INDEX

References are to paragraph numbers and to the Commentary, not to the text of Articles; references to Int are to the Introduction

| Accession | doctrine of, 4.196  
|           | effect of, 4.196-4.197  
|           | exclusion of, 2.168, 4.196-4.197  
| Advance relief | availability of, 2.9-2.95, 2.100, 4.79, 4.108-4.116  
|             | export and physical delivery, 3.21, 3.23  
|             | interested persons, 4.19, 5.23  
|             | jurisdiction, 2.214, 2.217  
|             | nature of, 2.96  
|             | sale, 2.73  
|             | standard of proof, 2.98-2.99  
|             | under EC declaration, 2.225  
| Agreement | contract, distinguished from, 2.34  
|           | defined, 2.34, 4.7  
|           | meaning of, 2.34  
|           | time of conclusion, 2.66  
|           | relevance of, 2.66  
|           | transaction, distinguished from, 2.34  
| Aircraft engines | as independent objects, 2.29, 5.6  
| Aircraft Protocol | history of, 1.2-1.5  
|             | identification requirements, 5.61  
|             | influence of, 3.7, 3.19  
|             | consolidated text, 2.14  
| Applicable law | additional remedies under, 2.86  
|             | application of Convention, does not determine, 2.20, 2.55  
|             | assignment or novation, 2.40  
|             | associated rights, 2.185  
|             | characterisation determined by, 2.20, 2.47  
|             | choice of law, see Choice of law  
|             | components, rights in, 2.29  
|             | connecting factor, 2.24-2.28  
|             | defences, determined by, 2.184  
|             | European Union, within, 3.18  
|             | inadequacy of traditional conflict rules, 2.5  
|             | interim relief under, 2.92, 3.14  
|             | international interest, where effective under, 2.172, 4.209  
|             | joint debtors, 2.36  
|             | Luxembourg Protocol, under, 3.14  
|             | matters governed by, 2.8, 2.54-2.57, 2.117, 2.150, 2.157-2.158, 2.166, 2.168-2.171, 2.185, 2.194-2.197, 2.245, 2.253, 3.77, 4.83, 4.103, 4.194-4.195, 4.251, 4.350, 5.34  
|             | meaning of, 2.20, 2.245  
|             | power of disposal under, 2.8, 2.60  
|             | priority of competing assignments associated rights, where determined by, 2.197  
|             | unregistered, determined by, 2.194  
|             | remedies, additional permitted by, 2.8, 2.86-2.89  

563
operation of law, by, outside Convention, 2.126, 2.179, 2.194, 2.179, 4.124 partial, 2.186, 4.225-4.226 pre-existing interest, of, 2.257 priorities, 2.191-2.197 object-related rights, 2.180, 2.196, receivables, of, 2.154, 2.177-2.178, 2.196, 2.229 registration of, 2.37, 2.188, 4.125 security, by way of, default remedies, 2.191 formal requirements, 2.187 revesting on discharge of, 2.131, 2.182 subrogation registration of, 2.199-2.200 unaffected, 2.199, 4.264 unregistered interest, of, 2.190, 3.88

**Associated rights** see also **Assignment**

**Assignment** see also **Associated rights**

amendment, distinguished from, 2.42 should not be registered as amendment, 2.127-2.128 assignor’s insolvency, effect of, 2.188, 2.197 assignment of, 2.177-2.201, 4.215-4.267 assignment, meaning of, 4.215 effect of, 2.181-2.185, 4.220, 4.231 formalities, 2.187, 4.237-4.239 novation, distinguished from, 2.40 partial, 2.186, 4.225-4.226 priority, 2.191-2.197, 4.224-4.262 object-related rights, 4.256-4.257 registration, 2.188
security, by way of, revesting, 2.131, 2.182, 4.229
transfer of international interest by way of security ineffective without, 2.185
unregistered interest, of, 2.190, 4.223
creditor, can be held only by, 2.177
debtor's duty to assignee, 2.184, 2.189, 2.227, 4.240-4.243
default remedies, 2.191, 4.244-4.247
defences, debtor's right to assert, 2.184, 4.240
defined, 2.30, 2.177, 4.9, 4.215-4.219, 4.254
identifiability of, 2.187
in isolation, outside Convention, 2.185
international interest, without, 2.185, kinds of, 2.180, 4.219
meaning of, 2.30, 2.177
priority of, 2.191-2.197
rights under other contracts as, 2.178
set-off, debtor's right to assert, 2.184
UN receivables Convention, relation to, 2.229

Attachment
execution creditor, by, judgment or order, under, 2.211

Attachments see Components

Breach of agreement see Default and Default Remedies

Brussels Regulation on jurisdiction and judgments
compatibility of Convention with, 2.223, 4.286, 4.310, 4.331
EC competence, on insolvency matters, 2.176, 2.223

Cape Town
Convention, Int 2
Diplomatic Conference, Int 2

Cape Town Convention see Convention on International Interests in Mobile Equipment

Categorisation see Characterisation

Centre of administration
debtor, of, 2.24-2.25, 2.216, 4.58
Registrar, of, 2.18, 2.122, 2.134-2.135, 2.218, 2.223, 4.303

