



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

**PREPARATORY COMMISSION FOR THE
ESTABLISHMENT OF THE INTERNATIONAL REGISTRY
FOR MAC EQUIPMENT PURSUANT TO THE MAC
PROTOCOL**

***First session (remote)*
Rome, 21-22 May 2020**

EN

UNIDROIT 2020
MACPC/1/Doc. 6
Original: English
May 2020

DRAFT SPACE REGULATIONS FOR THE INTERNATIONAL REGISTRY



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**PREPARATORY COMMISSION FOR THE ESTABLISH-
MENT OF THE INTERNATIONAL REGISTRY FOR SPACE
ASSETS PURSUANT TO THE SPACE PROTOCOL**

Fourth session
Rome, 10-11 December 2015

UNIDROIT 2015
Prep. Comm. Space/4/Doc. 6 rev. 2
Original: English
December 2015

**SPACE REGISTRY REGULATIONS
AS APPROVED BY THE PREPARATORY COMMISSION AT ITS FOURTH SESSION
(11 DECEMBER 2015)**

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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**, signed at Cape Town on 16 November 2001 (the "Convention") and Article XXIX of the **Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets**, signed in Berlin on 9 March 2012 (the "Protocol").

Section 2 DEFINITIONS

2.1 Terms defined in the Convention and the Protocol shall have the same meanings in these Regulations. In addition, the following terms shall have the meanings set out below:

2.1.1 "Administrator" means the person with authority to act on behalf of a registry user entity on administrative matters in dealings with the International Registry, and includes his/her acting administrator to whom he/she has delegated his/her powers in accordance with Section 4.1.

2.1.2 "Amendment", unless the context suggests otherwise, means any change in registered information, including any change in the lapse date of a registration, but does not include assignment, subrogation or subordination.

2.1.3 "Authorization" means an electronic authorization given by the administrator of a transacting user entity to one of its transacting users or to a professional user to transmit information to the International Registry to effect or consent to a registration on behalf of that transacting user entity.

2.1.4 "Authorizing entry point" means an entity designated by a Contracting State as contemplated by Section 12.1 (a).

2.1.5 "Consent" means an electronic consent to a registration.

2.1.6 "Contact information" means, with respect to the entity or natural person to whom such information relates, such entity's or natural person's name, telephone number, electronic address and, in the case of an entity or a natural person who elects to designate a contact person, the name of such entity's or natural person's contact person and such contact person's telephone number and electronic address (if different from that of the entity or natural person).

2.1.7 [Omitted]

2.1.8 "Direct entry point" means an entity designated by a Contracting State as contemplated by Section 12.1 (b), and a "direct entry point user" means an official, employee, member or partner of a direct entry point.

2.1.9 "Entry point" means an entity designated by a Contracting State as contemplated by Section 12.1.

2.1.10 "Identity information" means the following in respect of the entity or natural person for whom the identifying information is sought:

- (a) the name, principal physical address, and date of birth for a natural person;

(b) the name, state of incorporation or formation, and principal physical business address for an entity; and

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

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

2.1.12 "Professional user entity" means a firm or other grouping of persons (such as an internal legal department of a transacting user entity) providing professional services to transacting user entities in connection with the transmission, to the International Registry, of information relating to registrations, and a "professional user" means an individual employee, member or partner of a professional user entity.

2.1.12 *bis* "Pre-Convention interest" means a sale or an interest equivalent to an international interest made or arising before the effective date of the Convention, as defined in Article XL of the Protocol, and registrable under Article XVII(3) of the Protocol.

2.1.13 "Registered information" means the information required to effect a registration of an international interest in space assets referred to in paragraph (c) of Section 5.3 or a registration of a creditor's notice referred to in paragraph (d) Section 5.3. The name and the electronic signature of the registering person, and the contact information of the persons to which the International Registry is required to send notices pursuant to Section 6, shall not be regarded as registered information.

2.1.14 "Registration" means an interest electronically registered with the International Registry. For the purposes of Sections 4.4, 5.18, 6 and 12.4, the term has the extended meaning set out in Section 6.1. A "registering person" means the transacting user, professional user or direct entry point user transmitting information to the International Registry to effect a registration.

