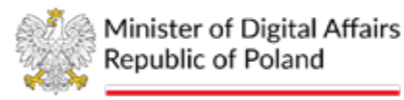


— IUS NOTARIATUS —

90 Years of the Polish Notarial System



HONORARY PATRONAGE



HOSTS



ORGANISERS



MEDIA PATRONAGE



Dear Colleagues,

It is with great pleasure that we present to you this conference album, which has been produced on the occasion of the international conference *Ius Notariatus – “Notaries in the Age of New Technologies”*. The event is organised by notary associations from Poland (Stowarzyszenie Notariuszy Rzeczypospolitej Polskiej), Germany (Deutscher Notarverein) and Switzerland (Schweizer Notarenverband) and the Universities in Frankfurt (Oder), Szczecin and Konstanz. Our meeting is hosted by the Collegium Polonicum and the Chair of Polish and European Private Law and Comparative Law at the European University Viadrina in Frankfurt (Oder).

The conference we are participating in is a platform for the sharing of knowledge, experience and best practices in the application of new technologies in notarial work. The aim is not only to become adapted to the changes that are taking place, but also to actively shape them to protect the values that have been at the heart of the notarial profession for centuries: independence, integrity, impartiality and social responsibility.

Ius Notariatus provides a unique opportunity to explore issues that not only affect the future of the notary profession, but also influence the foundations of legal security in the modern world. Progressive digitalisation, the development of artificial intelligence and dynamic changes in the ways in which information is communicated and shared, bring great opportunities as well as challenges for the notarial profession, both nationally and internationally.

Our conference is also an opportunity to celebrate the 90th anniversary of the Polish notarial system. This jubilee refers to the “constitution of the Polish notarial system”, which is regarded to be the promulgation of the Law on Notaries by the President of the Republic of Poland on 27 October 1933. This act laid the foundations for the development and protection of the tradition of the freedom of the notaries, after more than 100 years of partition of Poland and the need to unify the law of the lands under Prussian, Russian and Austrian occupation; the act is still regarded today as one of the most important moments in the history of the Polish notarial system in the 20th century.

We believe that our *Ius Notariatus* will contribute to a better understanding of the challenges facing notaries in the 21st century, inspire further efforts to integrate technology with the tradition and ethos of the notarial profession, and support the harmonious implementation of innovations in our legal systems. Together, we want to create a future in which technology serves humanity and the notary remains the guarantor of the rule of law and the security of trading.

On behalf of the organisers and hosts, I would like to thank our honorary patrons, media and sponsors for their support. I wish you many inspiring discussions, the satisfaction of searching for and discovering innovative solutions to the complex legal problems of today's digitised world, and – just as importantly – the pleasure of getting to know each other and enhancing cross-border cooperation.

Arkadiusz Wudarski

Presidents of Notary Associations



Anna Dańko-Roesler
(Poland)



Franz Stämpfli
(Switzerland)



Christian Rupp
(Germany)

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Aneta Wilkowska-Płóciennik	Polish Notary Association in Warsaw



The Association of Notaries of the Republic of Poland (Stowarzyszenie Notariuszy Rzeczypospolitej Polskiej) is a social and professional organisation founded in 1990, bringing together notaries, based on the traditions of the Union of Notaries of the Republic of Poland established in 1934. Its mission is to support the development of the Polish notarial profession (for example, by enhancing the professional qualifications of notaries), to uphold the prestige of the profession and to represent the professional interests of its members both nationally and internationally.

The Association is actively involved in legislative projects in the field of private, procedural, and notary law. It initiates and promotes research work on the theory and practice of law, organises scientific conferences and debates in the field of legal research and legislative solutions, and provides patronage for such events. The Association operates a Training Centre, a Mediation Centre and an Electronic Arbitration and Mediation Centre.

In addition, the Association cooperates with foreign notary organisations and is active in publishing. Since 1991, it has been the publisher of *Rejent*, a high-impact scholarly journal whose main focus is on research issues in the field of private law (in particular property law, contract law, inheritance law, family law, company law and private international law) as well as other areas related to the notarial profession.



The Swiss Notary Association (SNV) was founded in 1905 as the Association of Swiss Notaries. In its early years, it successfully lobbied for the introduction of uniform civil law in Switzerland, which entered into force in 1912. This resulted in the harmonisation of cantonal legislation at the national level.

Today the SNV acts as the professional association of Swiss notaries – even though the role of notaries continues to be organised at the cantonal level in Switzerland and only a few basic rules apply uniformly throughout the country. The members of the SNV comprise 15 cantonal associations (known as collective members) and individuals from the other cantons (individual members). There are currently around 2,000 members.

