

IMOLA JURIDICAL AND SEMANTIC BACKGROUND: THE CORPUS DOMAIN

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The background features abstract, overlapping green geometric shapes in various shades, including light lime green, medium green, and dark forest green. These shapes are primarily located on the left and right sides of the slide, framing the central text. The overall aesthetic is clean and modern.

I. The ELRD basis

ELRD: main features

The ELRD is an ELRA project of a template for LR information

The organization and use of the ELRD template is set up by the *IMOLA Corpus domain*:

1. ABC structure
2. Controlled vocabulary
3. Attributes of the information



ELRD TEMPLATE. Overview.

- ▶ Huge legal diversity of the LR systems
- ▶ Availability of data:
 - ▶ A LR system can move to ELRD the information it does have and not the information it does not
- ▶ General use/specific uses
 - ▶ Contractual transactions and judicial cooperation require information on the property (A), the proprietor (B), and the encumbrances (C)
 - ▶ Information is also envisaged by specific needs
(e.g. Article 66.5 Regulation (UE) 2012/650)



Section A. Property description

The primary operating rule is to selection which of these categories a LRU applies for:

1. LR Unit— **Property**
 1. LR Unit—Property— **Apartment**
 2. LR Unit—Property — **Special property**
2. LR Unit— **Cadastral parcel**
3. LR Unit— **Property rights (exceptionally)** regarded as LR Units

Minimum common denominator of LRU: register number and location. / Further description (organization and specific operating rules, even matching properties and parcels).



Section B. Information on Proprietorship

1st. Class of title

1. Main right
2. Absolute title, qualified title, first registration

2nd. Entitlement

The act or contract by which a person acquires the ownership.

3rd. Deed or document

The deed or document that registration is based on

4th. Proprietor: owner/ holder of the main registered right

- ▶ Individual/natural person - Legal person/entity
- ▶ Community: Co-ownership / joint ownership / other communities

5th. Restrictions on proprietorship:

- ▶ Restrictions on the person of the proprietor / Restrictions on the entitlement such as conditions or deadline

6th. The transferor

7th. Price/Value

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Section C. Encumbrances.

Four subsections:

- ▶ C.1. Mortgages
- ▶ C.2. Property rights
- ▶ C.3. Judicial restrictions (notices)
- ▶ C.4. Other encumbrances



C.1. Mortgages

- ▶ Mortgages are social and economically very important
- ▶ From the point of view of the users, information on a given mortgage can imply:
 - ▶ Liability covered by such mortgage (Debt, Arrears)
 - ▶ Maturity of the guaranteed obligation
 - ▶ Status or rank of the mortgage in relation with other mortgages or other encumbrances
 - ▶ Etc.
- ▶ *Does the information of this chapter deserve further research?*



C.2 Property rights

(More frequent property rights mapped...)

- ▶ Servitudes or easements
- ▶ Usufruct
- ▶ Lease or leasehold
- ▶ Superficies or others' rights to build
- ▶ Use and/ or habitation
- ▶ Real encumbrance
- ▶ Emphyteusis



C.3 Judicial restrictions / Notices

ELRN has agreed an approach of taxonomy of the notices:

- ▶ 1. Notice of **attachment**
- ▶ 2. Notice of **claim or dispute**
- ▶ 3. Notice of **limitation or prohibition of disposal**
- ▶ 4. Notice of **foreclosure** (mortgage enforced)
- ▶ 5. Notice of **enforcement**
- ▶ 6. Notice of **forfeiture / confiscation**
- ▶ 7. Notice of **insolvency proceeding**
- ▶ 8. Other notices (by default)



C.4. Other encumbrances

- ▶ Any other charges that encumber or restrict the properties and (in accordance with the LR system that provides the information) can't be considered a mortgage, a property right or a judicial restriction
- ▶ Remarks
 - ▶ (C.4 is more like a hotchpotch...)



II. CONTROLLED VOCABULARY: the *PIVOT TERMS*



The pivot terms are containers or patterns for the national concepts.

The national concepts which have similar meaning or aims, or the *closest equivalent concepts* are collected and grouped under a pivot term for purposes of conceptualization of the information.

The pivot terms definitions are quite generic and autonomous for the specific scope of the ELRD.



