

Digital transformation. Legally reliable documents.



Notarius

Established in 1996 by the Quebec Board of Notaries, Notarius provides solutions that safeguard the long-term reliability of digital records.

Since its creation, Notarius has positioned itself as a Canadian market leader by ensuring the integrity and authenticity of official documents for transactions between a wide variety of professionals, business partners, clients, municipalities and government agencies.

Notarius issues and manages trusted digital signatures. This cyber security initiative is designed to protect the public and enable professionals to sign electronic documents with the same legal value as a paper document signed by hand.

Used by more than 25 professional associations in Canada, over 800 companies and thousands of professionals across the world, Notarius' digital signature certificates are a secure, effective and economical solution that is now an integral part of many trades, professions and organizations.

Products

Notarius offers high-reliability, state-of-the-art solutions to its customers. Our tools enable us to meet the needs of professionals in terms of document cyber security, cost reduction, increased productivity and environmental preservation.

Our product offering is broken down into three categories. CertifiO is the digital signature service. ConsignO is the advanced signing platform solution and VerifiO is the server based validation service of PDF document and digital signatures.



CertifiO: The digital signature of Notarius ensures the authenticity of electronic documents and makes it possible to unequivocally confirm the origin and integrity of a document.

This digital identity also confirms the professional status of a signer and/or the identity of his employer at the time of signing.

CertifiO is available in four types of certificates: for professionals, employees, departments and organizations.



ConsignO: Simple and efficient, ConsignO significantly improves productivity when signing documents. This software allows you to perform advanced and exclusive digital signature operations on PDF documents.

ConsignO is available in three different configurations: Cloud (Trusted electronic and digital signature platform), Desktop (PDF signature software), Server (Solution to integrate digital signatures within your document management systems).



VerifiO: This application makes it possible to verify the origin, integrity, authenticity and longevity of digital records documents received in large quantities. It easily integrates with your internal solutions, does not require digital signature expertise and guarantees that a document received is unaltered, authentic and reliable.

Accreditations

Since 1998, the Notarius Certificate Authority (CA), based on a Public Key Infrastructure (PKI), is recognized and trusted by government agencies.

In 2007, the Notarius Certificate Authority was the first in North America to be certified ISO 27001 (Information Security Management).

In addition to ISO 27001 certification and ISO 9001 certification (quality management), Notarius is a member of leading organizations in the fields of trusted third parties and documentary sustainability (FNTC, DIACC and the PDF Association).

Notarius is the only Canadian company that provides digital signatures recognized by **Adobe** (Adobe Approved Trust List - AATL) and **Microsoft** (WebTrust for CA).

All of these partnerships and certifications attest to the level of quality and reliability of the expertise and solutions offered by Notarius.

They Chose Notarius

Given the growing necessity to exchange reliable electronic documents and carry out transactions of trust, more and more professionals are calling on Notarius. Notarius' digital signature is used by members of many Canadian Professional Associations, private companies, government agencies and crown corporations representing many professions, such as:



For more information

notarius.com | 1-888-588-0011 | sales@notarius.com



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Highly Reliable Electronic Documents: for Whom, Why and How?



- Do you receive a lot of highly reliable documents (paper or electronic)?
- Do you produce or send a lot of highly reliable documents (paper or electronic)?
- Do you archive a large quantity of highly reliable documents (paper or electronic)?
- Do you have doubts about the reliability of your electronic documents?
- Do you currently face legal issues with regard to the reliability of electronic documents ?
- Do you have to simplify your business processes or the management of your highly reliable documents?

If so, then going paperless is the solution for you!

For
Whom?



Governments and
municipalities



Large and
medium-sized
businesses



Transaction platforms
(banking, financial, insurance
and other areas)

Why?

REDUCE

costs and environmental impacts related to the management of highly reliable documents (printing, handling, transport, digitization and archiving).

INCREASE

the effectiveness and efficiency of business processes (human and technological).

MEET

legal compliance requirements (legislative and regulatory).