2.1.15 "Registry user entity" means:

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

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

2.1.15 *bis* "Space asset" means any man-made uniquely identifiable asset in space or designed to be launched into space, and comprising:

- (a) a spacecraft;
- (b) a payload (whether telecommunications, navigation, observation, scientific or otherwise); or
- (c) a part of a spacecraft or payload.

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

2.1.17 "State of registry" means, for the purposes of Section 5.7.4, a Contracting State where a space asset, when not on Earth, is deemed located under Article I(3) of the Protocol.

2.1.18 "Transacting user entity" means a legal entity, natural person or more than one of the foregoing acting jointly intending to be a named party in one or more registrations, and a "transacting user" means an individual employee, member or partner of a transacting user entity or an affiliate of that entity.

2.2 The term or terms:

(a) "International Registry Procedures" (the "Procedures"), has the meaning set out in Section 15.1; and

(b) "priority search", "priority search certificate", "informational search", "informational search listing", "Contracting State search", "Contracting State search certificate" and "registry user entity search" have the meanings set out in Section 7.

Section 3 GENERAL PROVISIONS

3.1 The International Registry is established as the facility for effecting and searching registrations under the Convention and the Protocol.

3.1 *bis* Registration may be effected in respect of a space asset for which a unique identification number has been issued pursuant to Annex 2.

3.2 Since the International Registry merely provides notice of registrations, the facts underlying any such registration or registered interest shall determine whether it falls within the scope of the Convention or the Protocol. Without limiting the foregoing, while there will be no technical impediment to the registration of pre-existing rights and interests, such registrations shall have no legal effect under the Convention and the Protocol, except as provided by Article XVII(3) of the Protocol. The contents of this Section 3.2 shall be prominently displayed by the International Registry as a general cautionary note.¹

3.3 The Registrar shall perform the functions specified in the Convention, the Protocol, these Regulations and the Procedures.

3.4 The International Registry shall be accessible 24 hours a day, 7 days a week, except if precluded by maintenance performed outside peak periods, or technical or security problems, as set out in the Procedures.²

3.5 Technical support shall be provided to registering persons, searching persons and administrators by a help desk of the International Registry, which shall be available as set out in the Procedures.³

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.

¹ The Draft Rail Regs add "on its website". It can be specified, if needed, in the Procedures.

² The Draft Rail Regs add a sentence on the language of the Registry, which is covered in Section 7.2 of the Aircraft Registry Procedures. For the Space Registry too this is better placed in the Procedures as we do not have sufficient information on the Registrar's facilities and place at this stage.

³ Alternative formulation (in the Draft Rail Regs): "which shall be available during the Registrar's normal business hours (or otherwise as may be agreed between the Supervisory Authority and the Registrar)".

3.7 Information obtained from or through the International Registry about an entity or natural person shall not be used for marketing or promotional purposes or other commercial purposes unrelated to the use of the International Registry.

Section 4

ACCESS TO THE INTERNATIONAL REGISTRY

4.1 No registry user entity or administrator of that entity shall have access to the International Registry unless that entity and administrator are first approved as such by the Registrar and are otherwise in compliance with these Regulations and the Procedures. For the purposes of the preceding sentence, such approval shall be given when the Registrar reasonably concludes, without undertaking specific legal analysis:

(a) that such entity and administrator are who they claim to be; and

(b) on the basis of information submitted, that the latter is entitled to act as administrator of the former;

in each case, following the standards and procedures set out in the Procedures. The foregoing approval requirement is not applicable to a searching person.

In connection with the foregoing and Sections 5, 6 and 7, the Registrar is entitled to collect identity information and contact information from each registry user entity. Each registry user entity may elect to exclude from the information generated by a search under Section 7.6 its physical address and telephone number, and in the case of a natural person, his/her date of birth.

An administrator may from time to time, for periods not exceeding 3 months, electronically delegate his/her powers to an "acting administrator" meeting the requirements of the Procedures.

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

4.2 No registry user shall have access to the International Registry unless that user is first electronically approved as such by the administrator of the subject registry user entity and is otherwise in compliance with these Regulations and the Procedures. No approved registry user shall be entitled to transmit information to the International Registry to effect a registration unless that user has first received authorization to do so. For the purposes of the preceding sentence, such electronic approval and authorization may be given at the sole discretion of the relevant administrator, may be revoked by such administrator at any time, and may be renounced by the registry user at any time.

