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

Access

to the Registry, see
International Registry and
Designated entry points

Accession

applicable law, relationship with, 2.71, 3.49, 4.206, 5.12 doctrine of, effect of, 2.227, 4.206 exclusion of, 2.38, 2.227-2.231, 4.206-4.207

Administrative authorities

duties of, 2.13, 2.127, 3.52, 3.54-3.56(3), 3.142, 4.338, 5.54, 5.55(4)

Advance relief, see Relief pending final determination

After-acquired property

interest in attaching as from time of agreement, 2.88, 3.132

Agreement

contract, distinguished from, 2.44 creating nascent security interest, 2.88 default remedies, how affects, 2.101 defined, 2.44, 4.7

derogation from Chapter III provisions, 2.146 power of disposal, 2.82-2.87 representative capacities for entering into, 3.75-3.78, 5.26, 5.28 time of conclusion, 2.91

relevance of, 2.91

transaction, distinguished from, 2.44 variation of priorities, 2.219-2.220, 2.262, 4.200

Air navigation charges

lien for unpaid, 2.268, 2.270-2.271, 4.281, 4.285

Amendment of agreement

creating new agreement, 2.56-2.57 not creating new agreement, 2.58 pre-existing right or interest, 2.57

Amendment of Convention

Review Conferences and process for, 2.298, 2.344, 3.157, 4.377-4.378

Amendment of Pretoria Protocol

Review Conferences, 3.157

Amendment of registration

assignment, not appropriate for, 2.180 defined, 2.56 effects of, 2.56-2.58, 2.178-2.180 new registration, distinguished from, 2.179

Annexes to Pretoria Protocol and see HS codes

exclusion of, 3.22 list of codes, 3.15-3,18 modification of, 3.158-3.183

Applicable law

additional remedies under, 2.122-2.125, 4.115

application of Convention, does not determine, 2.24, 2.31 arrest under, rights of, 2.268-2.269, 4.281-4.285 assignment or novation, 2.53, 2.71-2.72, 2.78, 2.243, 2.245, 4.8 associated rights, 2.71, 2.78, 2.249 characterisation determined by, 2.24, 2.56, 2.64, 2.71, 4.56-4.58 choice of law, see Choice of law components, rights in, 2.39, 4.55, 4.206, 5.8 and see Parts connecting factor, 2.33-2.37, 3.8(3), 3.75 contractual provisions falling outside the Convention and Protocol, 2.66 defences, determined by, 2.248 determining the, 2.76-2.78 inadequacy of traditional conflict rules, 2.5 interests under national law, 2.92-2.94, 4.27-4.28, 4.74 interim relief under, 2.129, 2.130, 2.132, 2.138, 2.140, 3.120-3.121, 5.67 international interest, where effective under, 2.79, 2.232 joint debtors, 2.46 lex fori, 2.71, 3.33, 3.35, 3.44, 3.98, 2.107, 2.140, 2.144 lex situs, 2.77, 3.24, 3.77 lex registri, 2.77, 2.165 matters governed by, 2.5, 2.10, 2.24, 2.31, 2.71-2.74, 2.79, 2.107, 2.135-2.137, 2.140, 2.171, 2.179, 2.213, 2.224, 2.232, 2.249,	power of disposal under, 2.10, 2.69-2.70, 2.74, 2.82, 4.77-4.78 property rights covered by Convention, 2.77 priority of competing assignments associated rights, where determined by, 2.72, 2.257 unregistered, determined by, 2.72, 2.255, 4.266 priority of pre-existing rights and interests under, 2.309, 2.312, 4.361-4.371 relationship with Convention and Protocol, outline of, 2.5, 2.10 remedies, additional permitted by, 2.107, 2.122-2.125, 2.291, 4.115 sensitivity to, as a principle, 2.23 set-off, right of determined by, 2.72, 2.248 subrogation, preservation of rights, 2.41, 2.72, 2.119, 2.260, 4.274-4.275 termination of agreement under, 2.10, 2.95-2.96, 3.32(3) territorial units, in State with, 2.28, 2.35, 2.308, 4.65, 4.71, 4.336-4.338, 5.105, and see Territorial units time of agreement, determines, 2.10, 2.79, 2.91 Aquacultural equipment as agricultural equipment, 5.20 Arrest and see Detention contract, right given by, 2.23, 2.40, 2.268-2.269, 4.281 Contracting States, declarations by
2.255-2.258, 2.309, 2.319-2.320,	Contracting States, declarations by, 2.268-2.269, 4.278
3.31-3.32, 5.27 meaning of, 2.24, 2.71, 2.312, 3.34,	preservation of right of, 2.40,
3.36, 4.70, 5.33-5.34	2.140, 2.268, 4.281, 4.285
non-Contracting State, 2.37	

Assignment and see registration of, 2.157, 2.246, Associated rights 2.238 agreement to assign, 2.249, 4.8 security, by way of, default remedies, 2.252, 2.258amendment, should not be registered as, 2.180 2.259 assignee's position, 2.247, 4.250formal requirements, 2.251 4.253 revesting on discharge of assignor, default by, 2.252, 2.258, liability, 2.246 4.254-4.256, 4.273 subrogation associated rights, of, 2.41, registration of, 2.2 2.44, 2.54, 2.241-2.242, 2.245unaffected, 2.260, 2.250, 4.225-4.239, 4.263-4.267 unregistered interest, 2.240, 4.233 priority of, 2.253-2.259, 4.234, 4.258-4.267 Associated rights and see debtor's duty to assignee, 2.248, Assignment 2.291, 4.250-4.253 assignor's insolvency, effect of, default by assignor, 2.252, 2.258-2.238, 2.258-2.259, 4.273 2.259, 4.255-4.256 assignment of, 2.44, 2.54, defined, 2.41, 2.44, 2.53-2.54, 2.241-2.242, 2.245-2.250, 2.157, 2.179, 2.241-2.242, 2.255, 4.225-4.239, 4.263-4.267 4.8-4.9 assignment, meaning of, 2.44, 2.54, discharge, consent to, 2.176 4.225 effect, 2.245-2.249, 4.230-4.23 effect of, 2.253-2.254, 4.230, 4.239 formalities, 2.251, 4.247-4.249 formalities, 2.245, 2.251, 4.247international interest, of, 2 4.249 2.47, 2.53, 2.157, 2.178, 4.1 novation, distinguished from, 4.230, 4.232-4.236 2.53-2.58, 4.9 novation, distinguished from, 2.53operation of law, 2.243 2.58, 4.9 partial, 2.250, 4.235-4.236 object-related rights, 2.244, priority, 2.253-2.259, 4.233-4.267 2.257, 4.266-4.267 object-related rights 2.244, operation of law, by, outside 4.266-4.267 Convention, 2.178, 2.243, 2.255, registration, 2.246, 2.238 4.10, 4.225 security, by way of, revesting, partial, 2.250, 4.235-4.236 2.246, 4.239 priorities, 2.208, 2.253-2.259, transfer of international interest 4.258-4.267 by way of security ineffective prohibitions on, 2.245, 2.248 without, 2.249, 4.249 prospective, registration of, 2.256 unregistered interest, of, 2.239receivables, of, 2.211, 2.245, 2.240, 4.233 2.257, 2.295 creditor, can be held only by, 2.241

debtor's duty to assignee, 2.240, 2.248, 2.251, 2.252, 2.291, 4.250-4.253 default remedies, 2.252, 4.254-4.256 defences, debtor's right to assert, 2.248, 4.237-4.238, 4.250, 4.256 defined, 2.40(6), 2.44, 2.241-2.242, 4.8, 4.12, 4.225-4.228 identifiability of, 2.251 Buver in isolation, outside Convention, 2.249 international interest, without, 2.249 kinds of, 2.244, 4.228 Cape Town meaning of, 2.40, 2.241-2.242 "object-related", defined, 2.244, 4.266-4.267 priority of, 2.253-2.259, 4.229, 4.258-4.262 2001 rights under other contracts as, set-off, debtor's right to assert 2.248 **UN Assignments Convention** relation to, 2.295 "Attached" meaning of, 22 2.188-2.190, 2.165 Attachment creditor, by, under judgment or order, 2.273 3.107, 3.109 Attachments see Components

Brexit (UK withdrawal from EU) effect of, 2.302

Brussels Convention on jurisdiction and the enforcement of judgments in civil and commercial matters.