Characterisation
agreement, of, 2.47-2.49, 4.50-4.52,
relevance to default remedies, 2.72

Chargee see also Default Remedies and Priorities
priority of
conditional buyer, against, 2.156-2.160
generally, 2.146-2.152
lessee, against, 2.156-2.159
remedies of, 2.77-2.84, 4.78-4.120
sale by, 2.80-2.81
distribution of proceeds, 2.79

Chargor
interested person, as, 2.80-2.83
security agreement, as party to, 2.34, 2.36

Choice of forum
in absence of choice, 4.289
parties to agreement, by, 2.215

Choice of law
contractual rights, limited to, 5.16
European Union, within, 3.18, 5.12
freedom of choice, 2.55, 3.14-3.15, 5.12-5.18
lex fori, operation of mandatory rules, 3.16, 5.12
meaning of “law”, 2.20, 3.17, 4.64, 5.13
reference is to domestic law, 5.13
writing required for, 4.284

Commercial reasonableness
exercise of remedies, in, 2.78, 2.83, 2.227, 3.28, 4.86-4.87, 4.112, 5.24-5.25

Components
applicable law, 2.29
no separate status, 2.29, 3.9

Condemnation
proceeds arising from, 2.46

Conditional buyer
defined, 2.36, 4.11
priority of, 2.156-2.160, 4.187-4.191

Conditional sale agreement see Title reservation agreement

Conditional seller
characterisation as secured creditor, 2.47, 2.85, 2.156
charge by, 2.156, 2.163
defined, 2.35, 4.12
failure to register, consequences of, 2.148-2.149
registration protects conditional buyer, 2.156-2.160
remedies of, 2.85

Confiscation
proceeds arising from, 2.46

Conflict of laws see Applicable law

Connecting factor
Convention, under, 2.19, 2.252

Consent
declarant, by, 2.40, 2.41
exercise of remedies, to, 2.77, 2.80-2.81, 2.90-2.92, 3.22
relief pending final determination, 2.90-2.101
interested persons, of, vesting of ownership, to, 2.80-2.82, 4.93, 4.120
registration to, 2.112, 2.120

Contract
Convention, relationship to, 2.23, 2.50
distinguished from “agreement”, 2.34

Contract of sale
Convention not extended to, 2.33, 2.39, 2.213, 3.10, 3.52, 4.13, 5.70
defined, 2.34, 4.13

Control
object of, default remedy, 2.77, 2.78, 2.79-2.90, 2.191, 4.81
Convention concerning
International Carriage by Rail
(COTIF)
relationship of Cape Town
Convention to, 5.73

Convention on International
Interests in Mobile Equipment
amendment of, 2.276
breach, remedies for, 2.226-2.227
by Contracting State, 2.228
by party to agreement, 2.226-2.227
criminal law, does not affect, 2.8
denunciation, 4.346
denunciation, 4.346
denunciation, 4.346
effective date, meaning of, 2.246
future Protocols, 2.230, 2.237,
2.241, 4.321
history of, 1.1-1.5
interests covered by, 2.30
interpretation, 2.16-2.21
languages of, Int 5
modification of, by Protocol,
2.278
national law, relationship to, 2.8,
2.23, 2.228
non-Contracting state,
application to, 2.23,
objectives, 2.6, 2.39, 4.1-4.5
Protocol, relationship to, 2.10-
2.12, 4.66,
ratification, 2.238, 4.308-4.309
regulatory public law, does not
affect, 2.8
relationship with other
Conventions, 2.229, 3.92,
4.29
signature, 4.308-4.309
sources of regulation, 2.9
sphere of application, 2.23, 4.55-
4.56
generally, 2.23
tort law, does not affect, 2.8
underlying principles, 2.15

Court
defined, 4.14,
determination of, 4.327

Creditor
defined, 2.35, 4.15

Cure period
meaning of, 3.79, 5.39
significance of, 3.79, 5.39

Debtor
defined, 2.36, 4.16
situation of, 2.24-2.27, 2.247,
2.252, 2.254, 4.57-4.60, 4.351
centre of administration,
2.24-2.25, 4.58
place of business, 2.24-2.25,
4.58
place where formed, 4.58
registered office, 2.24-2.25
relevant time, 2.24, 4.56
statutory seat, 2.24-2.25, 4.58

Declarations
Convention, under,
court, 2.265
European Union, by, 2.224-
2.225, 2.234, 2.260-2.261,
3.28
effect of, 2.269-2.274
making of, 2.259-2.270,
4.335-4.340
mandatory, 2.266-2.267
non-consensual right or
interest, 2.7-2.8, 2.30,
2.164, 2.202-2.211, 4.158
opt-in, 2.263, 2.274
opt-out, 2.77 n 12, 2.264
pre-existing right, regarding, 2.248-2.249
priority issues, limited to, 2.257
registration, effect of, 2.258
state, entitled to make, 2.256
time when effective, 2.255
relief pending final determination, 2.264, 4.331-4.334
remedies, 2.266, 4.328-4.330
Luxembourg Protocol, under, generally, 3.94-3.103, 5.87-5.97
mandatory, 3.98
operation of Protocol, 3.97
opt-in, 3.95
opt-out, 3.96
modification of, 2.270, 4.341
subsequent, 2.273, 4.341-4.343
system of, 2.259-2.274, 3.89
types of, 2.262-2.268
time when may be made, 2.269-2.270, 3.170
withdrawal of, 2.270-2.271, 4.344-4.345, 5.97