4.3 [Omitted]

4.4 Subject to these Regulations and in accordance with the Procedures, a registration may only be effected, with an authorization, by a registering person, on behalf of the transacting user entity, which is a named party required or permitted to effect that registration under Article 20 of the Convention and Article IV (1) of the Protocol. A registration or transfer of a right to consent to the discharge of a registration is valid if it is effected by a natural person who has been given the power to do so by a registry user authorized to effect such registration or such transfer of the right to consent to the discharge. The foregoing shall not apply in respect of a registration transmitted by a direct entry point, which shall be made in accordance with Section 12.4.

4.5 A searching person shall comply with these Regulations and the Procedures.

Section 5
INFORMATION REQUIRED TO EFFECT REGISTRATION USE
OF ELECTRONIC INFORMATION

5.1 In order to effect a registration, use of electronic information provided by the International Registry relating to the space asset is mandatory and, where so provided, is the sole means of satisfying the requirements of Section 5.3. For the purposes of the foregoing, "information provided by the International Registry" excludes information submitted in a different format by the registering person. To the extent such information is not so provided at the time the registration data are submitted to the International Registry, it shall be electronically entered by a registering person using the format prescribed in the Procedures, except as regards named parties (other than those whose consent is not required under Sections 5.7.1 and 5.9) because they must be approved transacting user entities.

Documentation and information posted by the Registrar

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

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

5.3 The information required to effect the registration of an international interest, a prospective international interest, a notice of a national interest or a registrable nonconsensual right or interest in a space asset is:

- (a) the electronic signature of the registering person
- (b) the name of each of the named parties
- (c) the following identification information:
 - (i) in the case of a spacecraft, the unique identification number of the spacecraft and, where the spacecraft forms part of another spacecraft, the unique identification number of the other spacecraft;
 - (ii) in the case of a payload the unique identification number of the payload and, if any, of the spacecraft to which the payload is attached;
 - (iii) in the case of a part of a spacecraft or a payload (as defined in Annex 1), the unique identification number of the part and, if any, of the spacecraft or payload to which the part is attached;
- (d) in a creditor's notice under Article XXVII(4) of the Protocol, identification of the space asset to which the notice refers either by reference to the file number of the registration of the relevant right or interest or, if there has been no such registration, in accordance with the requirements of this Section;
- (e) the lapse date of the registration, if the registration is to lapse prior to the filing of a discharge;

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

(g) the electronic addresses of the persons to which the International Registry is required to send information notices pursuant to Section 6;

(h) 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.

Unique identification file

5.3 *bis* The Registrar shall record in a file ("unique identification file") for each space asset for which a unique identification number has been issued under paragraph 3 of Annex 2:

(a) that number;

(b) any information provided under paragraph 2 of Annex 2 on the basis of which that number was issued;

(c) details of any registrations under Section 5.3(c) referring to that number; and

(d) any additional identification information within Annex 1 provided under Section 5.11 *bis*.

Registration of a sale or prospective sale

5.4 The information required to effect the registration of a sale or a prospective sale is:

(a) the information referred to in paragraphs (a), (b), (c) and (g) of Section 5.3;

(b) the consent of the named parties, given under an authorization; and

in the case of a prospective sale, the lapse date of the registration, if that registration is to lapse prior to the time of a discharge, and the information referred to in paragraph (h) of Section 5.3.

Registration of an assignment

5.5 The information required to effect the registration of the assignment of an international interest, the prospective assignment of an international interest or the assignment of a registrable non-consensual interest is:

(a) the information referred to in paragraphs (a), (b), (c), (g) and (h) of Section 5.3;

(b) the consent of the named parties, given under an authorization;

(c) if the interest being assigned is a registered interest, (i) the file number of the registration relating to that interest (in the case of the initial assignment), or (ii) the file number of the registered assignment by which the assignor acquired its rights in that registered interest (in the case of all subsequent assignments); and

(d) if the interest being assigned is not a registered interest, (i) a description of the interest assigned and the original debtor thereunder, using the format prescribed by the Procedures (in the case of the initial assignment of an unregistered interest), or (ii) the file number of the registered assignment by which the assignor acquired its rights in that registered interest (in the case of all subsequent assignments).