Loans from ISA Core Vocabularies and other vocabularies (open perspective)



ToT terms made up for the functioning of the template



Example

Boundaries

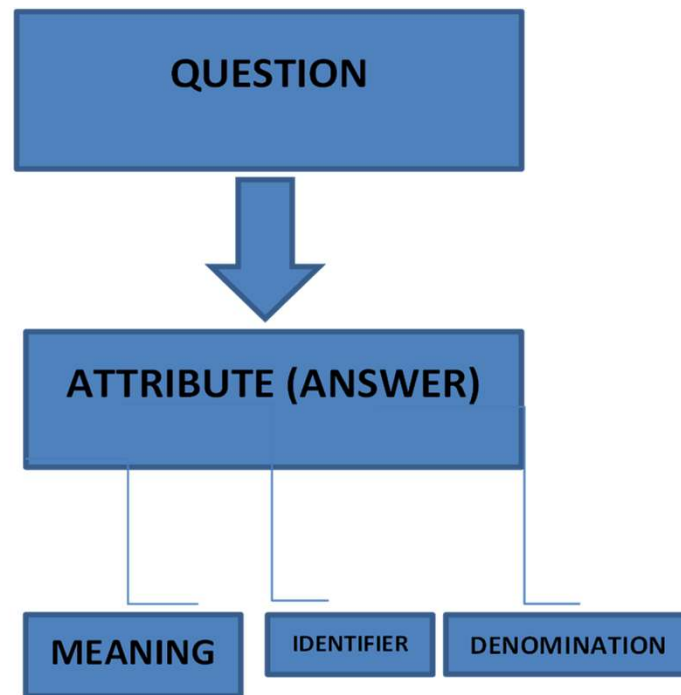
The points or dividing lines used for establishing the demarcation of a property or for determining its exact location with relation to adjoining or neighbour plots, so that the property in question is distinguishable from others and its surface or size is delimited or delineated.

Burdens

In the IMOLA field, term used to cover generically different types of rights *in rem* such as encumbrances in general and comprehensive of financial burdens such as mortgages and non-financial ones such as easements or any other restricted covenant. Synonym of encumbrances.



III. Methodology: attributes



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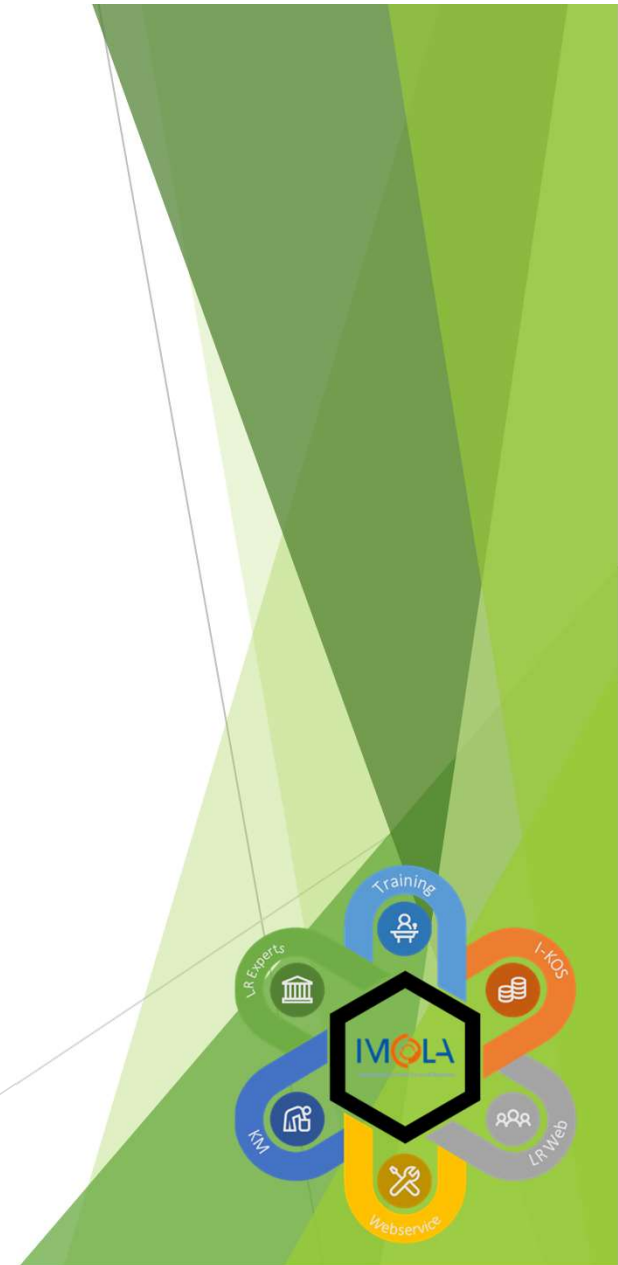
The attributes as a mean to explain the LR information

- ▶ IMOLA uses **attributes** of the elements of the information in order to depict the effects from it.
 - ▶ For obtaining the attributes, IMOLA uses **questions** to get answers [yes/no questions]. These answers equal the **attributes** of the national concepts that registry information consist of.
 - ▶ For clarifying the questions we rely on **usage notes**.
- ▶ The attributes have a **meaning** with legal significance and are identified by a conventional **denomination** (the meaning is the “signified”, the name is the “signifier”). An **identifier** is also allocated to the attributes so as to create an order.



