

**REGULATIONS FOR THE INTERNATIONAL REGISTRY OF INTERESTS IN  
ROLLING STOCK**

**FIRST EDITION - 2024**

# 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)

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## **Section 1 AUTHORITY**

These Regulations are issued by the Supervisory Authority pursuant to Article 17(2)(d) of the *Convention on International Interests in Mobile Equipment* ("Convention") and are authorised by the *Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock* ("Protocol").

## **Section 2 DEFINITIONS**

- 2.1 Terms defined in the Convention and the Protocol shall have the same meanings in these Regulations. In addition, the following terms shall have the meanings set out below:
- 2.1.1 “administrator” means 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 or trustee, 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 requirement in Section 5.3(c) is, 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:

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

as appropriate, 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 a registrable interest but 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).

An assignment of an interest that is neither a registered nor a registrable interest may not be registered.

### **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 benefitting from the subordination is a registrable interest but 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.

A subordination of an interest that is neither a registered nor a registrable interest may not be registered.

### **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 a registrable interest but 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.

A subrogation of an interest that is neither a registered nor a registrable interest may not be registered.

### **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 a 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.

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## 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.