Registration of a block assignment

5.6 The International Registry may provide a facility permitting the registration of all assignments included in a "block assignment registration request". A "block assignment registration request" shall include:

(a) an electronic certification by the assignor that all of the underlying interests evidenced by registrations on the International Registry in which it is a named party have been assigned to the assignee; and

(b) a consent thereto given by the assignee, each given under an authorization.

Recording of a rights assignment or rights reassignment

5.6 bis. The information required to effect the registration of a rights assignment or a rights reassignment is the information referred to in paragraphs (a), (b), (c), (g) and (h) of Section 5.3 and the file number of the registration relating to the international interest in respect of which the rights assignment is to be recorded or the file number of the registration of the prior rights assignment in relation to which the rights reassignment is to be recorded.

Registration of a public service notice

5.6 ter. The information required to effect the registration of a public service notice is:

(a) the file number of the registration relating to the international interest in respect of which the public service notice is to be registered;

(b) the information referred to in paragraphs (a), (b), (c), (g) and (h) of Section 5.3;

(c) the names of the parties to the contract for the use of the space asset to provide the public service to which the public service notice relates; and

(d) the consent of the parties to such contract and of the Contracting State in which the public service is to be provided, given under an authorization.

Discharge of a registration

5.7 The information required to discharge a registration, other than a registration relating to a sale, a public service notice or a creditor's notice, is:

(a) the information referred to in paragraphs (a) and (g) of Section 5.3;

(b) except as provided in Section 5.7.1, the consent of the named party or parties benefiting from the registered interest or the party holding the right to consent to the discharge of such interest, given under an authorization;

(c) where a right of consent to discharge a registration has been transferred, the consent of the party having this right, given under an authorization; and

(d) the file number of the registration to be discharged.

5.7.1 The parties mentioned in Sections 5.7 (b) and (c) do not include the debtor, assignor, subrogor or person subordinating the registered interest, or the prospective seller in the case of a registration relating to a prospective sale.

5.7.2 The party or parties referred to in Section 5.7 (b) may electronically transfer to a registry user entity, with the consent of that entity, the sole right to consent to the discharge of such registration. Such sole right to consent to the discharge may be further transferred by a holder thereof to another registry user entity with the consent of the latter.

5.7.3 The party or parties benefiting from a registration, the party holding the right to consent to the discharge of a registration under Section 5.3 (h) or, if such right has been transferred, the transferee of such right, shall have the sole right to consent to the discharge of that registration.

5.7.4 The International Registry may provide a facility for entering an authorization code issued by an authorizing entry point in relation to the discharge of a registration. If an authorization code for a discharge is expressly required under the law of the Contracting State which is the State of Registry at the time such registration is to be discharged, the party holding the right to consent to the discharge of such registration may enter the required authorization code.

Registration of a subordination

5.8 The information required to effect the registration of the subordination of an international interest, an assignment and prospective assignment of an international interest, a prospective international interest, a national interest, an interest acquired by subrogation, a registrable non-consensual interest, the interest of a buyer under a sale or prospective sale, the interest of a lessee under a lease, or the interest of a buyer under a conditional sale is:

(a) the information referred to in paragraphs (a), (b), (c), (g) and (h) of Section 5.3, and, for the purposes of the foregoing reference to paragraph (b) of Section 5.3 and for the purposes of paragraph (b) of Section 5.8, the "named parties" shall be the registry user entities subordinating their interest and benefiting from that subordination;

(b) the consent of the named party whose interest is being subordinated, given under an authorization;

(c) if the interest being subordinated or benefiting from the subordination is a registered interest, and has not been assigned or acquired by subrogation, the file number relating to each such interest;

(d) if the interest being subordinated or benefiting from the subordination is a registered interest that has been assigned, the file number of the registered assignment by which the party granting the subordination acquired its rights in that registered interest and, if applicable, the file number of the registered assignment by which the party benefiting from the subordination acquired its rights in the interest benefiting from the subordination;

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

(f) if the interest being subordinated or benefiting from the subordination is not a registered interest, a description of such interest and the original debtor thereunder, using the format prescribed by the Procedures.