MAINTAIN

the quality and readability of documents by preventing degradation or errors related to scanning, copying and faxing.

How?

ADOPT A POLICY FOR THE MANAGEMENT OF DIGITAL RECORDS



OBJECTIVES

Implement
savings
opportunities (\$)

Lower
the total cost for
managing digital
records

Ensure
legal
compliance

Increase
the reliability of
digital records

Ensure
the longevity
of digital records

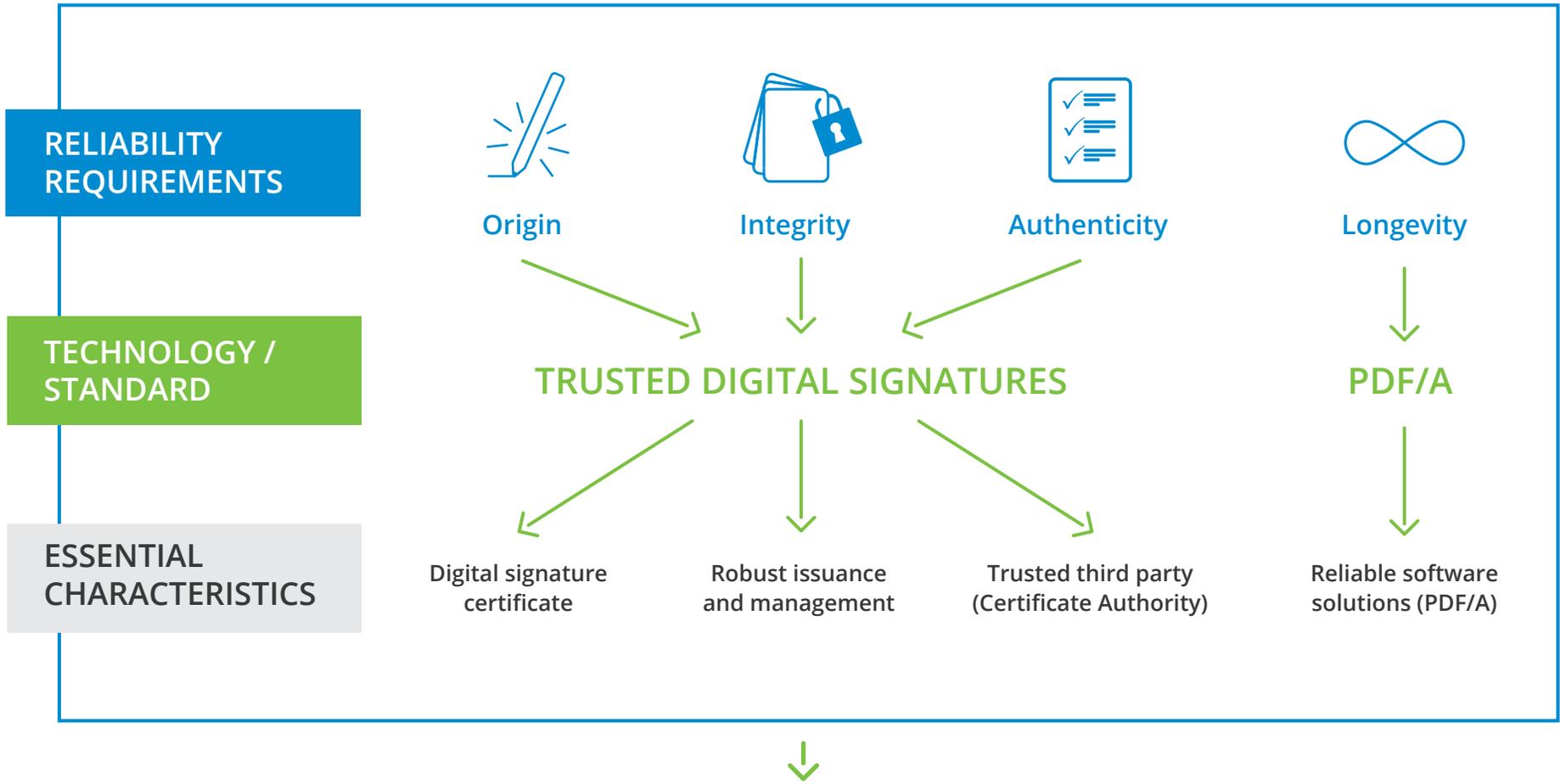
Improve
efficiency and
reduce
complexity