Cape Town Convention, relevance to, 2.289, 2.328 replacement by Brussels I,

meaning, 2.46, 2 notice to, 2,115 priority of, 2.214

Diplomatic Conference, Int 3

Cape Town Convention see Convention on International Interests in Mobile Equipment

Categories of equipment, Convention, covered by, 2.2

Categorisation see Characterisation

Centre of administration debtor, of, 2.33-2.34, 2.280, 4.64 Registrar, of, 2.25, 2.167, 2.282,

Centre of main interests (COMI) meaning of, 2.34, 3.101, 3.106-

Characterisation

agreement, of, 2.63, 4.56-4.58 relevance to default remedies, 2.64

Chargee and see Default Remedies and Priorities priority of

Aviation Working Group (AWG)

capital requirements, 3.1 and n. 61

Breach of agreement see Default and

role of, 1.1-1.3

Basel Framework

Default Remedies

conditional buyer, against, 2.215-2.218 generally, 2.201-2.210 lessee, against, 2.215-2.218 remedies of, 2.103-2.125, 4.85-4.103 and see **Default** remedies sale by, 2.115 distribution of proceeds, 2.117

Chargor

interested person, as, 2.115-2.116 security agreement, as party to, 2.40, 2.44

Choice of forum

Concurrent jurisdiction parties to agreement, by, 2.277-2.278, 4.296-4.301 writing required for, 2.81, 4.298

Choice of law and see Applicable law declarations relating to, 3.32(1), 3.34, 3.38, 5.32 dépecage, 3.34, 5.5 freedom of choice, 2.76, 3.34-3.35, 5.32-5.37 insolvency proceedings, 2.232 meaning of "law", 3.34, 3.36, 4.70, 5.33 reference is to domestic law, 3.34, 5.33 terntorial unit, 3.34, 4.338, 5.34

"Closing Room" facility outlined, 2.154, 2.161, 4.142

Codes

Harmonized System, see HS codes

Commercial reasonableness exercise of remedies, in, 2.112, 2.291

Competing assignments, priority of, see Priorities and Assignment

Associated rights related to different international interests, 2.254

Assignments related to the same associated rights, 2.255

Complaints

International Registry, about, 3.83

Components

equipment, include, 2.39, 3.10 items as, 2.30(2), 4.51 no separate status, 3.10-3.11

Concurrent jurisdiction

restrictions on exclusion, 2.280-2.281, 4.304-4.305

Condemnation

proceeds arising from, 2.211

Conditional buyer

defined, 2.46, 4.14 priority of, 2.215-2.218, 3.87-3.95

Conditional sale agreement see Title reservation agreement

Conditional seller

characterisation as secured creditor, 2.63, 2.121, 2.215 charge by, 2.215, 2.221 defined, 2.45, 4.15 registration protects conditional buyer, 2.215 remedies of, 2.121

Confiscation

proceeds arising from, 2.211

Conflict of laws

inadequacy of, 2.5, 2.71 and see **Applicable law**

Connecting factor

Convention, under, 2.33-2.37 trustee, where debtor, 3.75, 5.28

Consent

exercise of remedies, to, 2.100-2.101, 2.118, 2.126-2.131, 3.56(3) relief pending final determination, 2.126-2.127 interested persons, of, vesting of ownership, to, 2.101, 2.105, 2.118-2.120 registration, to, 2.153, 2.163 amendment of, 2.178

Consolidated text

production of, Int 5, 2.20 status of, Int 5-Int 7, 2.20

Consumer transactions

relevance of Convention and Protocol to, 2.32

Contract

Convention, relationship to, 2.66 distinguished from "agreement", 2.44

Contracting State

proposal., 3.28, 3.174, 5.5

Contract of sale

defined, 2,44, 2,276, 4.16 Pretoria Protocol inapplicable to, 3,29

Contractual provisions outside the Convention and Protocol, see Applicable law

Control

object, of, default remedy, 2.114, 2.121-2.122, 2.252, 4.88

Convention on International Interests in Mobile Equipment 2001

amendment of, 2.344 applicable law, connection with, 2.10, and see Applicable Law asset-based approach, 2.68, 2.88. 2.90 2.150, 2.154, 4.130 breach, remedies for, 2.290-2.294 by Contracting State, 2.292-2.294 by party to agreement, 2.291 constitution of interest under, 2.79-2.90 criminal law, does not affect, 2.10 denunciation, 4.360 definitions under, 2.30 derogation under, 2.146 and see Derogation leffective date', meaning of, 2.313, entry into force, 2.21-2.22, 2.301-2.302, 2.313, 2.309-2.325, 4.326-4.329 equipment covered by, 2.2, 2.68 future Protocols, 2.2, 2.17-2.20, 2.296, 2.302, 2.307, 4.335 good faith in, 2.23 history of, Int 2-Int 3, 1.1-1.6 instruments of ratification, 2.303 interests covered by, 2.9, 2.40 interests under national law, relationship with, 2.92-2.94, -, 3.46, 3.136 internationality under, see Internationality interpretation, 2.24-2.29 languages of, Int 4, 1.6

interpretation, 2.24-2.29 languages of, Int 4, 1.6 modification of, by Protocol, 2.346 national law, relationship to, 2.10 objectives, Int 2, 2.1, 2.4-2.6, 2.71, 2.100, 4.1-4.5

obligations imposed on Contracting States, by, 2.13 party autonomy under, 2.25 procedure under, 2.144 property rights covered by, 2.77 Protocol, relationship to, 2.14-2.16, 2.68, 3.1, 3.3, 4.72 ratification, 2.22, 2.301-2.303, 4.320-4.321 Regional Economic Integration Organisations, as a party to, 2.297-2.300 regulatory public law, does not affect, 2.10 relationship with other Conventions, 2.295, 3.143 signature, 4.320-4.321 sphere of application, 2.31-2.32, 4.61-4.62 generally, 2.31 MAC equipment, 3.9-3.15 tort law, does not affect, 2.10 transitional arrangements, 2.309 2.325 underlying principles, 2.23

Convention on International Financial Leasing

Superseded, 2295, 3.143, 4.319, 5.101

Convention on the Law Applicable to Trusts and on their Recognition 1985

characteristics of trust, 3.76

Court

defined, 2.277, 4.17 determination of, 2.110, 4.341

Cram-down see also Restructuring Plan

insolvency remedies unaffected by, 3.122

Creditor

defined, 2.45, 4.18 duty to respect priorities, 2.111, 3.58 liability for interference with quiet possession, 3.90

Debtor

bound by assignment of associated rights, 2.248 defined, 2.46, 4.19 insolvent, 2.240, 3.59 interested person, as, 2.115, 3.81(1) multiple debtors, registration of, 2.46 possession of, 2.82-2.85 and see

Power of disposal

quiet use of object, right of, 3.87-3.95 situation of, 2.33, 2.36, 4.63-4.66, 4.361, 4.366 centre of administration, 2.34 place of business, 2.33, 2.35 place where formed, 4.64 registered office, 2.33 relevant time, 2.33, 2.91, 4.62 statutory seat, 2.34, 4.64

Declarations

Pretoria Protocol, under, effect of, 3.134
5.112-5.117
opt-in, 3.147, 3.150
information requirements, 3.153
mandatory, 3.149-3.151
Convention, under, generally, 4.349-4.354