Registration of a sale or interest arising before the effective date of the Convention

5.9 Notwithstanding paragraph (f) of Section 5.3, paragraph (b) of Section 5.5 and paragraph (b) of Section 5.8, the information needed to effect a registration of a pre-Convention interest pursuant to Article XVII(3) of the Protocol need not include the consent of the debtor, assignor or person subordinating the right or interest, but shall otherwise include all of the information specified for the applicable category of the registration that is being registered.

Amending a registration

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

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

Rules for amendments

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

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

Additional identification information relating to the space asset

5.11 *bis* The information set out in Annex 2 on the basis of which a unique number was issued in respect of a space asset may, on the application of any person who has registered an interest in the space asset, be supplemented by one or more items of additional identification information relating to the object which are specified in Annex 1, but the provision of such additional identification information is designed solely to assist persons making a search to identify the object and shall not be obligatory.

Registering fractional or partial interests

5.12 Any registration may specify that:

- (a) it covers a fractional or partial interest in a space asset and, if so, the extent of such interest; and/or
- (b) multiple named parties hold or have granted an interest evidenced thereby.

Rules for fractional or partial interests

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

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

Entity name change

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

- (a) the information required to submit a name change notification to the International Registry is:
 - (i) the name currently shown on the International Registry for the entity which is to be changed, and its other identity information;
 - (ii) the name which is to supersede the name being changed, and in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, the corresponding entity's other identity information and contact information; and
 - (iii) the name and electronic signature of the relevant transacting user entity and a statement on whose behalf that person is acting, and in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, (A) the name and electronic signature of such other transacting user entity and a statement on whose behalf that person is acting, and (B) the election specified in paragraph (c)(ii)(B) of Section 5.14;
- (b) the Registrar shall confirm that a name change notification request satisfies the requirements of this Section 5.14 following the standard set out in Section 4.1, and a name change shall take effect on the later of such confirmation by the Registrar and completion of the actions required in paragraph (a)(iii) of Section 5.14;
- (c) when a name change takes effect:

(i) all rights and interests reflected on the International Registry in which the transacting user entity specified in paragraph (a)(i) of Section 5.14 is a named party shall, without amending registered information or registering an assignment of such rights and interests, be annotated to advise of the change of name, such annotation to be included in all priority search certificates; and

(ii) in any case where rights and interests reflected on the International Registry have vested in a different transacting user entity, (A) the transacting user entity in which such rights and interests have vested shall retain its status as a transacting user entity for the purposes of the International Registry and all authorizations given or held by or on behalf of such transacting user entity shall remain in full force and effect, and (B) all authorizations given or held by or on behalf of the transacting user entity specified in paragraph (a)(i) of Section 5.14 shall either remain in full force and effect or shall be extinguished, as elected by such transacting user entity; and

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

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

Correcting an error of the International Registry system

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

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 space asset, and those who have conducted a priority search on that space asset since the time of the original registration.

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

Discharge of a sale

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

(a) such discharge shall be effective only from the time it is made, and shall have no effect on the priority of any other registration; and

(b) the original registration and its discharge shall appear on all priority search certificates relating to the subject space asset.

Registering a subrogation

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

(a) the information referred to in paragraphs (a), (b), (c) and (g) of Section 5.3 and the information referred to in Annex 1;

(b) the consent of the subrogee, given under an authorization;

(c) if the interest being acquired by subrogation is a registered interest, the file number of the registration relating to that interest (in the case of the initial acquisition by subrogation of a registered interest), or if such interest has been assigned, the file number relating to such assignment; and

(d) if the interest being acquired by subrogation is not a registered interest, a description of the interest acquired by subrogation and the original debtor thereunder, using the format prescribed by the Procedures, or if such interest has been assigned, the file number relating to such assignment.

Closing room

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

(a) assembling information prior to any registration taking effect;

(b) entering registrations into the International Registry data base containing such information; and

(c) making such registrations searchable, and establishing the order, date and time of receipt of such registrations by the International Registry;

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

Section 6 CONFIRMATION AND NOTICE OF REGISTRATION

6.1 In this Section, the term "registration" includes, where appropriate, the amendment, extension or discharge of a registration or transfer of the right to consent to the discharge of a registration.