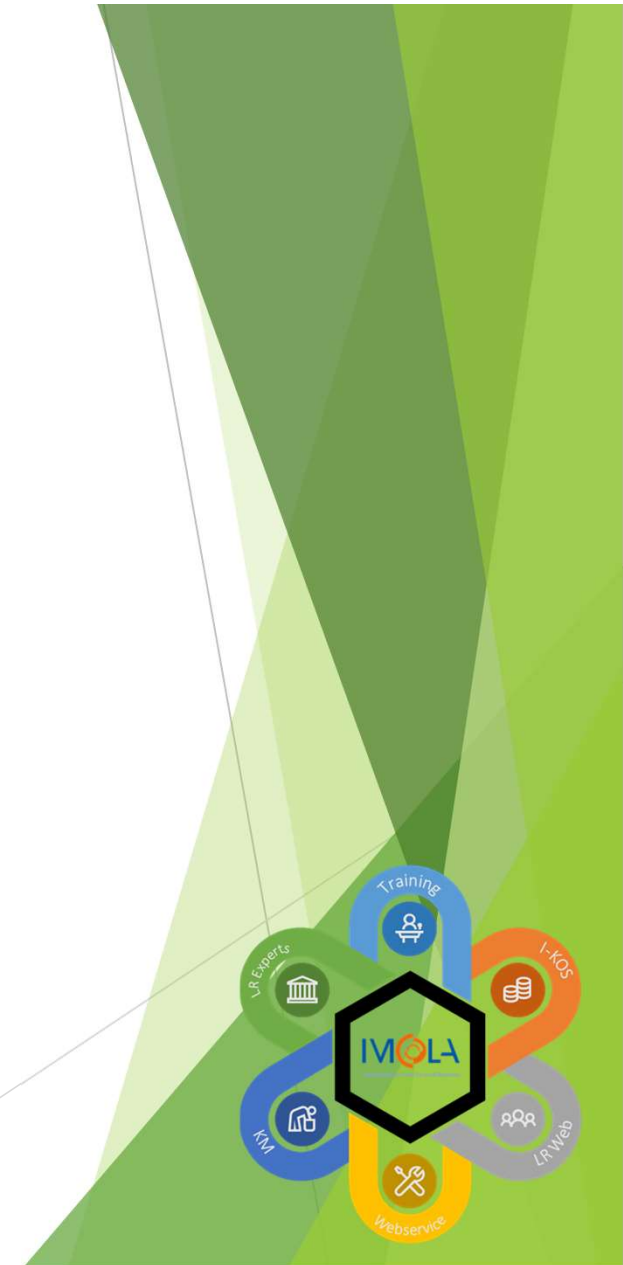
Attributes: example

1	
Question-formant	Does this entity have the legal status as LR Unit in accordance with the land register system?
Usage note	Only those entities considered as land register units can be object of Section A of the ELRD. If the national land register system does not consider an entity as a register unit, it cannot be object of ELRD either and answer would be negative in this case.
Attribute	
<ul style="list-style-type: none"> • Meaning (in the affirmative) 	<ul style="list-style-type: none"> • This entity has the legal status as LR Unit in accordance with the land register system
<ul style="list-style-type: none"> • Denomination 	<ul style="list-style-type: none"> • <i>LRUnit</i>
<ul style="list-style-type: none"> • Identifier 	<ul style="list-style-type: none"> • 5th