3.145 exercise of remedies where,	arrest, relating to, 2.268-2.271 court, 2.326-2.342 European Union, by, 2.300-2.301, 2.328-2.329 generally, 2.326-2.342 jurisdiction within the European Union, regarding, 2.289 making of, 2.326-2.342, 4.351 4.349-4.354 mandatory, 2.334-2.335, 2.341, 3.149-3.151 modification of, 2.338, 4.355 mutual exclusivity of Articles 39 and 40, 2.275 national law, relating to, 2.333 non-consensual right or interest, 2.10, 2.40, 2.222, 2.263-2.267, 2.271 opt-in, 2.103, n. 26, 2.326, 2.331, 2.342 opt-out, 2.100, 2.326, 2.332 relief pending final determination, 2.332, 4.345-4.348 remedies, 2.107-2.110, 2.334, 4.342-4.344 territorial units, 2.308 transitional relations, regarding, 2.315-2.324 reservations, distinguished from, 2.340 subsequent, 2.266-2.267, 2.335, 2.338-2.339, 3.151-3.152, 4.355-4.357 system of, 2.326-2.342, 3.144-3.153 time when may be made, 2.338, 2.341, 3.149-3.152 when taking effect, 4.352, which State can make, 2.327,	withdrawal of, 2.338-2.339, 4.358-4.359 Declared intention to suspend payments meaning of, 3.102, 3.105 Default meaning of, 2.100, 2.102, 3.56(2), 4.113-4.114 Default remedies, and see Relief pending final determination additional, 2.71, 2.106, 2.122-2.125, 3.51-3.60, 4.115, 5.52-5.58 and see Export damages, 4.115 injurction, 2.124, 2.285, 4.115 specific performance, 4.115 applicable law, relevance of, 2.71, 2.101, 2.122-2.125 assignee, of, 2.252, 4.255-4.256 characterisation of agreement, relevance of, 2.64, 2.71, 2.100 extra-judicial, 2.112, 4.86, 4.92 chargee, of, generally, 2.100-2.147, 4.85-4.97 income and profits, collection of, 2.114, 2.117, 4.88 insolvency, on, 3.96-3.105, 3.116-3.123 interested persons, notice to, 2.115-2.118, 4.95 lease, 2.114-2.117, 4.88 possession or control, 2.114-2.117, 4.88 redemption by debtor, 2.119 sale, 2.115-2.117
3.145 exercise of remedies where,	2.341, 3.149-3.152 when taking effect, 4.352,	redemption by debtor, 2.119 sale, 2.115-2.117
2022 0 4 4 5	3.145 which State's declaration relevant,	2.117, 4.97 surplus, application, 2.117, 2.291,

vesting of ownership, 2.100-	waiver of, 2.248, 4.238, 4.250
2.101, 2.118-2.120, 4.99-4.103	
commercially reasonable manner,	Definitions
to be exercised in, 2.112, 2.291,	in Convention, 2.30, 2.40, 2.44-
3.60(1), 4.93-4.94, 5.56	2.51, 2.276
conditional seller, of,	in Protocol, 3.6-3.13, 3.17, 5.2-5.18
possession, 2.100, 2.121,	
4.109-4.112	Demand guarantee
termination of agreement, 2.121,	guarantee contract, as type of,
4.109-4.112	2.115
criminal law not affected by, 4.86	issuer as interested person, 2.115
default,	Denunciation
generally, 2.100-2.147, 3.30	
insolvency, on, see Insolvency	when taking effect, 4.360,
internal transactions, 2.305-2.306,	5.123
4.330-4.333	Depositary
lessor, of	functions of, 2.263, 2.343, 2.345,
possession, 2.114	3.184, 3.173-3.181, 4.379-4.383,
termination of agreement,	5 .125-5.127
2.121	proposal, for adjustments 3.158-3.169,
meaning of, 4.113-4.114	5.7 and see UNIDROIT
de-registration, 2.106, 3.8(4), 3.51	reports by, 2.343
export and physical transfer, 3.51,	UNIDROIT as, 2.2, 2.345, 4.379
5.9, 5.52-5.56	,,,
fractional interests,	De-registration,
creditors holding, 2.143	not remedy available under Pretoria
mode of exercise, 2.107-2.110,	Protocol, 3.8(4), 3.51
2.112, 4.93-4.94, 5.54-5.58	To a state of the
multiple creditors, 2.83(2)	Derogation
notice of, 2.115	Convention, from provisions of
objective, as, 2.6, 2.100	Chapter III of, 2.66, 2.146, 4.128
procedural requirements	Pretoria Protocol, from provisions
conformity with, 2.72, 2.100-	of, 3.30, 5.25
2.101, 2.144-2.145, 4.124	Description and see Identifiability
Protocol, modification by, 3.60,	MAC equipment, of, 2.68, 2.88,
5.52-5.58	3.8(1), 3.72-3.73, 5.31
"reasonable prior notice", meaning	obligations secured, 2.79, 2.88
of, 3.60(2), 5.58	obligations secured, 2.77, 2.00
tort law not affected by, 4.86	Designated entry point
2022 2011 200 200000 27, 1100	declaration as to, 3.69-3.70,
Defences	4.147-4.148, 5.86-5.90
assignee, availability against, 2.248,	designations, generally, 3.64, 3.69-3.70,
4.237	5.86-5.90

failure to use, does not affect validity, 3.70, 5.86, 5.89
International Registry, not part of, 4.148
MAC equipment, in respect of, 3.69, 5.86-5.89
registration through, 2.192, 2.194, 3.69-3.70, 5.86-5.90
searches, not used for, 5.90
where not permitted, 3.70, 5.86
where may not be made obligatory, 3.70, 4.147, 5.86

Detention and see Arrest

right given by contract, 2.40, 2.268-2.269, 4.281, 4.285 preservation of right of, 2.23, 2.40, 2.268-2.269, 4.281, 4.285

Diplomatic Conference (Aircraft Protocol)

account of, 1.6 hosted by South Africa ICAO, joint sponsor of, Int 3, 1.6 participation in, Int 3, 1.3 UNIDROIT, joint sponsor of, Int 3, 1.6

Diplomatic Conference (Pretoria Protocol)

account of, 1.11 South Africa as host, 1.11-1.12

Discharge of registration and see Registration

consent to, 2.176
does not eradicate entries, 2.191
errors in registered data, after,
2.167, 3.82
failure to procure, 2.188-2.190, 3.81
jurisdiction to order, 2.188-2.189,
5.97
partial, 2.187

provisions relating to, 2.181-2.191, 2.282-2.285, 3.81, 5.97-5.98 when should occur, 2.181, 4.171-4.174 who can apply for, 2.184, 3.81, 5.97

Disposition see Power to dispose and Default remedies

Duration

registration, of, 2.176-2.177

EC Regulation 1346/2000 of 29 May 2000 on insolvency proceedings

replaced by Insolvency Regulation (recast), 3.107, 4.322

EC Regulation 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I)

replaced by EU Regulation 2015/2012 (Brussels I (recast)), 2.289, 4.322 and see EU Regulation 1215/2012

"Effective date"

meaning of, 2.313

Entry into force and see Transitional provisions

Convention, of, 2.21-2.22, 2.301-2.302, 2.309-2.325, 4.326-4.329 Aircraft Protocol, 2,22 Pretoria Protocol, 2.22, 3.3-3.5

Entry points see Designated entry point

Equipment

agricultural, defined, 3.17 categories covered, 2.2, 2.14, 3.17

construction, defined, 3.17 Convention not equipmentspecific, 2.14 defined, 3.17 irrelevance of intended or actual use irrelevant, 3.10, 5.22 mining, defined, 3.17, 5.21 search criteria, 5.31, 5.92-5.93

Errors in registered data, see Registration

EU Directive 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) (the "European Restructuring Directive")

2.301, 3.122

EU law

advance relief, 2.289 not relevant to ratification on the international plane, 2.300-2.302

EU Regulation 2015/848 of 20 May 2015 on insolvency proceedings (recast)

centre of main interests (COMI), 2.34, 3.101, 3.106-3.107, 4.64 exclusive competence of EU, 2.297, 2.299, 3.125-3.126, 4.322-4.323 insolvency jurisdiction, 2.237 recognition of proceedings opened in another court, 3.108 recognition of pre-insolvency rights in rem. 2.272

EU Regulation 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I)(recast)

Cape Town Convention, and, 2.279, 2.289 duty to enforce orders, 2.142 exclusive competence, 2.297, 2.299, 4.322

European Union and see Regional Economic Integration Organisations

insolvency provisions for members of, 3.125-3.126 jurisdiction within, 2.289 party to the Convention, as, 2.297-2.300 party to the Protocol, as, 3.154