6.2 The International Registry shall send prompt electronic confirmation of a registration under Section 5 to the named parties, the registering person and all other persons entitled to receive notice of that registration. Non-receipt of such confirmation does not imply that the registration has not been effected, that fact being determinable solely by use of a priority search.

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

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

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

Section 7 SEARCHES

7.1 Searches of the International Registry in relation to a space asset may be performed against the unique identification number issued for the space asset pursuant to Annex 2 or any items of information specified in Annex 1 or required to be supplied by Annex 2.

Such information may be searched by means of a priority search or informational search, as set out in Sections 7.2 and 7.3, respectively. A Contracting State search may also be made, as set out in Section 7.5. A search may be performed by any person who complies with the Procedures, whether or not that searching person has a specific interest. All searches shall be performed by electronic means.

7.2 A "priority search" is a search for registered information using the unique identification number that has been issued for a space asset pursuant to Annex 2. Such registered information is searchable for the purposes of Articles 19 (2) and 19 (6) of the Convention and Article XXXII (2) of the Protocol.⁴

7.3 An "informational search" is a space asset search other than a priority search, using any items of information required to be supplied by Annex 2 or any items of supplementary information specified in Annex 1. The results of an informational search, an "informational search listing", shall be a list of all matching space assets, described by the items set out in Section 7.1. 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 XXXII (2) of the Protocol.

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

(a) set out the registered information required by Section 5 and comply with Article 22 of the Convention;

(b) in the case where Article 22 (2) (a) of the Convention applies, list the registered information in both:

(i) chronological order; and

(ii) a manner that indicates the transactional history of each registered interest;

(c) indicate the current holder of the right to consent to the discharge of a registration and set out in chronological order when that right has been transferred and the parties executing such transfer; and

⁴

Also this provision should be adapted to the identification criteria set out in Section 5.

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

7.4 **bis** Where a priority search has been made:

(a) against a space asset of a kind specified in Annex 1, separate search certificates shall be issued stating any registered information relating to the spacecraft to which that space asset is attached and to each other space asset so attached;

(b) against a spacecraft, separate search certificates shall be issued stating any registered information relating to each space asset attached to that spacecraft.

7.5 A "Contracting State search" is a search for all declarations and designations, and withdrawals thereof, made under the Convention and the Protocol by the Contracting State specified in the search. A "Contracting State search certificate" is a certificate issued in response to a Contracting State search. A Contracting State search certificate shall:

(a) indicate, in chronological order, all declarations and designations, and withdrawals thereof, by the specified Contracting State;

(b) list the effective date of ratification, acceptance, approval or accession of the Convention and the Protocol, and of each declaration or designation, and withdrawal thereof, by the specified Contracting State; and

(c) attach, in the electronic form set out in the Procedures, a copy of all instruments deposited by the specified Contracting State relating to items within the scope of Section 7.5 (b).

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

7.7 Each search certificate and listing shall be issued and made available in electronic form. Upon request, a printed copy of a priority search certificate or Contracting State search certificate shall be provided by the Registrar.

Section 8 OPERATIONAL COMPLAINTS

8.1 Any person may submit a complaint to the Registrar concerning the operation of the International Registry. If not satisfactorily addressed by the Registrar, that complaint may be further submitted by that person to the Supervisory Authority.

8.2 For the purposes of Section 8.1, a matter "concerns the operation of the International Registry" when the matter relates to the general procedures and policies of the International Registry and does not involve specific adjudication by the Registrar or Supervisory Authority.

8.3 A person making a complaint shall substantiate his/her assertions in writing.

8.4 The Supervisory Authority shall consider complaints, and where, on the basis of that consideration, it determines changes to the procedures or policies are appropriate, it shall so instruct the Registrar.

8.5 The Procedures shall set out details relating to the procedure contemplated by Sections 8.1 to 8.4.

Section 9 CONFIDENTIALITY

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

- (a) provided by the Registrar in response to a search under Section 7;
- (b) made electronically available to enable registry users to effect, amend or discharge registrations;
- (c) provided to the Supervisory Authority at the latter's request; or
- (d) used for the purposes of the statistics required by Section 10.

