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Draft Technical Legislative Guide on the Implementation of a Security Rights Registry: Annex II, Examples of Registry Forms

Note by the Secretariat

Addendum

The Working Group may wish to consider the examples of registry forms contained in this note. The examples are presented as annex II of the draft Technical Legislative Guide on the Implementation of a Security Rights Registry, following annex I on terminology and recommendations. The Working Group may wish to consider whether examples of other forms should also be prepared (for example, schedules for entering additional information).



REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF INITIAL NOTICE
(FORM A)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

[Time of effectiveness of the registration:(dd).....(mm).....(yyyy).....(hour)*

REGISTRATION NUMBER]¹

A. GRANTOR INFORMATION

1. NATURAL PERSON

...../...../...../

Family Name

First Given Name

Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

2. LEGAL PERSON OR OTHER ENTITY

NAME.....

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS

3. INDICATE IF THE GRANTOR IS²

... an insolvent person

... a syndicate or joint venture

... a named trust or estate

[... an entity other than those mentioned above]

* In digits.

¹ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

² Note to the Working Group: The Working Group may wish to note that this part reflects the special cases dealt with in recommendation 26.

4. ADDITIONAL GRANTOR (if applicable)

(a) NATURAL PERSON

NAME:/...../...../

Family Name

First Given Name

Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL).....

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS).....

(b) LEGAL PERSON OR OTHER ENTITY

NAME

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

(c) INDICATE IF THE GRANTOR IS

... an insolvent person

... a syndicate or joint venture

... a named trust or estate

[... an entity other than those mentioned above]

B. SECURED CREDITOR INFORMATION

1. NATURAL PERSON

...../...../...../

Family Name

First Given Name

Second Given Name

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

2. LEGAL PERSON OR OTHER ENTITY

NAME.....

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS).....

3. ADDITIONAL SECURED CREDITOR (if applicable)

(a) NATURAL PERSON

NAME:...../...../...../

Family Name

First Given Name

Second Given Name

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

(b) LEGAL PERSON OR OTHER ENTITY

NAME

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

C. DESCRIPTION OF ENCUMBERED ASSETS

1. GENERAL

2. SERIAL NUMBER (OPTIONAL)

[D. PERIOD OF EFFECTIVENESS OF REGISTRATION(dd) (mm) (yyyy)]*³**[E. MAXIMUM AMOUNT FOR WHICH SECURITY RIGHT IS ENFORCEABLE]⁴*****F. ADDITIONAL INFORMATION (OPTIONAL)****G. INDICATE IF THE REGISTRATION IS TRANSITIONAL, THE INDEXING CRITERION IN THE PRIOR REGISTRY AND THE DATE AND TIME OF EFFECTIVENESS OF THE REGISTRATION**

[Note to the Working Group: The Working Group may wish to note that part G has been added to address transitional registrations. It is meant to preserve continuity of third-party effectiveness from the prior date of registration as contemplated by the transitional provisions that result in the application of the new law to existing security rights (see Secured Transactions Guide, rec. 231). Preserving the old data allows verification of the existence and date of registration under the old law in the event of a dispute and providing for the indication that this is a transitional registration ensures searchers know that the effective third-party effectiveness date is prior in time. The Working Group may wish to consider that it may not be worth going any further to deal with migration of data, taking into account that such migration may not be worth the cost and trouble, since old systems are typically document-registration systems and the registry might incur liability if does not extract the right information from the old records in entering it into the new registry record. A transitional registration puts the burden on the registrant to make the indication, which is a more efficient approach, and third parties can obtain verification from the old records if there is a dispute, which is rare. It should also be noted that old registry records may no longer be publicly searchable and records might be searchable only by registry staff if there is a request, which is also rare.]

³ If the enacting State has chosen option B or C in recommendation 13 (see *Secured Transactions Guide*, recommendation 69).

⁴ If the secured transactions law of the enacting State requires it (see *Secured Transactions Guide*, recommendation 57, subpara. (d)).