Default
meaning of, 2.72, 3.22, 4.78, 4.105-4.106

Default remedies
additional, 2.73-2.74, 2.86-2.89, 3.20, 4.107, 5.20-5.26
specific performance, 4.107
procedural remedies, also covers, 4.107
assignee, of, 2.191, 4.244-4.247
characterisation of agreement, relevance of, 2.72
chargee, of,
extra-judicial, 2.78, 4.78, 4.85
generally, 2.77, 4.78-4.90
income and profits, collection of, 2.77, 2.79
interested persons, notice to, 2.80-2.81, 3.25, 3.28, 4.88
lease, 2.77, 2.79-2.80, 4.81, 4.84
possession, 2.73, 2.77, 2.79
redemption by debtor, 2.56
sale, 2.73, 2.77, 2.80-2.81
successive security interests, exercise of remedies where, 2.81, 4.90-4.91
surplus, application, 2.81, 2.227, 4.89
vesting of ownership, 2.81-2.84, 4.92-4.101
commercially reasonable manner, to be exercised in, 2.78, 2.83, 2.90, 2.92, 2.227, 4.86-4.87, 4.112, 5.24-5.25
conditional seller, of,
possession, 2.85, 4.102-4.104
termination of agreement, 2.85, 4.102-4.104
criminal law, not affected by, 4.79
default, 4.105-4.106
generally, 2.72-2.103, 3.19-3.36
insolvency, on, see Insolvency
internal transactions, 2.239-2.240, 4.318-4.319
lessor, of
meaning of, 4.105-4.106
possession, 2.85
termination of agreement, 2.85
export and physical delivery, 3.20-3.22, 5.20-5.23
fractional interests, creditors
holding, 2.103
Luxembourg Protocol, modification under, 3.28
mode of exercise, 2.78
multiple creditors, 2.103
procedural requirements conformity with, 2.104,
  4.116-4.118
public service exemption see Public service exemption
tort law, not affected by, 4.79

Defences
assignee, availability against, 2.184, 4.240
waiver of, 2.184, 4.228, 4.240

Demand guarantee
guarantee contract, as type of, 2.80
issuer as interested person, 2.80

Denunciation
when taking effect, 4.346, 5.98-5.99

Depositary
functions of, 2.277, 3.106, 4.365-4.369, 5.101
periodic reports, by, 2.275
UNIDROIT as, 2.277, 4.158, 4.365

Derogation
Convention, from provisions of Chapter III of, 2.50, 2.105,
  4.119-4.120
Luxembourg Protocol, from provisions of, 3.11, 5.9

Description and see
Identification
obligations secured, 2.64
railway rolling stock, agreements for, 3.7, 3.13
registration, for, 3.42-3.47, 5.11, 5.61-5.62

Designated entry point
declaration as to, 3.48, 4.137-4.139, 5.53-5.60
International Registry, not part of, 4.138
registration through, 2.138-2.139, 3.48
where not permitted, 3.48, 5.55
where may not be made obligatory, 3.48, 5.58

Detention
right given by contract, 2.30, 2.207, 4.275
preservation of right of, 2.15, 2.33, 2.207, 2.209, 4.271,
  4.275

Diplomatic Conference
OTIF, joint sponsor of, Int 4, 1.4-1.5
participation in, Int 4,
UNIDROIT, joint sponsor of, Int 4, 1.4-1.5

Discharge of registration
meaning of, 2.92, 4.161
provisions relating to, 2.83, 2.92, 4.161-4.166

Disposition see Power to dispose and Default remedies

Entry into force
Convention, of, 2.236, 4.313-4.315
Luxembourg Protocol, of, 2.237, 5.76

Entry points see Designated entry point
**Equipment**
categories covered, 2.2

**European Union**
no declaration
under Convention, Articles 13 and 43, 2.224, 2.233
under Protocol, Article VI, 2.55, 3.15, 3.18
under Protocol, Article VIII, 3.28(1)
under Protocol, Article IX, 2.233, 3.85
proposed ratification of Luxembourg Protocol, 2.233, n. 38

**Export**
remedy of, 3.19, 3.20-3.22, 5.20-5.26
conditions for, 3.22, 5.23
court route, 3.21, 3.23-3.24
out of court route, 3.21, 3.25
procedural requirements, 5.22

**Extra-judicial remedies** see **Default remedies**

**Fees**
basis of, 3.41, 5.68-5.69
fixing of, 3.41, 5.68-5.69

**Floating charge**
agreement, sufficient to constitute, 2.49
outside Convention, 2.52
registration, insufficient for, 2.49

**Force majeure**
defence of on system breakdown, extent of, 2.144

**Formal requirements**
assignment of associated rights, for, 2.187, 4.237-4.239
international interest, for, 2.58-2.65, 4.67-4.73