Section 10 STATISTICS

10.1 The Registrar shall maintain updated registration statistics and shall publish them in an annual report. This report shall be electronically accessible to any person.

10.2 The registration statistics under Section 10.1 shall consist of:

- (a) transactional volumes and revenues subdivided in each case by registration type and geographic distribution; and
- (b) other compilations of non-confidential information requested by the Supervisory Authority.

Section 11 ANNUAL REPORT TO THE SUPERVISORY AUTHORITY

The Registrar shall prepare an annual report, including statistical data referred to in Section 10, and shall submit it to the Supervisory Authority.

Section 12 RELATIONS WITH THE ENTRY POINTS

12.1 A Contracting State may designate an entry point or entry points ("entry point") under Article XXXI of the Protocol:

- (a) which shall or may authorize the transmission of information required for registration under the Convention and the Protocol to the International Registry ("authorizing entry point"); or
- (b) through which information required for registration under the Convention and the Protocol shall or may be directly transmitted to the International Registry ("direct entry point").

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

12.2 A Contracting State may not designate an entry point for registration of notice of a national interest, or of a registrable non-consensual right or interest, arising under the laws of another State.

12.3 A Contracting State designating an entry point shall notify the Depositary and the Supervisory Authority thereof, indicating whether such entry point is an authorizing or direct entry point. The Supervisory Authority shall keep the Registrar informed of such designations, and the Registrar shall maintain a current list thereof that is electronically accessible to users.

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

12.5 Without prejudice to Section 12.4, the Registrar shall establish arrangements applicable to the electronic transmission of registration information from, or authorized by, entry points to the International Registry and, after consultations with each designated entry point, shall specify the procedures applicable to that entry point. Such arrangements between an entry point and the International Registry shall not impose any additional cost on the International Registry and shall not adversely affect the functioning of the International Registry system or impose a burden on International Registry resources.

12.6 The International Registry shall provide an electronic warning against a registration that is not effected:

- (a) through a direct entry point where use thereof is mandatory; or
- (b) in accordance with procedures required by an authorizing entry point;

to the extent agreed between the International Registry and the Contracting State declaring that entry point.

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

12.8 A registration is not invalid if:

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

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

Section 13

FEES

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

13.2 Fees, including fees arising from operations through an entry point, must be paid to the Registrar prior to the requested operation unless otherwise agreed between the Registrar and such entry point.

13.3 Fees shall be collected according to a schedule issued by the Supervisory Authority, which shall state the amount of fees payable for each service.

13.4 Fees shall be established and adjusted by the Supervisory Authority, as required by the Convention and the Protocol.

Section 14 LIABILITY AND INSURANCE

14.1 For the purposes of Article 28 (1) of the Convention, "loss suffered" means loss or damage resulting from an error or omission of the Registrar and its officers and employees or from a malfunction of the international registration system, except as provided for by Article 28 of the Convention, but does not include loss or damage resulting from lack of access to the International Registry as a result of measures referred to in Section 3.4 of these Regulations.

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

(a) shall be made in writing within the time period applicable under the law of the State where the International Registry is located;

(b) shall be subject to consultations between the claimant and the Registrar; and

(c) if not resolved by such consultations, may be pursued by the claimant in accordance with Article 44 of the Convention.

14.3 The Procedures shall set out details relating to the procedure contemplated by Section 14.2.

14.4 The amount of insurance or financial guarantee required under Article 28 (4) of the Convention and Article XXXII (6) of the Protocol shall be determined and may be revised by the Supervisory Authority.

Section 15
INTERNATIONAL REGISTRY PROCEDURES

15.1 Procedures addressing items required by these Regulations or otherwise relating to the technical operation and administrative processes of the International Registry shall be established by the Supervisory Authority and shall be complied with by all registry users and searching persons.

15.2 Without restricting their content, the Procedures shall set out the technical and administrative processes for:

(a) effecting, amending and discharging registrations and making and obtaining copies of searches; and

(b) obtaining the approvals and authorizations required to access the International Registry.

Section 16
PUBLICATION

16.1 The authentic version of these Regulations and the Procedures shall be published in an official publication of the Supervisory Authority.

