

## 6th International Forum on the e-APP

Madrid – 29 & 30 June 2010



The electronic Apostille  
Pilot Program (e-APP)  
e-Apostille component

Mayela Celis  
Legal Officer, HCCH

**What is an e-Apostille?**

Vul het volgende formulier in. U kunt geen gegevens opslaan die in dit formulier zijn getypt. Druk het ingevulde formulier af als u een exemplaar ter referentie wilt bewaren. Velden markeren

**APOSTILLE**  
*(Convention de La Haye du 5 octobre 1961)*

1. Country:

This public document

2. has been signed by:

3. acting in the capacity of:

4. bears the seal/stamp of:

Certified

5. at:  6. the:

7. by:

8. No:

9. Seal/stamp:

10. Signature:

Click here to sign as Competent Authority (Klik om te ondertekenen)

# What do you need to issue e-Apostilles?

- A license to Adobe® Acrobat® out-of-the-box PDF technology or *other technology* that allows you to sign documents electronically;
- Digital certificate provided by either:
  - a commercial Certificate Authority (VeriSign, Thawte, etc.) or
  - government-run Certificate Authority



A Competent Authority would need to inquire with their IT department to determine how to acquire a digital certificate

# Key Concepts

# Key concepts

- Electronic signature
- Digital Certificate
- Certificate Authority
- Registration Authority

# Electronic signature

- “Data in electronic form in, affixed to or logically associated with, a data message [i.e. the Apostille], which may be used to identify the signatory in relation to the data message.”  
UNCITRAL 2001 Model Law on Electronic signatures.
- “Most countries have now enacted legislation recognising the legal effect of electronic signatures and electronic documents” 1st Forum

# Electronic signature (cont.)

- If there are domestic laws, rules, or any regulations relating to the execution of electronic notarial acts, the use and administration of electronic signatures, or the transmission of electronic documents (including notarial acts), these laws, rules, or regulations continue to apply under the suggested models developed for the purposes of the e-APP. In addition, the software models suggested by the e-APP are not meant to impose any technical requirements on the performance of electronic notarial acts in a specific jurisdiction (previous Fora)
- First e-notarial act executed in France in 2008



# Digital certificate

- Digital certificate is an electronic document which uses a digital signature to bind together a public key with an identity — information such as the name of a person or an organization, their address, and so forth. The certificate can be used to verify that a public key belongs to an individual (Wikipedia)
- Personal appearance is recommended (5th Forum on the e-APP)

# Certificate Authority

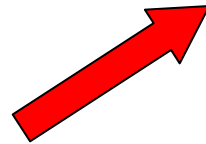
- An independent third party to any transaction that occurs within the Public Key Infrastructure
- It issues the digital certificate that is used to digitally signed the PDF
- It is an audited organisation that must adhere to strict operating procedures in order to maintain trust in the digital certificates that it issues.

# Registration Authority

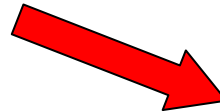
- It is a party contracted to the Certification Authority that is solely responsible for proofing the identity and establishing the related rights and duties of a person requesting for a digital certificate
- A Local Registration Authority (LRA) is the person authorized by their company and the Certificate Authority (FundSERV) to provide certificate lifecycle management (Wikipedia)
  - For example the state of Kansas of USA acted as the Registration Authority by issuing a digital certificate to an employee.

# The e-Apostille component

e-Apostilles may be issued  
for public documents  
executed:

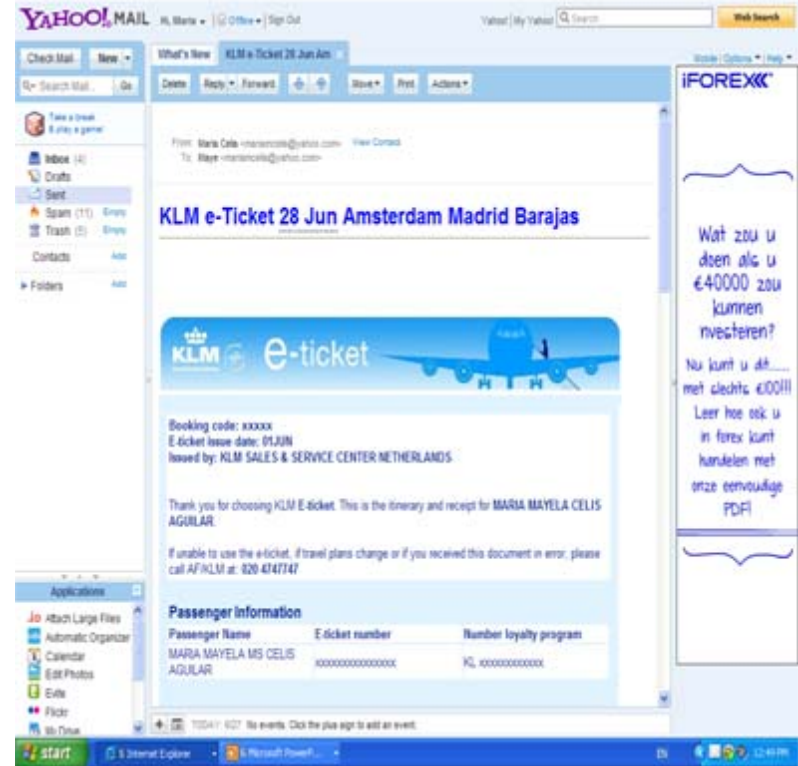
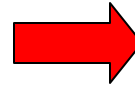


