

Brazilian Notaries Public Association – Federal Board

XXIV Brazilian Notaries Congress – Opening Speech – Chairman

Good evening!

Your Honor Justice Luiz Fux, representing the Federal Supreme Court, and Superior Court Judge Lisbeth Maria Santos, Judicial Internal Affairs Magistrate of the State of Bahia, on behalf of whom I greet all magistrates and officials of the Judiciary Branch.

Your Excellency Senator Soraya Thronicke and Your Excellency Congressman João Roma, representing the Legislative Branch, on behalf of whom I greet all elected representatives of the Brazilian people.

Your Excellency, Mayor Marcello Oliveira, who is heading Praia do Forte, this so beautiful city that welcomes us in this meeting, and National Secretary of De-bureaucratization, Paulo Uebel, on behalf of whom I greet the senior authorities of the Executive Branch, who honor us with their presence.

Estimados notarios jóvenes de toda América que aquí vienen para su Vigésima Primera Jornada del Cono Sur. Bienvenidos! Estamos muy orgullosos y felices con su presencia.

Dear colleagues, Emanuelle Perrota, President of the CNB (Brazilian Notaries Public Association) in Bahia, and Marcia Rosália Schwarzer, Rio Grande do Sul-Bahia citizen notary in Praia do Forte, on behalf of whom I greet the Presidents of all our sectional offices, the notaries and registrars.

Ladies and Gentlemen.

To exist is to live with **permanent change**. The nature **changes**, our appearance **changes**, behaviors and situations **change**. To exist in the 21st Century is to see those changes occurring in a **frantic and overwhelming** way. It is **fast** and often **there is no** alternative but to change.

Meetings are **fundamental** for the debate and updating on those transformations. Although we have virtual agoras such as the whatsapp and emails, whereby every day we discuss topics of interest, **nothing** can replace the **quality** and **warmth of personal meetings**. This meeting is even more relevant **this year**, since the Twenty-Fourth Brazilian Notaries Congress is held

at the moment when the **Brazilian Notaries Public Association** celebrates its **65th anniversary**.

The CNB is the founder of the International Notary Union, an UN-recognized NGO, which brings together 88 countries in the world that have the same notary system as ours. We are not an archaic and useless heritage of Portugal. We are part of a universal legal system that protects 2/3 of the world's population, 5 billion people, and represents sixty percent of global GDP. Six of the 10 largest economies on the planet practice notary precisely as we do it in Brazil.

Learn to live with changes; **learn to accept** that the world has changed; **adapt** continually and promptly. This is the fate of those who live in this century. It applies for the notary and for all professions.

Like medicine, for example, which cures diseases and saves lives. Today, doctors face competition from Doctor Google, this omnipotent virtual library, where we all run to when identifying any symptom. They also face the challenge of rendering care and performing surgeries at a distance. Soon, like all of us, they will face artificial intelligence. Robots more assertive than the most experienced of doctors.

Like the doctors and many other professionals, we also experience changes in notarial activity. **In three decades**, we have passed from the typewriter to the computer, and more recently, we have stepped into the age of applications, tablets and smartphones. It is no exaggeration to say that, today, **our biggest work tool** fits in the **palm of our hand**.

In the 21st Century, tradition and habits no longer guarantee continuity of a profession. It's actually the opposite. What ensures its longevity is **how well** it can **adapt** to the new age. **New** technologies, **new** ways of communicating, **new** types of relationship with the audiences, **new** social and cultural codes, **new** standards of servicing and of service performance. All of this **is mandatory** in this 21st Century. Who does not understand it, or does not adapt, will not survive.

Like the character of the coach driver, who only exists in tourist cities as a living museum article, many professions will end. In fact, the heralds of the Block chain vividly proclaim the end of the notary. One of these days, a company director declared, quotes: "The question is not if the notary's offices will disappear, but **when**". He thinks block chain will devastate us. Hence, he

has set up a kind of “digital notary office” that uses block chain technology for document validation and signature.

In fact, **there are new paradigms**. That is why this meeting is so relevant. We have to debate **where we will be heading to**. We have to discuss what the **future of our profession will be in these new times**.

The main feature of this era is undeniable: the **massive, permanent and constant** use of technology. From the notary to the doctor, the teacher, the lawyer, and so many other professionals, **all of us** will have to work with electronic media. We, notaries, will have to verify identity remotely; to offer an online services platform; to receive the digital signature and certify facts through applications. **Those** are the new times imposed on everyone.

This year, UN Secretary-General Antonio Guterres presented the report “The Age of Digital Interdependence”, wherein he indicates that there is a growing global interdependence of all countries and agencies. I believe that this is also true for the social microcosms.

Digital technologies force us to **interdependence among all of us notaries**, with government agencies, registrars and some private stakeholders.

In order for us to master technological means and to keep the pace with their evolution, we must recognize this **interdependence** and **strengthen our union**. We have to connect **in one single service platform**.

To this end, we must set a **standard for digital notarial acts**, a data spreadsheet that, prior to human reading, is intended for electronic traffic and machine cognition and processing. From the genesis and syntax of the act, to its indexing, distribution, publicizing and perpetual and safe storage without hacking attacks.