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF AMENDMENT NOTICE
(FORM B)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

SELECT ONE OR MORE OF THE FOLLOWING:

- Add or delete a grantor or change/edit grantor information
- Add or delete a secured creditor or change/edit secured creditor information
- Add or delete an encumbered asset or change/edit the description of encumbered assets (including adding a description of assets that are proceeds of the original encumbered assets)
- [Extend the period of effectiveness of registration (if the enacting State has specified a universal period of effectiveness of registration or a maximum initial registration period)]
- [Extend or reduce the period of effectiveness of registration (if the enacting State permits secured creditors to specify the period of effectiveness of the registration)]
- [Change the maximum amount for which the security right is enforceable (if the enacting State permits it)]
- Edit secured creditor information in all such notices with a single global amendment

[Time of effectiveness of the registration:.....(dd)....(mm).....(yyyy).....(hour)*]⁵

A. REGISTRATION NUMBER OF INITIAL NOTICE.....

B. ADD GRANTOR

1. NATURAL PERSON

...../...../...../.....
Family Name First Given Name Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

* In digits.

⁵ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

2. LEGAL PERSON OR OTHER ENTITY

NAME

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

3. INDICATE IF THE GRANTOR IS

... an insolvent person

... a syndicate or joint venture

... a named trust or estate

[... an entity other than those mentioned above]

C. DELETE GRANTOR

1. NATURAL PERSON

NAME:

...../...../...../

Family Name

First Given Name

Second Given Name

2. LEGAL PERSON OR OTHER ENTITY

NAME

3. INDICATE IF THE GRANTOR IS

... an insolvent person

... a syndicate or joint venture

... a named trust or estate

[... an entity other than those mentioned above]

D. CHANGE OF GRANTOR INFORMATION

1. NATURAL PERSON

NAME:...../...../...../

Family Name

First Given Name

Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

.....

2. LEGAL PERSON OR OTHER ENTITY

NAME

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

3. INDICATE IF THE GRANTOR IS

... an insolvent person

... a syndicate or joint venture

... a named trust or estate

[... an entity other than those mentioned above]

E. ADD SECURED CREDITOR

1. NATURAL PERSON

...../...../.....

Family Name

First Given Name

Second Given Name

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

2. LEGAL PERSON OR OTHER ENTITY

NAME.....

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS).....

F. DELETE SECURED CREDITOR

1. NATURAL PERSON

...../...../.....

Family Name

First Given Name

Second Given Name

2. LEGAL PERSON OR OTHER ENTITY

NAME

G. CHANGE SECURED CREDITOR INFORMATION

1. NATURAL PERSON

...../...../.....

Family Name

First Given Name

Second Given Name

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS).....

2. LEGAL PERSON OR OTHER ENTITY

NAME.....

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)
.....

H. ADDITION, DELETION OR OTHER CHANGE OF DESCRIPTION OF ENCUMBERED ASSETS

.....

[I. EXTEND PERIOD OF EFFECTIVENESS OF REGISTRATION (if the enacting State has specified a statutory period)*]

[J. EXTEND OR REDUCE PERIOD OF EFFECTIVENESS OF REGISTRATION (if the enacting State permits secured creditors to specify the duration of the registration) ____ (dd) ____ (mm) ____ (yyyy)*]

[K. CHANGE MAXIMUM AMOUNT FOR WHICH SECURITY RIGHT MAY BE ENFORCED]*

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF MANDATORY AMENDMENT NOTICE
(FORM C)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

[Time of effectiveness of the registration:(dd).....(mm).....(yyyy).....(hour)*]⁶

A. REGISTRATION NUMBER OF INITIAL NOTICE

B. ADD OR DELETE INFORMATION PURSUANT TO AN ORDER OF A JUDICIAL OR ADMINISTRATIVE AUTHORITY

.....

