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LEGAL OPINION

Shipbuilding Contract – Acquisition of Title

In a shipbuilding contract, the ordering parties agreed among themselves that only one of them would appear as owner, holding, however, the title on behalf of all concerned.

The apparent owner registered the vessel with the competent ship Registry, by virtue of a transfer deed by the yard. Thereafter, he acted as sole ship-owner and prevented the other ordering parties from boarding or having any control on the vessel. The latter sued claiming co-ownership; the court found that indeed the vessel was co-owned by all ordering parties. It further found that title recorded in the Registry was not creating any right, as the Registrar's certification does not produce a right, it merely certifies submission of documents that allow a prima facie evidence on owner, which can be rebutted. Last, it also found the yard could anyway not transfer title, as title to the vessel was originally vested to ordering parties and not to the yard.

Supreme Court Judgment no. 298/2016, Presiding Judge: D. Papandopoulou, Rapporteur Judge: I. Tsaganidis, Attorneys at law: G. Botsis, K. Tassiopoulos, Maritime Law Review vol. 44, p. 1.

NOTE: The judgment adopted the approach prevailing in theory, that the title to a vessel under construction is originally acquired by the ordering party and not the yard. If the latter applied, ordering party would acquire title through transfer from yard and not originally.

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