The main duties of the SNV include preserving and promoting legal certainty and security of transactions in the notarial system, protecting parties to documents and preserving and promoting the independence and impartiality of parties to documents.

The Association also supports notaries in Switzerland and works to develop the expertise and status of the profession. The SNV represents the interests of notaries before national and cantonal authorities, and it participates in national and cantonal legislative projects that directly or indirectly affect notaries. The duties of the Association also include new technologies, further education, and networking with international bodies, associations and authorities.



The German Notary Association (Deutscher Notarverein e.V.) was founded in 1991, with a tradition dating back to 1871 and 1900. The Association is committed to strengthening and protecting the notarial profession. Its concern is to safeguard the independence and impartiality of notaries and to ensure legal security and the trust of citizens in notarial services.

At national and European level, the German Notary Association represents the interests of its members vis-à-vis political decision-makers and relevant institutions. The Association is active in legislative projects relevant to notaries. The Association contributes its expertise in professional discussions and by issuing statements to various political bodies to improve the legal framework for the notarial profession.

Through its service company, DNotV GmbH, the German Notary Association offers services to support notaries in their daily work. It handles cases related to shelf companies and operates the court of arbitration for notaries, which serves as an independent body for resolving conflicts among notaries.

The journal *notar* is an important instrument that provides information on current developments in the notarial profession, legal changes and issues related to the policy of the Association. The journal offers members a platform for the exchange and discussion of relevant topics and contributes to the formation of opinion and professional discourse in the notarial profession.



Notariat w dobie nowych technologii

— Ius Notariatus —

Notariat im Zeitalter der neuen Technologien

COLLEGIUM POLONICUM
27–28 IX 2024

27 September 2024

12:30 – 13:30

Lunch

13:30 – 14:00

Welcome with a musical introduction
Addresses by the invited Guests

14:00 – 16:00

Panel I**Legal and Dogmatic Challenges for Notaries on the Part of New Technologies**

Moderated by: Arkadiusz Wudarski (Poland)

1. Jacek Gołaczyński (Poland)
2. Clemens Sudhof (Germany)
3. Apollo D. Dauag (Switzerland)

16:00 – 16:30

Coffee break

16:30 – 18:30

Panel II**Artificial Intelligence in the Notary Profession**

Moderated by: Michael Stürner (Germany)

1. Stefan Schmittner (Germany)
2. Jean-Paul Saija (Switzerland)
3. Kinga Flaga-Gieruszyńska (Poland)
Joanna Studzińska

18:30

Gala dinner with
musical accompaniment

Performance: Steffen Möller

28 September 2024

08:00 – 09:30

Breakfast

09:30 – 11:30

Panel III**IT Security and Blockchain Technology in Notarial Practice**

Moderated by: Oliver Reinhardt (Switzerland)

1. Nicolas Berthet (Switzerland)
2. Daniel Drażkiewicz (Poland)
3. Martin K. Thelen (Germany)

11:30 – 12:00

Coffee break

12:00 – 14:00

Panel IV**Electronic Notarial Deed**

Moderated by: Giorgi Khubua (Georgia)

1. Matthias Frohn (Germany)
2. Dariusz Celiński (Poland)
3. Anne E. Schnierer (Switzerland)

14:00 – 14:15

Closing

14:15 – 15:30

Lunch





Nicolas Berthet

MSc in Business Information Systems, University of Applied Sciences and Arts Northwestern Switzerland; Head of Corporate IT at terreActive AG (to become Swiss Post Cyber Security as of January 2025).



Dariusz Celiński

Notary in Tychy (since 2004); lecturer in training sessions for notaries and notary trainees, specialising in succession management and notarial law; Chairman of the Legislation Team of the Association of Notaries of the Republic of Poland (2016–2022).



Anna Dańko-Roesler

Notary in Warsaw; President of the Association of Notaries of the Republic of Poland (since 2004); member of editorial committees of publications issued by the Association of Notaries of the Republic of Poland; inspector at the Notarial Chamber in Warsaw and lecturer for notaries and notarial trainees.



Apollo D. Dauag

Scientific Managing Director of the electronic Public Institutions and Administrations Research Forum (e-PIAF) and teacher at the Law Faculty of the University of Basel; lawyer with strong focus on data law, contract drafting and legislative projects; leader of the Basel chamber of lawyers digital expert group.



Daniel Drązkiewicz

Notary in Rogoźno (since 2014); member of the Council of the Chamber of Notaries in Poznań (2021–2024); member of the National Council of Notaries (since 2024).



