect of the person for whom the identity information is sought:
- (a) for a natural person, the name, the principal physical, and electronic addresses, telephone number and date of birth or as otherwise prescribed;
 - (b) for a person that is not a natural person, the name, description of type of entity, its state of incorporation or formation, principal physical business address, if applicable, and, if different, where it is situated, if it is a debtor or a primary obligor, or otherwise its principal place of business or, if it has no place of business, its habitual residence, telephone number and electronic address or as otherwise prescribed.

- 2.1.20 “information” includes signatures, consents to registration, certifications and other documents.
- 2.1.21 “lapse date” means the date of expiry of a registration if this is expressed to expire on a specified date or after expiry of a specified period
- 2.1.22 “Model Rules” means the Model Rules on the Permanent Identification of Railway Rolling Stock issued by the Working Party on Rail Transport of the Inland Transport Committee of United Nations Economic Commission for Europe and as amended from time to time and approved, for the purposes of these Regulations, by the Supervisory Authority.
- 2.1.23 “named party” means an authenticated entity who is a person named as a debtor or creditor in a submission or registration, provided that for the purposes of
- (a) Sections 5.6 and 5.12, a unilateral registration applicant;
 - (b) Section 5.7, each of the vendor and the purchaser specified in the notice;
 - (c) Sections 5.8 and 5.9, each of the assignor and the assignee;
 - (d) Section 5.11, each of the entity subordinating its interest and the entity benefiting from the subordination;
 - (e) Section 5.22, each of the subrogor and the subrogee; or
 - (f) Section 5.23, the holder of, and the debtor under, the national interest
- shall be deemed to be a named party.
- 2.1.24 “non-convention filing” means a notice of sale or a filing or contract information relating to an interest referred to in Section 7.1.
- 2.1.25 “notice of registration” means a notice issued by the Registrar in accordance with Section 6.2.
- 2.1.26 “person”, unless the context dictates otherwise, is a reference to a legal or natural person, partnership, association, trust company, government entity or local government authority or department or other body (whether corporate or unincorporate).
- 2.1.27 “pre-existing right or interest” means a pre-existing right or interest to which Article 60 of the Convention (as amended by Article XXVI of the Protocol) applies.
- 2.1.28 “pre-existing right or interest authorisation” means an authorisation that confers the authority to effect or amend the registration referred to respectively in Sections 5.12 (d) and 5.14(d).
- 2.1.29 “prescribed” means prescribed in accordance with these Regulations or the Procedures.

2.1.30 “primary obligor” means the person against whom an obligation is sought to be secured by an R-NCRI.

2.1.31 “registered information” means the information entered in the International Registry as required by one or more of the following sections and shall include any correction or discharge of a registration pursuant to Section 5.21:

Section 5.3 - international interest or prospective international interest;

Section 5.6 - R-NCRI;

Section 5.7 - notice of sale;

Section 5.8 – assignment;

Section 5.9 - block assignment;

Section 5.10 - discharge of registration;

Section 5.11 - subordination;

Section 5.12 - pre-existing right or interest;

Sections 5.13 - 5.17 – amendment;

Section 5.19 - fractional or partial interests;

Section 5.20 - change of name;

Section 5.22 - subrogation; and

Section 5.23 - national interest.

For purposes of a registration under Sections 5.6 and 5.12,

(a) the name of the registering person shall be regarded as registered information; and

(b) the electronic credentials 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.

2.1.32 “registering person” means a person making a registration on its own behalf or as a designated representative either directly or indirectly through a direct entry point, where applicable.

2.1.33 “Registrar discretion” shall have the meaning set out in Section 16.7;

2.1.34 “registration” means registration of a right or interest or prospective right or interest or a pre-existing right or interest electronically registered with the International Registry. Where the context permits, it also means registration of a non-convention filing, an assignment, a transfer, a subordination or subrogation

of a right or interest or an amendment or discharge of a registration. For the purposes of Sections 5.29, 6 and 13.3, the term has the extended meaning set out in Section 6.1.

- 2.1.35 “registration number” means the number allocated by the Registrar to any registration
- 2.1.36 “registry user” means a guest user or an authorised user, as the case may be.
- 2.1.37 “running number” means the identification number allocated to an item of railway rolling stock by a national or regional agency authorising railway rolling stock for entry into operational circulation in accordance with applicable law.
- 2.1.38 “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.
- 2.1.39 “R-NCRI authorisation” means an authorisation that confers the authority to effect or amend the registration that is contemplated respectively by Sections 5.6 and 5.14.
- 2.1.40 “searching person” means a person making a search in accordance with Section 8.
- 2.1.41 “situated” shall have the meaning in respect of any debtor or primary obligor in accordance with Article 4 of the Convention.
- 2.1.42 “submission reference number” means the number allocated by the Registrar to any application for a registration in respect of one or more items of railway rolling stock.
- 2.1.43 “supplemental descriptor” means a numeric or alphanumeric descriptor specified by a registering person when making a registration which may include a running number and shall include any information provided under Section 5.3.1 (a) and (b) where conditions have not been fulfilled to enable the provision of such information to comply with the requirements therein to effect the registration.
- 2.1.44 “unilateral registration” means a registration pursuant to Section 5.6 or 5.12
- 2.1.45 “unilateral registration applicant” means the registering person making an application for a unilateral registration.
- 2.1.46 “URVIS identifier” means, a Unique Rail Vehicle Identification System number issued by the Registrar in accordance with Section 5.1.

2.2 In these Regulations, the term or terms:

- (a) “entry point”, “direct entry point” and “authorising entry point” have the meanings contemplated in Section 13.1; and
- (b) “notification party” and “notification parties” means respectively the

person or persons entitled to receive notice as provided in Section 6.2;

- (c) “priority search”, “priority search certificate”, “informational search”, “authenticated entity search” and “self-search” and “supplementary priority search information” have the meanings set out in Section 8;
- (d) “Procedures” has the meaning set out in Section 17 and references herein shall mean the Procedures in force from time to time.
- (e) “website” shall mean, unless the context otherwise dictates, the International Registry website prescribed from time to time.

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

- (a) satisfies the definition of “railway rolling stock” in Article I 2(e) of the Protocol;
- (b) may be physically separated from other vehicles and may continue to be operated under normal industry conditions after such separation; and
- (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, a train set or rake 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.

2.4 All documentary evidence shall be delivered in the English language or accompanied by a certified translation into English.

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 The International Registry provides notice of registrations. The facts underlying a registration or registered interest shall determine whether it falls within the scope of the Convention and the Protocol. The contents of this Section 3.2 shall be prominently displayed by the International Registry on its website. Neither this Section, nor the technical function of the International Registry, shall relieve any person effecting 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 may 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 approval of the Supervisory Authority.
- 3.5 Technical support shall be provided 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) in the manner 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 a person shall not be used for marketing or promotional purposes or other commercial purposes unrelated to the use of the International Registry other than as approved by the Supervisory Authority.
- 3.8 The Registrar shall maintain and make available on the International Registry website:
- (a) a list of persons who have made, and provided to the Registrar, a declaration undertaking to be bound by the Model Rules and noting where a person has subsequently made, and provided to the Registrar, a declaration revoking such undertaking;
 - (b) a privacy policy detailing how personal data is collected and processed and for what purpose, as well as establish a system for opting into any website cookies; and
 - (c) a link to the Depository's website page providing a list in chronological order, of all declarations and designations, and withdrawals thereof, by Contracting State and, in each case, showing:
 - (i) the date and effective date of any Contracting State agreements with each Contracting State and the date of any amendments thereto or termination thereof;
 - (ii) 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 each Contracting State
 - (iii) copies of agreements referred to in (i) immediately above and
 - (iv) copies of all instruments deposited by Contracting States relating to (ii) immediately above.

Section 4 ACCESS TO THE INTERNATIONAL REGISTRY

Authenticated entities

- 4.1.1 No person shall be entitled to make, or consent to, or consent to the discharge of, registrations in the International Registry as, or on behalf of, a named party unless:
- (a) the Registrar has approved that person as an authenticated entity in the prescribed manner;
 - (b) where that person is acting on behalf of a named party, the person is:
 - (i) the designated representative of that named party; or
 - (ii) the administrator of that named party, or of a designated representative of that named party; and
 - (c) that person is otherwise in compliance with these Regulations and the Procedures.
- 4.1.2 For the purposes of Section 4.1.1 (a), approval as an authenticated entity shall be notified by the Registrar to such entity together with the applicable entity number and may be given by the Registrar on the basis of prescribed information submitted by an authorised user on behalf of a person requesting to be an authenticated entity and without the Registrar undertaking specific legal analysis or further enquiry:
- (a) that the person is who the person claims to be; or
 - (b) that the documents submitted are a valid record of the information required by the Registrar.

Administrators

- 4.1.3 An authenticated entity may access the facilities of the International Registry only through an administrator appointed in accordance with these Regulations and the Procedures to act for and on behalf of the authenticated entity to, including but not limited to:
- (a) make, or consent to, registrations in the International Registry;
 - (b) give a consent to a discharge of a registration; or
 - (c) access the facilities set out in Section 4.2.3 (a) to (e).

Searching persons

- 4.1.4 The requirement for approval as an authenticated entity or authorised user is not applicable to a searching person, except where Section 8.7 applies.

Identity information

- 4.1.5 The Registrar is entitled to collect identity information from any person who applies to be an authenticated entity or a registry user as the Registrar considers appropriate. Any natural person who so applies may elect to exclude from the information generated by a search under Section 8.6 that person's physical address, telephone number, date of birth, or any other information prescribed for the purposes of this Section 4.1.5.

