



IMOLA'S SEMANTICS

(An insight into the **European
multilingual template for land
registry Information**)

Brussels 28th January 2016



- The role of semantics in IMOLA
- The template is made of **rules** and **concepts**, commonly agreed by members, which are considered semantic assets.
- The template's semantic framework belongs **to the field of land registration**, being specific concepts developed for the template.
- **Rules and concepts are devoted to the LR organizations**, although they could provide template's users a better understanding of the information presented therein



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DIFFERENT SEMANTIC AREAS OF THE PROJECT.

I. The technical IMOLA's vocabulary.

II. The template's framework.

- A) A uniform structure
- B) The information's placeholders.

III. The content of the template: the legal LR information.



I.- The technical IMOLA's vocabulary.

A common working vocabulary

- **A)Functional IMOLA vocabulary :**
- BASIC DATA/ SUPPLEMENTARY DATA/ ASSOCIATED DATA.
- OPEN DATA/ RESTRICTED DATA
- PLACEHOLDER/ SINGLE IDENTIFIER

- **B) Land registration basic concepts**
- PUBLICITY
- ENTRY.....
- REAL FOLIO



I.- The technical IMOLA's vocabulary.

EXAMPLES

- **A) Functional IMOLA vocabulary :**

BASIC DATA/ It is the minimum common set of information that must be provided by LR in any Member State:... Compulsory box

SUPPLEMENTARY DATA/ It's the additional information that could be included in accordance with each LR system..... Voluntary box

ASOCIATED DATA. Data not produced by the land register but linked to it by Key registers

- **B) Land registration basic concepts**

REAL FOLIO. is an individual file, with its own number, opened to an specific immovable asset, where all affecting property rights are registered in continuity and chronological order



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II. The template`s framework.

a) A uniform structure to present the information

b) The placeholders: the boxes



II.-A) **A uniform structure:** How and where to allocate each piece of information.

Uniformity. Vs accuracy. Meaning of the information might vary depending where it is placed.

eg easement: Right to way

Dominat tenement: usually section A

Servant tenement: usually Section C

Starting point: LR information is presented following land book structure.. In broad terms: **Section A** identifies the immovable asset, **Section B** is devoted to the owner and **Section C** to the limited property rights and restrictions.

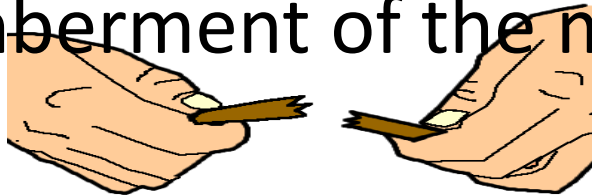
Under this basic idea, still **grey areas** were identified: so we had to agree some basic rules to refine each section's boundaries.



- EXAMPLE : Refining the scope of each section

4º The intersection between B and C: the limited property rights.

(The dismemberment of the main register right)





When from *the main registered right* of section B a new property right is created:

- **The new property right creates a new folio**, this right will be separated from the previous folio and will open a new one linked to it..
- **The new property right**, derived from the main registered right is considered a limited property right and reflected in **Section C of the same folio**.
- In some systems **both rights are reflected in section B** as sub categories of the original main registered right (the sum of both would eventually complete the main registered right)



RULE PROPOSED IV

Any new property right derived from the main registered right, which is not suitable for the creation a new folio, should always be considered as a secondary right will be posed in section C as a iure in re aliena, while the “main property right”,(whatever it has turned to be once deprived of the new right), must remain in section B.



b) The information's placeholders

Within each section, different fields of information are identified. Each field is a box defined by a term which is a specific concept. These common concepts are:

- **Generic.** These concepts are generic, playing as placeholders capable to embrace the information from each organization.
- **Made up of common features.** Avoiding any conceptual approach, we tried to identify main common features from a functional perspective
- Botton up technic:
 - From the common features we built descriptive definition. *Significata* .
 - Once the meaning is agreed, a common designation is given to the concept. *Designata*
- Free text boxes are unavoidable



ENTITLEMENT

(Supplementary data: voluntary box)

Describes not the right vested to the person but the grounds of Proprietorship:

A) SUSTANTIVE ENTITLEMENT= LEGAL GROUND

It identifies the legal act, agreement, decision or disposition that empowers the proprietor to the right. The legal grounds for the acquisition of the property right. e.g. purchase/succession/adverse possession

B) FORMAL ENTITLEMENT= DOCUMENT/INSTRUMENT

The document/ instrument used to upload the legal information in land book. Usually, it is the document used to perform the transmission, presented to the register as evidence for registration of the right in the land books.



