

CONCLUSIONS TOPIC 1

The land registry of the 21st century: Opportunities and challenges. Emergent requirements and new legal, organisational and technological challenges.

The present Congress has highlighted the current needs and challenges faced by the legal registers, and it has been made clear by the participants that all of them are linked to a greater or lesser extent to technology.

The technological revolution we are witnessing brings with it a proposal to digitalise all processes, agents and institutions and this extends to the Registry, but it should not be forgotten, as has been pointed out by more than one author, that this is not an end in itself but a means to improve the public registry service.

Many participants have spoken about the processes of digitalization of the registry systems based on the experience of their countries of origin, such as Brazil, Canada, Costa Rica, China, El Salvador, Spain, Estonia, Peru, Puerto Rico or Turkey and, although they applaud this and the implementation of the changes, they are not unaware of the difficulties and risks of a new paradigm that cannot compromise legal security.

The focus is on speed and automation, both in the registration of rights in rem and in obtaining publicity, in a globalised world in which the economy demands agile real estate transactions. But the lack of control over the legal transactions that give rise to the creation, transfer or extinction of rights in rem can lead to undesirable consequences for States, economic operators and, of course, citizens.

The challenge is threefold: to guarantee the rights of property owners, avoiding conflicts and litigation, to properly identify the properties on which these rights are held, and to provide accurate and truthful publicity of these rights.

In this triple objective, technology is the tool that must allow these objectives to be achieved quickly, effectively and efficiently, while safeguarding ethical principles.

The application of new technologies implies that legal operators take the necessary measures to guarantee their ethical use, and that those conducts in which these tools are used for illicit or spurious purposes are prosecuted.

One of the papers suggests, as an alternative, certifying the operation of the Registries with ISO 30300-2020 certification tools that ensure the authenticity, reliability, integrity and fixation of the content of the Registry.

In relation to tokenisation, this Congress underlined the need to regulate blockchain technology, which cannot give rise to a registry system of registration and transmission of rights that exists outside of the States. In fact, the immutability of the blockchain cannot be guaranteed, and it is

concluded by several authors that a system of tokenised real estate would not entail any advantage over classic systems.

The need for interoperability between the civil, commercial and land registries, as well as with the different administrative registries, is stressed, so that there is an agile exchange of data that allows the necessary control of legality to be carried out by the registrars. This interoperability cannot ignore the regulations on personal data protection.

Data protection requires clear and guaranteed guidelines.

Among the participants, the interest in the use of artificial intelligence has stood out, which has made it worthy of a monographic session.

Firstly, generative AI is defined as language models that use statistics and existing information in databases; it focuses on the creation of new content that appears to have been created by a human, but its main problem is the scarce and sometimes non-existent supervision of its content, making it essential to verify its accuracy and authenticity.

Language models use a context, but do not “understand” it, resulting in an effect called “hallucination”, grammatically correct but meaningless sentences, and it is very difficult to find quality data.

Systems such as ChatGPT have been described as non-information systems whose risk of error is present by the very nature of the tool.

Therefore, the major drawbacks for the implementation of this technology, in addition to the lack of authenticity and certainty of AI-generated content, are the carbon footprint and the infringement of the so-called Rights of Nature, as it is well known that AI is a great energy guzzler.

Finally, it is emphasized that the application of AI in the legal field requires constant review and training by legal operators, and therefore its use in registers is far from being the tool it is intended to be.