Existing entries

not discharged from International Registry, 2.191

Export

remedy of, 3.51-3.53, 5.52-5.58

Extra-judicial remedies and see Consent and Default remedies

chargee, of, 2.112, 4.85-4.97 conditional seller, of, 2.121 lessor, of, 2.121

Federal law, see Territorial units

Fees

basis of, 3.86, 5.94 fixing of, 3.86, 5.94

Finance

forms of, 2.4

First regulations

by Preparatory Commission, 5.85

Floating charge

outside Convention, 2.65 within later Protocols, 2.65, 2.88, 3.8(1)

Force majeure

defence of on system breakdown, extent of, 2.199

Formal requirements

assignment of associated rights, for, 2.245, 2.251, 4.247-4.249 international interest, for, 2.80-2.90, 4.73-4.79

Fractional interests

default remedies for those holding 2.143 distinguished from shared interests 2.60 increase in size of, 2.180 multiple interests, distinguished from, 2.60 nature of, 2.59-2.60, 2.67 power of disposal, impact on, 2.87 registration of, 2.160, 2.180

Good faith, and see Commercial reasonableness

Convention, in, 2.23

Guarantee contract

defined, 3.36, 5.9

Guarantor

defined, 5.9 interested person, as, 2.115-2.116

Hague Convention on Choice of Court Agreements 2005

recognition and enforcement of judgments, 2.328 relationship with Cape Town Convention, 2.279

Hague Trusts Convention, see Convention on the Law Applicable to Trusts and on their Recognition 1985

Harmonized system (HS)

codes, see **HS Codes** described, 3.13-3.15 interpretation, 3.21

History of Convention and Protocols, and see Convention on International Interests in Mobile Equipment

generally, 1.1-1.12

Harmonized System

defined, 3.13 revision, 3.13 structure, 3.14

HS, see Harmonized System

HS codes

adjustments, 3.158-3.169
agreement need not specify, 3.26
protection of existing rights and interests, 3.156
criteria for selection, 3.15
generally, 3.15-3.20
incomplete or unfinished articles, 3.20
incorrect specification in agreement irrelevant, 3.26
interpretation, 3.21
parts, 3.17, 3.19

Hybrid transactions

defined, 2.54

IATA

collaboration of, 1.3

ICAO

Cape Town Diplomatic
Conference,
joint sponsor of, Int 3, 1.6
immunity of, 2.198, 4.179, 4.181
Legal Committee of, 1.4
Legal Sub-Committee, 1.4
legal personality, 2.148, 2.198,
4.179-4.181
registration, oversight of provisions
for, 2.151, 4.137-4.138
Supervisory Authority for aircraft
registry, as, 4.314
United Nations, specialised agency
of, 4.179

Identification

associated rights, of, 2.251
object, Pretoria Protocol, under, 3.8(1), 3.72-3.73
Convention requirements, 2.31, 2.40, 2.65, 2.68, 2.79, 2.88, 2.154
Pretoria Protocol requirements, 3.8(1), 3.72-3.73, 5.91
for registration purposes, 3.8(1), 3.72-3.73
manufacturer's name not required, 3.72
search criteria, 5.31, 5.92-5.93

Immobilisation

object, of, 2.126

Immovable-associated equipment

defined, 3.39, 5.12 equipment in Contracting State, 3.42-3.47, 5.39-5.48 equipment in non-Contracting State, 3.41, 5.40 legal identity, loss of, 3.42, 3.45-3.46. 5.41-5.48 non-severability, effect on priorities, 3.48, presumption of severability, 3.44 severability, economic test, 3.44, 5.43-5.44

Immunity and see Sovereign immunity

International Registry, assets and records of, 2.200, 4.184, 4.186 Registrar, no immunity for, 2.199, 4.184, 4.186 Supervisory Authority, of, 2.198, 3.62, 4.179

"Implementation period"

defined, 3.168, 5.13, extension of entry into force, 3.168

Incomplete articles

application of Convention and HS codes to, 3..20

"Incorporated"

meaning of, 2.231

Insolvency

assignor, of, 2.238, 2.258-2.259, 4.273 avoidance of transactions on,

2.233, 2.235, 4.220-4.221 "date on which the creditor would be entitled to possession", meaning of, 3.119

declarations by Contracting States concerning, 2.236 and see

Declarations

default remedies generally, see

Default remedies

defaults, curing of, 3.116-3.119 effect of, 2.232-2.237, 4.217-4.222

protection of registered international interests, 2.232 enforcement of property rights, procedural restrictions on, 2.236, 4.222 European Union, duties of Member States, 3.125-3.126 exclusion of provisions by parties, 3.30, 3.115 general rule, 2.232 incorporated transaction documents, 3.55, 3.116, 5.67 insolvency administrator see Insolvency administrator interim relief, 3.120-3.121 jurisdiction, not dealt with by Convention, 2.237 preference, avoidance of, 2.235, 4.220-4.221 primary insolvency jurisdiction, defined, 2.34, 3.101, 5.18 remedies, 3.96-3.105, 3.116-3.123, 5.63-5.71 transaction in fraud of creditors avoidance of, 2.235, 4.220-4.221 unregistered interests, 2.258 waiting period, 3.116, 3.118-3.119 defined, 3.104, 3.117, 4.20 obligations of, 3.116-3.117, 3.120,

Insolvency administrator

5.66-5.70 "or debtor", 3.117, 5.64 property under control of, 2.236 termination of agreement by, 3.122 transactions in fraud of creditors, 2.233, 2.235 "zero hour", 2.235

Insolvency assistance

judicial co-operation, 3.127-3.128, 5.73

Insolvency proceedings, and see Insolvency-related event MAC equipment, 3.96-3.124, 5.63-5.71 commencement of, 2.232, 2.235, 4.13 defined, 4.21 EU Member States, 3.125-3.126 jurisdiction, 2.190, 4.316 preferences, 2.94, 2.235 Registrar, proceedings against, registered international interest, effectiveness of in, 2.232-2.237 remedies on, for MAC equipment, 2.236, 3.96-3.105, 3.116-3.123, 5.63-5.71 transactions in fraud of creditors, 2.233, 2.235

Insolvency Regulation (EU)

EU competence, 2.297-2.300, 4.13, 4.322

Insolvency-related event

defined, 3.102, 5.14 insolvency proceedings, 3.103 suspension of payment, 3.105

"Installed"

meaning of, 2.231

Insurance

Registrar, by, 2.199, 3.63, 4.191

Interested persons

defined, 2.115, 4.22 notice to, 2.40, 2.45, 2.115-2.118

Interests under Convention, see International Interest

Interests under national law defined, 2.40

relationship to Convention, 2.40, 2.92-2.94, 3.42, 3.46, 3.136

Interim relief see Relief Pending Final Determination

Internal transactions and see National interest

Pretoria Protocol, under, 3.57 defined, 2.304, 4.23 exclusion from Convention, extent of, 2.304-2.306, 4.330-4.333 internal logic of, 2.306 registration of, 2.305 territorial units, matters connected with, 2.305

International Air Transport Association see IATA

International Civil Aviation Organization see ICAO

International Institute for the Unification of Private Law see UNIDROIT

International interest

accessory nature of, 2.245 assignment, not created by, 2.53 constitution of, 2.79-2.90, 4.73-4.82

registration unnecessary for, 2.79, 4.73

defined, 2.9, 2.40, 2.48-2.49, 4.24, 4.55

fractional interests, 2.59 national law, relationship to interest under, 2.92-2.94, 3.42, 3.46, 3.136 partial interests, 2.45 power of disposal as a requirement, 2.74, 2.82-2.87 promotion of through discharge of prior interest, 2.226 prospective, defined, 2.40, 2.61 registration of, *see* **Registration** sub-interests, 2.40 termination of, 2.96-2.99 time of creation, 2.91 validity of not affected by registration, 2.149 validity determined by applicable law, 2.79, 3.35

International Air Transport Association see IATA

Internationality

not expressly prescribed, 2.69, 3.16, 4.55

International legal personality see Legal personality

International Registry and see Registry system

access to, 2.192-2.194, 3.68
4.147-4.148, 4.150, 4.177
assets, immunity of, 2.200
centralised functions of, 3.65
complaints against, 3.83
confidentiality of information, 3.85
"controlled entity", defined
defined, 4.26
entry points, see Designated entry
point

establishment of, 2.148, 4.129 external facts, will not examine, 3.77 fees, 3.86, 5.94 fractional interests, capability for, 2.59 MAC equipment, for, 3.67 non-Convention registrations, 2.168, 2.197