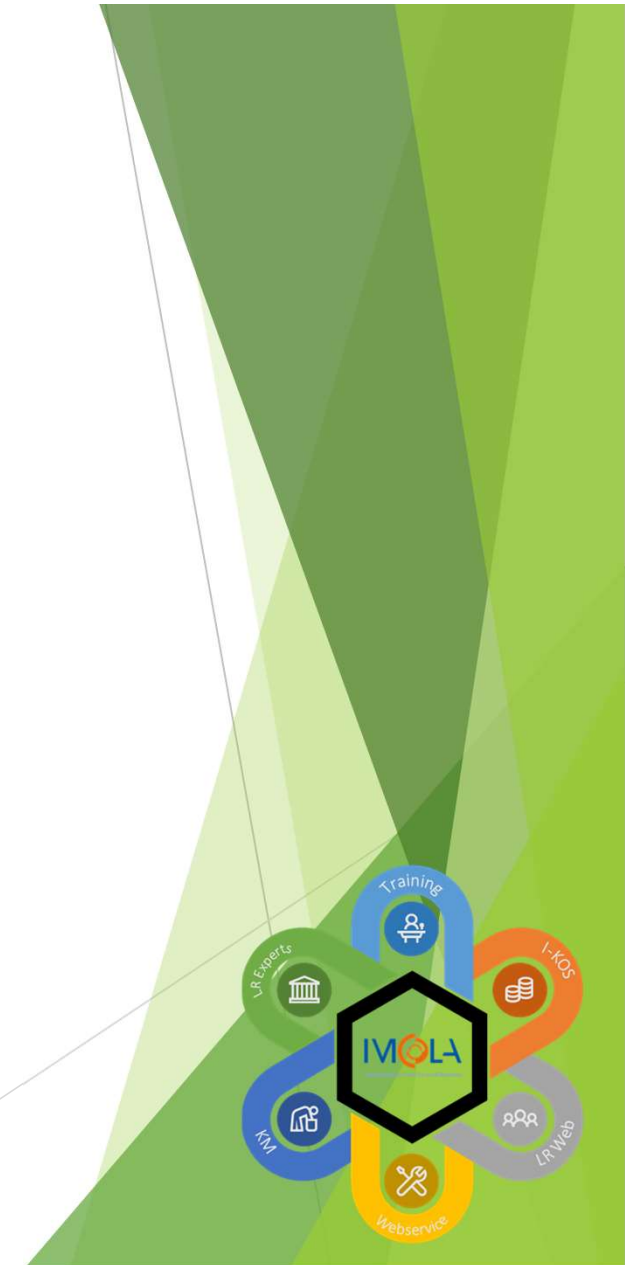
Attributes: example

50	
Question-formant	Are the boundaries of the cadastral parcel legally conclusive?
Usage note	<p>In the event that description data of the cadastral parcels included their boundaries, it would be necessary to clarify whether they are conclusive boundaries according to the applicable national legislation or not.</p> <p>The answer should be affirmative in the event that the boundaries were presumed exact in accordance with applicable law, or established as indefeasible by operation of law.</p> <p>Otherwise, whether the boundaries do not have this legal value the answer should be negative. The answer should be negative whenever the boundaries have no function other than the merely indicative or descriptive one.</p>
Attribute	
<ul style="list-style-type: none"> • Meaning (in the affirmative) 	<ul style="list-style-type: none"> • The boundaries of the cadastral parcel are legally conclusive
<ul style="list-style-type: none"> • Denomination 	<ul style="list-style-type: none"> • <i>LRUCADparcelDescriptionBoundaryConclusive</i>
<ul style="list-style-type: none"> • Identifier 	<ul style="list-style-type: none"> •



