Real Property Registration System

The real property (real estate) registration system differs in content depending on the country. In Japan, land and buildings are treated as separate and distinct real property, and registration can also be made separately. This way of thinking and system are similar to those in Taiwan and South Korea, whereas buildings are considered attached to land and rights establishment, registration and transaction cannot be made for solely buildings in Germany, France, the U.K., the U.S., Australia and other Western countries.

In addition, the indefeasibility of registration also varies depending on the country.

Here is a brief explanation of the real property registration system in Japan.
Real Property Registration System

About Real Property Registration

Real property registration is a system for land and buildings, being valuable property, in which the location and area, as well as the owners’ address and name, etc. are stated in a public book (registry) and such made open to the public, thereby serving the role of making the rights relationship and other status clear to everyone and contributing to the safe and smooth conduct of transactions.

Pursuant to the Real Property Registration Act, there are nine types of rights that can be registered: ownership, superficies, farming right, servitude, statutory lien, pledge, mortgage, right of lease and right of quarrying. Registrations cannot be made for right of possessory, right of common, right of retention and right of loan for use.

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Effect of Registration

(1) Perfection
Acquisitions of, losses of and changes in real rights concerning immovable properties may not be asserted against third parties, unless the same are registered pursuant to the applicable provisions of the Real Property Registration Act and other laws regarding registration (Civil Code Article 177).

The order of priority of rights registered in relation to the same real property shall, unless otherwise provided for in laws and regulations, follow the chronological order of registration (Real Property Registration Act Article 4).

(2) Indefeasibility
A party who has engaged in a transaction of real property having trusted the description in the registration is entitled to acquire such rights under certain requirements even if the registered right holder does not seem to be the true right holder.

Indefeasibility does not apply to registration in Japan. Accordingly, no matter if real property is purchased from a registered right holder thinking that the registered right holder is the true owner, real property cannot be taken away from the true owner if there is a true owner.

Registry Offices

Registry offices are divided between those that conduct registration affairs using a computer system by preparing a registry on a magnetic disk (“computer-based offices”) and those that conduct registration affairs by keeping a registry in binder format in which land/building registration forms are organized in files (“book-based offices”).

(1) Computer-based offices
A registry is prepared on a magnetic disk. At computer-based offices, anyone can be issued a certificate of registered matters (document certifying the whole or part of the registered matters) and anyone can be issued a written outline of registered matters (document stating the outline of registered matters) by submitting a prescribed request form. This certificate of registered matters is the same content as a transcript or extract of a registry.

(2) Book-based offices
A registry, which organizes registration forms in files, consist of a land registry and a building registry. At book-based offices, anyone can be issued a transcript or extract of a registry and anyone can inspect a registry by submitting a prescribed request form.
Real Property Registration System

Registration Record (Registry)

A registration is made through the process in which a registrar records matters to be registered in a registry.

A registration record is prepared separately for the heading section and the rights section for each parcel (lot) of land or each building. Furthermore, the rights section is categorized into section A and section B, where matters to be registered in the registration of ownership are recorded in section A and matters to be registered in the registration of rights other than ownership are recorded in section B.

1. Matters to be recorded in the heading section
   Land: Location, parcel number, land category (current state of land), parcel area (area of land), etc.
   Building: Location, parcel number, building number, type, structure, floor area, etc.
   (registration in the heading section referred to as "registration of description")

   For condominiums and other condominium units, there are cases in which the right to use the site of the building (right of site) is recorded. For the rights relationship concerning this right of site, public notice is given by registration in section A and section B of the condominium unit.

2. Matters to be recorded in the rights section (section A)
   Matters concerning the owner are recorded, showing who the owner is and when and for what cause (sale/purchase, inheritance, etc.) ownership was acquired (registration of transfer of ownership, provisional registration of ownership, seizure, provisional disposition, etc.).

3. Matters to be recorded in the rights section (section B)
   Matters concerning mortgage and other rights other than ownership are recorded (establishment of mortgage, establishment of superficies, establishment of servitude, etc.).

●●●● Registration Record (Registry) ●●●●