Appointment of administrators

- 4.1.6 In conjunction with the application for Registrar approval as an authenticated entity in accordance with Section 4.1.1, any person requesting to be an authenticated entity shall appoint one or more authorised users to act as administrators authorised to act on its behalf and specifying their privileges in accordance with the Procedures. Such appointment is revocable by an authenticated entity at any time on notice to the Registrar in the prescribed form, such revocation to be effective as from the date the Registrar receives written notice thereof.

Review and renewal of status

- 4.1.7 For the purposes of these Regulations, the status of a person as an authenticated entity or a registry user may be subject to a periodic review and may be renewed by the Registrar in accordance with the provisions of the Procedures. This status continues only as long as it has not lapsed or has not been terminated by the Registrar or such person.

Designated representatives

- 4.2.1 A named party may at any time, in accordance with these Regulations and the Procedures, designate one or more authenticated entities to act as its designated representative or withdraw a designation already made. Any such designation must be a general designation and may not be restricted to one or more specified transactions or actions. For the purposes of these Regulations,
- (a) a named party shall be deemed to include any designated representative of that named party for the period of its designation;
 - (b) the Registrar may accept any registration or consent by a designated representative on behalf of a named party without any duty to enquire as to the circumstances relating to a named party's designation of a designated representative; and
 - (c) a named party may act on its own behalf, notwithstanding any designation of a designated representative to act on its behalf.

Registry users

- 4.2.2 No person shall have access to facilities of the International Registry unless:
- (a) that person is a natural person who has been approved by the Registrar as a guest user or an authorised user in the prescribed manner; or
 - (b) in accordance with Section 4.1.3.
- 4.2.3 A guest user may interact with the International Registry for the following purposes only:
- (a) filing a declaration undertaking to be bound by the Model Rules or a declaration revoking such undertaking;
 - (b) obtaining a priority search;
 - (c) obtaining an authenticated entity search;
 - (d) obtaining an informational search, other than a self-search; or
 - (e) obtaining an URVIS identifier, subject to Section 5.4.

and, for the avoidance of doubt, a guest user does not have the right to effect any registration or give a consent to a registration or discharge thereof.

- 4.2.4 The facilities set out in Section 4.2.3 (a) – (e) shall be available also to:
- (a) an authorised user; or
 - (b) an authenticated entity in accordance with Section 4.1.3.

- 4.3 A requested change to the electronic contact details of an authenticated entity or a registry user may be made after the Registrar concludes that such requested change is authentic in accordance with the Procedures.

Authorisation by named party

- 4.4 Subject to these Regulations and in accordance with the Procedures, a registration may only be effected, or consented to, or discharged with an authorisation of a named party who is required or permitted to effect, or consent to, that registration under Article 20 of the Convention.

Transfer of consent

- 4.5 A registration or transfer of a right to consent to the discharge of a registration is valid if it is effected by a named party. The foregoing shall not apply in respect of a registration transmitted by a direct entry point, which shall be made in accordance with Section 13.5.

General conditions

- 4.6 All persons accessing the International Registry shall comply with these Regulations and the Procedures.
- 4.7 The Registrar may oversee, including approve, provide, suspend, restrict or revoke:
- (a) access to or use of the facilities of the International Registry; or
 - (b) access to issuance or allocation of an URVIS identifier;
- by any person in accordance with these Regulations, the Procedures or any terms and conditions of the Registrar.

Section 5 INFORMATION REQUIRED TO EFFECT REGISTRATION

URVIS identifier

- 5.1 The Registrar shall establish and maintain a system to issue and allocate URVIS identifiers to persons to enable the unique identification of items of railway rolling stock.
- 5.1.1 An 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 otherwise be unstructured.
- 5.1.2 An URVIS identifier may be allocated only to a person as determined by the Registrar in accordance with Section 5.4.
- 5.2 In order to effect a registration, the utilisation of an URVIS identifier is mandatory to satisfy the requirements of Section 5.3(c).

Information required to register 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 credentials of the registering person applying for the registration;
 - (b) each of the named parties and their respective entity numbers;
 - (c) the following information identifying the item of railway rolling stock:
 - (i) the URVIS identifier for that item;
 - (ii) confirmation that such URVIS identifier has been, or will be, affixed to the item of railway rolling stock in accordance with the Model Rules; and

- (iii) the running number, if the Model Rules do not require that the URVIS identifier must be affixed to the item at the time of the registration and the URVIS identifier is not so affixed;
- (d) the lapse date of the registration if the registration is to lapse prior to a discharge of the registration;
- (e) the consent of the named parties;
- (f) the electronic address of the primary obligor (where required by Section 5.6 (a)); 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.

5.3.1

If the Supervisory Authority has agreed in advance that either the manufacturer's name and its identifier affixed to the item or a national or regional identification number so affixed are currently and prospectively unique and are compatible with the International Registry's systems, the information requirements in Section 5.3(c) (ii) and (iii) are, for the purposes of these Regulations, deemed to not apply and are replaced with requirements to provide:

- (a) the manufacturer's name (in English) and the manufacturer's identification number for the item; or
- (b) the current national or regional identification number

and, respectively, confirmation that the manufacturer's name and the manufacturer's identification number for the item, or the current national or regional identification number, is permanently affixed to the item and the affixation corresponds by analogy to at least the minimum standards set out in the Model Rules, together with, in case (b) applies, a certification of the respective 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.

5.3.2

Where all of the information required in this Section 5.3 is not provided by the registering person, at the time of the registration application, the Registrar shall not effect that registration. Nothing in these Regulations shall preclude the registering person providing the running number (where subsection 5.3 (c) (iii) or, if applicable, section 5.3.1 does not require its provision) and any other supplemental descriptor in addition to information under subsection 5.3 (c) (i) or (ii) or, if applicable, section 5.3.1, 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 items provided that 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.

URVIS identifier allocation

- 5.4 The Registrar, through exercise of Registrar discretion, may allocate, in the prescribed manner and under any terms and conditions of the Registrar, one or more URVIS identifiers to an authenticated entity, or any official distributor of URVIS identifiers appointed by the Registrar, or to a registry user, unless, and to the extent, as otherwise precluded by the Registrar and published on the website.
- 5.4.1 The Registrar, through the exercise of Registrar discretion, may appoint a national or regional safety authority or agency or a person designated by such authority or agency, or any other person authorised by the Registrar, to distribute URVIS identifiers as an official distributor in accordance with the Procedures and any terms and conditions of the Registrar and any memorandum or agreement with such authority, agency, or other person.
- 5.5 The allocation of any URVIS identifier by the Registrar to any person, including any official distributor appointed or authorised pursuant to Section 5.4, does not include or result in the URVIS identifier being associated with any item of railway rolling stock by the Registrar.

Unilateral registration of an R-NCRI

- 5.6 The information required to effect the registration of an R-NCRI is:
- (a) the information referred to in Sections 5.3 (a) – (d), (f) and (g), including, in the case of Section 5.3 (f) or (g) the electronic address of the primary obligor;
 - (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 applied to be registered falls;
 - (d) the confirmation of the person named in the application for registration as the holder of the R-NCRI, certified by its authorised officer or representative, 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) the consent only of the person named in the application for the registration as the holder of the R-NCRI;
 - (f) documentary evidence pertaining to the R-NCRI submitted in electronic format;

- (g) the agreement of the person named in the application for the registration as the holder of that R-NCRI that by applying for such registration it submits itself to the jurisdiction of the courts of the Grand Duchy of Luxembourg, and that,
 - (i) such person shall be liable to the Registrar for all costs incurred by the Registrar arising out of any legal action relating to the application or to the validity of the registration unless the registration, or the application therefor, is found by the court, in a final judgment, to be valid, and that it shall pay on demand such amounts as the Registrar may at its sole discretion require from time to time on account of such costs; and
 - (ii) if such person is a government entity, it waives sovereign immunity in relation to any proceedings before the courts of the Grand Duchy of Luxembourg concerning the registration, or the application therefor; and
- (h) confirmation that the unilateral registration applicant holds an R-NCRI authorisation.

5.6.1 At the same time as it sends to each notification party a notice of a caution pursuant to Section 6.2, the Registrar shall annex to such notice a copy of the documentary evidence submitted in connection with the proposed registration of an R-NCRI as regards an item of railway rolling stock.

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

5.6.2 The Registrar may contact the unilateral registration applicant and, where different, the named party listed as the holder, or proposed holder, of the R-NCRI, to request clarification or supplemental information relating to the information provided pursuant to Sections 5.6 (a)-(c) and (f) and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will send to the notification parties any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such provision thereof is prevented by applicable law.

5.6.3 On receipt of the information set out in this Section 5.6, if the Registrar concludes that the Contracting State specified in information provided by the unilateral registration applicant has not made a declaration relating to the category of R-NCRI sought to be registered, the Registrar shall reject the application for registration. In all other cases, the Registrar shall:

- (a) accept the application for review;
- (b) enter a caution in the International Registry relating to the respective item of railway rolling stock referred to in the information; and
- (c) determine whether the information provided in Section 5.6 (f) is *prima facie* evidence of the R-NCRI.

- 5.6.4 If the Registrar has accepted the application for review pursuant to Section 5.6.3 and
- (a) determines that the information provided in Section 5.6 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and additional information provided to the Registrar pursuant to Section 5.6.2 or Section 5.24.1) is *prima facie* evidence of the R-NCRI, or
 - (b) the Registrar has not made the determination referred to in (a) within 14 days from its receipt of the application

the caution entered in the International Registry shall be cancelled and replaced by the registration of the R-NCRI with the date and time of the caution and it shall promptly notify the unilateral registration applicant and the notification parties of such registration.

- 5.6.5 If the Registrar determines that the information provided in Section 5.6 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and any additional information provided to the Registrar pursuant to Section 5.6.2 or Section 5.24.1) is not *prima facie* evidence of the R-NCRI, it shall promptly notify the unilateral registration applicant and the notification parties of such determination and the caution entered in the International Registry shall be cancelled.

