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Third International Forum on Digital Evidence

CONSIGLIO
NAZIONALE
DEL
NOTARIATO

FIDEI ET VERITATIS ANCHORA

USAGE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY IN REAL ESTATE CONVEYANCING:
ITALIAN EXPERIENCE

Civil law systems has two main features in the real estate sector

✓ Real estate publicity based on <u>Public Register</u>, reliable and accessible to all

✓ Mandatory involvement of a notary in real estate conveyancing

Notaries are representatives of the State to ensure the public service of effectiveness and authenticity of contracts and evidence.

This independent activity is exercised under the form of a profession, but subject to the oversight of the State.

In the field of real estate, notary's consulting role extends to all aspects of the transaction and includes full liability for any errors that compromise client's purchase

Notarial duty satisfies the <u>double purpose</u> of

> **providing secure agreements** and effective deeds that comply with legal provisions
> **granting legal reliability to the data entries** in Public Register: <u>reliability of the informations in registers depend entirely on adequate verification prior to entry</u>

Regarding first purpose, there's no convenience using electronic documents: parties have to appear before the notary to sign the deed

electronic instruments don't make it faster
thus
the deed is printed and signed on paper

Regarding second purpose, electronic technology provides a huge improvement in efficiency of Public Register

Electronic Public Register can be
- easily accessed to retrieve informations on property titles and mortgages
- easily and fast updated by notaries maintaining a high level of legal security and reliability
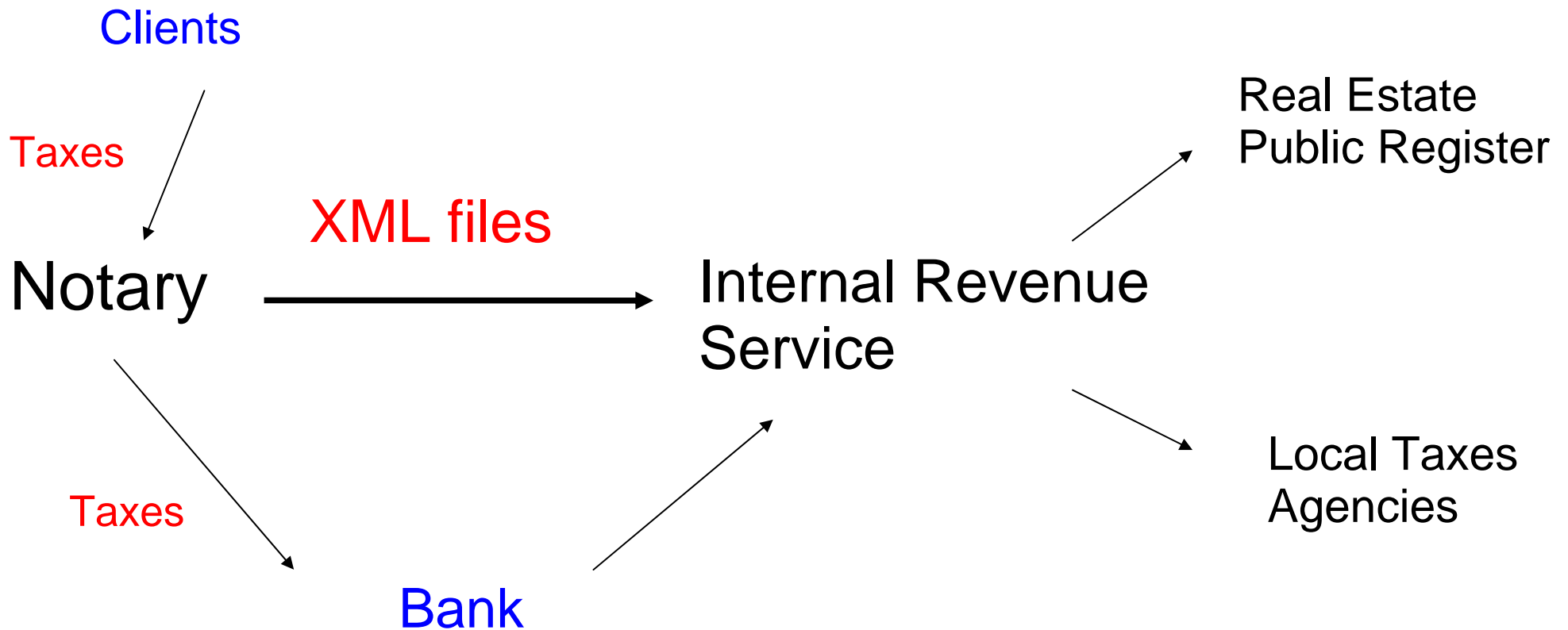
Italian notaries don't create electronic deeds but <u>electronic copies of deeds</u>
that allow rapid and secure transmission of related data to Public Registers:
Real Estate Register and Companies Register