Kinga Flaga-Gieruszyńska

Professor of Law, University of Szczecin, Head of Research Team for Civil Procedural Law, Medical Law and New Technologies at Faculty of Law and Administration; legal advisor; member of the Scientific Council of the Polish Notary Institute (since 2019).



Matthias Frohn

Notary in Potsdam (since 2021); Director of the Bundesnotarkammer (2017–2021); research assistant at the Institute for Private International Law, International Civil Procedure and Comparative Law, Free University Berlin (2007–2011).



Jacek Gołaczyński

Professor of Law at the Department of Civil Law and Private International Law at the Faculty of Law, Administration and Economics, University of Wrocław; Head of the Centre for Research on Legal and Economic Problems of Electronic Communication.



Giorgi Khubua

Professor of Law, Tbilisi State University; Rector of Tbilisi State University (2006–2010); President for Research at Steinbeis University in Berlin (2019–2023); Visiting Professor at University of Bamberg (2012–2013) and at Technical University of Munich (2013–2019); President of Association of Georgian-Polish Lawyers (since 2023).



Oliver Reinhardt

Graduated from the Faculty of Law at the University of Bern (2004); licensed notary in Bern (since 2008); Secretary General of the Swiss Notary Association (since 2016); Partner of Häusermann + Partner, law firm with lawyers and notaries in the canton of Bern (since 2018).



Christian Rupp

President of the German Notary Association based in Berlin (since 2019); prior to that, Managing Director of the German Notary Association for five years; notary with an office in Ulm.



Jean-Paul Saija

Co-CEO at Mindnow AG, entrepreneur focused on digital innovation; founder of Clanq AG (Fintech) and Cubra.io (AI Headhunter); expert in global business expansion, passionate about creative digital solutions.



Stefan Schmittner

Consulting manager for public sector clients (since 2020); software project manager in the judiciary and notary sector (2011–2020); consultant, IT manager and commercial manager in service networks for insurance companies (2001–2011); Manager at Baden-Württemberg Chamber of Notaries (1997–2001).



Anne E. Schnierer

Graduated with a lic. iur. degree from the Faculty of Law, University of Zürich (2011); Vice-President of the Notarial Examination Commission of the Canton of Aargau (since 2021); Head of the Notarial Services Department, Notarial Inspectorate, High Court of the Canton of Zurich (since 2023).



Joanna Studzińska

Professor and head of Division of Civil Proceedings at Kozminski University (since 2019); legal adviser; jurisprudence specialist in the Civil Chamber of the Supreme Court (2013–2023); member of the Scientific Council of the Polish Institute of Notaries (since 2019).



Michael Stürner

Professor of Law, University of Konstanz; Judge, Higher Regional Court in Karlsruhe; Vice-Rector for Teaching, University of Konstanz (2019–2024); visiting positions in Berkeley (2013) and Cambridge (2020).



Clemens Sudhof

Notary in Frankfurt/Oder (since 2022); Notary Candidate at the Federal Chamber of Notaries (2021–2022); research assistant at European University Viadrina (2012–2016); Ph.D. at European University Viadrina.



Martin K. Thelen

Notary Candidate at Rheinische Notarkammer in Cologne (since 2021); currently working for the German Notarial Institute in Würzburg; attorney at a German law firm in Cologne (2020–2021); Second State Exam in Law (2020); Ph.D. at University of Bonn (2019); LL.M. at Columbia Law School (2017).



Arkadiusz Wudarski

Professor of Law, University of Szczecin and European University Viadrina in Frankfurt/Oder; Visiting Professor at the University of Vienna (2012) and the Ivane Javakhishvili Tbilisi State University (2023); President of Association of Georgian-Polish Lawyers (since 2023).

Nicolas Berthet

IT Security in the Everyday World

Along with the use of computers, internet risks come along. IT security becomes more important and is no longer a topic only large companies have to think about. The presentation gives insights into potential risks and mitigations and covers important aspects of IT security which are applicable to everyone. The importance of properly securing data and having data backups is a key component in daily work. Securing and properly storing passwords and other important personal information is another important aspect. The possibility of using special software for the protection of personal data is not yet used widely enough. Cloud services are an important part of our daily life but are we using them the right way? Are we sure our data is safe even if the cloud service is not working properly anymore?