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 information referred to in Sections 5.3 (a) – (c), (f); and (g); and
 - (b) the consent of the named parties.

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 or the assignment of a pre-existing right or interest is:
- (a) the information referred to in Sections 5.3 (a) – (c), 5.3 (f) and (g);
 - (b) the consent of the named parties save that an assignment of an R-NCRI or a pre-existing right or interest shall require only the consent of the assignor;
 - (c) if the assignment is with respect to a registered interest in addition to the information and requirements set out in clauses (a) and (b):
 - (i) the registration number relating to that registered interest (in the case of the initial assignment); or

- (ii) the registration 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 assignment is with respect to an interest that is not a registered interest, in addition to the information and requirements set out in clauses (a) and (b):
 - (i) a description of the interest assigned and the identity of the original debtor (in the case of the initial assignment); or
 - (ii) the registration number of the registered assignment by which the assignor acquired its rights in that 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) the consent thereto given by the assignor and the assignee.

Discharge of a registration

- 5.10 The information required to discharge a registration is:
- (a) the information referred to in Sections 5.3 (a), (f) and (g);
 - (b) except as provided in Section 5.10.1 and subject to Section 5.10.3, the consent of the named party or named parties benefiting from the registered interest or the named party holding the right to consent to the discharge of such interest;
 - (c) where a right to consent to discharge a registration has been transferred, the consent of the authenticated entity having this right;
 - (d) the registration number of the registration to be discharged; and
 - (e) the date the discharge is to be effective.
- 5.10.1 The person or persons mentioned in Sections 5.10 (b) and (c) do not include the debtor, assignor, subrogor or person subordinating the registered interest or pre-existing right or interest or the primary obligor.

- 5.10.2 The person or persons referred to in Section 5.10 (b) may electronically transfer to an authenticated entity, with the consent of that authenticated entity, the sole right to consent to the discharge of such registration.
- 5.10.3 The person or persons benefiting from a registration, the person 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 of an international interest, a prospective assignment of an international interest, a prospective international interest, a national interest, a pre-existing right or 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 or a unilateral registration is:
- (a) the information referred to in Sections 5.3 (a) to (c), (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 entities subordinating their interest and the entities benefiting from that subordination;
 - (b) the consent of the named parties;
 - (c) if the interest being subordinated or benefiting from the subordination is a registered interest, and has not been assigned or acquired by subrogation, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registration of the interest being subordinated or benefiting from the subordination;
 - (d) if the interest being subordinated or benefiting from the subordination is a registered interest that has been assigned, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registered assignment by which the person granting the subordination acquired its rights in that registered interest and, if applicable, the registration number of the registered assignment by which the person 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, in addition to the information requirements set out in clauses (a) and (b), the registration number of the registered subrogation by which the person granting the subordination acquired its rights in that registered interest and, if applicable, the registration number of the registered subrogation by which the person 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 not a registered interest, in addition to the information requirements set out

in clauses (a) and (b), a description of such interest and the identity of the original debtor.

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 is:

- (a) the information referred to in Sections 5.3 (a) – (d), (f) and (g);
- (b) the State in which the debtor was situated at the time the pre-existing right or interest was created;
- (c) the date the pre-existing right or interest was created;
- (d) the confirmation of the person named in the application for registration as the holder of the pre-existing right or interest, certified by its authorised officer or representative that:
 - (i) the pre-existing right or interest has been validly created or arose under the law applicable to the agreement or by operation of law; and
 - (ii) all the registration information being provided to effect the registration is accurate and complete;
- (e) the consent only of the person named in the application for registration as the holder of the pre-existing right or interest;
- (f) documentary evidence of a pre-existing right or interest submitted in electronic format; and
- (g) the agreement of the person named in the application for the registration as the holder of that pre-existing right or interest that by effecting such registration it submits itself to the jurisdiction of the courts of the Grand Duchy of Luxembourg, and that:
 - (i) it shall be liable to the Registrar for all costs incurred by the Registrar arising out of any legal action relating to the application or to the validity of the registration unless the registration, or the application therefor, is found by the court, in a final judgment, to be valid, and that it shall pay on demand such amounts as the Registrar may at its sole discretion from time to time on account of such costs; and
 - (ii) if such person is a government entity, it waives sovereign immunity in relation to any proceedings before the courts of the Grand Duchy of Luxembourg concerning the registration, or the application therefor.

The unilateral registration applicant must hold a pre-existing right or interest authorisation.

- 5.12.1 At the same time as it sends to each notification party a notice of a caution pursuant to Section 6.2, the Registrar shall annex to such notice a copy of the documentary evidence submitted in connection with the proposed registration of a pre-existing right or interest as regards an item of railway rolling stock. The foregoing shall not apply to the extent, in the Registrar's opinion, such provision of documentary evidence is prevented by applicable law.
- 5.12.2 The Registrar may contact the registering person and, where different, the named party listed as the holder, or proposed holder, of the pre-existing right or interest, to request clarification or supplemental information relating to the information provided pursuant to Sections 5.12 (a)-(c) and (f) and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will send to the notification parties any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such provision thereof is prevented by applicable law.
- 5.12.3 On receipt of information set out in this Section 5.12, if the Registrar concludes that, at the time of the agreement under which the pre-existing right or interest arose, the debtor was not situated in a Contracting State that has made a declaration as provided in Article 60 of the Convention, as amended by Article XXVI of the Protocol, the Registrar shall reject the application for registration. In all other cases, the Registrar shall:
- (a) accept the application for review,
 - (b) enter a caution in the International Registry against the respective item of railway rolling stock referred to in the information; and
 - (c) determine whether the information provided in Section 5.12 (f) is *prima facie* evidence of the pre-existing right or interest.
- 5.12.4 If the Registrar has accepted the application for review pursuant to Section 5.12.3 and
- (a) determines that the information provided in Section 5.12 (f) (after consideration of any objection sent to the Registrar pursuant to Section 5.24 and additional information provided to the Registrar pursuant to Section 5.12.2 or Section 5.24.1) is *prima facie* evidence of the pre-existing right or interest, or
 - (b) the Registrar has not made the determination referred to in (a) within 14 days from its receipt of the application,
- the caution entered in the International Registry shall be cancelled and replaced by the registration of the pre-existing right or interest with the date and time of the caution and it shall promptly notify the unilateral registration applicant and the notification parties of such registration.
- 5.12.5 If the Registrar determines that the information provided in Section 5.12 (f) (and after consideration of any objection sent to the Registrar pursuant to Section 5.24 and any additional information provided to the Registrar pursuant to Section

5.12.2 and 5.24.1) is not *prima facie* evidence of the pre-existing right or interest it shall promptly notify the unilateral registration applicant and the notification parties of such determination and the caution entered in the International Registry shall be cancelled.

Amending a registration

5.13 Subject to Section 5.15, the information required to amend a registration, other than a unilateral registration, or to amend information contained in an assignment, subrogation, or subordination is:

- (a) the information referred to in Section 5.3 (a) – (c), (f) and (g);
- (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 person having this right in place of the immediate transferor;
- (c) the registration number of the registration to be amended; and
- (d) the amendments to be made.

Amending a unilateral registration

5.14 Subject to Section 5.15, the information required to amend a registration of an R-NCRI or a pre-existing right or interest is:

- (a) the information referred to in respectively Section 5.6 (a) or Section 5.12 (a);
- (b) the registration number of the registration to be amended;
- (c) the amendments to be made; and
- (d) the certification required by respectively Section 5.6 (d) and 5.12 (d).

The person applying to register an amendment of an R-NCRI or a pre-existing right or interest registration must hold an R-NCRI or pre-existing right or interest authorisation as appropriate.

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 item or category of railway rolling stock to which the amending registration refers, with priority ranking from the time the amending registration is searchable. This shall not apply if the only amendment is to the running number provided if the URVIS identifier remains unchanged. The named parties to such amendment shall provide

consent to the discharge of the previous registration, 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. 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 the privileges of an administrator or the contact details of an authenticated entity are outside of Section 5.13, and may be made after the Registrar concludes that such requested change is accurate;
- (e) when a registration is discharged, the person 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 or a pre-existing right or interest, be limited to the person named in the registration as the holder of respectively such R-NCRI or pre-existing right or interest.

5.16 The consent requirements of this Section 5 shall be satisfied in the case of a registration transmitted by a direct 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 Section 13 of 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 5.8; 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.

Name change

- 5.20 The International Registry will provide a facility for notice of a change of the name of an authenticated entity upon receipt of a “name change notification request”. For purposes of the foregoing, a “change of name” means either that the authenticated entity has changed its name, that any rights and interests of the authenticated entity reflected on the International Registry have become vested in another authenticated 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 person submitting the name change notification request shall be an authenticated entity;
 - (b) the information required to submit a name change notification request to the International Registry is:
 - (i) the name currently shown on the International Registry for the authenticated 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 authenticated entity, the corresponding person’s other identity information; and
 - (iii) the name and electronic credentials of the relevant authenticated 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 authenticated entity:
 - (A) the name and electronic credentials of such other authenticated entity and a statement on whose behalf that person is acting; and
 - (B) the election specified in Section 5.20 (d) (ii) (B);
 - (c) the Registrar shall confirm that a name change notification request satisfies the requirements of this Section 5.20 and a change of name shall

take effect on the later of such confirmation by the Registrar and completion of the actions required in Section 5.20 (b) (iii);

- (d) when a change of name takes effect:
 - (i) all rights and interests reflected on the International Registry in which the authenticated entity specified in Section 5.20 (b) (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 authenticated entity:
 - (A) the authenticated entity in which such rights and interests have vested shall retain its status as an authenticated entity for the purposes of the International Registry and all authorisations given or held by or on behalf of such entity shall remain in full force and effect; and
 - (B) all authorisations given or held by or on behalf of the authenticated entity specified in Section 5.20 (b) (i) shall either remain in full force and effect or shall be extinguished, as elected by such entity; and
- (e) a change of name shall have no effect on the validity or priority of any registration or other rights or interests.