"notice filing", based on, 2.155, 3.67, 4.131, 4.143 operation of, 2.151-2.161 records, immunity of, 2.200 waiver of, 2.200, 4.186 registrable items, 4.132-4.134 search criteria, 5.92-5.93 suspension of operation for maintenance, 3.65, 3.84 Supervisory Authority, 2.148, 2.151, and see Supervisory

Authority

Task Force, 1.4 technological limitations to, 4.158 title registry, not, 2.152 types of registration, 2.157, 4.132

International Standards Organization

alpha-numeric code, standards for, 3.73

Intersessional Working Group on registration criteria (IWGRC)

identification criteria, report on 3.72

Interpretation

Convention, of, 2 24-2 29, 4.67-4.71 principles underlying, 2.24-2.29

Invalid registrations, and see Registration

declarations regarding, 2.282-2.283, 2.285, 2.288

Inventory

dealer in, defined, 3.134 defined, 3.134, 5.15 special provisions, 3.131-3.138, 5.75-5.76

Ipso facto clauses

unaffected by insolvency proceedings, 3.122

Irish High Court

jurisdiction, 2.170-2.171, 2.173-2.175, 2.185, 2.282-2.285

Items

accession, exclusion of doctrine of, 2.38, 2.227-2.231, 4.206 installed or incorporated, 2.30(2), 2.227-2.231, 3.10-3.11, 3.49, 4.206, 4.267

Joint debtors

liability of, 2.46

Jurisdiction and see Brussels Regulation on jurisdiction and judgments

choice of forum, 2.277-2.278, 4.296-4.299 formalities of agreement, 2.76, 2.278, 4.296 European Union, within, 2.289, 3.125 insolvency proceedings, non-application of jurisdiction rules to, 2.237, 2.277, 2.286-2.287, 4.316 orders against Registrar, 2.170-2.171, 2.188-2.190, 2.282-2.283, 2.285, 2.288, 4.309-4.315 residual jurisdiction, 2.282-2.285, 4.312-4.313 relief pending final determination, 2.131, 2.277, 2.279-2.281, 3.120-3.121, 4.303-4.308 exclusion by Contracting State, 2.130, 2.280-2.281 situs of debtor, 2.280, 4.304, 4.306

summary of rules, 2.277-2.289

where no choice of forum, 2.277-2.278, 4.301

Knowledge or notice of unregistered interests

does not affect priority, 2.206, 2.210

"Law"

meaning of, 3.34, 3.36, 4.70, 5.33

Lease remedy

declaration excluding, 2.103, note 29 default of chargor, 2.103, 2.115

Lease-back

sale and, 2.216-2.218, 4.202

Leasing agreement

defined, 2.44, 4.27 duration of, 2.176 importance of registering interests under, 2.206 option to renew, registration of prospective international interest, 2.56, 2.61, 2.161 renewal of, creates new international interest, 2.56, 2.61, 2.179, 4.35, 4.163 termination, for default, 2.121 effect on sub-lease, 2.216

Legal personality

Supervisory Authority, of, 2.148, 2.198, 4.179 significance of, 2.198, 4.181

Lessee

defined, 2.44 option to purchase, registration as prospective sale, 2.8, 2.61, 2.161

option to renew, registration of prospective international interest, 2.56, 2.61, 2.159-2.161 power to dispose, 2.82, 2.216, 4.78 priority, 2.215-2.218 quiet possession, 2.147, 2.215-2.216, 3.87-3.95 registration, as prospective buyer, 2.159 as sub-lessor, 2.60, 2.161, 2.216 renewal by, creates new international interest, 2.56, 2.61, 2.179, 4.35, 4.163

Lessor

defined, 2.44 tegistration by, 2.49, 2.115, 2.152, 2.159, 2.215-2.218, 2.220

Linguistic alignment

authority to effect, 1.4, 1.7

Lugano Convention on jurisdiction and the enforcement of judgments in civil and commercial matters 2007

jurisdiction under, 2.282

MAC Working Group role of, 1.10, 3.9

MAC Protocol, see Pretoria Protocol

Mobile Equipment Convention see Convention on International Interests in Mobile Equipment

"Mobile equipment"

irrelevance of national law characterisation as immovable property. 2.3, 3.39

Mobility

not expressly prescribed, 2.3, 2.69, 3.16, 3.39, 4.55

Model designation

meaning, 2.19

Multiple interests

fractional interests, distinguished from, 2.60

National interest

application of Convention to, 2.40, 2.304-2.306, 4.330-4.333 defined, 2.40(3), 4.28 entry point designation, no, 5.86 notice of, 2.40(3), 2.304-2.305, 2.153, 3.40, 3.135, 4.30 notice of, 4.30 registration of, 2.40(3), 2.92, 2.305

National law

relationship to Convention, 2.10, 2.92-2.94 when of benefit, 2.93 and see Applicable law

National register see Designated entry point and Internal transaction

"New Contracting State" defined, 3.170, 5.17

Non-consensual right or interest

declarations relating to,
2.263-2.273, 4.278-4.288
defined, 2.40, 2.263, 4.29
examples of, 2.271, 2.273, 4.280
individual listing not necessary,
2.264, 4.284-4.285
priority,
if registered, 2.40, 2.111, 2.149,
2.222, 2.272-2.273, 4.285-4.288
without registration, 2.40, 2.2682.273, 4.279-4.285
registrations prior to declaration by
Contracting State, 2.266-2.267

Non-Contracting State

change of debtor's location to, 2.33, 2.36-2.37 conflict rules leading to law of Contracting State, 2.37 not obliged to apply Convention, 2.37, 2.205, 2.218, 2.235 restriction of access to International Registry, 2.192, 4.177

Non-Convention registration

effect of, 2.168, 2.197 practice of effecting, 2.197

Notice, and see Notice of sale

assignment, of, 2.248, 2.252 intended lease, of, 2.115 intended sale, of, 2.115 interested persons, to, see

Interested persons

national interest, of, defined, 4.30 prospective international interest, of, 2.223 remedies for failure to give notice, 2.291 sale, of, 2.8, 2.116, 2.152, 2.214, 3.64, 5.86, 5.99

Notice filing

concept of, 3.67, 4.143

Notice of sale

registration of, 2.116, 2.161

Novation

assignment, distinguished from, 2.53-2.58, 4.9 creates new interest, 2.53-2.57, 2.242

Object

defined, 2.14, 4.31 immobilisation of, 2.126 lease of, 2.121, 4.91

manufacturer's serial number (MSN), 2.68, 3.72-3.73, 5.31, 5.91, 5.93 management of, 2.103, 2.126, 4.44 preservation of, 2.126 sale of, 2.103, 2.115-2.117

Object-related associated rights

defined, 2.244 priority of, 2.253-2.259

Objectives, and see Convention on International Interests in Mobile Equipment

Convention and Protocol, of, 2.6

Official Commentary

Resolution relating to, Int 7

Ownership

applicable law, determined by, 2.10 installation, effect on, 2.227-2.229, 3.10, 3.49, 4.206-4.207, 4.216 items not objects, 2.30(2), 2.228-2.229, 3.10-3.11, 3.49, 4.206 removal from object, 4.207 vesting of, in satisfaction of debt, see Vesting of object

Parties, and see Representative capacity

agents, 2.67, 3.75, 3.78 multiple, 2.45-2.46, 2.67 to the agreement generally, 2.67 trustees, 2.46, 3.75-3.77, 5.26

Parts, and see Components

meaning of, 3.10 not distinct objects, 3.10, 3.17, 5.8

Party autonomy

underlying principle, as, 2.23, 2.25, 3.1

Person

meaning of, 2.30(1), 4.51 unincorporated associations, 2.30(1), 2.34, 4.51

Place of business

situation of debtor, as, 2.33, 2.36, 4.63-4.66

Possession see Repossession

Power to dispose

applicable law, relationship to, 2.74 "dispose", meaning of, 2.82, 4,77,4.78 international interest, for creation of, 2.82-2.87 lessee having, 2.82, 2.216, 4.78 meaning of, 2.82, 2.84-2.87, 4.77 national law, relevance of, 2.74 "power", meaning of, 2.82 trustees and beneficiaries, applied to, 2.87, 5.27