**Fractional interests**
amendment of, 2.42
default remedies, 2.103
nature of, 2.44

**Guarantee contract**
defined, 5.3

**Guarantor**
defined, 5.3
interested person, as, 2.79-2.82, 5.3

**IATA**
collaboration of, 1.2

**ICAO**
Cape Town Diplomatic Conference, joint sponsor of, Int 3, 1.5

**Identifiability**
Aircraft Protocol, requirements under, 5.61
agreement, requirements for, 2.63, 3.7, 3.13
associated rights, of, 2.187, Convention requirements, 2.4, 2.23, 2.30, 2.63, 2.109, 2.113
Protocol requirements, 3.7, 3.13, 3.42-3.47
railway rolling stock, 3.42-3.47
registration, requirements for, 3.42-3.47, 5.11, 5.61-5.62

**Immobilisation**
Object, of, 2.90
Immunity and see Sovereign immunity
International Registry, assets and records of, 2.145, 4.174
Registrar, no immunity for, 2.144, 4.174, 4.177
Secretariat, 3.39
Supervisory Authority, of, 2.143, 3.38, 4.170

Insolvency
Article IX
Alternative A, 3.68-3.75, 5.33-5.36
Alternative B, 3.76-3.78, 5.37-5.38
Alternative C, 3.79-3.84, 5.39-5.42
European Union, within, 3.85-3.86
exclusion by parties, 3.66
assignor, of, 2.188, 2.197, 4.263
avoidance of transactions on, 2.172, 2.174, 4.210-4.211
default remedies generally, 3.64-3.87
defaults, curing of, 3.68, 3.76, 3.79, 5.33, 5.37, 5.39
effect of, 2.169-2.176, 4.207-4.214
protection of registered international interests, 2.169
enforcement of property rights, 2.175, 4.212
insolvency administrator see Insolvency administrator interim relief, 3.72
preference, avoidance of, 2.174, 4.210-4.211
primary insolvency jurisdiction, defined, 3.65
related transaction documents, 3.76, 5.33
suspension order, 5.41
transaction in fraud of creditors, avoidance of, 2.174, 4.210-4.211
waiting period, 3.70, 5.33

Insolvency administrator
defined, 3.64, 4.17
obligations of, 3.68-3.69, 3.72, 3.77-3.78, 3.79, 3.81, 5.33-5.34
property under control of, 2.174-2.175
transactions in fraud of creditors, 2.172, 2.174

Insolvency assistance
judicial co-operation, 3.87

Insolvency proceedings
commencement of, 2.174, 4.10
defined, 3.64, 4.18
preferences, 2.68, 2.172, 2.174
registered international interest, effectiveness of in, 2.172, 2.174, 4.209
remedies on, for railway rolling stock, 2.169-2.176, 3.64-3.87, 5.30-5.42
transactions in fraud of creditors, 2.172, 2.174

Insolvency Regulation (EC)
EC competence, 2.231, 3.85-3.86, 4.10, 4.310

Insolvency-related event
defined, 3.64, 5.4

Insurance
Registrar, by, 2.144, 3.40, 4.181, 5.67
Interested persons
consent of, 2.80-2.82, 4.93, 4.120
defined, 2.80, 4.19
notice to, 2.30, 2.35, 2.80-2.84,
2.90, 3.25

Interests under national law
relationship to Convention, 2.67-
2.68

Intergovernmental
Organisation for International
Carriage by Rail see OTIF

Interim relief
on insolvency, 3.72-3.73
under lex fori, 2.102
see also Advance relief

Internal transactions
defined, 2.239, 4.20, 4.317
exclusion from Convention,
extent of, 2.240, 4.317-4.320,
5.95
Luxembourg Protocol, under,
3.93

International Civil Aviation
Organization see ICAO

International Institute for the
Unification of Private Law see
UNIDROIT

International interest
accessory nature of, 2.181
amendment of agreement, 2.42-
2.43
new international interest,
created by, 2.42
assignment, not created by, 2.41
assignment by way of security,
2.8
constitution of, 2.58-2.65, 4.67-
4.77
registration unnecessary for,
2.65, 4.67, 4.127
defined 2.30, 2.38-2.39, 4.21,
4.49
formal requirements see Formal
requirements
fractional interests, 2.44
national law, relationship to
interest under, 2.67-2.68,
partial interests, 2.35
prospective, defined, 2.30, 2.45
registration of, see Registration
sub-interests, 2.30
termination of, 2.69-2.71

Internationality
not expressly prescribed, 2.53,
4.49

International legal personality
see Legal personality

International Registry see also
Registry system
access to, 2.137 -2.139, 3.2,
4.137, 4.167
assets, immunity of, 2.145
defined, 4.22
entry points, see Designated
entry point
establishment of, 4.121
fees, 3.54, 5.68-5.69
“notice filing”, based on, 2.114,
4.123
railway rolling stock, for, 2.110
records, immunity of, 2.145
waiver of, 2.145
suspension of operation for
maintenance, 3.41
Supervisory Authority see
Supervisory Authority
title register, is not, 2.39, 2.111
types of registration, 2.116, 4.124

**Interpretation**
Convention, of, 2.16-2.21, 4.61-4.65
principles underlying, 2.16-2.19, 4.61
autonomous interpretation, 2.16
party autonomy, 2.17, 4.63
registration system, integrity of, 2.19
supplementary means, by, 2.21