The International Registry shall provide a corresponding facility for notice of a change of name to a government 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 the Registrar concludes that 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 a 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.

Registration of a subrogation

5.22 The information required to effect the registration of the acquisition of an international interest or a pre-existing right or interest through subrogation is:

- (a) the information referred to in Section 5.3 (a) – (c), (f) and (g);
- (b) the consent of the named parties;
- (c) if the interest being acquired by subrogation is a registered interest:
 - (i) that has not been assigned, in addition to the information and requirements set out in clauses (a) and (b), the registration number of the registration relating to that interest (in the case of the initial acquisition by subrogation of a registered interest); or
 - (ii) that has been assigned, in addition to the information and requirements set out in clauses (a) and (b), the registration number relating to such assignment; and
- (d) if the interest being acquired by subrogation is not a registered interest:
 - (i) where such interest has not been previously subrogated, in addition to the information and requirements set out in clauses (a) and (b), a description of the interest acquired by subrogation and the identity of the original debtor; or
 - (ii) where such interest has been previously subrogated, in addition to the information requirements set out in clauses (a) and (b), the registration number relating to such subrogation.

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 information referred to in Section 5.3 (a) – (c), (f) and (g);
- (b) the name of the Contracting State under whose laws the national interest was created;
- (c) the confirmation of the person named in the registration as the holder of the national interest to which the registration relates, certified by its authorised officer or representative, that:
 - (i) the national interest has been validly created 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;
- (d) the consent of the named parties; and
- (e) documentary evidence pertaining to the registration of the interest in electronic format.

5.23.1 On receipt by the Registrar of a written request from a notification party that has received notification of the notice of national interest pursuant to Section 6.2, the Registrar shall provide to such notification party a copy of the documentary evidence submitted in connection with the registration of a notice of a national interest as regards an item of railway rolling stock.

Registrar determinations

5.24 A notification party who believes that an application for registration of an R-NCRI or an pre-existing right or interest does not meet the requirements of Section 5.6 or 5.12, may submit to the Registrar an objection to the proposed registration specifying in detail the basis for the objection and accompanied by relevant supporting documentation. Such objection and documentation shall be in writing and sent to the Registrar no later than 5 days following the date the Registrar sends it a notification of a caution pursuant to Section 6.2.

5.24.1 The Registrar may contact such notification party to request clarification or supplemental information relating to the objection and the response shall be provided to the Registrar within 5 days from the date of the request. The Registrar will circulate to all notification parties and the unilateral registration applicant any such clarifications or supplemental information it receives unless, in the Registrar's opinion, such provision thereof is prevented by applicable law.

5.25 The Registrar will only consider documents, information, or documentary evidence, as applicable:

- (a) submitted with the objection pursuant to Section 5.24;
- (b) with the application for registration pursuant to Section 5.6 or 5.12; or
- (c) provided to the Registrar pursuant to Section 5.6.2, 5.12.2 or 5.24.1.

5.26 The Registrar's determination under Sections 5.6.4, 5.6.5, 5.12.4 or 5.12.5 shall be final and no recourse against the Registrar's determination may be submitted to the Supervisory Authority.

5.27 In making its determination, the Registrar is acting in an administrative capacity and does not exercise any judicial, quasi-judicial or arbitral function.

5.28 The Registrar may make all documentation and information it receives in relation to an objection under Section 5.24 available to a court.

Rail closing facility

5.29 The International Registry may, effective from a date it specified on its website, provide a closing facility (“closing facility”) on its website permitting authenticated entities 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 requirements, which may be further prescribed in the 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, change of name, subordination, assignment, block assignment, subrogation, notice of national interest, notice of sale 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 notice of a registration, or notice of a caution to:

- (a) every named party and, if the debtor is not a named party, the debtor:
 - (i) identified in the registration; or
 - (ii) in the case of a caution, identified in the submitted application for registration that is the subject of the caution;
- (b) the primary obligor, if the registration relates to a R-NCRI;
- (c) the administrator who submitted the application for registration; and
- (d) all named parties who have a registered interest in the item of railway rolling stock that is the subject of the registration that has not been discharged or who are named in the caution

(each a “notification party” and collectively the “notification parties”).

The receipt or non-receipt of such notice does not imply that the registration or caution has or has not been respectively effected or entered, that fact being determinable solely by means of a priority search.

6.3 The notice referred to in Section 6.2 shall include:

- (a) in the case of a registration, the registration number and the submission reference number of the registration;
- (b) in the case of entry of an entry of a caution, a copy of the caution entry;
- (c) the name of each of the named parties;
- (d) the following information identifying the item of railway rolling stock described in the registration:
 - (iii) the URVIS identifier for that item; or
 - (iv) if 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
 - (v) if the international interest was 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;
- (e) confirmation from the registering person that the URVIS identifier, or the alternative identifier if subsections (d) (ii) or (iii) immediately above apply, together with the running number if provided as part of the registration, has been, or will be, affixed to the item of railway rolling stock in accordance with the Model Rules; and
- (f) the lapse date of the registration if the registration is to lapse prior to a discharge of the registration;

6.4 A named party may at any time, in the prescribed manner, elect not to receive the notices referred to in Section 6.2 or revoke such an election.

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 in railway rolling stock 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 filings shall be subject to search as a priority search, but the Registrar has no responsibility or liability for any errors or omissions with respect to such filings or search results relating thereto, 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 filings.

Section 8 SEARCHES IN THE INTERNATIONAL REGISTRY

Search criteria

- 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 using the URVIS identifier. Such search may be by means of a priority search, as set out in Section 8.2.

Priority search

- 8.2 A “priority search” is a search for registered information using the criterion 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 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, including any supplemental descriptor, 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; 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.

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

- (a) an information table summarizing the registered information in accordance with Section 8.3 (a); or
- (b) 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 the searching person in reviewing the registered information contained in the priority search certificate. Searching persons should 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. Any inconsistencies or inaccuracies discovered between the registered information contained in the priority search certificate and the supplementary priority search information should be reported to the Registrar within 72 hours of their receipt by the searching person.

Informational search

8.4 An “informational search” is a search other than a priority search as follows, in accordance with the Procedures:

- (a) a search based on a submission reference number or supplemental descriptor;
- (b) an authenticated entity search or a self-search; or
- (c) any other search prescribed as an informational search.

The International Registry may offer, from time to time, such enhancements to the informational search listing as the Registrar considers appropriate to assist a searching person in organizing, sorting, and viewing the data produced by the informational search.

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.

8.5 The Registrar shall have no liability for any informational search, including by supplemental descriptor that is provided to assist a searching person in selecting an URVIS identifier to be used to conduct a priority search. It is the sole responsibility of the searching person to select any URVIS identifier for the purposes of conducting a priority search.

Authenticated entity search

- 8.6 An “authenticated entity search” is a search for the identity information of an authenticated entity subject to such exclusions that the authenticated entity has elected pursuant to Section 4.1.5. The search result shall indicate the status of the authenticated entity that is the subject of the search.

Self-search

- 8.7 A “self-search” is a search by a named party to obtain the URVIS identifiers with respect to which that named party is identified in a registration. The searching person may limit the results by date or as otherwise permitted under the Procedures.

Electronic searches only

- 8.8 All searches shall be by electronic means unless otherwise prescribed. 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 or as otherwise prescribed. Each priority search certificate or informational search shall be issued and made available in electronic form.

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

Section 10 CONFIDENTIALITY

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

- (a) documentary evidence provided to the Registrar under these Regulations;
- (b) provided by the Registrar in response to a search under Section 8;
- (c) made electronically available to enable authenticated entities to effect, amend or discharge registrations;
- (d) provided to the Supervisory Authority at its 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 5.28, 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 transaction 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 (and the Registrar shall make provision for) an entry point or entry points (“entry point”) under Article XIII (1) of the Protocol:

- (a) which shall or may authorise the transmission of information required for registration under the Convention and the Protocol to the International Registry (“authorising entry point”); or

- (b) through which information required for registration under the Convention and the Protocol shall or may be directly transmitted to the International Registry (“direct entry point”)

where, in each case, the debtor is situated in such Contracting State on the date when the actual or prospective right or interest, relating to the registration, was created.

- 13.2 In the case of a designation under Section 13.1(a), all registrations made pursuant to Sections 5.3 and 5.7, to which Section 13.1 (a) applies, shall, subject to Sections 13.3 and 13.8, include the authorisation code with respect to such registrations.
- 13.3 Notwithstanding a designation under Section 13.1(a), the registration of a notice of sale, assignment, block assignment, discharge of registration, subordination or subrogation under respectively Sections 5.7, 5.8, 5.9, 5.10, 5.11 and 5.22 as well as amendments to registrations under Sections 5.13 - 5.17 shall not require an authorisation code.
- 13.4 The Registrar shall obtain from the Depository and maintain a current list of Contracting States that have designated entry points. The list shall also indicate whether such an entry point is an authorising entry point or direct entry point as ascertained by the Registrar from those Contracting States, the entities that operate them and their locations and shall be electronically accessible on the website of the International Registry.
- 13.5 In the case of a designation under Section 13.1(b), a direct entry point may transmit the information required for a registration.
- 13.6 The Registrar shall establish arrangements applicable to the authorisation by, or the electronic transmission of registration information from, entry points to the International Registry and, after consultation with each designated entry point, shall specify the procedures and costs applicable to that entry point.
- 13.7 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.
- 13.8 A registration is invalid if it is effected:
 - (a) without an authorisation code issued by the authorising entry point when such an authorisation code is required by Section 13.1 (a); or
 - (b) without transmission through the relevant Contracting State’s direct entry point when such transmission is required by Section 13.1(b).