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The telematic procedure to register real estate title transfers and carry out mortgage formalities   is called **MUI** (Modello Unico Informatico)
the Notary transforms the text of the deed into an XML file

```xml
<!-- ** Modello Unico ** -->
- <Telematico>
  - <DatiTelematico CodUfficioEntrate="REF">
    - <ChiaveFile ProgressivoInvio="Invio del 19/02/2004">
        <CodiceFiscalePU>RMNRML61S19H501I</CodiceFiscalePU>
        <PubblicoUfficiale TipoPU="1" DenominazionePU="ROMANI Romolo" Comune="ROMA" Provincia="RM" Indirizzo="via Arenula n. 100" cap="00100"/>
        <Controllo>Unidoc</Controllo>
    </ChiaveFile>
    <PagamentoTelematico CodiceFiscale="RMNRML61S19H501I" CodiceABI="*****" CodiceCAB="*****" Divisa="E" NumeroContoCorrente="000000*****"
    NumeroCin="O"/>
  - <Adempimento>
    - <ChiaveAdempimento>
        <PrimoNumeroRepertorio>5555</PrimoNumeroRepertorio>
        <SecondoNumeroRepertorio>4444</SecondoNumeroRepertorio>
        <CodiceFiscalePU>RMNRML61S19H501I</CodiceFiscalePU>
    </ChiaveAdempimento>
    - <DatiTitolo Elaborazione="C" Divisa="E" EsenzioneBollo="0">
        <Titolo Descrizione="ATTO NOTARILE PUBBLICO" DataAtto="19022004"/>
        <Allegati CodiceAllegato="05" NumeroAllegati="1"/>
    </DatiTitolo>
    - <DatiConvenzione ProgressivoConvenzione="1">
      - <Convenzione TipoNota="T" Specie="ATTO TRA VIVI" Descrizione="Compravendita" CodAtto="112">
          <CodiceConservatoria>83</CodiceConservatoria>
      </Convenzione>
      - <TributiTerritorio Esenzione="0" Agevolazione="0">
          <Tassazione CodiceTributo="9806" Importo="5164"/>
      </TributiTerritorio>
        <UnitaNegoziali IdUnitaNegoziale="U0001" IdImmobile="I0001 I0002"/>
        <UnitaNegoziali IdUnitaNegoziale="U0002" IdImmobile="I0003"/>
      - <DatiAssociazione IdSoggetto="S0001" IdUnitaNegoziali="U0001">
```

Administrations and Agencies pick up just the data they need

Clients

Taxes

XML files

Taxes

Notary

Internal Revenue Service

Bank

Real Estate Public Register

Local Taxes Agencies

XML files are digitally signed, but verification of signer's identity is not enough: to enter data in Real Estate Public Register, the sender must be a notary

Attribute certification is needed: our solution is a Flat Certification Authority

The Consiglio Nazionale del Notariato is a CA whose policy specify that digital certificates are issued only to notaries currently in office

With our Certification Authority, digital verification confirms, at the same time:

- the document's integrity
- the signer's identity
- the signer's office as a Notary

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At the site http://ca.notariato.it you can verify every file signed by an Italian notary or even only check if a digital certificate is valid and, so far, not revoked

Informazioni del certificato digitale di
CHIBBARO SABRINA

Cognome	CHIBBARO	
Nome	SABRINA	
Codice fiscale	CHBSRN66T43A089X	
Distretto notarile	BRESCIA	
Numero seriale del certificato	751 (2ef)	Visualizza stato del certificato
Scadenza certificato	sabato 08 novembre 2008	

Scarica certificato digitale

Scarica marca temporale di pubblicazione del certificato digitale

Nuova ricerca

Benefits of the e-conveyancing system

the State Administrations

- do not need to enter the data in their systems (huge spending cut)

- have no responsibility for the data entered and their legal qualification (the task is entirely up to the Civil Law Notaries)

for further information

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