C. PERSON SUBMITTING AN AMENDMENT NOTICE PURSUANT TO A JUDICIAL OR ADMINISTRATIVE ORDER

NAME OF PERSON

TITLE

NAME OF JUDICIAL OR ADMINISTRATIVE AUTHORITY

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

D. ATTACH JUDICIAL OR ADMINISTRATIVE ORDER

* In digits.

⁶ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF CANCELLATION NOTICE
(FORM D)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

[Time of effectiveness of the registration:(dd)....(mm).....(yyyy).....(hour)*]⁷

A. REGISTRATION NUMBER OF INITIAL NOTICE.....

* In digits.

⁷ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF MANDATORY CANCELLATION NOTICE
(FORM E)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

[Time of effectiveness of the registration:(dd).....(mm).....(yyyy).....(hour)*]⁸

A. REGISTRATION NUMBER OF INITIAL NOTICE

B. PERSON SUBMITTING A CANCELLATION NOTICE PURSUANT TO A JUDICIAL OR ADMINISTRATIVE ORDER

NAME OF PERSON

TITLE

NAME OF JUDICIAL OR ADMINISTRATIVE AUTHORITY

ADDRESS (STREET ADDRESS, P.O. BOX, ELECTRONIC ADDRESS OR OTHER ADDRESS)

C. ATTACH JUDICIAL OR ADMINISTRATIVE ORDER

* In digits.

⁸ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS

EXAMPLE OF SEARCH REQUEST FORM

(FORM F)

IT IS THE SEARCHER'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND ENTERED IN THE DESIGNATED FIELD OF THE NOTICE IN A LEGIBLE MANNER.

[Time of effectiveness of the registration:(dd)....(mm).....(yyyy).....(hour)*]⁹

A. GRANTOR INFORMATION

1. NATURAL PERSON

...../...../...../
Family Name First Given Name Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

2. LEGAL PERSON OR OTHER ENTITY

NAME

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

3. ADDITIONAL GRANTOR (if applicable)

(a) NATURAL PERSON

NAME:...../...../...../
Family Name First Given Name Second Given Name

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

(b) LEGAL PERSON OR OTHER ENTITY

NAME

ADDITIONAL GRANTOR INFORMATION (OPTIONAL)

B. REGISTRATION NUMBER OF INITIAL NOTICE.....

* In digits.

⁹ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS

EXAMPLE OF A SEARCH RESULT¹⁰

(FORM G)

A. THE SEARCH WAS PERFORMED ON (dd)/..... (mm)/..... (yyyy).*

B. THE FOLLOWING NOTICES WERE FOUND:

.....

C. NO NOTICES WERE FOUND.

¹⁰ To be allocated by the registry. In an e-registry, a search certificate will be a printable version of the search result.

REGISTRY OF SECURITY RIGHTS IN MOVABLE ASSETS
EXAMPLE OF REJECTION OF A REGISTRATION OR SEARCH REQUEST
(FORM H)

[.....(dd).....(mm).....(yyyy).....(hour)]¹¹

A. THE REGISTRATION OF THE NOTICE IS REJECTED BECAUSE:

1. In the case of an initial notice, it failed to provide in a legible manner in the designated field:
 - (a) The identifier and address of the grantor,
 - (b) The identifier and address of the secured creditor or its representative,
 - (c) The description of the encumbered assets,
 - (d) [The period of effectiveness of the registration],
 - (e) [The maximum monetary amount for which the security right may be enforced].
2. In the case of an amendment notice, it failed to provide in a legible manner in the designated field:
 - (a) The registration number of the registered notice to which the amendment relates,
 - (b) If information is to be added, the additional information,
 - (c) If information is to be changed, the changed information.
3. In the case of a cancellation notice, it failed to provide in a legible manner in the designated field the registration number.

B. THE SEARCH REQUEST IS REJECTED BECAUSE IT FAILED TO PROVIDE IN A LEGIBLE MANNER IN THE DESIGNATED FIELD:

1. The grantor identifier or
2. The registration number.

¹¹ To be allocated by the registry. In the case of an electronic registry, this information is automatically generated.