Dariusz Celiński

Electronic Notarial Deeds

The fundamental principles governing the preparation of notarial documents in line with the prevailing regulatory framework require that a majority of notarial deeds in Poland are drafted in conventional paper format. Digital notarial documents represent a notable exception. It is imperative to implement a paperless strategy in legal transactions. It is essential to provide notaries with access to the underlying public registers, enabling them to make notarial deeds, particularly in real estate and inheritance cases, without the necessity for the parties to obtain a multitude of paper documents confirming the relevant legal status. However, potential legal frameworks for the digital drafting of notarial deeds exist and there are advantages as well as associated risks of such solutions.

Apollo D. Dauag

Law on the Digitalisation of Notarial Offices – What is Really New?

This question highlights legal doctrinal challenges. While the statutory introduction of electronic deeds and a central register may seem easy, the practical implications are complex and must be taken into account during the legislative process. Challenges include the standardisation of digital data, dependence on varying digitisation strategies across the Swiss Cantons, and the integration of new technical skills for notaries and their staff. The scanning of paper documents indicates that the digital transformation has begun; however, its practical implementation still requires further legal and practical steps.

Daniel Drązkiewicz

Cybersecurity for Notarial Offices: Risk Identification and Mitigation

Preventing threats in the IT sphere consumes increasing human and financial resources. The notarial profession is particularly vulnerable to the severe consequences of data breaches. Preventing cyber threats should become one of its top priorities. The presentation focuses on identifying the areas of notarial practice most susceptible to cyberattacks. The specific features of modern cyber threats, in contrast to traditional threats, are analysed. Directions for actions that should be taken not only by notarial offices but also those requiring coordination by the notarial self-government are presented. The way collaboration among notaries can significantly enhance our profession's resilience to cyber-criminal activities is discussed. Insights are presented into potential vulnerabilities in their IT systems and methods to mitigate these risks.

Kinga Flaga-Gieruszyńska, Joanna Studzińska

Artificial Intelligence in Notary Decision-Making Processes

The decision-making process of notaries involves an analysis of documents and legal assessment to ensure that the action complies with the applicable laws. Before deciding to perform the required action, notaries must consider all aspects of the case, including the credibility of the documents presented and the intentions of the parties. AI can play a key role in assisting notaries in carrying out the decision-making process by analysis of case law and doctrine relevant to the facts, analysis of facts and documents relevant to the content of the notarial action, direct participation in the process of drafting the notarial deed by using semi-automated proceedings: notaries use AI tools to assess and search for the optimum content of the action to be performed, and by using fully automated proceedings: AI takes over the role of notaries, eliminating human participation in the decision-making process.

Matthias Frohn

Electronic Notarial Deeds in Germany

German notaries currently live in a hybrid world of paper files and electronic files. Since 2006, it has been possible to create electronically certified copies of deeds in accordance with German notarial law. All German notaries have qualified electronic signatures. Until recently, the deeds themselves could only be drawn up in paper form. Since 2022, the formation of limited liability companies and the notarisation of signatures under applications to the commercial register can be carried out electronically via an online procedure operated by the Federal Chamber of Notaries. This creates purely electronic deeds. All German notaries must store their documents in digitalised form in electronic document archives. A current draft law provides that in future it will also be possible to draw up purely electronic deeds in the face-to-face procedure before notaries.

Jean-Paul Saija

Artificial Intelligence in the Notarial Profession

The presentation focuses on the role and impact of Artificial Intelligence in the notarial profession. It provides an overview of the historical development of AI, from its early concepts and techniques to modern applications like machine learning and neural networks. The presentation analyses how AI can increasingly automate routine tasks in notarial work, such as the creation and management of standardised documents. It addresses the challenges associated with AI implementation, including ethical considerations, biases in AI systems, and the impact on the labour market. The presentation concludes with a discussion on the limitations of automation in creative and advisory tasks that still require human expertise and offers a forward-looking view on the future significance of AI in the notarial profession.

Stefan Schmittner

Artificial Intelligence in Notarial Offices

Three primary functions exist to consider the integration of artificial intelligence in notarial practice: examining party intentions, verifying the understanding of legal consequences by the parties, and ensuring compliance of authentic instruments with the law. Large Language Models (LLMs) introduce novel capabilities supporting these areas. The natural language processing features of LLMs can facilitate initial communications through automated dialogue systems. LLMs can enhance understanding of legal ramifications, providing tailored explanations suited to varying linguistic abilities. The structure of notarial deeds may be improved through LLMs by offering innovative methods for processing extensive legal texts, especially judgments. These potential uses also pose several technical challenges, specifically in ensuring confidentiality and integrity, which must be addressed in designing such technological solutions.