**Items**
accession, exclusion of doctrine of, 2.168

**Joint debtors**
liability of, 2.36

**Jurisdiction** *see also Brussels Regulation on jurisdiction and judgments*
choice of forum, 2.215, 4.284-4.290
formalities of agreement, 2.215, 4.284
European Union, within, 2.224-2.225
insolvency proceedings, non-application of jurisdiction rules to, 2.135, 2.221, 4.304
location of object, 2.217
orders against Registrar, 2.133-2.135, 2.218-2.220, 4.297-4.303, 4.304
residual jurisdiction, 2.219, 4.300-4.301
relief pending final determination, 2.216, 4.291-4.296

situs of debtor, 2.216, 4.292
summary of rules, 2.214-2.222

**“Law”**
meaning of, 2.20, 3.17, 4.64, 5.13

**Lease remedy**
declaration excluding, 2.79, n 13
default of chargor, 2.60, 2.72-2.75

**Lease-back**
sale and, 2.157

**Leasing agreement**
amendment or extension, creating new international interest, 2.42
renewal, 2.42, 2.45, 2.127, 4.31, 4.153
defined, 2.34, 4.23
option to renew, registration of prospective international interest, 2.45, 2.118
termination, for default, 2.85
effect on sub-lease, 2.157

**Legal personality**
Supervisory Authority, of, 2.143, 4.169-4.170
significance of, 2.143, 4.170

**Lessee**
option to renew, registration of prospective international interest, 2.41(3), 2.45, 2.118
power to dispose, 2.60, 2.149, 2.157, 4.72
priority, 2.156-2.159
quiet possession, 2.158, 3.59
registration, as sub-lessee, 2.118, 2.157
renewal by, creates new international interest, 2.42, 2.45, 2.127, 4.31, 4.153
subordination by, 2.162

**Lessor**
- failure to register, consequences of, 2.148-2.149
- registration by, 2.77, 2.111, 2.118, 2.157, 2.160

**Lex fori**
- displacement of, 3.16
- role of, 2.55, 2.86, 2.88-2.89, 2.102, 2.214-2.216, 2.245, 3.72, 3.76-3.77, 4.65, 4.116, 4.286-4.287, 4.289-4.290-4.291, 4.300, 5.12, 5.19, 5.29, 5.33, 5.37

**Lex situs/lex rei sitae**
- role of, 2.56-2.57, 2.170, 2.245, 4.209, 4.213

**Linguistic alignment**
- authority to effect, Int 5, Luxembourg Protocol, 5.102

**Luxembourg**
- Luxembourg Diplomatic Conference, hosting of, 1.5

**Luxembourg Protocol**
- applicable law, provisions relating to, 3.14-3.17
- contracting states, obligations under, 2.228
- derogation from, 3.11, 5.9
- entry into force, 3.4, 5.76
- European Union, accession of, 2.234
- effect of, 2.234
- history of, 1.2-1.5
- influence of Aircraft Protocol on, 3.7, 3.19
- languages of, Int 5
- primary purpose, 5.1
- remedies, under, 3.19-3.36
- principles, 2.15
- sales, no extension to, 2.33, 2.39, 2.213, 3.10, 3.52, 5.70
- signature, 5.74
- sources of law, 3.3
- sphere of application, 3.1, 3.8-3.10
- structure, 3.5

**Mobile Equipment Convention**
- see Convention on International Interests in Mobile Equipment

**Mobility**
- not expressly prescribed, 2.53, 4.49

**National interest**
- application of Convention to, 2.30, 2.240
- defined, 2.30, 4.24, 4.149
- notice of, 2.30, 2.67, 2.240, 4.26
- registration of, 2.30, 2.67, 2.239

**National register**
- see **Entry points and Internal transactions**

**Non-consensual right or interest**
- declarations relating to, 2.202-2.203
- defined, 2.30, 4.25
- examples of, 2.209
- individual listing not necessary, 2.203
- priority,
  - if registered, 2.30, 2.211, 4.281-4.282
  - without registration, 2.30, 2.203, 2.206, 4.268-4.270
Non-Contracting State
change of debtor's location to,
conflict rules leading to law of
Contracting State, not obliged to apply Convention,
restriction of access to
International Registry, 2.137

Non-Convention registration
effect of, practice of effecting,

Notice
assignment, of, intended lease, of,
intended sale, of, interested persons, to,
Interests persons
national interest, of, defined,
sale, of registration of,

Novation
assignment, distinguished from,

Object
defined, destruction of,
immobilisation of,
lease of, lease rental,
manufacturer's name and identification number,
management of,
preservation of,
sale of,

Object-related associated rights
defined,

Priorities of

Official Commentary
Resolution relating to, Int 6

OTIF
collaboration of, Diplomatic Conference, joint sponsor of,
immunity of, Supervisory Authority,
Secretariat of,

Ownership see Vesting of object

Parties
agents, multiple, trustees,

Party autonomy
underlying principle, as,

Person
meaning of, unincorporated associations,

Place of business
situation of debtor, as,

Possession see Repossession

Power to dispose
“dispose”, meaning of,
lessee having, meaning of,
possesion, requirement of,

