

# Real Property Registration System

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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.

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## 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.

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## 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)●

〇〇県〇〇市〇〇町〇〇〇-〇		全部事項証明書		(土地)	
【表題部】 (土地の表示)			調製 平成〇〇年〇月〇日	地図番号	除白
【不動産番号】	1234567890123				
【所在】	〇〇県〇〇市〇〇町〇〇		除白		
【①地番】	【②地目】	【③地積】 m <sup>2</sup>	【原因及びその日付】	【登記の日付】	
9999番3	宅地	100.00	9999番1から分筆	平成〇〇年〇月〇日	
【権利部 (甲区)】 (所有権に関する事項)					
【順位番号】	【登記の目的】	【受付年月日・受付番号】	【原因】	【権利者その他の事項】	
1	所有権移転	平成〇〇年〇月〇日 第〇〇〇〇号	平成〇〇年〇月〇日売買	所有者 〇〇市〇〇丁目〇番〇号 〇〇 〇〇	
【権利部 (乙区)】 (所有権以外の権利に関する事項)					
【順位番号】	【登記の目的】	【受付年月日・受付番号】	【原因】	【権利者その他の事項】	
1	抵当設定	平成〇〇年〇月〇日 第〇〇〇〇号	平成〇〇年〇月〇日金銭 消費貸借同日設定	借付額 金〇〇〇〇万円 利息 年〇% 損害金 年〇〇% 年365日割計算 債務者 〇〇市〇〇丁目〇番〇号 〇〇 〇〇 抵当権者 〇〇県〇〇市〇〇〇丁目〇番〇号 株式会社 〇〇〇〇〇〇〇	