Promote
eco-responsibility



IMPLEMENTATION

Step	Description	Recommendation
	Clearly identify your organization's documents with high reliability requirements.	Determine which documents are of an official nature (see Highly reliable documents...as digital records!) in the 3 following sectors of the organization: <ul style="list-style-type: none">- Documents received;- Documents produced internally; and- Archived documents.
	Publish a Policy for the Management of Digital Records.	Notarius can advise you in the development of a policy for the management of digital records.
	Implement a powerful and technologically neutral framework in accordance with the digital records management policy.	<ul style="list-style-type: none">- Ensure the reliability of the origin, integrity and authenticity of your digital records using a digital signature meeting 3 essential criteria (see diagram, next page).- Ensure the longevity of your digital records by requiring PDF/A standard compliance.



NOTARIUS' SOLUTIONS

We provide you with cutting-edge technological solutions that are powerful and easy to use. The solutions we offer allow you to create and verify the origin, integrity, authenticity and longevity of your digital records with our product lines. Our products also enable you to convert your digital records to the PDF/A standard and verify that they comply with the standard. You will then be able to preserve your digital records for decades, in a reliable and effective way while benefiting from a paper-free environment!



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certifiO

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CertifiO is available in four types of certificates: for professionals, employees, departments and organizations.



consignO

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verifiO

VerifiO: This application makes it possible to verify the origin, integrity, authenticity and longevity of digital records documents received in large quantities. It easily integrates with your internal solutions, does not require digital signature expertise and guarantees that a document received is unaltered, authentic and reliable.

Notarius also offers server versions allowing you to fully automate your business processes!

Legal framework for electronic signatures

Context

Over the last 25 years, the increased use of information technology has fostered the development of e-commerce, led to significant changes in business practices and processes, and in many cases has allowed documents to evolve from paper to a digital form.

In order to overcome various legal obstacles and facilitate this transition to digital, industrialized nations have enacted laws recognizing the legal validity of electronic documents. In Canada, the Uniform Law Conference of Canada endorsed the *Uniform Electronic Commerce Act*, developed in 1996 by the United Nations Commission on International Trade Law (UNCITRAL) and recommended that its provisions be adopted by Canadian provinces.

The statutes adopted in this regard by each of the provinces at the outset of the millennium recognize the legal validity of electronic documents and impose requirements for their validity, their admissibility as evidence and, in the case of signed agreements, their enforceability against the parties that executed them.

Despite this statutory framework, governments, businesses and individuals are still reticent to incorporate electronic signatures into their business activities and processes. In addition to the challenges associated with managing changes in business processes developed in a paper-based paradigm and not yet updated to reflect today's digital reality, this reticence can be attributed to unfamiliarity with the legal framework (due in part to the scant case law on the subject) and a lack of understanding of the parameters of the technological solutions that must be established in order to meet the statutory requirements.

In that regard, the application of the statutory provisions to the technological processes of the various electronic-signature solutions (of varying reliability) available on the market may present difficulties for those in the legal profession who are not overly familiar with information technologies.

The brief analysis that follows centers on the two primary legal concerns for organizations who are considering the use of an e-signature solution, namely (i) the legal requirements for the validity of a document bearing an electronic signature, and (ii) the conditions for the admissibility into evidence and enforceability of documents signed electronically, and the requirements that should be met by e-signature solution used for this purpose.

Analysis

The applicable Canadian statutes are based on the principle of technological neutrality, and provide that in most cases, reference to a written instrument does not presuppose the use of any specific medium, thus leaving it up to the parties to choose whether to use paper-based or electronic documents. Consequently, the legal effect of a document will not be negated by the fact that it is in electronic form or was signed electronically.