575
creation of, 2.60
trust, whether suffices, 2.62

Predictability
importance of, 2.15-2.16,
underlying principle, as, 3.1

Pre-existing right or interest
agreement, under, 2.249-2.250
application of Convention to,
2.7, 2.30, 2.66, 2.166, 2.243-
2.258, 2.347-4.363
assignment of, 2.257, 4.355
defined, 2.30, 2.244, 2.246, 4.28
declaration regarding, 2.248-
2.258, 4.352-4.355
priority, preservation of, 2.243
registration of, 2.248, 2.258
subrogation, acquisition by,
2.257

Preparatory Commission
establishment of, 1.5

Primary insolvency jurisdiction
defined, 2.176, 3.65, 5.5

Priorities
associated rights, 2.191-2.197,
4.248-4.262
buyer, 2.155, 4.186,
conditional buyer, 2.106, 2.156-
2.160, 4.187-4.191
conditional seller, charge by,
2.156, 4.188-4.191
duty to respect, 2.76, 3.26,
fractional interests, 2.35, 2.147
genral rules, 2.146 - 2.152,
4.182-4.185
exceptions to, 2.154-2.166,
4.186-4.203
item other than an object,
2.168, 4.196
lessee, 2.156-2.159

non Contracting state,
situated in, 2.160
lessor, charge by, 4.187-4.191
non-consensual right or interest
registered, 2.30
without registration, 2.30,
2.164, 2.173, 2.206, 4.268-
4.270
outright buyer, 2.155, 4.186
pre-existing right or interest,
2.160, 2.166, 2.243-2.245,
2.251-2.256
proceeds, 2.154, 4.194
prospective international
interest, 2.117, 2.165
registered interest, 2.146-2.152,
2.157
sale and lease-back, 2.157, 4.192
sub-interest, 2.37
subordination, 2.159, 2.161-
2.162, 2.163, 4.193
transferred interest, 2.37, 2.151
unregistered interests,
competing, 2.7, 2.150
validity, distinguished from,
2.146
variation by agreement, 2.161-
2.162, 2.201

Procedure
additional Protocols, 2.241
assignment, 2.198
exercise of remedies, 2.74,
2.104, 4.109, 4.116
insolvency, 2.175, 4.212, 4.263

Proceeds
condemnation, arising from, 2.15
confiscation, arising from, 2.15
defined, 2.22, 2.46, 2.117, 4.29
exclusions, 2.52, 2.68
general proceeds excluded, 2.46,
4.29
insurance, 2.39, 2.68, 2.154
international interest extends to, 4.53
priority rules, application to, 2.39, 2.154
relief pending final determination, does not apply to, 2.90
requisition, arising from, 2.15
sale by creditor, of, application of, 2.76, 2.80-2.81

Prospective assignment
defined, 2.34, 4.30

Prospective international interest
completion of international interest, 2.8, 2.45, 2.117
defined, 2.30, 2.45, 4.31
registration of, 2.45, 2.117, 2.165, 4.135, 4.144, 4.162
search certificate, form of, 2.140, 2.117, 4.123, 4.135, 4.156

Prospective sale
defined, 2.30, 4.32

Protocol
defined, 4.33
future, 2.13-2.14, 2.230, 2.237, 2.241, 4.321
overriding effect, 2.10, 2.237
ratification, Int 3, 2.237
signature, Int 3

Public service railway rolling stock see Public service exemption, Public services

Public service exemption
Contracting State declaration by, 3.30, 5.78-5.81
interests of creditors, duty to consider, 3.36
duty to maintain, 3.31
duty of payment, 3.32-3.35
duty to preserve, 3.31
generally, 3.29
remedies, restriction on exercise of, 3.29-3.30

Public services see also Public service exemption
arrest, preserving right of, 2.15, 2.30, 2.207-2.208, 4.275
detention, preserving right of, 2.15, 2.30, 2.207-2.208, 4.275

Quiet possession
court of, 3.60
debtors right to, 2.106, 2.158, 2.227, 3.56, 3.57-3.63, 5.45-5.48

Railway rolling stock
Convention, application to, Int 4, 2.2, 2.13
defined, 5.6
Protocol, Int 4, 1.3.-1.5, 2.13, 2.241

Rail Working Group (RWG)
role of, 1.2-1.3

Ratification
Convention, Int 3, 2.236, 2.238
Protocol, Int 3-4, 2.237-2.238
UNIDROIT, see UNIDROIT

Redemption see Default remedies and Security interest, right to discharge

Relief pending final determination see Advance relief
Regional Economic Integration
Organisation
excluded in counting numbers,
2.232
European Community as, 2.231-2.234, 4.310
signature of Convention by,
2.231, 4.310-4.312
signature of Protocol by, 3.104, 5.75

Registered interest
defined, 2.147, 4.34-4.35

Registered office
situation of debtor, as, 2.25

Registrable non-consensual
right or interest
defined, 2.30, 2.116, 4.36
examples, 2.211, 4.281
registration of, 2.30