Standardization also has the advantage of highlighting non-standardized contracts. Of course, everything that is not according to the defined models deserves a close look and will be separated. The notary work will also be highlighted by that, since in this case the operators will know that an exclusive action was required and that mobilized the notary to produce a single document.

Will the standard be a tie? The end of professional autonomy? No. Remember, the standard is in our genesis. We have arisen, grown and strengthened with the “To whom it may concern”, with the “I certify”. The drafts forged and consecrated our body. The men and women of law and

business understand them. Ordinary people also recognize the value of the notary instrument.

Standards are also cherished by the “market” as they are a shortcut to efficiency and productivity. They enable the traffic of thousands of contracts, their grouped and stratified qualification, they save time and processes. And that, of course, looks good on the annual balance sheet.

In this world of ever-changing hyper-connected machines, we, technology laypeople, need support, of a permanent teaching of this evolution. I, you, we do not know how computer programs operate. I’m even somewhat afraid of strange programs.

With the attention and **support of a specialized team** maintained by the Brazilian Notaries Public Association, all notaries are equipped and can smoothly operate in the virtual environment. Cloud? Virus? Hackers? Block chain? Everything is under control. This is the importance of our union for the construction of a **new notary**.

This interdependent world lives on **system integration and interoperability**. A notary alone does not have all the information the market

needs. Our Instruments Notary Center, containing the indexes of all notaries, is of great value to this society that needs qualified and secure information. Interoperability allows this information to be automated and virtually instantaneous. The new society does not wait for days. If we do not have **interoperability**, a private company will take up our space.

Advancing towards this future is not easy, it causes fear and anguish.

Therefore, the Brazilian Notaries Public Association **assumes** the responsibility of creating these new processes. The solutions will arise out of our studies and debates - of notary prudence.

Our first concern is to build an **equalitarian, fair operation** to everyone. We have to avoid the monopolization of large notaries or, worse, the concentration of large private corporations on a few notaries, who will certainly be subservient to them.

Therefore, we believe that this future should contemplate the **community notary**, the one who acts in his/her municipality and has the direct contact and trust of the population. Our ability to advise, eye-to-eye, with the

human energy the machine will never have must be preserved and stimulated as a much valuable asset of our profession.

We will follow this line. We are working hard to ensure that Brazilian notaries are aside of technological advances. We have rolled up our sleeves and have already taken the first steps to transform our activity.

After a broad debate with all 24 sectional offices that comprise the Brazilian Notaries Public Association, and which is made up the 8,823 Brazilian notaries, we have set the principles for the creation of **e-Notariado**, our integrated services platform on the Internet. In this space, we will include all notarial instruments, which will be offered by notaries to users.

Initially, we must master the techniques of **digital signature** and manifestation of will **through biometrics**.

For that purpose, we have developed two actions. First, we have created our **e-Notariado Certification Authority**. We developed the technology. The program belongs to our entity, to all of us, so we can offer it to all notaries who, in turn, will provide the digital certificate to each Brazilian citizen and company.

Note: we will no longer be resellers of private companies. The technology is ours. This month, we have already requested from ITI (Information Technology Institute), our accreditation at ICP-Brasil. The notary digital certificate is on the smartphone: you point the phone at the document and digitally sign it.

We already express our will with **biometrics**, whether to unlock the phone, to download a program, to make a financial transaction at the bank. We believe that, in the near future, **all manifestations of will** shall be made by biometrics. Therefore, we have partnered with Serpro and will start collecting biometric data so that we can **authenticate biometrics** on contracts. Likewise, the technology **is ours** and allows us to build tools tailored to notary activity.

This month, we began the pilot operation of the **people identification module**, including the validation of biographic and biometric data with Denatran's database. Each notary will be able to consult the database. This service will prevent **identity fraud**, improving security and effectiveness of our instruments.

The e-Notariado also already has its **contracting platform**, wherein the public deeds will be made. Mastering the entire process and system

intelligence, the CNB is already testing the platform in the Federal District, supported by all the notaries there. The developer participates with the digital certificate and offers its private instrument for buyers' signatures. Flows are being built for the document to circular among the contracting parties, meeting the needs of the changing real estate market.

The **notary minutes drawing module** is also ready, being tested in a pilot model with a notary from the State of Santa Catarina. By the end of the year, we should have systems for issuing powers-of-attorney and certificates.

And the block chain? Will the block chain kill us, as that technology director said?

No. What might kill us is inaction, is being **stuck** in books and pens, in unnecessary papers. The block chain is a tool and we are already working with it. CNB has created **Notarchain, an exclusive notary network** in which we will authenticate the all business conducted on the e-Notariado platform, adding technological security, transparency and traceability.

There is more. We developed **cloud backup** to meet the notary's need to keep a copy of their files. A system of technology of our own, affordable, with user friendly interface and full security for the restoration.

Are you lost? It's so much innovation, it's so much construction, and it's so much technology. Everything seems a bit confusing to us all. This is one of the effects of innovation.