- 13.9 Notwithstanding Sections 13.1 or 13.8, a registration that is otherwise in compliance with the Regulations and Procedures is not invalid when
- (a) in the case of an authorising entry point, an authorisation code is not obtainable under its procedures; or
 - (b) in the case of a direct entry point, the use of that direct entry point is not permitted under its procedures.
- 13.10 The International Registry shall provide an electronic warning notice to an authenticated entity making a registration that the registration may not be effective if
- (a) not made through a direct entry point where use thereof is mandatory; or
 - (b) not made in accordance with procedures required by an authorising entry point.
- 13.11 Notwithstanding the terms of this Section 13, the Registrar is not responsible for ensuring and shall have no liability for not ensuring that an authorisation code is included in a registration or that a registration is submitted to the International Registry through a direct entry point and nothing shall preclude the Registrar from accepting a registration where the requirements of Section 13.1 are not complied with.

Section 14 FEES

- 14.1 Fees in relation to the services provided by the Registrar shall be set and amended by the Supervisory Authority from time to time as required by the Convention and the Protocol and set out in a fee schedule. The fee schedule shall state the maximum amount of fees payable to the Registrar for each service and shall be published by the Registrar at the request of the Supervisory Authority on the website of the International Registry. The first fee schedule shall be published, and shall enter into effect, on the date the Protocol enters into force. Subsequent fee schedules shall enter into effect 30 days after publication. The Procedures may prescribe matters respecting the administration and implementation of the fee schedule.
- 14.2 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 The Registrar shall collect a fee prior to undertaking services relating to the International Registry.
- 14.4 Fees, including fees arising from registrations through a direct entry point, must be paid to the Registrar prior to the requested registration unless otherwise agreed between the Registrar and such direct entry point provided that the

Registrar shall not be permitted to require payment more than 7 days prior to such registration.

Section 15 RELATIONSHIP WITH REGIONAL AND NATIONAL SYSTEMS

- 15.1 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, but, except as provided for by Article 28 of the Convention, 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 Grand Duchy of Luxembourg;
 - (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 (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 (1) of the Convention.
- 16.5 For the purposes of Article XV (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 by reference to a submission reference number shall be considered as one event of loss.

- 16.7 “Registrar discretion” means any approval or refusal to approve, acceptance or refusal to accept, determination, action, decision or any discretion exercised by the Registrar under these Regulations and the Procedures and includes but is not limited to:
- (a) the Registrar’s approval or refusal to approve a person to act as an authenticated entity or an authorised user;
 - (b) the acceptance or refusal to accept any registration or consent under Section 4.2.1;
 - (c) determinations made by the Registrar under Sections 4.1.7, 4.7, 5.6.4, 5.6.5, 5.12.4, and 5.12.5;
 - (d) actions taken by the Registrar pursuant to Sections 5.4, 5.4.1, 5.6.2, 5.6.3, 5.12.2, and 5.12.3; or
 - (e) a decision of the Registrar under Section 5.21.
- 16.7.1 The exercise of Registrar discretion is to be treated as valid and conclusive with respect to all matters relating to the operation of the International Registry.
- 16.7.2 Subject to Section 16.7.3, neither the Registrar nor the International Registry shall have any liability in relation to the exercise of Registrar discretion.
- 16.7.3 The exercise of Registrar discretion as provided in these Regulations does not constitute an error or omission for the purposes of Article 28 of the Convention, except:
- (a) in the case of the Registrar’s gross negligence or intentional misconduct;
 - (b) where the Registrar has failed to consider one or more documents sent to the Registrar as provided in these Regulations or the Procedures; or
 - (c) where the decision of the Registrar was manifestly based on legally irrelevant documents.

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, authenticated entities, searching persons, registering persons, and entry points. 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 modifications 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 or amended if requested by the Supervisory Authority.

- 17.2 Without restricting their content, the Procedures shall set out the technical and administrative processes for:
- (d) effecting, amending and discharging registrations and making and obtaining copies of searches; and
 - (e) obtaining the approvals and authorisations required to access the International Registry.
- 17.3 The Registrar may 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 on the website of the International Registry 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

- 19.1 The Registrar may notify an authenticated entity, or its administrator, 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 by the authenticated entity 24 hours after the notification entered the email system of the International Registry addressed to such person using its identity information last provided to the Registrar.

Section 20 FINAL PROVISIONS

- 20.1 Requests for changes to these Regulations or the Procedures may be submitted by the Registrar to the Supervisory Authority which shall consider such proposed changes. In considering any proposed changes, 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 changes into effect.

- 20.2 The present Regulations and the initial Procedures shall take effect on the date the Protocol enters into force. Changes 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.
- 20.5 Notwithstanding any provision in these Regulations, nothing herein shall require the Registrar to take any action or accept any payment which shall be unlawful under any law applicable to the Registrar, its shareholders or the International Registry.

Appendix

Rail Closing Facility

(Section 5.29 of these Regulations)

1. General
 - 1.1 The International Registry may include a closing facility permitting an authenticated 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 For the purposes of this Appendix, any reference to an authenticated entity shall include any administrators appointed by it but an authenticated entity shall not include a government entity, and administrator shall not include the administrator of a government entity.
 - 1.3 Any folders created in the closing facility are 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).
 - 1.4 This Appendix describes the conditions and requirements for establishing a folder in the closing facility, assembling and managing the information required to preposition registrations in a folder, 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 folder in the closing facility**
 - 2.1 An authenticated entity may establish a closing facility folder by following the directions on the International Registry website.
 - 2.2 The authenticated entity who establishes a closing facility folder, referred to in this Appendix as a “coordinating entity”, shall have the responsibilities described in this Appendix.
 - 2.3 Each closing facility folder shall have a unique file number automatically assigned by the International Registry, the “closing facility folder ID”, and authenticated entities may search for a closing facility folder on the International Registry website using the closing facility folder ID.

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

3. Assembling and managing registrations via the closing facility

3.1 The coordinating entity shall be responsible for assembling and managing all the information required to preposition registrations in the closing facility folder. The coordinating entity, and no other persons, will be entitled to enter or modify information in the closing facility folder.

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 folder, 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 folder as “locked”). The locked status of the closing room folder 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 folder has been assembled and that the closing facility folder is available for the consent of each named party, 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 folder has been locked) provide any authenticated entity with “read only” access to such closing facility folder 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 folder is locked, each authenticated entity whose consent, by or on behalf of a named party, to the registrations prepositioned in the closing facility folder is required under these Regulations, shall automatically have read only access to such closing facility folder. The authenticated entities with access rights to the closing facility folder are referred to as the “closing facility participants”.

3.5 A coordinating entity may transfer its rights and responsibilities to another authenticated entity as its replacement. Such a transfer shall take effect when the transferee authenticated 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 folder 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 folder and setting forth the closing facility folder ID;
- (c) stating that the closing facility folder is available for each authenticated 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 folder 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 authenticated 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 An authenticated entity who has declined to give an consent or has revoked an 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 authorisation under which a consent to a prepositioned registration was given, will have the effect of revoking such consent. In order to reverse that action, the authenticated entity must either provide a further consent to such prepositioned registration, or the relevant named party must provide its authorisation to another authenticated 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 folder may be released into the International Registry data base unless all such prepositioned registrations have been consented to by or for each authenticated 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 folder 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 authenticated 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 folder as “unlocked”).
- 5.2 If a closing facility folder is unlocked, all consents to prepositioned registrations will be cancelled automatically, the closing facility folder 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 folder has been unlocked and that the pre-registration report issued with respect to the closing facility folder has lapsed. The coordinating entity may then change the prepositioned registrations and lock the closing facility folder 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 folder 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) days following the date that the closing facility folder is locked, the closing facility folder 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 folder for ten (10) additional 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 After a closing facility folder has been locked, and a release instruction under paragraph 7.1 has been issued, the coordinating entity shall pay the fees in respect of all prepositioned registrations in the closing facility folder.
- 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 folder 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 folder is locked;
- (b) all prepositioned registrations in the closing facility folder have been consented to by or for each authenticated 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 folder 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 folder have been entered into the International Registry data base, the closing facility folder 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 5.21 of these Regulations.

7.5 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 of these Regulations relating to entry points.

© Copyright of the Preparatory Commission regarding the establishment of the International Registry for Railway Rolling Stock according to the Luxembourg Protocol to the Cape Town Convention on International Interests in Mobile Equipment, 2024

Annex 3



www.railworkinggroup.org

Baarerstrasse 96, PO Box 7262, 6302 Zug, Switzerland
Tel: +41 (0)41 760 28 88; email: info@railworkinggroup.org

 [LinkedIn](#)

**The revised proposed draft Regulations and Procedures
for the International Registry for railway rolling stock according to the
Luxembourg Protocol to the Cape Town Convention
(the Luxembourg Rail Protocol)**

A supplemental note

Background

This note is supplemental to our note circulated to Preparatory Commission delegates by OTIF, together with the draft Regulations, on 9th January 2024, comparing the draft of the proposed regulations to the previous 2021 approved draft. In early February, OTIF circulated a draft of the Procedures which are the operational rules for the International Registry.

Our comments hereunder summarise the principal changes in the revised drafts of both documents now being circulated by OTIF, compared to those previously circulated this year to delegates. In each case all the changes are shown in the marked-up version of each document.

The fee schedule, which is referred to in both documents, has been drafted as a stand-alone document and this has been circulated separately.

Analysis of further changes

With the exceptions set out below, the changes to both documents have been essentially to refine some of the terms and general editorial changes without changing the substantive provisions.

A. Changes to the draft Regulations

1. Delegates will see various amendments tightening up the definitions and we have also included three new definitions: "days", "lapse date" and "Registrar discretion" (all into

The Rail Working Group is a not-for-profit association constituted under Swiss law representing a broad cross section of the global railway community.