Predictability

importance of, 2.23

Pre-existing right or interest

after-acquired property, 2.88, 2.311, amendment of, 2.57 application of Convention to, 2.40, 2.91, 2.149, 2.212, 2.224, 2.309-2.325, 3.171-3.172, 4.361-4.371 assignment of, effect of, 2.247, 2.317, 4.365 declarations regarding, 2.315, 2.321, 2.324, 4.367-4.371 defined, 2.309, 2.311, 2.316, 4.32, 4.362 general principles concerning, 2.309-2.313, 2.258, 3.171-3.172, 4.365

preservation of priority of, 2.309,	deferment to prior Protocols, 3.23
2.315	definitions under, 3.6-3.13, 3.17
registration of, 2.157, 2.325, 4.369	default remedy provisions,
meaning of, 2.311	modification of, 3.50
	deferment to other Protocols,
Preferences and transactions in	3.23
fraud of creditors,	derogation from provisions of 3.30
preferences, 2.235	entry into force, 3.3, 5.104
transactions in fraud of creditors,	extension by, 2.43
2.35	history of, 1.9-1.12
and see Insolvency	insolvency modifications made by,
Preparatory Commission	3.96-3.124, 5.63-5.71
establishment of, 1.6, 2.148, 3.61,	introduction to, 3.1
5.84	irrelevance of purpose of
role as Provisional Supervisory	acquisition or use, 3.10, 5.22
Authority, 2.148, 3.61, 4.137, 5.84	languages of, Int 4
Tuttionty, 2.140, 3.01, 4.137, 3.04	objects covered by, 3.9-3.15
Pretoria Protocol to the Convention	other Conventions, relationship
on International Interests in Mobile	with, 3.143
Equipment 2019	Preamble to, 3.1
aims of, 3.1	primary purpose, 3.1, 5.1
amendments, 3.157	quiet use and possession, rights to,
Annex code, as sole criterion of	under, 3.87-3.95
application, 3.24	Regional Economic Integration
Annexes, 3.15-3.22	Organisations, as parties to,
exclusion of, 3.22	3.154, 5.103
modifications, generally, 3.173-	registration provisions, extension
3.181,	by, 3.64
applicable law, provisions relating	relief pending final
to, 3.31-3.36, 5.32-5.48	determination, modification of,
breach of requirements of,	3.8(2), 3.60(3), 5.60-5.62
remedies for, 3.141	sales, no extension to, 3.29
party to an agreement, by, 3.141	signature, 5.102
Contracting State, by, 3.142	sources of law under, 3.2
choice of law provisions under,	sphere of application, 3.9-3.12,
3.31-3.36, 5.32-5.37	5.20-5.24
Convention, relationship with,	structure, 3.6
2.14-2.16, 3.6, 5.1	transitional provisions, 3.156
declarations system under, 3.144-	Primary insolvency jurisdiction
3.153	defined, 3.101, 5.18
dotault romodios provisions	······································

default remedies, provisions relating to, 2.101, 3.50, 5.52-5.58

Priorities purchase-money security interests, applicable law, relationship with, of, 2.210 2.71-2.72, 2.224 registered interest, 2.202 sale and lease-back, 2.216, 4.202 associated rights, 2.253-2.259, 4.253-4.267 subordination, 2.212, 2.216, 2.219-2.221, 4.203 buyer, 2.43, 2.214, 3.135, 4.195 transferred interest, 2.209 conditional buyer, 2.147, 2.215-2.218, 4.197-4.201 two registrable interests, effect of failure to register one, conditional seller, charge by, 2.247, 3.89 2.215, 4.197-4.201 creditor in possession, 2.225 unregistered interests, competing, 2.203, 2.255, 4.205 duty to respect, general, 3.58 fractional interests, 2.143, 2.212 variation by agreement, 2.219general rules, 2.201-2.211, 2.220, 2.262, 4.203 4.192-4.195 "Procedure" exceptions to, 2.212-2.224, 3.135meaning of, 2.144 3.138, 4.196-4.207 item other than an object, 2.227-Proceeds 2.230, 4.206 defined, 2.49, 2.62, 2.211, 4.33 inventory, dealings in, 3.134-3.138 exclusions, 2.62, 2.68 lessee, 2.215-2.218 insurance, 2.51, 2.62, 2.97, 2.211 lessor, charge by, 4.198-4.201 international interest extends to, nemo dat, limited importance of 2.51, 2.62, 4.59 2.201 priority rules, application to, 2.49, non-consensual right or interes 2.97, 2.211 declarations relating to, 2.26. relief pending final determination, 2.264, 2.271 does not apply to, 2.126 registered, 2.40, 2.208, 2.222, requisition, arising from, 2.62 2.263, 2.273 sale by creditor, of, application of, without registration, 2.40, 2.222, 2.115 2**.2**34**.**2.263, 2.272, 4.278-4.279 order of registration, effect of, Procedure 2.149 for exercising remedies under the knowledge of prior interest Convention and Protocol, 2.144 irrelevant, 2.206, 2.210 Prospective assignment outright buyer, 2.214, 3.134-3.139, defined, 2.44, 4.34 registration of, 2.256 pre-existing right or interest, 2.224, 2.309-2.310, 3.156, 4.362-4.371 Prospective international interest proceeds, 2.211, 4.204 completion of international prospective international interest, interest, 2.61, 2.221, 2.223 2.223 defined, 2.40(2), 2.61, 4.35

priority provisions relating to, 2.223 registration of, 2.159, 2.195, 2.223, 4.145 search certificate, form of, 2.159, 2.195, 2.223, 4.145

Prospective sale

defined, 2.276, 4.36 registration of, 2.116, 2.276, 4.36, 4.295, 5.99

Protocol, and see Pretoria Protocol

Convention, relationship with, 2.14-2.16 defined, 4.37 future, 2.2, 2.17-2.20, 2.296, 2.302, 2.307, 4.335 overriding effect, 2.14-2.16, 2.302 ratification, Int 3, 2.302, 3.149, 3.151 signature, Int 3

Protocols

comparisons and contrasts, 2.18-2.19

Provisional measures

advance relief and EU law, 2.289

Public services

arrest, preserving right of, 2.40, 2.263, 2.268-2.269, 4.281 detention, preserving right of, 2.40, 2.268-2.269, 4.281

Purchase-money security interests priority of, 2.210

Quiet possession

concept of, 3.90, 5.80 debtor's right to, 2.147, 2.216, 3.87-3.95, 5.79-5.81

Railway rolling stock

Convention, application to, Int 6, 2.2-2.3, 2.17 Protocol, Int 6, 2.17, 2.307, 5.24

Rail Working Group (RWG)

role of, 1.23

Ratification

Convention, Int 3, 2,301 Protocol, Int 3, 2,302 UNIDROIT, see UNIDROIT

Redemption see Default remedies and Security interest, right to discharge

Regional Economic Integration Organisation

excluded in counting numbers, 2.298, 2.344
European Union, as, 2.297, 4.322 jurisdiction within, 2.289 mandatory declaration, 2.334 signature of Convention by, 2.277, 2.297, 3.154, 4.322-4.325 signature of Protocol by, 3.154, 5.103