B.FORMAL ENTITLEMENT: INSTRUMENT/ DOCUMENT

a.- Deed of transfer

- aa. Notary/solicitor
- bb. date..... cc. Place..... dd. Number
- ee. Name of the transferor (personal folio systems)

b.- Judicial decision

- aa. Judge/Court
- bb. Type of decision.... cc. date..... dd. proceeding id. num

c.- Administrative Order

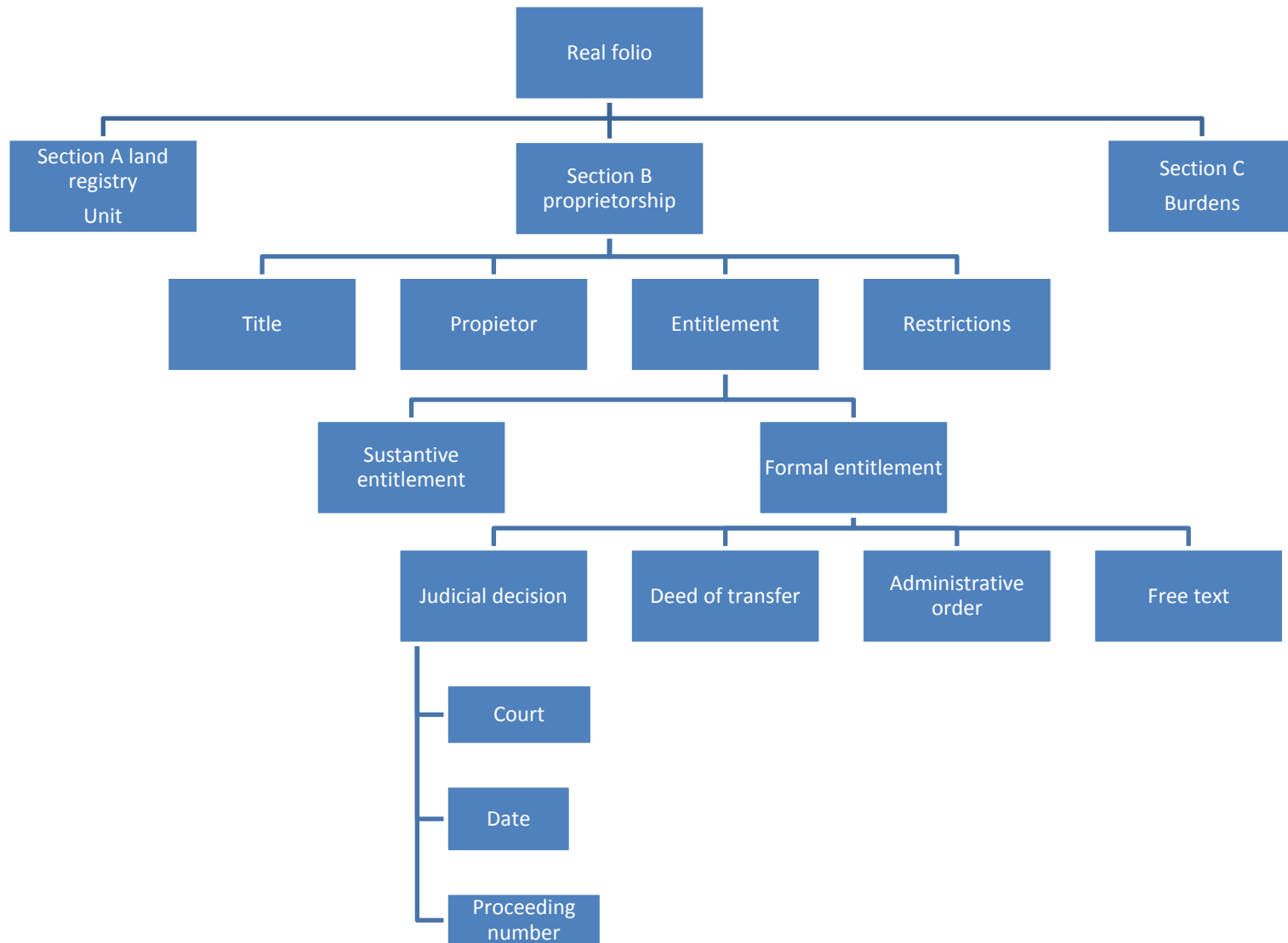
- aa. Authority
- bb. type of decision..... cc. Date..... dd. File Id. number Id

d.-Others: Free text.