That is why we have been investing in guidance. First, we created the "**Manual on Good Practices of the Notary Technological Environment**", which guides us to operate in electronic media. This afternoon, we emailed the second edition of this guide, already enhanced to the requirements of CNJ Provision 74.

Next month, we will release the **Manual on LGPD, the General Data Protection Act**, which imposes strict criteria for the collection, use, traffic and storage of personal data. From the opening of form, at the counter, to the referral of the instrument to third parties, such as a registrar or a government agency, subsequent storage, the entire study is aimed to assure you, notary, and Brazilians seeking our services, the utmost respect and protection of data integrity.

Since the beginning of this year, we have been traveling across the country, introducing e-Notariado and teaching colleagues how to operate it. The applications included service manual, we have people over the phone to solve all your questions and problems. The CNB is structured as an entity at your services, for your favor, to create **Tabelionato 4.0**. This is our role.

I now want to talk about other aspects of this transformation. We should undertake other citizen support and service activities.

We already have the **notary minutes for adverse possession** that enables us to collaborate with the population for formal land registration adjustment of the property. Recently, the Estado de Minas newspaper reported that there are **30 million properties** without deed in Brazil. This situation entails damage to the owners, who do not have the full economic enjoyment of their assets, and huge economic loss to the country, by paving the way for tax evasion, causing the Federal Government, States and Municipalities not to collect billions in taxes like the IPTU, ITBI and Income Tax.

The notarial minutes for adverse possession is a still incipient service, but tending to grow with our encouragement and with the collaboration of the

municipal governments. This way of operating lifts the new notary to a social collaborator of huge relevance.

Apostilles drawing up is another new service. With globalization, the exchange of documents between individuals only tends to grow. This exchange has to be greatly simplified so that public documents shall be effective across the planet.

In collaboration with the National Council of Justice, CNB, together with Anoreg and Arpen, has developed the **Electronic Apostille Program**, which will be presented at the 11th International Forum, in the city of Fortaleza, with the presence of the 112 countries that compose The Hague Apostille Convention. Brazil hosts the event for the first time and, with our support, it is assuming international prominence in this area.

The third and most important innovation we must build is that of **conciliation and mediation, provided for by Law 13.140**, of 2015. I know that many of you are skeptical about this future, perhaps you do not believe that de-judicialization is an area for us to operate in.

I always renew my hope in conciliation and mediation. This is the most promising investment you should make for the future of our profession. We have to plan this performance, study the subject, and train our teams.

We must use our structure to work on alternative methods of conflict resolution and to collaborate to relieve the Judiciary Branch. The base of fees must be sought and it should be similar to the prices currently charged by the Judiciary Branch. We will bring fast, quality, time and money saving solutions to the concerned parties.

Finally, an important responsibility that notaries should have towards the Brazilian society is **to collaborate in the prevention of corruption and money laundering**. This fight, which we just joining, is fundamental for controlling the origin of the assets that are used in the business we formalize by means of public deeds.

The new notary works here for the benefit of society, as an inspector of the lawfulness of assets, as a bouncer of honest people. When some people have unlawful funds, the system becomes unequal, competition becomes unbalanced, and the dishonest people have advantages that discourage the honest people. This situation affects our society and we perceive it every day in

the notary office –just remember the deals in which the parties set a value lower or higher than the price of the asset. This condition undermines the actual State Governed by the Rule of Law.

We will collect and gather information from each notary in the country, selecting it according to the criteria indicated by the Financial Intelligence Unit, the former COAF, and providing the authorities with qualified data for investigations.

When the Brazilian State understands that our role will elevate the country to a new level of fairness, lawfulness, business ethics and ethics in private and government relations, and when the **population** understands that, there will be a claim for all the economically relevant acts to be formalized by public deeds. **The new notary is a guarantee of honesty for the Brazilian society.**

Our country is experiencing tough times. The press, and now social media, increases the clash of ideas, one side crucifying the other, the wicked Fake News bewildering us all. We have lost respect for the others, for dialogue, we have lost interest in consensus.

I believe that we must show the society that the notary class can serve Brazil also by seeking a better country, with dialogue, with the possibility of fraternal and sober criticism, using this dialogue to build an improvement of our existence.

This work begins here, by the **participation of everyone in the Brazilian Public Notaries Association**. One of the great virtues of notaries is the **balance**, the **word**, the strength of their **rhetoric and experience**. As professionals, as Brazilians, we have to collaborate so that dialogue and respect can be restored, so that there may be growth of the faith in institutions, in the democratic spirit, in the development of everyone, as a result of the search for agreements.

Along with fellow civil and real estate registrars, along with their institutions, we must work together to reduce processes and costs for the citizen, to collaborate with the State in its social programs, to make life easier for each Brazilian.

The Notary class is essentially correct and fair. We were born to authenticate documents, to certify private business, to be a keen eye of the State on the legality, balance of business, and the collection of due taxes. From the **inception**, we have always been the **civilizing progress**. And that is how we

will continue in the digital environment: a notary class qualified to work for the safety of each person, bringing value and economic growth for the entire Brazilian society.

An excellent Congress to all of us!

Thank you!