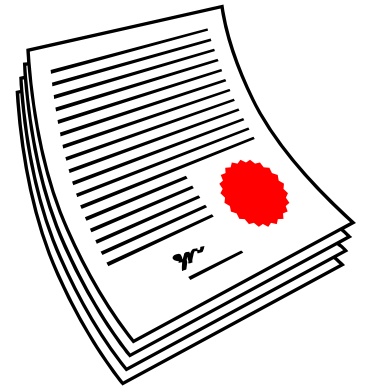




# Not a case of rocket science: Electronic registers under the Apostille Convention



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## **Electronic Registers - Precedent**

- **Is there precedent for an electronic register?**
  - **Commentary to Chapter 20 of Article III of the Model Notary Act of 2002**
    - **“This chapter anticipates that electronic documents may be forwarded to foreign jurisdictions that may require verification of the authority of the notarial officer.”**
  - **Conclusions and Recommendations Adopted by the Special Commission on the Practical Operation of The Hague Apostille, Evidence and Service Conventions (28 October to 4 November 2003)**
    - **Electronic Register mentioned**
    - **Cost efficiency primary criterion**



## **Electronic Registers – Why?**

- **Why do we want to develop an electronic register?**
  - **PKI alone is not a solution**
    - **A digital certificate could conceivably convey the same information contained in an Apostille**
    - **But the need to act on the information will require some kind of structured presentation format (MISMO SMARTDOCS and PDF)**
    - **An independent register overcomes other PKI shortcomings and is echoed in the MERS eRegistry in the US, and in the NNA's ENS Program (and by the IETF)**
      - **Digital Certificates expire and invalidate signatures, which can cause confusion**
      - **An Electronic Register provides an effective means to verify a document quickly and securely over time**



## **Electronic Registers – Benefits**

- **Electronic registers can provide many benefits, including:**
  - **Increase the speed by which authentications can be validated or verified by relying parties.**
  - **Provide a “self-validating” mechanism for receiving parties.**
  - **Provide a more secure and stable audit trail of authentications performed.**
  - **Increase trust through “transparency.”**
  - **Help citizens/corporations transact business more efficiently.**



## **Electronic Registers – My Goal Today**

- **The challenge before me today**
  - **Can we apply existing eTransaction technology to develop a secure and cost-effective (and cost saving) electronic register?**
    - **Yes!**
  - **Can this technology address this central issue?**
    - **“Only an authority designated by the Contracting State as being competent is permitted to issue the apostille. No other authority may claim that competence. It is essential, therefore, to ascertain that the apostille has indeed been issued by a competent authority.”**
    - **Yes!**



## **Electronic Registers - Demonstration**

- 1.** Begin with a public document per Article 1 of the Convention
  - Notarized Affidavit of Citizenship
  - Apostille completed and attached
- 2.** Save the document as an Adobe Certified Document using my digital certificate
- 3.** Registration of the document in an online electronic register by a competent authority
- 4.** Next, we will imagine the document has been sent to a receiving party by some secure means
- 5.** Validation of the certification by a receiving party
  - Verification of the competent authority's certification using Adobe PDF digital certificate support
  - Validation of the register entry on the competent authority's web site using the Certificate Number
  - Additional verification of the register entry by validating the "digital fingerprint" of the document



## **Electronic Registers – Concluding Remarks**

- **What is the purpose of this brief presentation?**
  - **Secure, online management of an electronic register is affordable and does not require major capital investment on the part of competent authorities.**
  - **Secure, online management of an electronic register is easily accomplished using technologies readily available in the marketplace today.**
  - **Secure, online management of an electronic register can provide a valuable service to relying parties that is more efficient, more secure, and better suited to the needs of international transactions.**
  - **Work remains to be done – my solution probably leaves something to be desired. But the best place to start is at the beginning.**