16.2 The Registrar shall make an electronic version of the authentic texts referred to in Section 16.1, as may be amended as contemplated by Section 17, available to the public at no cost.

Section 17
AMENDMENTS

17.1 Requests for amendments to these Regulations or the Procedures may be submitted by the Registrar to the Supervisory Authority, which shall consider such amendments.

17.2 The authentic version of any amendments to these Regulations or the Procedures approved by the Supervisory Authority shall be published in an official publication of the Supervisory Authority.

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

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

Section 18
EFFECTIVE DATES

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

ANNEX 1

This Annex (1) lists the categories of space assets in respect of which registrations and searches may be made in the International Registry in accordance with these regulations, and (2) specifies the types of additional identification information that may be furnished by the holder of a registered interest under Section 5.11 *bis*

<i>Category</i>	<i>Purpose</i>	<i>Additional identification information</i>
<i>Spacecraft</i>		<i>Either (a) the Coordinated Universal Time (UTC) of the launch and the place of the launch; or (b) any Committee on Space Research (COSPAR) unique identifier</i>
<i>Parts of a spacecraft or payload: Transponder or other Communications Equipment</i>	<i>a radiofrequency communications transponder or other piece of hardware that (1) comprises individually identifiable sets of equipment within the communications subsystem of the spacecraft and (2) provides one or more discrete paths to receive communications signals from Earth or elsewhere in space, translates and amplify such signals, and transmits them to Earth or elsewhere in space.</i>	<i>The frequency band or bands and signal polarisation on which the communications equipment is capable of operating</i>
<p><i>Explanatory Note:</i> <i>The categories below have been set out on the assumption, which has not yet been tested, that they will satisfy the tests of unique identifiability and sufficient financial value to justify registration (i.e. bankability).</i></p> <p><i>While the registry system is being established, further identification criteria need to be examined, by consulting, among others, industry experts, for these categories in order to determine the suitability of covering them under the Protocol.</i></p>		
<i>Payload</i>		<i>1. Either (a) the Coordinated Universal Time (UTC) of the launch and the place of the launch; or (b) any Committee on Space Research (COSPAR) unique identifier</i>

		<i>2. Information about the payload prime</i>
<i>Observation payload</i>	<i>a manmade and uniquely identifiable hardware which is used for observation purposes</i>	<i>[payload specific additional identification information such as information about - sensor(s) camera(s), - Data processor]</i>
<i>Navigation payload</i>	<i>a manmade and uniquely identifiable hardware which is used for navigation purposes</i>	<i>[payload specific additional identification information such as information about - the atomic clock, - signal coding processor]</i>
<i>Scientific payload</i>	<i>a manmade and uniquely identifiable hardware which is used for scientific purposes</i>	<i>[payload specific additional identification information such as information about - sensor(s) instrument(s) data processor.]</i>
<i>Other parts of a spacecraft or payload</i>		<i>Either (a) the Coordinated Universal Time (UTC) of the launch and the place of the launch; or (b) any Committee on Space Research (COSPAR) unique identifier</i>

ANNEX 2

This Annex prescribes the procedures by which the Registrar issues and records a unique identification number for each space asset.

1. A unique identification number may be issued for any space asset of a type listed in Annex 1.
2. The owner of any type of space asset listed above may request the issue of a unique identification number for that space asset. In requesting a unique identification number, the owner must provide the Registrar with the following information for each space asset:
 - (a) the name of the owner;
 - (b) the name of the manufacturer;
 - (c) the manufacturer's contract reference number, which in the case of a contract covering two or more space assets shall include a unique suffix to the contract reference number for the space asset that is the subject of the registration, as provided by the manufacturer;
 - (d) the category of space asset (i.e., a spacecraft or one of the kinds of payload or part of a spacecraft or payload listed in Annex 1).

3. If, based upon the information submitted by the owner, it appears that no unique identification number has previously been issued for the space asset, the Registrar shall issue a unique identification number for the space asset, provide it to the owner and record it in the unique identification file relating to that space asset as provided by Section 5.3 *bis*. If it appears that a unique identification number has previously been issued for the space asset, the Registrar shall provide the existing unique identification number to the owner.