

HOW TO DEFENSE BUSINESS AND REAL ESTATE FROM RAIDING

Dear Entrepreneur,

During the lockdown there is also a risk of real estate and corporate rights raider attacks breakout. On March 23, 2020, the Minister of Justice of Ukraine reported on his Facebook page the number of unlawful registration actions performed a week before quarantine introduction was almost the same as over the last four months last year.

Taking care of domestic business, the Business Ombudsman Council calls on to stay alert regarding the current status of their assets and to lodge a complaint on manifestation of malpractice on the part of state registrars both with the Anti-Raidership Collegium of the Ministry of Justice and (simultaneously) with the Business Ombudsman Council.

Meanwhile, we would like to share with you relevant steps that should help you prevent a raider attack or properly respond to it.

PREVENT A RAIDER ATTACK



Use Opendatobot and other open databases — use open databases before the launch of the notification system regarding official corporate rights registration actions;



Join real estate registration actions SMS notification systems — you can find several similar services on the Internet;



Monitor state registers regularly to track information changes on the asset status;



Make sure your land and real estate documents are fine — register the real estate, get a land plot cadastral number, enter information into the State Register of Property Rights to Immovable Property;



Qualified Electronic Signature: QES — introduce limitations in the charter making change of members or a company's CEO possible through a qualified e-signature;



Introduce a notarial certification requirement — register encumbrances in the form of necessary notarial certification of transactions related to servitude, perpetual lease, superficies in the State Register of Property Rights to Immovable Property as a land plot owner;



Secure yourself a harvesting guarantee — remember that if lease agreement termination was prior to harvesting the crops sown by you as a land plot tenant, you have the right to harvesting.

POST FACTUM

IF UNLAWFUL REGISTRATION CHANGES WERE ALREADY MADE



Don't miss the administrative appeal deadline — 60 calendar days from a registration action date or a day when you learned or could have learned about it, to file a complaint to the Anti-Raider Collegium of the Ministry of Justice;



Use the electronic complaint form — during the lockdown you can lodge a complaint with the Anti-Raidership Collegium of the Ministry of Justice via iGov public services portal [at the link](#);



Indicate the appeal subject correctly — in case of an attack on information on composition of members or government bodies, address not on behalf of a “stolen” company but as individuals-shareholders, whose rights had been violated;



Check if there is an ownership dispute in place — it is more difficult to administratively challenge a registration action taken based on a notarial certified document not acknowledged by court as void;



Think of the evidence base in advance — use a comprehensive approach: e.g. court statements regarding a possibly forged court decision, a research on the registrar's reputation on the Internet;



Try to get in touch with the registrar — in case of a hacker attack, a registrar may even not know that it took place; his/her explanation and written statements will be helpful within the administrative appeal and pre-trial investigation of criminal proceedings;



File a petition for a registrar inspection — to consider the issue of denying his/her access to public registers;



Lodge a complaint with the Business Ombudsman Council — you can file a complaint [at the link](#) or send it to an e-mail: info@boi.org.ua. The Business Ombudsman Council is empowered to participate in appeals' consideration by the Anti-Raidership Collegium of the Ministry of Justice.

Stay healthy and keep your assets safe!
Regards, Business Ombudsman
Marcin Świącicki

