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

Note by the Secretariat

Addendum

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



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

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND [IN THE CASE OF A FULLY ELECTRONIC REGISTRY] ENTERED IN THE APPROPRIATE FIELD OF THE NOTICE IN A LEGIBLE MANNER.¹ IF THE SPACE ON THIS FORM IS INSUFFICIENT, ENTER THE ADDITIONAL INFORMATION ON THE APPROPRIATE SCHEDULE.

[Registration No. _____ Registry office generated]²

A. GRANTOR INFORMATION

1. NATURAL PERSON [Recommendation 22]

Family Name	First Given Name	Second Given Name
[Father's Name]	[Mother's Name]	[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]³

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
 and/or

E-Mail Address _____

¹ Note to the Working Group: The Working Group may wish to note that the commentary will explain that the registrant enters information in the notice and, in an electronic registry, the information is placed in the registry record without intervention of the registry staff, thus eliminating the risk of entry error by and liability of the registry. In a system that accepts paper notices, the information is entered into the registry record by the registry staff, thus leaving the risk of error and liability to the registry. The Working Group may wish to consider whether these clarifications should be included in the commentary.

² Note to the Working Group: The Working Group may wish to consider whether this wording should be retained in the notice. It may not be necessary as this information would be generated automatically by the registry.

³ Note to the Working Group: The Working Group may wish to note that references to the recommendations are included for the easy reference of the Working Group in considering these examples and will be removed in the final text. The Working Group may also wish to note that, if the enacting State issues national identity cards to citizens and residents, the name provided should be that shown on the identity card (same as the form states for identification numbers). The Working Group may also wish to consider whether the recommendations or the commentary should address electronic matching of names and numbers (for both individuals and entities) in any national databases automatically on submission.

2. LEGAL PERSON OR OTHER ENTITY [Recommendations 23 and 24]

NAME _____

[as it appears in the document constituting the legal person or other entity]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

3. INDICATE IF THE GRANTOR IS

_____ a named trust

_____ a trustee that is a legal person acting on behalf of an unnamed trust

_____ an insolvent legal person represented by an insolvency administrator

4. ADDITIONAL GRANTOR INFORMATION (if applicable) [Recommendation 24]

NAME: _____ / _____ / _____

Family Name

First Given Name

Second Given Name

_____ / _____ / _____

[Father's Name]

[Mother's Name]

[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

B. SECURED CREDITOR INFORMATION

1. NATURAL PERSON [Recommendation 25, subpara. (a)]

_____ / _____ / _____

Family Name

First Given Name

Second Given Name

_____ / _____ / _____

[Father's Name]

[Mother's Name]

[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

2. LEGAL PERSON OR OTHER ENTITY [Recommendation 25, subparas. (b) and (c)]

NAME _____

[as it appears in the document constituting the legal person or other entity]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

C. DESCRIPTION OF ENCUMBERED ASSETS [Recommendation 26]**1. SPECIFIC OR GENERIC DESCRIPTION⁴**

2. SPECIFIC DESCRIPTION OF SERIAL NUMBERED ASSETS⁵

Type Code	Serial Number	Manufacturer	Model
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[E. PERIOD OF EFFECTIVENESS OF REGISTRATION _____ (dd) _____ (mm) _____ (yyyy)]
 [Recommendations 11 and 21, subpara. (a) (iv)]

⁴ Note to the Working Group: The Working Group may wish to note that, according to the law recommended in the Guide, the description of the encumbered assets in the security agreement and in the notice has to be “in a manner that reasonably allows their identification” (see recommendations 14, subpara. (d) and 63).

⁵ Note to the Working Group: The Working Group may wish to note that, while serial number may not be an indexing and search criterion under the law recommended in the Guide, it may well be part of a description of the asset “that reasonably allows their identification” (see recommendations 14, subpara. (d) and 63).

[F. **MAXIMUM AMOUNT FOR WHICH SECURITY RIGHT IS ENFORCEABLE** _____ [in numbers and/or words]⁶ [Recommendation 21, subpara. (a) (v)]

[G. **REGISTRY USER INFORMATION**⁷

IDENTIFICATION _____

PASSWORD _____

SIGNATURE _____] (not required in user identification/password systems)

⁶ Note to the Working Group: The Working Group may wish to note that the commentary will explain that, if the registry is programmed to process only digits in this field and the amount is entered in words, the notice may be rejected.

⁷ Note to the Working Group: The Working Group may wish to consider whether this field should be retained. It is not part of the minimum requirement of a sufficient notice under recommendation 57 of the *Guide*. In addition, in the case of an electronic account system, the user presumably has to first log in and thus no further user identification on the notice is required. Moreover, in the case of a paper system, there is no password, and, even if there is, a user may not wish to disclose this password to the registry. Finally, the law recommended in the *Guide* does not require the user to sign a notice.

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

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND [IN THE CASE OF A FULLY ELECTRONIC REGISTRY] ENTERED IN THE APPROPRIATE FIELD OF THE NOTICE IN A LEGIBLE MANNER. IF THE SPACE ON THIS FORM IS INADEQUATE, ENTER THE ADDITIONAL INFORMATION ON THE APPROPRIATE SCHEDULE.