For a complete list of our members and more about us, please visit our website at www.railworkinggroup.org

EU Transparency Register ID: 958065448312-61.



section 2.1)

2. In section 2.2, we have we ordered the terms into alphabetical order and included a clear definition for "website".
3. In various places, we have introduced a degree of flexibility for the Registrar to set out the modalities, in particular for access to the International Registry.
4. We have now made it clear that all references to a "named party" automatically includes any designated representative of that named party.
5. In section 4.2.2, we have clarified that only a natural person has access to the facilities of the International Registry and in section 4.2.3, we have made it clear where there are restrictions on the rights of a guest user, namely a person that has not been authorised or authenticated by the Registrar.
6. In section 4.7, we have made provision for the Registrar to restrict access to the International Registry where there is abuse (see also below comments in relation to the Procedures).
7. In section 5, we have made substantial, but, in our view, not substantive, changes to sections 5.1, 5.2, 5.4 and 5.5. This was to put the various activities relating to the URVIS identifier in a logical order and to elaborate further on how this system of issuing and allocating URVIS numbers will work.
8. 5.3.1 is a clarification, but an important one. It is clear that registration of an international interest can only be against an URVIS identifier and accordingly priority searches can only be made against an URVIS identifier. The default, and preferred, position is that the URVIS identifier must be marked on the relevant item of railway rolling stock to a minimum standard as set out in the UN Model Rules for permanent marking of railway rolling stock. In very limited circumstances envisaged in article XIV (a) and (b) of the Protocol, the URVIS identifier may not be marked on the item of railway rolling stock, in which case, as long as the Registrar is satisfied that those alternative identifiers are unique, permanently unique and permanently attached to the rolling stock concerned, at least, to the minimum standards set out in the UN Model Rules the Regulations make it clear that this will be permitted.
9. In section 5.4, the Registrar has been given some latitude to decline to allocate URVIS identifiers. The reason for this is to ensure that there is a mechanism to withhold URVIS identifiers where there is an abuse or risk of an abuse.
10. In section 5.8 we have reinstated the mechanism for registering an assignment of an international interest that is not registered. We had thought that we could avoid this complication, but it was pointed out to us that the effect of article 16 of the Convention imposes no conditionality on the registration of an assignment that the subject international interest being assigned is itself registered. However, the rolling stock that is subject to the international interest will still need to have an URVIS identifier since otherwise it would be impossible to search against any such assignment. Sections 5.11



and 5.22 have been correspondingly amended relating to subordination and subrogation, respectively, of an international interest which is which itself is not registered.

11. We have simplified and clarified section 5.20 dealing with publication of the change of name of an authenticated entity. The changes are not substantive but we believe it reads better now.
12. In section 6.2, we have expanded the parties that should receive the notice of the registration of an international interest or notice of a caution registered against the URVIS identifier in the case of a unilateral registration (covering either a registrable nonconsensual right or interest or a pre-existing right or interest).
13. In section 8.4, we have created some more flexibility for the Registrar in relation to an informational search and, on the other hand, made it clear that a self-search may only be carried out by a named party about itself since we recognise that any searches, otherwise, against either a creditor or debtor or could result in a release of commercially sensitive information.
14. Section 14 has been consolidated, taking into account the new definition of fee schedule and the fact that some matters are dealt with in the Procedures. It also makes it clear that the fee schedule sets out the maximum fees and there will be some discretion with the Registrar to reduce fees in certain cases, but it is clear from the Procedures (section 18) that any such discounting cannot be applied on a discriminatory basis.
15. Section 16.7 is a material, but justifiable, change in that it goes into more detail as to the extent of, and limitations to, the Registrar's liability. The basic principle is that if the Registrar exercises its discretion, it should not be liable for doing so unless certain extraordinary conditions apply, such as gross negligence, intentional misconduct, failure to consider documents provided to the Registrar or where a decision of the Registrar was manifestly based on legally irrelevant documents.

B. Changes to the draft Procedures

Amendments to the Procedures are much more limited. To some extent there has been a need to amend the Regulations because the working draft of the Procedures was only finalised after distribution of the draft Regulations in early January. We would however draw your attention to the following:

1. Section 3.7 makes it clear that everything will now be date stamped and time stamped using UTC. We felt that this was necessary since Luxembourg time varies between Central European Time and Central European Summer Time. It was probably implicit that there needed to be a constant time system for recording registered information on the International Registry. But this has now been set out explicitly.
2. Section 3.9 has been substantively fully changed to give more flexibility to the Registrar to temporarily suspend certain International Registry functions if the integrity of the registry is, in the opinion of the Registrar, threatened.



3. Section 9.3 expands further, the right of the Registrar to block access to the facilities of the International Registry, including obtaining an URVIS identifier, if there is abuse of the system. This should be read together with sections 10.4 and 10.5, which gives the Registrar, the ability to obtain more information from a party seeking to acquire an URVIS identifier, and, in the circumstances set out therein, to refuse to issue or allocate an URVIS identifier, and section 17.1 is also correspondingly amended for the same reason.

The remaining changes are either editorial or tightening up on the language, bearing in mind the work that has been done in the interim on specific definitions in the draft Regulations and, in our view, have no substantive effect.

Annex 4

20 February 2024

**International Registry of Interests in Rolling Stock
DRAFT PROCEDURES**

CONTENTS

1.	AUTHORITY (<i>Section 17 of the Regulations</i>).....	2
2.	DEFINITIONS.....	2
3.	OPERATION OF THE INTERNATIONAL REGISTRY (<i>Section 3 of the Regulations</i>)	3
4.	ACCESS TO THE INTERNATIONAL REGISTRY (<i>Section 4 of the Regulations</i>).....	4
5.	APPROVAL OF AN AUTHENTICATED ENTITY AND ADMINISTRATOR	6
6.	DESIGNATED REPRESENTATIVE	6
7.	FUNCTIONS AND OBLIGATIONS OF AN AUTHENTICATED ENTITY.....	7
8.	FUNCTIONS OF AN ADMINISTRATOR OF AN AUTHENTICATED ENTITY	8
9.	REGISTRAR FUNCTIONS	9
10.	URVIS IDENTIFIERS (<i>Section 5 of the Regulations</i>)	10
11.	EFFECTING AND CONSENTING TO REGISTRATIONS (<i>Sections 6 of the Regulations</i>)	10
12.	SEARCHES AND SEARCH RESULTS (<i>Section 8 of the Regulations</i>)	11
13.	HELP DESK AND TECHNICAL SUPPORT (<i>Section 3 of the Regulations</i>).....	11
14.	COMPLAINTS (<i>Section 9 of the Regulations</i>)	12
15.	CLAIMS AGAINST THE REGISTRAR	13
16.	EFFECTIVE DATES (<i>Sections 17, 18 and 20 of the Regulations</i>).....	14
17.	TERMS AND CONDITIONS	14
18.	FEES FOR USING THE INTERNATIONAL REGISTRY (<i>Section 14 of the Regulations</i>)	15
19.	ENTRY POINTS (<i>Section 13 of the Regulations</i>).....	15

DRAFT PROCEDURES

1. AUTHORITY (*Section 17 of the Regulations*)

These Procedures are issued in Bern, Switzerland, on 8th March 2024, by the Supervisory Authority of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock (the “Protocol”), pursuant the Protocol and Section 17 of the Regulations for the International Registry issued by the Supervisory Authority pursuant to the Protocol. The Procedures address administrative matters related to use of the International Registry or otherwise relating to the technical operation and administrative processes of the International Registry. The Procedures supplement, but do not amend or modify, the Regulations and in the event of any conflict between the Regulations and the terms of these Procedures, the Regulations shall prevail.

2. DEFINITIONS

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

- (a) “password or validation credentials” means the information through which a person acquires access to the International Registry;
- (b) “prescribed” when used in these Procedures is a reference to matters prescribed herein and in the relevant terms and conditions.
- (c) “renewal” means a renewal of approval by the Registrar;
- (d) “terms and conditions” has the meaning provided in Section 17 of these Procedures;
- (e) “website” means the website of the International Registry and associated content at the Uniform Resource Locator (URL): www.rollingstockregistry.com or at such other URL as may be agreed with the Supervisory Authority; and
- (f) “in writing” means in written form in English, or such other language as may be agreed between the Registrar and the Supervisory Authority from time to time in accordance with the Regulations, and, where provided or directed to the Registrar, transmitted in accordance with Section 3.

2.2 References to Sections herein are, unless expressly stated to be Sections of the Regulations, are references to Sections in these Procedures and references to fees are references to the corresponding fees set out in the Fee Schedule then applicable.

3. OPERATION OF THE INTERNATIONAL REGISTRY (*Section 3 of the Regulations*)

- 3.1 The Registrar shall operate the International Registry and perform the functions assigned to it by the Convention, the Protocol and the Regulations.
- 3.2 The International Registry can be accessed only by Internet electronic communication using the Internet access point of the website in the prescribed manner.
- 3.3 Any information or correspondence that is to be provided to or is directed to the Registrar or the International Registry shall be transmitted through the facilities of the International Registry referenced in Section 3.2 or in the prescribed manner.
- 3.4 A person applying for use of the facilities of the International Registry shall employ a compatible browser, as specified on the website.
- 3.5 The International Registry shall function initially in the English language only but this shall not preclude the Registrar providing on the website documents and lexicons in other languages.
- 3.6 Information or a document in electronic form is presumed to be received by the International Registry only when it enters the information system of the International Registry established for the purpose of receiving information and documents in an electronic form of the type sent and are capable of being retrieved and processed by the International Registry.
- 3.7 Registrations and searches in the International Registry shall be recorded and displayed on International Registry information and records with reference to Coordinated Universal Time (UTC).
- 3.8 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.
- 3.9 Notwithstanding Section 3.8, if, in the opinion of the Registrar, it is not possible to provide one or more functions of the International Registry due to significant operational, technical or security problems which in the opinion of the Registrar may threaten the integrity of the International Registry, the Registrar may:
- (a) suspend any or all such functions for the period during which, in the opinion of the Registrar, such problems prevail; and
 - (b) terminate, in whole or in part, such suspension of such functions.