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III.- THE CONTENT: the legal LR information.

VARIETY: physical data, property rights, Restrictions, judicial orders, privileges, Bankruptcy, public limitations etc...

DIVERSITY: legal concepts from national systems, substantive law, national tradition.

MULTI-SOURCE. More than 28 original sources of concepts to be explained, translated and compared between each other

- IMOLA does not aim, at this stage of the project, to develop a whole semantic scheme on the content of the template.



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- How IMOLA has dealt with the of land registry information contained in the template? Developing the following means:
 - 1.-A Glossary.
 - 2.- Categories: developing labels. Enables to establish relations between concepts : Thesaurus
 - 3.- Fact sheets.



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- NATIONAL GLOSSARIES.
- They are made up of definitions taken directly from legal dispositions, case law or consolidated academic doctrine, following this order.
- It contains the original native designation and references to relevant legal provisions

Reuses, to the possible stand, previous ELRA-EULIS Glossary.

ELRA considers that a simple definition can not embrace the complexities of law. Moreover sometimes the same word may refer different realities, simplifications might derive in serious misunderstandings.



- DEVELOPING CATEGORIES OF THE CONTENT
- According to ISO 1087 a concept is defined as “a unit of thought constituted through abstraction on the basis of properties common to a set of objects”
- Dynamic approach. Covering different aspects of land registration information:
 - nature of the content
 - Type of entry
 - Source
 - Registration Effects
 - Comparison with other information.
 - Context. examples



RESTRICTION

- 1.-Consist on a **limitation** of the content of the registered property right or on a total or partial limitation in proprietor's powers
2. A restriction never creates a property right (*iura in re aliena*) on the restricted property..
- 3.Restriction, is also an measure ordered by the court within and enforcement procedure attaching the property to the fulfilment of a (monetary) obligation
- 4.-Usually derive from a judicial order, but also from a private agreement in those cases permitted by the law
- 5.- Might impede, limit or condition future registration of legal acts or rights performed against such a restriction. They are normally reflected by an specific type of entry, usually time-limited

E. G freezing order, limitation of certain uses in gthe property...



1º The content and nature of the information.

Property rights

- Absolute property right
- Limited property rights
- Restrictions
- Mortgages and security rights
- Other burdens

Registrable personal rights (tertiary rights?)

2º the registration effects and the type of entry.

- + full registration
- + priority preservation entries.
- + restriction entries.
- + Awariness remarks.

3º the source of the legal information.

Private/Judicial/Administrative (governmental)/Statutory(legal)



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+ Priority preservation entries.

Preserve the effectiveness of a future property right or a judicial decision deriving from the event published by the entry, in the case it happens.

They differ of registration entries by their content, since they can not publish a property right. They don't produce the effects of the registration entry

They differ from restriction entry in the registration effects since they don't block or restrict access to the registry, although any subsequent entry will be affected by the envisaged event, once it deploys its effects .

*They can derive from: - Private decision. (Option right, promise of purchase ,...)
-Judicial decision. Land pending actions, prenotice of mortgage (Greece)...*



- These categories will be used for the following purposes:
 - In the template they might appear as **labels** attached to the relevant legal information which will be qualified through them, (priority has been chosen as main organization criterion).
 - **Promise of purchase:** Personal right/ reservation of priority/ private agreement
 - **Servitude:** Iura in re aliena/ registration entry/ statutory
 - These categories are also **semantic models**, so in fact they establish a set of rules that allows to group diverse legal information, establishing rules capable of creating hierarchy and equivalence relations between the different concepts Turning glossaries into a THESAURUS



3.- FACT SHEETS.

Main legal institutions of different Ms must be explained in a more detailed manner

Uniform framework, based in common features.

(inspired by the lawyer linguistic work with the Comparative Multilingual Legal vocabulary (VJM) :

- Comparative law study
- Including legal dispositions, case law, context,)



CONCLUSIONS

IMOLA has developed a common template to present LR information.

By doing so it has produced an specific set of semantic assets:
common rules and concepts

Still remains a deeper study of the content of the information
A deeper knowledge will allow to establish a more accurate
framework of relations between the different legal concepts



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Thank you very much

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