Registered interest

defined, 2.48, 4.38-4.39

Registered office

situation of debtor, as, 2.33

Registrable interests

what can be registered, 2.40(3), 2.40(5), 2.157

Registrable non-consensual right or interest

defined, 2.40(5), 2.273, 4.40 examples, 2.273, 4.293 no designation of an entry point in relation to, 3.70

registration of, 2.40	punitive damages, no liability for,
Registrar	2.165, 2.199, 4.190
appointment of, 2.148	Registration
change of, 2.200, 4.141	amendment of, 2.178-2.180
claims against, access to	asset-based, 2.90, 2.150, 2.154,
documents, 2.200, 4.184	4.130
complaints against, 3.83	assignment, 2.180, 2.238, 4.133
consent to registration, not	block assignments, of, 2.180
concerned with, 2.163	close matches, 2.165
defined, 4.41	"Closing Room" facility, 2.154,
dismissal of, 2.148	2.161, 4.38, 4.142, 4.153
disputes, role in, 2.188	complete, when, 2.156
duties of, 2.165, 2.188,	conditional seller, by, 2.49, 2.161
4.140	consent to, 2.153, 2.163, 4.157
enforcement of, 2.282-2.285	electronic communication of,
financial guarantee, 3.63	2.66, 2.153, 2.238
immunity, no, 2.199, 4.184	when not required, 2.153
insolvency proceedings, in, 2.190,	criteria, 3.72
4.316	designated entry point, through, see
jurisdiction for orders against,	Designated entry point
2.170-2.171, 2.188-2.190, 2.282-	discharge of, 2.176, 2.181-2.191,
2.283, 2.285, 2.288, 4.309-4.315	3.81, 4.171-4.174
liability of, 2.165, 2.199, 3.63,	consent to, 2.176
4.187-4.190	failure to procure, 2.188-2.190
compensatory damages only,	partial, 2.187
2.165, 2.199, 3.63, 4.190	time for procuring, 2.182, 3.79,
contributory negligence, 2.199,	5.98
4.190	duration of, 2.176-2.177, 2.179,
insurance against, 2.199, 3.63,	3.81, 4.162-4.164
4.191)	electronic, 2.155, 4.131
limit of, 3.63	errors in registered data, 2.165-
strict, 3.63	2.171, 2.199
system malfunction,	liability for errors made by
best practices, 2.199,	parties, 2.171
4.187-4.188	extension of, 2.157, 2.179, 4.135
no immunity for, 2.199, 4.187	fractional interests, of, 2.160
order against, 2.165-2.167, 2.188-	identifiability, importance of, 2.88,
2.189, 2.282-2.285, 2.288,	3.72, and see Identifiability
4.309-4.313	importance of, 2.149
powers of, 2.167	improper, remedies of party, 2.74,
Protocol provisions relating to,	2.165-2.167, 2.170-2.175, 2.282-
3.63	2.283. 2.285

individual object, against, 2.154 international interest, of,	system, <i>see</i> Registration system termination, does not affect, 2.99
no guarantee of existence, 4.136	time of, 2.156, 4.153
not necessary to constitute, 2.90,	types of, 2.157
2.149	unregistered interest, on
invalidity, declarations as to, 2.282-	assignment of, 2.239-2.240
2.283, 2.285	validity of, 2.163, 2.165, 4.136,
International Registry Task Force,	4.151-4.152
1.5	verification of data, does not
irregular, 2.164-2.175	guarantee, 2.163
lessor, by, 2.49, 2.157, 2.161,	when complete, 2.156
2.215-2.218	when searchable, 2.156, 4.153
mode of perfection, as, 2.205	who can effect, 3.75
no guarantee of validity, 2.163	Registration system
non-Convention rights or interests,	access to, 2.192-2.194 4.177-4.178
2.168	asset-based, 2.88, 2.90, 2.150,
notice of national interest, 2.40(3),	2.154, 4.130, 4.143
2.92, 2.304-2.305, 2.153, 3.40,	best practices, 2.199, 4.187-4.188
3.135, 4.30 objective, as, 2.8	changing name under, 2.153
pre-existing right of interest, of,	drop-down list, not feasible for
2.309-2.310, 2.315	MAC equipment, 3.72
prospective assignment, of, 2.238,	electronic, 2.155, 4.131,
2.256, 3.79	4.143-4.144
prospective international interest,	errors,
of, 2.159, 2.61, 2.195-2.196, 3.79,	effect of, 2.165-2.171
4.154	extent of Registrar's liability for,
registered, meaning of, 2.48, 2.202,	2.165, 2.199
4.38-4.39	Relief pending final
registrable items, 2.157	determination, and see Interim
registrable non-consensual right or	relief
interest, 2.40(5), 4.40	agreement required for, 2.126,
Registration Working Group, 1.2,	4.122
1.5	court's powers, 2.126-2.131,
representative capacity for entering,	4.116-4.122
3.75	creditor, exercised by, 2.127
search for, see Search subordination, of, 2.42, 2.157,	declarations regarding, 2.129,
2.216-2.217, 2.220, 2.260-2.261,	2.139
4.157	default, standard of proof, 2.135-
seriously misleading, 2.165	2.137, 4.117
slander of title, 2.174, 2.282	EU law, effect of, 2.289
· · · · · · · · · · · · · · · · · · ·	exclusion of,

declaration by Contracting State, by, 2.126, 2.129, 2.138-2.139, 4.116, 4.345-4.348, 5.61 forms of relief, 2.126-2.129, 4.116-4.122 lex fori, under, 2.140 procedural requirements, 2.144-2.145, 2.327, 4.124 Protocol, modification of provisions relating to, 3.60(3) relief under lex fori, 2.129, 4.121 sale as additional relief, 5.61 "speedy", meaning of, 2.131, 2.133, 3.60(3), 5.61 standard of proof of default, 2.135-2.137, 4.117 terms court may impose, 2.128, 4.118 variation of provisions for, 2.138-2.139

Remedies and see Default remedies and Relief pending final determination

breach by default, see **Default** remedies

breach of Convention requirements, by Contracting State, 2.292-2.294 by party, 2.101, 2.121,2.291 breach of Protocol, for, 3.96, 3.141-3.142 enforcement, of Convention rights, for, 2.26, 2.282-2.283 of Protocol rights, 3.120 procedure, 2.144

Repossession

chargee, by, 2.114 conditional seller or lessor, 2.121 creditor, by, 3.116, 3.120 "give possession", 3.120 relief pending final determination, 2.126

Representative capacity

agent, as, 3.75, 3.78, 5.26-5.29 disclosed and undisclosed representation, 5.27 entry into agreement in, 2.87, 3.75 3.78, 5.27 registration in, 3.75, 5.27 trustee, as, 3.75-3.77, 5.26-5.29

Requisition

proceeds arising from, 2.211

Reservations

declarations, distinguished from, 2.340, 4.349-4.350
Convention, from.
not permitted, 2.340, 4.350
Protocol, from,
not permitted, 3.144

Restructuring plan

court-supervised, as insolvency proceeding, 3.103, 4.21 informal not insolvency proceeding, 3.103, 4.21 insolvency remedies unaffected by, 2.236, 3.97, 3.103, 3.122

Review Conferences

convening of, 2.344, 4.377-4.378

"Rules of law"

meaning, 3.36, 5.33

Sale, and see Default Remedies

aircraft objects, extension of Convention to, 2.43, 2.276, 3.9-3.10, 3.29, 3.96-3.98, 3.139, 5.24 chains of sale, impact of registration on, 2.83(1), 2.207, 2.214-2.215

Convention provisions
extension to, 2.276, 3.29, 3.64,
3.139, 4.295
inapplicable to, 2.43, 2.276
defined, 2.276, 3.138-3.139, 4.43
importance of registration, 2.149
meaning, 2.45, 2.276
Pretoria Protocol
does not apply to, 3.64
prospective, defined, 2.61, 2.276,
4.35-4.36
remedy of, see Sale remedy

Sale and lease-back

priority position, 2.216-2.218, 4.202

Sale remedy see Default remedies

Searches

access to International Registry, 3.68 Contracting State search, informational search, 4.165 open access, principle of, 3.68 priority search, 4.165 registration, when searchable 2.156, 4.153 search certificate, 2.195-2.196 electronic means, by, 2.155 evidential value of, 2.196, 4.169-4.170 neutrality of, 2.159, 2.195-2.196 priority search, 2.196, 4.165 prospective international interest, 2.159, 2.195, 2.223, 4.166 earch criterion, 2.156, 2.165, 3.72-3.73, 5.92-5.93 supplemental data, 2.165 types of facility, 2.195, 4.165

Secured obligation

defined, 4.44 must be determinable, 4.79

Security agreement

characterisation of agreement as, 2.63, 4.45, 4.48 defined, 2.44, 4.45 floating security excluded, 2.65 secured obligations, statement of, 2.89, 4.79 need not state maximum sum, 2.89, 4.79

Security interest

accessory nature of, 2.245 defined, 2.44, 2.63, 4.46 extinguishment of, 2.96-2.99 right to discharge, 2.119, 2.181-2.191 successive security interests, 2.45,