With rare exceptions¹, electronic signatures are thus recognized as a valid means of expressing consent and concluding agreements, to the extent that the integrity of the signed document can be established. In Canada there can therefore no longer be any doubt that a document in electronic form, signed via an e-signature solution, is legally valid.

¹ In rare instances, the law requires that a document or signature be in a specified form. It must thus be determined beforehand whether there are any specific statutory or regulatory provisions regarding the form that the documents to be used in any given situation must be in.



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The admissibility into evidence and enforceability of an electronic document depends on the ability to demonstrate the origin and integrity of the document. The degree of certainty provided by the functionalities of the electronic-signature process is thus determinative, and organizations must carefully consider these when choosing a solution.

The concept of the integrity of a document involves the ability to confirm the absence of any modifications to it or to detect any modifications made to the document since it was finalized or signed.

From a legal standpoint, a signature is a permanent feature of a document associated with a specific person and indicative of his or her intention (e.g. consent). An electronic signature is obviously a signature applied to an electronic document.² In the context of concluding an agreement, the signature performs a dual role: confirmation of the identity of the parties, and of their respective intention to give full effect to the signed document.

Under the Canadian statutes, a document bearing an electronic signature that allows the origin and integrity of the document to be established on the sole basis of the document itself constitutes evidence that is admissible in court. It is thus critical to ensure that the e-signature solution used allows the integrity of the document to be preserved and proof of this to be established.

E-signature solutions such as *ConsignO Cloud* allow the origin and integrity of a document to be established and for it to be enforced against the parties, by demonstrating its nexus with the parties and that no modifications were made to it since it was executed.

In order to establish that documents signed with a given e-signature solution are admissible into evidence and enforceable, organizations will need to rely on the representations and explanations of their solution suppliers concerning the functionalities and creation parameters of user accounts, of user authentication, access, activity and session logs, documentation of the steps inherent in the solution, and the conditions for the preservation of the documents in question.

Conclusion

Unless there are rules specific to a given area of law, an electronic document will have the same legal effect as a paper-based one. A document signed electronically that allows its origin and integrity to be established will be enforceable against the parties that executed it.³ Any organization that seeks to reduce its risks regarding the integrity of its documents is thus well-advised to use an e-signature solution that maximizes the organization's comfort level regarding the origin and integrity of its documents.



Jean-François De Rico

Avocat, associé
Lawyer, Partner

T +1 418 650 7923
+1 514 842 9512

jean-francois.derico@langlois.ca

² In addition to establishing the link between the signor and the party's intention, electronic signatures can also constitute evidence of circumstantial details such as the date and time when the document was signed by a party.

³ If a document's integrity cannot prima facie be established, external corroborative evidence will be required in order for it to have its intended legal effect; otherwise it may at best, depending on the circumstances, be admitted into evidence as a commencement of proof.



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Jean-François De Rico specialises in IT law et also practices in the areas of intellectual property and commercial litigation. In the area of information technology, he advises organizations on governance and regulatory compliance, on the negotiating and drafting of contracts, the protection of personal information and the management of intellectual property rights. He also provides advice on the development of software applications, the provision of cloud services, the outsourcing of IT services, the supply and procurement of IT equipment and the implementation of E-business processes. He has been included in both the *Best Lawyers® in Canada* listing and the *Canadian Legal Lexpert® Directory* since 2016, for Information Technology Law.

About Langlois lawyers - With more than 110 professionals working in the Montréal, Quebec City and Lévis metropolitan areas, Langlois lawyers is one of the largest law firms in Quebec. Our team of over 225 employees offers a complete range of highly regarded legal services in civil and commercial litigation, governance and ethics, IT, employment and labour law, insurance law, administrative law, maritime law, public law, real estate, and business law. The firm is ranked second among the top ten Quebec law firms by Canadian Lawyer magazine.