in electronic form



in paper form  
and which are  
then scanned

# It's just like plane tickets – a necessary change

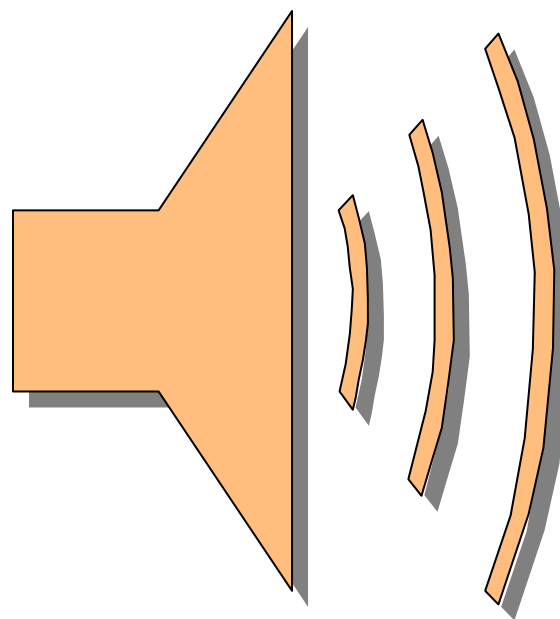


Previously

Now

## Once the decision is taken....

The 5th Forum recognized that it is good policy that States Parties inform other States Parties when they begin to issue e-Apostilles



# e-Apostille component: Status of implementation

<b>Jurisdiction</b>	<b>e-Apostilles</b>
Colombia	Oct 2007 <small>(providing printouts of e-Apostilles)</small>
New Zealand	May 2009
Spain – Murcia	Nov 2008
USA – Kansas	Feb 2007

# Colombia

## Hybrid system

-Signed electronically

-The only valid Apostille appears on the e-register

**REPUBLICA DE COLOMBIA**  
MINISTERIO DE RELACIONES EXTERIORES

### APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

Pais: **REPUBLICA DE COLOMBIA**  
(Country: - Pays:)

El presente documento público  
(This public document - Le present acte public)

Ha sido firmado por: **RODRIGUEZ ORTEGA DORIS AMANDA**  
(Has been signed by: - A été signé par:)

Actuando en calidad de: **DIRECTOR DE GESTION NOTARIAL**  
(Acting in the capacity of: - Agissant en qualité de:)

Lleva el sello/estampilla de: **SUPERINTENDENCIA DE NOTARIADO Y REGISTRO**  
(Bears the seal/stamp of: - Est revêtu du sceau de / timbre de:)

**Certificado**  
(Certified - Atteste)

En: **BOGOTA D.C.**  
(At: - À:)

El: **10/9/2007**  
(On: - Le:)

Por: **MINISTERIO DE RELACIONES EXTERIORES**  
(By: The Ministry of Foreign Affairs of Colombia - Par: Ministère des Affaires Étrangères de la Colombie )

No: **AHKJ11017**  
(Under Number: - Sous le numéro:)

Digitally Signed by:  
Ministerio de Relaciones Exteriores de Colombia  
SAUL GIOVANNI PEREZ GUTIERREZ  
Reason: DOCUMENT AUTHENTICITY  
Location: Bogota - Colombia  
Date: Martes, 09 de Octubre de 2007, 12:46:31 p.m. Firma: (Signature:)

Nombre del Titular: **JOHVANA GONZALEZ// FERDINAN VELEZ**  
(Name of the holder of document: - Nom du titulaire:)

Tipo de documento: **ESCRITURA MATRIMONIO CIVIL**  
(Type of document: - Type du document:)

Número de hojas apostilladas: **7**  
(Number of pages: - Nombre de pages:)

710984628240

La autenticidad de esta apostilla puede ser verificada en el Registro Electrónico que se encuentra en la siguiente página web:  
The authenticity of this Apostille may be verified by accessing the e-Register on the following web site:  
L'authenticité de cette Apostille peut être vérifiée en accédant l'e-Registre sur le site web suivant:

[www.cancilleria.gov.co/apostilla](http://www.cancilleria.gov.co/apostilla)



Full  
implementation of  
the e-Apostille  
component



# Spain

- Signed electronically
- the underlying public document is attached and image included
- Sent electronically

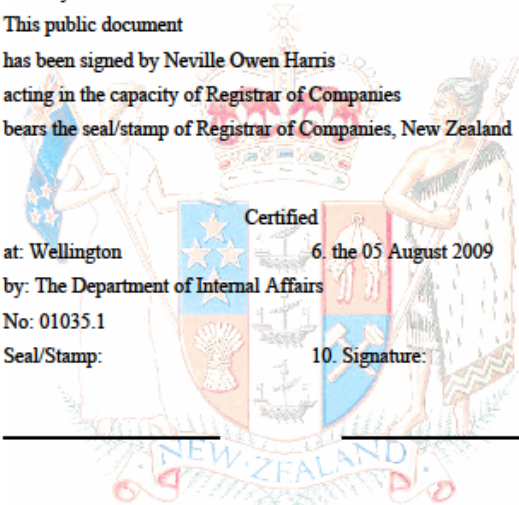


# New Zealand

- Signed electronically
- the underlying public document is attached (electronic docs)
- Sent electronically

**APOSTILLE**  
(Convention de La Haye du 5 octobre 1961)

1. Country: New Zealand  
This public document
2. has been signed by Neville Owen Harris
3. acting in the capacity of Registrar of Companies
4. bears the seal/stamp of Registrar of Companies, New Zealand



Certified

5. at: Wellington
6. the 05 August 2009
7. by: The Department of Internal Affairs
8. No: 01035.1
9. Seal/Stamp:
10. Signature:

# Gracias