SELECT ONE OR MORE OF THE FOLLOWING:

[Recommendation 28]

- Add or delete a grantor or change/edit grantor information
- Add or delete a secured creditor or change/edit secured creditor information
- Otherwise modify description of encumbered assets (including adding or deleting items or kinds of encumbered assets and adding a description of assets that are proceeds of the original encumbered assets) [Recommendations 39 and 40 of the *Guide*]
- [Add or delete encumbered serial numbered assets (including adding a description of serial numbered assets that are proceeds of the original encumbered assets)]
- Extend the period of effectiveness of registration (if the enacting State has specified a universal period of effectiveness of registration or a maximum initial registration period)]
- [Extend or reduce the period of effectiveness of registration (if the enacting State permits secured creditors to specify the period of effectiveness of the registration)]
- [Change the maximum amount for which the security right is enforceable (if the enacting State permits it)]
- [Add information about assignment of the security right]
- [Add information about transfer of encumbered assets]
- [Add information about subordination of priority]

[Recommendation 29]

- Edit secured creditor information in all such notices with a single global amendment

[Recommendation 32]

- Add or delete information pursuant to a request by the grantor or an order of a judicial or administrative authority

Note: Where the amendment relates to an assignment/transfer by a secured creditor of its rights: (a) in the case of a full transfer, delete the secured creditor that is the transferor, add the transferee as a secured creditor and indicate that a full transfer is involved; and (b) in the case of a partial transfer, add the transferee as a secured creditor and indicate that a partial transfer is involved. Where the amendment relates to a transfer of the encumbered asset by the grantor, add the transferee as a grantor, and indicate whether all or some of the encumbered assets are transferred and, if some are transferred, indicate which ones.

Registration No. of Initial Registration Notice to which this Amendment relates _____

[Recommendation 28, subpara. (a) (i)]

A. ADD OR DELETE GRANTOR OR CHANGE GRANTOR INFORMATION

1. NATURAL PERSON [Recommendation 22]

_____	/	_____	/	_____
Family Name		First Given Name		Second Given Name
_____	/	_____	/	_____
[Father's Name]		[Mother's Name]		[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

2. LEGAL PERSON OR OTHER ENTITY [Recommendation 23 and 24]

NAME _____

[as it appears in the document constituting the legal person or other entity]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

3. INDICATE IF THE GRANTOR IS

_____ a named trust

_____ a trustee that is a legal person acting on behalf of an unnamed trust

_____ an insolvent legal person represented by an insolvency administrator

4. ADDITIONAL GRANTOR INFORMATION (if applicable)

NAME: _____	/	_____	/	_____
Family Name		First Given Name		Second Given Name
_____	/	_____	/	_____
[Father's Name]		[Mother's Name]		[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

B. ADD OR DELETE SECURED CREDITOR OR CHANGE SECURED CREDITOR INFORMATION

1. NATURAL PERSON [Recommendation 25, subpara. (a)]

_____ / _____ / _____ /		
Family Name	First Given Name	Second Given Name
_____ / _____ / _____ /		
[Father's Name]	[Mother's Name]	[Spouse's Name]

[as it appears in the identity card, if issued by the enacting State]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

2. LEGAL PERSON OR OTHER ENTITY [Recommendation 25, subparas. (b) and (c)]

NAME _____

[as it appears in the document constituting the legal person or other entity]

IDENTIFICATION NUMBER [if issued by the enacting State] _____

ADDRESS _____
and/or

E-Mail Address _____

C. ADD OR DELETE ENCUMBERED ASSETS OR CHANGE DESCRIPTION OF ENCUMBERED ASSETS [Recommendation 25]

D. ADD OR DELETE SERIAL NUMBER ASSETS OR CHANGE DESCRIPTION OF SERIAL NUMBERED ASSETS [Recommendation 25]

Type Code	Serial Number	Manufacturer	Model
_____	_____	_____	_____
_____	_____	_____	_____

E. EXTEND PERIOD OF EFFECTIVENESS OF REGISTRATION (if the enacting State has specified a universal registration term or a maximum initial registration term ____ (enter extended period) [Recommendations 11, option A, and 21, subpara. (a) (iv)]

F. EXTEND OR REDUCE PERIOD OF EFFECTIVENESS OF REGISTRATION (if the enacting State permits secured creditors to specify the duration of the registration) ____ (dd) ____ (mm) ____ (yyyy) [Recommendations 11, options B and C, and 21, subpara. (a) (iv)]

G. CHANGE MAXIMUM AMOUNT FOR WHICH SECURITY RIGHT IS ENFORCEABLE [Recommendation 21, subpara. (a) (v)]

H. ADD OR DELETE INFORMATION PURSUANT TO A REQUEST BY THE GRANTOR OR AN ORDER OF A JUDICIAL OR ADMINISTRATIVE AUTHORITY [Recommendation 32]

[REGISTRY USER INFORMATION]

IDENTIFICATION _____

PASSWORD _____

SIGNATURE _____] (not required in user identification/password systems)

REGISTRY OF SECURITY RIGHTS IN MOVABLE PROPERTY
EXAMPLE OF CANCELLATION NOTICE
(FORM C)

IT IS THE REGISTRANT'S RESPONSIBILITY TO ENSURE THAT ALL REQUIRED INFORMATION IS PROVIDED AND [IN THE CASE OF A FULLY ELECTRONIC REGISTRY] ENTERED IN THE APPROPRIATE FIELD OF THE NOTICE IN A LEGIBLE MANNER.

Registration No. of Initial Notice to be cancelled: _____⁸

[REGISTRY USER INFORMATION

IDENTIFICATION _____

PASSWORD _____

SIGNATURE _____] (not required in user identification/password systems)

⁸ Note to the Working Group: The Working Group may wish to note that the authorization by the grantor or the secured creditor for an initial, amendment or cancellation notice has to exist before or after the notice is registered, but need not be stated in the notice. The Working Group may wish to consider whether this would be necessary in the case of a cancellation where only one of several secured creditors cancels a notice.