Anne E. Schnierer

Electronic Notary Deeds from a Swiss Perspective

Electronic notary deeds are gaining importance in Switzerland. Since the relevant federal law came into effect in 2012, the Cantons have been able to authorise notaries in their territories to create electronic copies of their notary paper deeds. However, the original notary deed remains limited to the physical paper format. With the new Federal Law on Digitalisation in Notarial Services it will be possible to create original notary deeds electronically and register them in the newly created Swiss electronic deed register. Additionally, the law aims to standardise and improve the efficiency of digital processes in notarial services. These changes mark the preliminary conclusion of a development that has lasted more than ten years and represent a significant step towards a modern, digital notarial landscape in Switzerland.

Jacek Gołaczyński

Legal Challenges Posed by New Technologies for Notaries in Poland

There are various ICT systems operating in Poland regarding notaries and notarial activities: the Notary Register, which incorporates ICT systems that collect and provide access to data processed by courts, Polish and EU notaries. The System interfaces for data exchange with other public administration systems. Currently, the Notary Register system includes: User Register comprising the statutory lists of notaries, the Succession Register with information on registered notarial deeds and European certificates of succession and inheritance as well as the Notary Register of Wills, the Central Repository of Electronic Extracts of Notarial Deeds, the Register of Succession Administrators of Natural Persons' Businesses, the Register of Shareholders of Simple Joint Stock Companies, Notarial Statistical Registers as well as subsystems for data exchange with external Polish and foreign institutions.

Clemens Sudhof

Digital Technologies Challenging Germany Notaries

The notarisation of documents provides several advantages for deeds and contracts concerning areas of increased economic and legal importance: it ensures the reliable identification of the parties; notaries check their legal capacity and free will; they provide for comprehensive legal advice and high quality of the formation documents; the documents are resilient to manipulation by the parties. Any form of digital procedure must meet the challenge to provide the same advantages: at least in a satisfactory manner. The challenge is even greater if the digital procedure involves meetings over video conference systems. The Federal Chamber of Notaries provides such a system for all the notaries in Germany. Its use is mandatory for all acts admissible for digital procedure. The use of centrally designed and maintained, mandatory systems assures their high quality and integrity, conformity with legal requirements and a consistent image of the notaries.

Martin K. Thelen

Potential Use of Blockchain Technology in German Notarial Practice

In future, shareholders of German limited liability companies might be able to transfer their shares using a legally improved, blockchain-based list of shareholders. Blockchain technology could enable German notaries to issue electronic executive copies of deeds. Using a Validity Register if a representative is acting, the notary could determine whether the power of attorney remains valid. Blockchain technology is less suitable for the German land register because land registers identify a large number of complex legal relationships. A trustworthy institution must check whether the information stored in a blockchain-based database is correct in terms of content. Only notaries and register operators should have the right to make changes to the

90th Anniversary of the Law on Notaries

The first nationwide law on notaries was promulgated in a Decree of the President of the Republic of Poland of 27 October 1933. It represents a caesura, a turning point and a foundation for the further development of the notary institution, which was given a uniform and modern organisational basis and provided with self-government.

In November 1918, Poland regained its independence after 123 years of partition. The reborn Polish state included the former Polish territories under the Russian, Austrian and Prussian partitions. While each of these systems evolved in part from common roots and traditions of European notarial systems, they were based on sometimes diametrically opposed principles. Significant differences related in particular to the juridical position, as the Austrian system made the notary a person of trust, while the others made them a public servant.

The publication of the Decree of the President of the Republic of Poland of 27 October 1933 marked the beginning of a new, groundbreaking stage in the history of the Polish notarial system. It was to the credit of the new law that, for the first time uniformly across the country, notaries were singled out as practising as an independent legal profession requiring the fulfilment of high qualifications. The novelty on a national scale was the introduction of notarial training, the exclusivity of the profession, the definition of notaries as public officers, designated to draft deeds and documents to which the parties wanted or needed to give public credence, as well as to perform other acts entrusted by law, thus following the French and Italian, as well as Austrian, models.

Although not all remnants of the differentiation from the partition period had been fully removed by the outbreak of the Second World War, the 1933 law on notaries consolidated the most important principles of its operation. The modern solutions adopted in the pre-war decree allowed the notarial system to operate also after 1945, during the period of the socialist system, which was not favourable to private property. They were also the model for the current Law on Notaries, enacted in 1991.

Today, at the beginning of the 21st century, notaries face new challenges generated by new technologies, both legal and dogmatic and those related to artificial intelligence, IT security and blockchain technologies and electronic notarial deeds.



— Ius Notariatus —