Seller and see Sale

meaning, 2.45, 2.276
Pretoria Protocol inapplicable to, 3.64

Set-off

against assignee, 2.248, 4.237-4.238 waiver of, 2.248 against creditor as to associated rights 2.211

Sources of law

Convention and Protocol as, 3.2

South Africa

Cape Town Diplomatic Conference, hosting of, 1.6 Pretoria Diplomatic Conference hosting of, 1.11-1.12

Sovereign immunity

waiver of, 3.140, 5.100

Space assets

Convention, application to, Int 6, 1.8, 2.2(3), 2.14, 2.31 Relation of Pretoria Protocol with, 3.23

Space Working Group (SWG) role of, 1.2

Spare parts

installation of, 2.227-2.231, 4.206, 4.267 removal of, 4.206

Sphere of application

of Convention, 2.31-2.32, 4.61-4.62 of Pretoria Protocol, 3.9-3.15, 5.20-5.24

Standard of proof

relief pending final determination, regarding, 2.135-2.137

State immunity see Sovereign

Statutory seat

centre of debtor's main interests, as 3.101, 3.106, 3.109 meaning of, 2.34, 4.64 situation of debtor, as, 2.33 territorial unit, in, 2.280

Sub-interest

defined, 2.40

Sub-lease

international interest, 2.60, 2.161 sale and lease-back, on, 4.202 sub-interest, as, 2.40, 2.161 termination of head lease, effect on, 2.216

Subordination and see Priorities

agreement, by, 2.219-2.220 amendment of registration, not an, 2.178-2.180 non-Convention interest, to, 2.219 quiet possession, of, 2.147, 2.216, 3.87-3.95, 5.79-5.81 registration of, 2.42, 2.157, 2.220, 4.134 relief pending final determination, for, 2.126 risk of, 2.206

Subrogation

acquisition by, 2.41, 2.72, 2.260-2.261, 4.274
applicable law, relevance of, 2.71-2.72, 2.260-2.261
interested person who pays debt, of, 2.115, 4.102
preservation of rights under
national law, 2.260, 4.274-4.275
registration, 2.41, 2.157, 2.260

Supervisory Authority, and see Preparatory Commission

aircraft registry, for 2.148, 4.137 claims against Registrar, no role, 3.83 Convention, under, 2.148 defined, 4.47 fees of Registry, role in setting, first regulations, 5.85 functions of, 2.148, 4.138-4.139 immunity of, 2.198, 3.62, 4.179, 4.181, 5.84 international legal personality, 2.198, 4.179, 4.181 International Registry, of, 2.200, 4.137-4.138, 5.84 MAC equipment registry, for 3.61-3.62 powers of, 2.148, 2.200 role of, 2.148

Pretoria Protocol, under, 3.61-3.62, 3.66, 3.72, 5.84 Provisional Supervisory Authority, as, 5.84 waiver of immunity from seizure, by, 2.200

Surplus, *see* **Priorities** application of, 2.117

Suspension of payments meaning of, 3.102, 3.105

Termination and see Default remedies

agreement, of, 2.95 international interest, of, 2.96-2.99 registration, unrelated to, 2.99

Territorial units

application of Convention to, 2.35, 2.308, 4.336-4.338 application of Pretoria Protocol to, 3.155, 5.105 choice of jurisdiction, 2.278, 2.280-2.281 choice of law, 3.32(1), 3.34 debtor, situation of, 2.280, 4.65 declarations concerning, 2.308, 2.336-2.337, 3.155, 4.336-4.338, 5.105 export and physical transfer, not applicable to remedy of, 3.51 law in force in, meaning of, 2.35, 4.71 State comprising, applicable law,

Title reservation agreement

2.35, 4.336

debtor's interest subordinated to that of creditor, 2.221 defined, 2.44, 4.48 importance of registering, 2.206

Transferred rights

types of, 2.41

Transfer see Assignment

Transitional provisions and see Preexisting right or interest

'applicable law', meaning of within Art. 60, 2.312
Convention, of, 2.309-2.325, 4.361-4.371, 5.106-5.111
preservation of priority of pre-existing rights or interests, 2.309-2.311, 4.361-4.371
Pretoria Protocol, under, 3.156
questions of interpretation of Articles concerning, 2.318-2.324
situation of debtor for purposes of, 2.314, 4.361, 4.363
stability of financial arrangements as a guiding principle of, 2.310

Trust and see Fractional interests

duty to recognize, 2.87, 5.27 nature of, 2.87, 3.75-3.76 use of trustees, 2.87

Trustee

appointment of new, effect, 3.76, 5.29 conclusion of agreement on behalf of beneficiary, 3.76, 5.28 debtor as, 3.75, 5.28

Two-instrument approach

advantages, 2.15 generally, 2.14-2.16

Underlying principles

Convention, of, 2.23

UNCITRAL Model Law on Cross-Border Insolvency 1997

centre of main interests (COMI), 3.106, 4.64

insolvency assistance, 3.127-3.128 insolvency proceedings, 3.103 jurisdiction under, 2.237, 2.286, 3.106

UNIDROIT

declarations, ascertaining from, 2.326, 2.345
Depositary functions, 2.2, 2.263, 2.326, 2.343, 2.345, 3.158-3.184, 4.168, 4.379-4.383, 5.125-5.127
instruments of ratification, periodic reports of, 2.343 prepared by, 2.303
International Financial Leasing, Convention on, 2.10(2), 2.295, 3.143, 4.319, 5.101
involvement of, 1.2
joint sponsor of Convention and Aircraft Protocol, 1.4

UNIDROIT Convention on International Financial Leasing superseding of, 2.10(2), 2.295, 3.143, 4.319, 5.101

Uniformity

as an objective, 2.1, 2.71 in interpretation, 2.23-2.24

Unincorporated associations see Person and Debtor

United Nations Convention on the Assignment of Receivables in International Trade

priority of assignments, 2.257, 4.266 proceeds, 2.62, 2.211, 2.295, 4.33 relationship of Cape Town Convention to, 2.257, 2.295, 4.250, 4.317-4.318 when declaration takes effect, 4.352

United Nations Convention on Contracts for the International Sale of Goods 1980

good faith under, 4.2, 4.67 when declaration takes effect, 4.352

Unregistered interest

assignment of, 2.239-2.240, 3.143, 4.134 defined, 2.48, 2.202, 4.49 risks of, 2.206 sale, effect of, 2.214

Validity

international interest, of, see Applicable law registration, of, 2.163

Variation of priorities, and see Priorities

by agreement, 2.262

Vesting of object

chargee, in,
as default remedy, 2.118-2.120,
4.99-4.103
need for consent or order, 2.118,
4.99
safeguards for, 2.118
when order may be made,
2.118, 4.100

Vienna Convention on the Law of Treaties

Contracting State, meaning of, 2.313
Depositary, duties of, 4.383
final clauses, treatment of, 2.22, 4.328
internal law not justifying breach of Treaty obligations, 2.10
interpretation of treaties, 2.24, 2.29 reservation, meaning of, 4.349
State Party, meaning of, 5.102

Waiting period

meaning of, 3.118, 5.67 significance of, 3.55, 3.116, 3.119, 5.67

Waiver

defences against assignee, of, 2.248 rights of set-off against assignee, of, 2.248 sovereign immunity, of, 3.140, 5.100

Working Group, see Aviation Working Group, MAC Working Group

World Manufacturer Code

affixation by manufacturer, 3.73 International Standards Organization, 3.73

Writing

defined, 2.81, 4.50 4.76
registration, consent to, 2.153,
2.178
requirement of,
agreement, for, 2.81
amendment of registration, for,
2.178
assignment, for, 2.251
choice of forum, for, 4.296
default, as to events constituting,
2.102, 2.110
derogation, generally, 2.146, 3.30
export remedy, for consent to,
3.51
generally, 2.81
insolvency provisions, for

generally, 2.81 insolvency provisions, for excluding, 2.129, 3.30, 3.115 interim relief, for, 2.129 international interest, for, 2.81 notice of assignment, for 2.251 notice to interested persons, 2.291, prospective international interest,

not needed for, 2.61
variation of priority of
subrogation rights, for, 2.81
2.261-2.262
waiver of sovereign immunity,
for, 3.140, 5.100
"zero hour"
in insolvency, 2.235