- 3.10 Advance notice of any interruption in access, and expected resumption of service, shall, to the maximum extent practicable, be provided via the website.
- 3.11 Decisions of the Registrar referred to in Section 3.9 shall:
- (a) be published on the website as soon as is reasonably possible after they are made;
 - (b) specify the function or functions of the International Registry that have been or are being suspended and the date and time of the suspension; and specify the date and time a suspension is to end.

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

Guest users

- 4.1 Any natural person seeking to have access to the facilities of the International Registry may apply to the Registrar for approval or renewal as a guest user in the prescribed manner. In the application, the natural person shall state:
- (a) the information required by the Regulations, these Procedures and the terms and conditions;
 - (b) the applicant's undertaking to be bound by the conditions set out in Section 4.3.

Authorised users

- 4.2 Any guest user may apply to the Registrar for approval as an authorised user, and any authorised user may apply for renewal as an authorised user in the prescribed manner. In the application, the applicant shall state:
- (a) the information required by the Regulations, these Procedures and terms and conditions;
 - (b) the applicant's undertaking to be bound by the conditions set out in Section 4.3.

Conditions of International Registry user status and approval

- 4.3 Approval or renewal by the Registrar of any registry user and the associated ongoing access to the International Registry is conditional on the registry user:
- (a) complying with the provisions of the Regulations, these Procedures, the terms and conditions, and any amendments thereof made;
 - (b) accepting the system employed by the International Registry for identification and

verification of a person who applies for access to the International Registry;

- (c) keeping secure all passwords or validation credentials of the registry user that allow access to the International Registry;
- (d) keeping the registry user's contact information and electronic address up to date with the International Registry in the prescribed manner;
- (e) promptly notifying the Registrar of any information of which the registry user has knowledge that could reasonably be expected to result in unauthorised access to and use of the International Registry, including but not limited to compromise of the registry user's electronic identity or access rights; and
- (f) paying or arranging for and ensuring payment of the fees together with any applicable tax if required by law, using only payment methods that are permitted by the Registrar.

4.4 If a password or any additional validated credentials of a registry user are entered incorrectly, the Registrar may, after one or more failed attempts by a person to enter the correct registry user password or credential, deny access to the facilities of the International Registry by that person, and the registry user whose password or credentials were entered incorrectly will be blocked from and denied access to the facilities of the International Registry until the matter has been resolved as required by the Registrar in its sole discretion or in the prescribed manner.

Facilities of the International Registry

4.5 The following shall be in the form or include information prescribed by, and subject to, the applicable terms and conditions, or be in the form of submission required by the website:

- (a) any application
 - (i) to effect a registration;
 - (ii) to obtain a search of the International Registry;
 - (iii) to obtain approvals and authorisations required to access the International Registry;
 - (iv) to make renew, or revoke an appointment;
 - (v) to obtain an URVIS identifier; or
 - (vi) to inform or make a request of the Registrar in relation to any other matter;
- (b) any matter respecting the operation or use of the closing facility;
- (c) contact information or identity information; or

(d) information that may be prescribed for the purposes of Section 4.1.5 of the Regulations.

4.6 A request to change electronic contact details of an authenticated entity or authorised user shall be sent to the Registrar in the prescribed manner. The Registrar shall notify the person making the request as soon as is practicable after the Registrar has concluded whether the request is authentic and, at the time of the Registrar's conclusion, will ensure that the International Registry reflects, as the Registrar deems appropriate, any change that the Registrar concludes is authentic.

5. APPROVAL OF AUTHENTICATED ENTITY AND ADMINISTRATOR

5.1 An application for approval of a person as an authenticated entity as mentioned in Section 4 of the Regulations shall:

(a) be submitted by an authorised user acting on behalf of the person seeking approval as an authenticated entity in the prescribed manner;

(b) provide, in the prescribed manner, confirmation that the authorised user submitting the application has authority to act and submit the application on behalf of the person seeking approval as an authenticated entity;

(c) name one or more authorised users in the prescribed manner to act as administrator(s) with authority to act on behalf of the person seeking approval as an authenticated entity after that person is approved as an authenticated entity;

(d) provide, in the prescribed manner, confirmation that the proposed administrator is authorized to act on behalf of the person seeking approval as an authenticated entity after that person is approved as an authenticated entity; and

(e) specify the privileges of the administrator(s) in the prescribed manner.

5.2 An application by an authenticated entity for renewal as an authenticated entity shall affirm that the information for the authenticated entity associated with any prior approval by the Registrar of the authenticated entity continues to be accurate or shall provide updated information and shall include any other prescribed information.

6. DESIGNATED REPRESENTATIVE

6.1 A named party may identify a designated representative in the prescribed manner.

7. FUNCTIONS AND OBLIGATIONS OF AUTHENTICATED ENTITY

7.1 Approval or renewal by the Registrar of authenticated entity is conditional on the person seeking approval as an authenticated entity or applying for renewal, as the case may be:

- (a) complying with the Regulations, these Procedures, and the terms and conditions, and any amendments thereof made;
- (b) accepting the system employed by the International Registry for identification and verification that is required as a condition of approval of the authenticated entity;
- (c) selecting and appointing one or more administrators in the prescribed manner and, for each appointed administrator:
 - (i) specifying, in the prescribed manner, the privileges of that administrator; and
 - (ii) ensuring the administrator(s) abides by the Regulations, these Procedures and terms and conditions;
- (d) ensuring that any administrator no longer authorised to act on behalf the authenticated entity is promptly removed as an administrator and the appointment of the administrator is revoked in the prescribed manner;
- (e) having responsibility for all actions of its administrator(s) taken in relation to the International Registry, which shall be deemed to have been authorised by that authenticated entity while that entity is appointed as an administrator and until that administrator is removed and the administrator's appointment as an administrator is revoked by the authenticated entity in the prescribed manner, including but not limited to keeping secure all passwords or validation credentials of its administrators that allow access to the International Registry;
- (f) promptly notifying the Registrar of any information of which the authenticated entity has knowledge that could reasonably be expected to result in unauthorized access to and use of the International Registry, including but not limited to compromise of authenticated entity or any of its administrators;
- (g) ensuring payment of the fees together with any applicable tax if required by law, using only payment methods that are permitted by the Registrar; and
- (h) ensuring the accuracy of the data transmitted to the International Registry on its behalf.

7.2 Until an administrator is removed and the appointment of the administrator is revoked in the prescribed manner by the person or authenticated entity that appointed the administrator:

- (a) the Registrar may rely upon and has no obligation to verify the validity or continuing authority of an appointed administrator to act on behalf of an authenticated entity; and
- (b) reliance by the Registrar on the actions of an appointed administrator, where revocation of its authority has not been notified to the Registrar in the prescribed manner, will not result in liability or an error or omission of the Registrar.

8. FUNCTIONS OF ADMINISTRATOR OF AN AUTHENTICATED ENTITY

8.1 Where an administrator has, in the prescribed manner, been assigned the privilege of appointing additional administrators for an authenticated entity, that administrator shall also have the authority to:

- (a) with respect to any other appointed administrator for that authenticated entity, assign, in the prescribed manner, the privilege of appointing additional administrators; and
- (b) remove or revoke in the prescribed manner, the appointment of any administrator for that authenticated entity.

8.2 An administrator shall, for the authenticated entity for whom the administrator acts:

- (a) keep the authenticated entity's registered contact information and electronic address up to date with the International Registry in the prescribed manner; and
- (b) where the administrator has been assigned the privilege of appointing additional administrators for that authenticated entity:
 - (i) ensure that each authorised user it appoints as an additional administrator for that authenticated entity keeps its registered electronic address and other details up to date with the International Registry in the prescribed manner;
 - (ii) promptly remove and revoke the approval of an administrator in the event that administrator is no longer authorised to act on behalf of the authenticated entity.

9. REGISTRAR FUNCTIONS

- 9.1 The Registrar shall issue an approval or denial of an application for approval or renewal of a registry user or an authenticated entity as soon as is practicable.
- 9.2 The Registrar may, in its sole discretion, refuse to approve an application by any person for approval or renewal as a registry user or an authenticated entity. Refusal of an application shall not prevent a person from making a subsequent application for approval or renewal. When the Registrar has refused to approve an application for approval or renewal as a registry user or an authenticated entity, the Registrar shall, if requested in writing by the person whose approval or renewal was refused, specify in writing to that person the reasons for the refusal.
- 9.3 The Registrar may suspend or revoke approval or renewal, or remove, limit, disable, or block any person from access to the facilities of the International Registry or from obtaining an URVIS identifier as the Registrar, in the Registrar's sole discretion deems necessary, including:
- (a) where, in the Registrar's opinion there has been, or may be, or there exists a risk of fraudulent registrations or other misuse, including the misuse of information referred to in Section 3.6-3.7 of the Regulations or misuse of any URVIS identifier;
 - (b) where there is a security breach that is expected to result in unauthorized registrations or access to the International Registry;
 - (c) where the renewal of the registry user or authenticated entity is not completed, or the URVIS identifier is not obtained or used, in accordance with the Regulations, these Procedures and terms and conditions;
 - (d) where the costs referred to in Section 5.6(g) or 5.12(g) of the Regulations are not paid within 21 days following a demand by the Registrar for such payment; or
 - (e) refusal by the Registrar to permit the following:
 - (i) an automated search; or
 - (ii) a search relating to a large volume of registration information that has, or could have, a material adverse effect on the efficient operation of the International Registry.
- 9.4 The Registrar may make such investigation as it considers necessary in connection with use of the International Registry by any person. A person subject to the investigation shall provide full cooperation with the Registrar and shall promptly provide all information and documentation requested by the Registrar.