Registrar
appointment of, 2.107
change of, 2.145, 4.131
claims against, access to
documents, 2.145, 4.174
claims by, 2.220, 4.297
consent to registration, not
concerned with, 2.120
defined, 4.37
dismissal of, 2.107,
duties of, 4.130
enforcement of, 2.220
financial guarantee, 3.40
immunity, no, 2.144, 4.174, 4.177
liability of, 2.144, 3.40, 4.177-4.181
compensatory damages only,
2.144, 4.180
contributory negligence, 2.144, 4.180,
insurance against, 3.40, 4.181, 5.67
limits of, 5.66
system malfunction,
best practices, 2.144, 4.177-4.178
no immunity for, 2.144
order against, 2.134-2.135, 2.218-2.220, 2.223, 4.297-4.303
punitive damages, no liability for,
2.144, 4.180

Registration
amendment of, 2.126-2.128
asset-based, 2.109, 2.113, 4.122
block assignments, of, 2.128
complete, when, 2.115
conditional seller, by, 2.7, 2.39, 2.79, 2.118
consent to, 2.112, 4.147
electronic communication of,
2.50, 2.112, 2.188, 3.41, 3.49
when not required, 2.112
designated entry point, through,
see Designated entry point
discharge of, 2.129-2.136, 4.127, 4.147-4.148, 4.161-4.166
consent to, 2.130-2.131
failure to procure, 2.133-2.135
partial, 2.132
time for procuring, 5.64
duration of, 2.124-2.125, 4.152-4.153
electronic, 2.114
errors in registered data, 2.121-2.123, 2.144, 3.54
extension of, 2.117, 2.127, 4.126
failure to register, consequences of, 2.148-2.149,
information required to effect,
3.51
international interest, of, not necessary to constitute, 2.65, 4.127
invalidity, declarations as to, 2.223
lessor, by 2.7, 2.39, 2.79, 2.118, 2.156-2.159
notice of national interest, 2.67, 2.80, 2.112, 2.116, 2.240
number of registrations, Int 3
object, against what, 3.50
party holding in two capacities, 2.118
pre-existing right, of, 2.248
prospective international interest, of, 2.45, 2.116, 2.165, 4.144
registered, meaning of, 2.147, 4.34-4.35
registrable non-consensual right or interest, 2.30, 2.116
Registration Working Group, 1.2-1.3
requirements for, 4.132-4.140
sales, notices of, 2.111, 3.52, 5.70
search for, see Search
subordination, of, 2.32, 2.116, 2.157, 2.161-2.162, 2.146, 4.147
system, see Registration system
time of, 2.115, 4.143
types of, 2.116-2.118, 4.124
validity of, 2.120, 4.141-4.142
when complete, 2.115, 4.136
when searchable, 2.115, 4.143
who can effect, 3.30

Registration system
access to, 2.137-2.139
asset-based, 2.109, 4.122
best practices, 4.177-4.178
Commission of Experts role of, 2.107
electronic, 2.114, 4.133-4.134
errors,
effect of, 2.121-2.123
extent of Registrar’s liability for, 2.122-2.123, 2.144, 4.179
full-time operation, 3.41 5.65
generally, 2.109-2.120
integrity, principle of, 2.19
limits of, 2.119
malfunction, Registrar’s liability for, 2.144
nature of, 2.114
non-Convention registrations, 2.8 2.142
notice filing, 2.114
object, effected against, 2.109
on-line availability, 2.114
purpose of, 2.115
railway rolling stock, for, 2.109
system requirements, best practices, 2.144, 4.177-4.178
validity,
of international interest, does not guarantee, 2.108
of registration, 2.120

Registration Working Group
role of, 1.2-1.3

Regulations
defined, 4.38
making of, 2.10, 2.107, 2.110, 2.119
registration, governing, 2.119

Relief pending final determination see also Interim relief
agreement required for, 2.90
court’s powers, 2.90-2.95, 4.108-4.115
declarations regarding, 2.93, 2.216
exclusion of, 2.100-2.101, 4.114
declaration by Contracting State, by, 2.93, 2.264, 4.333
forms of relief, 2.90, 4.108-4.115
jurisdiction to grant, 2.94
nature of, 2.96
railway rolling stock,
modifications of provisions relating to, 3.19, 5.27-5.29
relief under applicable law, 2.92, 4.113
standard of proof, 2.98-2.99, 4.109
terms court may impose, 2.92, 4.110

Remedies see also Default remedies, Relief pending final determination and Insolvency Proceedings
breach by party, 2.226-2.227, 3.90
breach by Contracting State,
2.77-2.82, 2.85, 2.228, 3.91
private party, claim by, 2.228

Repossession
chargee, by, , 2.77-2.81
conditional seller or lessor, 2.85
relief pending final determination, 2.90

Representative capacity
entry into agreement in, 3.12, 5.10
generally, 5.10
registration in, 3.12, 5.10

Requisition
proceeds arising from, 2.15, 2.154

Reservations
Not permitted, 2.272, 4.336, 5.93

Review Conferences
convening of, 2.276, 4.364, 5.100

Sale
aircraft objects, extension of Convention to, 2.33, 3.52
defined, 4.39
railway rolling stock,
no extension of Convention to, 2.33, 2.39, 2.213, 3.52
registration of notice of, 2.111, 3.52, 4.13, 5.70
of no effect under Convention or Protocol, 2.111, 5.70