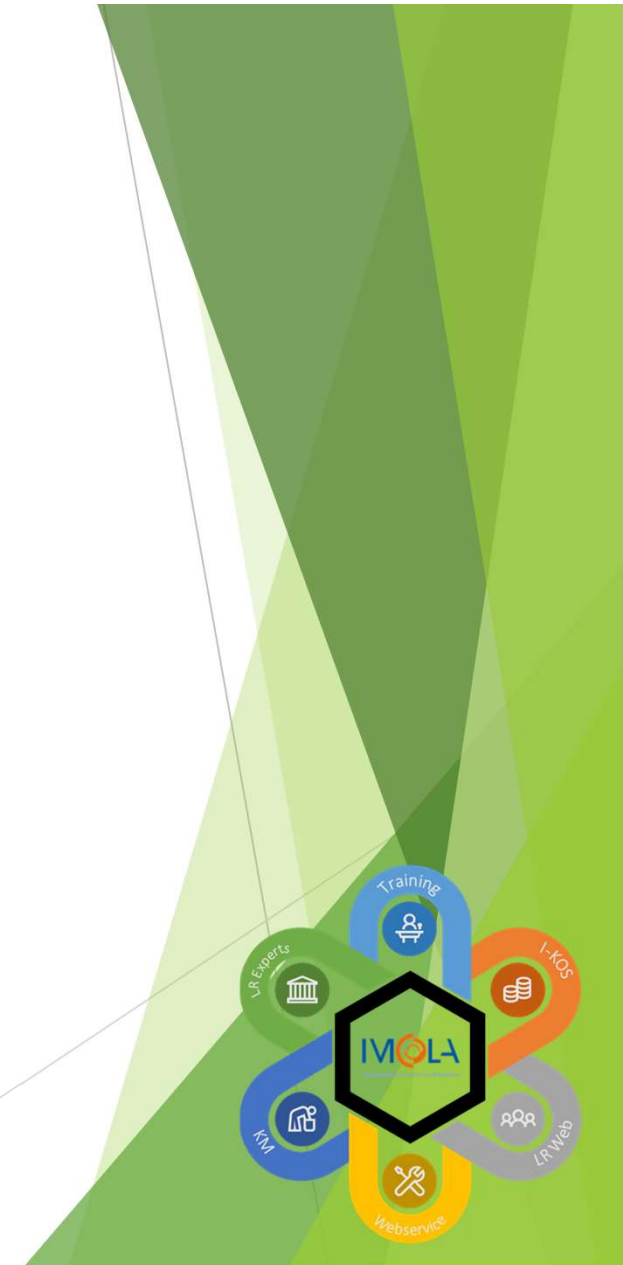
Attributes: example

6	
Question-formant	Is the right registered in section B -the main right or the title- the most comprehensive right a person can hold on an object mentioned in section A?
Usage note	<p>"The title of section B is the right which opens a new file in the Registry, the ""folio"". In most of the EU LR's, this right is ownership. This is the primary right since the rest of rights on a designated immovable property are set up following it. They derive from this primary right.</p> <p>However, on the one hand, this is not the case in all LR's. In the MS under a common law legal tradition ownership as such is not known, but there acknowledge similar rights with a comparable content.</p> <p>On the other hand, for all land registries, there are situations where not only ownership, bot another type of rights which connect the object described in section A with the subject described in section B are capable to open a new file, ""its own folio"" (e.g. Concession, possession...). The answer should be yes if the main register right is the most comprehensive right granted by the national law to a person on an object (define in section A)"</p>
Attribute	
<ul style="list-style-type: none"> • Meaning (in the affirmative) 	<ul style="list-style-type: none"> • The right registered in section B, the main right or the title, is the most comprehensive right a person can hold on an object mentioned in section A
<ul style="list-style-type: none"> • Denomination 	<ul style="list-style-type: none"> • <i>titleMostComprehensiveRight</i>
<ul style="list-style-type: none"> • Identifier 	<ul style="list-style-type: none"> •



Attributes: example

1.	
Question-formant	Does the mortgagee confer powers to claim the repossession of the mortgaged property?
Usage note	<p>In this case the loss of property of the mortgagor does not take place by means a procedure of auction or a forced sale, but the property goes to the mortgagee. The answer should be affirmative if, in accordance with the applicable law, the mortgagee were entitled to claim the repossession of the mortgaged property, for example when this one is taken back by a bank once that the owner have not paid or paid off the debt. So, it is affirmative whenever a mortgage may lead to a transfer of the legal title to the mortgagee.</p> <p>The answer should be negative for mortgages in which the mortgagee was not allowed to claim the repossession of the property.</p>
Attribute	
<ul style="list-style-type: none"> • Meaning (in the affirmative) 	<ul style="list-style-type: none"> • The mortgage confers powers to claim the repossession.
<ul style="list-style-type: none"> • Denomination 	<ul style="list-style-type: none"> • <i>MortgagePowerToRepossession</i>
<ul style="list-style-type: none"> • Identifier 	<ul style="list-style-type: none"> •





II. New developments in the Corpus Domain

(suggestions)

New developments as for:

The ELRD
template

The
controlled
vocabulary

The
methodology



Template

- ▶ Section A: European LR number
 - ▶ An European register number based on the national ones?
- ▶ Section B
 - ▶ Can «transferor» or «price» be childs of «entitlement»?
- ▶ Section C
 - ▶ New subsections?
 - ▶ Specific study on mortgages?
 - ▶ More concepts of information?



Controlled vocabulary

- ▶ New pivot terms
- ▶ Addition from other legal vocabularies
- ▶ Coordination with other vocabularies
- ▶ Specific national pivot terms very relevant in a national system



Methodology

- ▶ Specific needs: ELRD template for the full implementation of Regulations such as:
 1. Regulation 2012/650: Article 66.5
 2. Insolvency
 3. Economic Matrimonial Regime
- ▶ More specific needs of LR information required for purposes of transactions or judiciary cooperation



The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in a clean, sans-serif font.

Thank you for your
attention