10. URVIS IDENTIFIERS (*Section 5 of the Regulations*)

- 10.1 A person adopting or revoking the Model Rules by way of declaration or deemed by applicable law to have adopted or to have withdrawn adoption of the Model Rules in accordance with Article 4.2 of the Model Rules shall notify the Registrar of such adoption or withdrawal of adoption in the prescribed manner.
- 10.2 All applicable fees and taxes payable for purchase of an URVIS identifier shall be paid at the time of issuance of the URVIS identifier and when paid are not refundable.
- 10.3 The Registrar may appoint a third party to distribute URVIS identifiers in accordance with the Regulations and in the prescribed manner.
- 10.4 The Registrar may prescribe or require the provision of identity information or other information by any person seeking to obtain or who has obtained an URVIS identifier.
- 10.5 The Registrar may refuse to issue or allocate an URVIS identifier to any person due to non-compliance with Section 10.4 or in circumstances contemplated by Section 9.3.

11. EFFECTING AND CONSENTING TO REGISTRATIONS (*Section 6 of the Regulations*)

- 11.1 An application to effect a registration shall be made in the prescribed manner.
- 11.2 Each named party required to consent under Article 20 of the Convention shall be electronically requested to consent thereto in the prescribed manner prior to a registration, amendment, discharge, or transfer of the right to consent to a discharge, being effected in the International Registry. Once all the required information is submitted to the International Registry, each person whose consent is required as provided in the Regulations and who is identified in the submission:
- (a) will be notified electronically by the Registrar; and
 - (b) shall be given the opportunity to consent thereto, through the website, in the prescribed manner, for a period of 36 hours following such notification or such other period as may be prescribed.

In the event that a person whose consent is required as provided in the Regulations fails to give its consent within the required 36-hour period or such other period as may be prescribed, the application for registration, amendment, discharge, or transfer of the right

to consent to a discharge, will not result in a registration and will be returned to the applicant and will have no effect in the International Registry.

- 11.3 Upon receipt of all consents required under Article 20 of the Convention and applicable fees, the International Registry shall effect the registration and issue confirmation thereof in the prescribed manner to all parties entitled to receive a confirmation thereof under Section 6 of the Regulations.
- 11.4 Any applications for registration that are returned in accordance with Section 11.2 shall not appear in any search result.

12. SEARCHES AND SEARCH RESULTS (*Section 8 of the Regulations*)

- 12.1 Any registry user or authenticated entity may conduct a search of the International Registry in the prescribed manner.
- 12.2 Any data provided by the International Registry other than by a priority search certificate do not provide the basis for establishing or determining rights of any person under the Convention or Protocol or otherwise.
- 12.3 When a priority search certificate is requested, a priority search certificate will be issued in the prescribed manner and made available to the searching person. A priority search certificate that is not issued by the International Registry in the prescribed form is not valid.

13. HELP DESK AND TECHNICAL SUPPORT (*Section 3 of the Regulations*)

- 13.1 The normal business hours of the International Registry shall be as prescribed and set out on the website.
- 13.2 A person may access the technical support function of the International Registry by contacting the help desk by the means specified on the website. The “help” pages of the website and email communication should be used whenever possible. A person communicating with the help desk shall:
- (a) specify the nature of the problem or question;
 - (b) provide the natural person’s full name and, when applicable, the name of any other person, including an entity or company, for which the person is acting;
 - (c) identify the type of user and role of such person is (e.g. guest user, authorised user, authenticated entity, designated representative, administrator, named party, etc.); and

- (d) provide a contact email address or telephone number.
- 13.3 The Registrar may, to the extent consistent with applicable privacy law, verify the identity of all persons referred to in Section 13.2 and log and record communications with the help desk.
- 13.4 The hours of operation of the help desk will apply subject to exceptions thereto, such as where precluded by maintenance performed outside peak periods, or technical or security exceptions. Notice of interruption and resumption of access to the help desk and its services will be as provided by the Registrar on the website or such other manner determined by the Registrar.
- 13.5 Response times to requests for help desk assistance will depend on demand.
- 13.6 The help desk will not provide support, advice or information concerning:
- (a) a person's computer or network system, internet access, including its connectivity and performance or web browser;
 - (b) legal matters; or
 - (c) system security policies.

14. COMPLAINTS (Section 9 of the Regulations)

- 14.1 A person may submit a complaint to the Registrar as provided in Sections 9.1-9.4 of the Regulations in writing.
- 14.2 A complaint shall include a statement in writing containing full details of the facts giving rise to the complaint.
- 14.3 The Registrar shall acknowledge the complaint, and, if appropriate, seek further information, within 15 days of receipt of the complaint.
- 14.4 The Registrar shall respond to the complaint or state why it is not able to do so, within 15 days of receipt of the complaint or, within 15 days of receipt by the Registrar of any further information sought by the Registrar under Section 14.3. The Registrar shall transmit a copy of the complaint and its reply to the Supervisory Authority.
- 14.5 Where a complaint is made under Section 9.1 of the Regulations
- (a) if, within 30 calendar days of receiving a response from the Registrar, the person does not consider that the complaint 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 to the address for the Supervisory Authority listed on the website;

- (b) if the Supervisory Authority determines that changes to the Procedures or any other documentation of the International Registry is appropriate, it will instruct the Registrar to make such changes.

15. CLAIMS AGAINST THE REGISTRAR

- 15.1 All claims against the Registrar alleging liability of the Registrar as provided in Article 28 of the Convention and Article XV(5) of the Protocol shall be notified in writing to the Registrar by email to registrar@rollingstockregistry.com or such other address as may be prescribed within three (3) months of the claimant becoming aware of the existence of the claim.
- 15.2 A claim notification mentioned in Section 15.1 shall include a written statement containing full details of the facts giving rise to the claim.
- 15.3 All claims shall be subject to a consultation period during which the claimant and the Registrar must attempt in good faith 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 may 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 and Article XV(5) of the Protocol.
- 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.

16. EFFECTIVE DATES (*Sections 17, 18 and 20 of the Regulations*)

- 16.1 In accordance with Section 17.1 of the Regulations, these Procedures may only be amended with the prior consent of the Supervisory Authority. The authentic version of amendments to these Procedures approved by the Supervisory Authority shall be published on the website and in an official publication of the Supervisory Authority.
- 16.2 Any amendments to these Procedures, other than interim modifications as permitted by Section 17.1 of the Regulations, shall take effect one calendar month after the date of their publication on the website unless otherwise determined by the Supervisory Authority.
- 16.3 Interim modifications as permitted in Section 17.1 of the Regulations shall take effect on the date of their publication on the website or such other manner of publication with the prior consent of the Supervisory Authority.

17. TERMS AND CONDITIONS

- 17.1 The Registrar may promulgate terms and conditions that supplement these Procedures including:
- (a) relating to access to and the operation of the International Registry;
 - (b) respecting the issuance or allocation of URVIS identifiers;
 - (c) defining any term in a manner that is not inconsistent with and that is not otherwise defined in the Regulations or these Procedures;
 - (b) prescribing forms.
- 17.2 Terms and conditions do not amend or otherwise modify these Procedures and in the event of any conflict between the provisions of these Procedures and the terms and conditions, the provisions of these Procedures shall prevail.
- 17.3 Terms and conditions and amendments thereto shall be published on the website unless the Registrar concludes that emergency circumstances warrant some other manner of publication to be determined by the Registrar.
- 17.4 An amendment shall take effect 7 days after it has been published, unless the Registrar concludes that emergency circumstances warrant a shorter period of time.

18. FEES FOR USING THE INTERNATIONAL REGISTRY (*Section 14 of the Regulations*)

- 18.1 The Registrar shall charge the fees for the services it provides in accordance with the fee schedule together with any amounts payable pursuant to Section 14.2 of the Regulations and any applicable taxes or duties thereon, in accordance with the terms and conditions.
- 18.2 The fees are the maximum fees chargeable by the Registrar. Nothing herein shall preclude the Registrar, in its sole discretion, charging fees less than those stated in the fee schedule as long as any reductions are applied on a non-discriminatory basis.
- 18.3 The Registrar may collect and process data necessary to comply with applicable law relating to the taxation of fees paid for International Registry services.
- 18.4 All applicable fees and taxes shall be paid at the time of any application or submission to the Registrar and when paid are not refundable.
- 18.5 Any application for approval as a registry user or as an authenticated entity for the first time will require payment of the applicable approval fees, after which the registry user or authenticated entity will have access to the facilities of the International Registry for a twelve (12) month period and following the expiration of which the registry user or authenticated entity shall apply for renewal in the prescribed manner.
- 18.6 Upon expiry of each twelve (12) month period following approval of a registry user or an authenticated entity, any annual application for renewal of a registry user or an authenticated entity will require payment of the applicable fees for the renewal.
- 18.7 The Registrar may, in its sole discretion, refuse to provide a renewal and require any previously approved registry user or authenticated entity to submit a new application for approval as a registry user or authenticated entity, as the case may be, for which the applicable approval fee will be charged.
- 18.8 When a single application or submission relates to more than one item of railway rolling stock, unless otherwise identified in the Fee Schedule, the fee is charged in relation to each item of railway rolling stock identified in the submission.
- 18.9 A priority search certificate fee is payable for each URVIS identifier included in a priority search certificate.

19. ENTRY POINTS (*Section 13 of the Regulations*)

- 19.1 The arrangements referred to in Section 13.6 of the Regulations shall be as set out in the relevant terms and conditions.

© Copyright of the Preparatory Commission regarding the establishment of the International Registry for Railway Rolling Stock according to the Luxembourg Protocol to the Cape Town Convention on International Interests in Mobile Equipment, 2024.