Sale and lease-back
priority position, 2.157, 4.192

Sale remedy see Default remedies

Searches
Contracting State search, 2.140, 4.155
informational search, 2.140, 4.155
priority search, 2.140
registration, when searchable, 2.115, 4.143
search certificate, 2.140-2.141
electronic means, by, 2.114
evidential value of, 2.140, 4.159-4.160
neutrality of, 2.140,
prospective international interest, 2.66, 4.156
search criteria, 2.115 n. 15, 5.63
types of facility, 4.155

Secured obligation
defined, 4.40,
Security agreement
characterisation of agreement as, 2.47-2.49, 4.44
defined, 2.34, 4.41
floating security,
agreement can comprise, 2.49
not registrable, 2.49
secured obligations, statement of, 2.64, 4.73
need not state maximum sum, 2.64, 4.73, 4.75

Security interest
accessory nature of, 2.181
defined, 2.34, 2.47, 2.49, 4.42
extinguishment of, 2.69
right to discharge, 2.69, 2.129
successive security interests, 2.38, 2.79

Set-off
against assignee, 2.184
waiver of, 2.184, 4.228

South Africa
Cape Town Diplomatic Conference, hosting of, Int 3

Sovereign immunity
waiver of, 3.89, 5.71

Space assets
Convention, application to,
Int 2, 2.2, 2.4, 2.10, 2.23, 2.241
Protocol, 1.2 n. 2

Spare parts
installation of, 2.168, 4.196, 4.257
removal of, 4.196

Sphere of application
of Convention, 2.23, 4.55-4.56
of Luxembourg Protocol, 3.1, 3.8-3.10

State immunity see Sovereign Immunity

Statutory seat
meaning of, 4.58

Sub-lease
international interest, 2.111
sale and lease-back, on, 4.192
sub-interest, as, 2.30, 2.118
termination of head lease, effect on, 2.157

Subordination and see Priorities
amendment of registration, not an, 2.126
non-Convention interest, to, 2.161
quiet possession, of, 2.106, 2.227, 2.157-2.158, 3.58
registration of, 2.35, 2.116, 2.162

Subrogation
acquisition by, 2.31, 2.199-2.200, 4.150, 4.264
pre-existing interest, of, 2.257
interested person who pays debt, of, 2.83, 4.95
preservation of rights under national law, 4.264-4.265
registration, 2.31, 2.37, 2.116, 2.199-2.200

Supervisory Authority
commission of experts
constitution of, 2.107, 4.128, 5.51
defined, 3.37, 4.43
functions of, 2.107, 4.128-4.129
immunity of, 2.143, 3.38, 4.169-4.172, 5.52
international legal personality, 2.107, 4.169, 4.170
International Registry, for, 4.128-4.129
powers of, 2.107
role of, 2.107
Secretariat, immunity of, 3.39

Termination see Default remedies

Territorial units
applicable law within, 4.65
extension of Convention to, 2.242, 3.105, 4.322-4.326
extension of Protocol to, 5.77
federal law within, 2.242
situation of debtor within, 4.59
State comprising, applicable law, 2.26, 2.242, 4.59

Title reservation agreement
defined, 2.34, 4.44

Trains
when objects as such, 3.9, 3.50

Transferred rights and interests
types of, 2.31
Transfer see Assignment

Transitional provisions and see Pre-existing right or interest
Convention, of, 2.243-2.258, 4.347-4.363
modified by Luxembourg Protocol, 5.82-5.85

Two-instrument approach
advantages, 2.11

UNIDROIT
declarations, ascertaining from, 2.277

Depositary functions, 2.277, 3.74, 4.365-4.369, 5.101
International Financial Leasing Convention on, 3.92
joint sponsor
Aircraft Protocol, of, Int 3
Convention, of 1.5
Luxembourg Protocol, of, Int 4, 1.5

UNIDROIT Convention on International Financial Leasing
superseding of, 3.92, 5.72

Uniformity
Interpretation, 2.16

Unincorporated associations see Person and Debtor

United Nations Convention on the Assignment of Receivables in International Trade
relationship of Cape Town Convention to, 2.196, 2.229, 4.305-4.306

Unregistered interest
defined, 2.152, 4.45
priority between unregistered interests outside Convention, 2.150

Vesting of object
chargee, in,
as default remedy, 2.80-2.83
need for consent or order, 2.80
when order may be made, 2.80

Waiting period
meaning of, 3.70, 5.33
significance of, 3.70, 5.33
Waiver

defences against assignee, of, 2.184, 4.228
rights of set-off against assignee, of, 2.184, 4.228
sovereign immunity, of, 3.5, 5.71

Writing

defined, 2.59, 4.46, 4.70
registration, consent to, 2.112, 2.126, 2.131,
requirement of, agreement, for, 2.59
assignment, for 2.187
choice of law, for, 4.284
default, as to events constituting, 2.75,
derogation from Chapter III, 2.105
from Protocol, 3.11, 5.9
export remedy, for consent to, 3.22
generally, 2.59
insolvency provisions, for excluding, 3.66
international interest, for, 2.59
notice of assignment, for 2.187
notice to interested persons, for 3.21, 3.25
prospective international interest, not needed for, 2.45
variation of priority of subrogation rights, for 2.201
waiver of sovereign immunity, for 3.89, 5.71