

CBFL SEMINAR SERIES

Litigating Crypto Exchanges and the English Law Commission's Report on Digital Assets

7 September 2023
Lee Sheridan Conference Room, NUS Law



Mr Nik Yeo, Fountain Court Chambers & Associate Professor Sandra Booyesen, NUS Law

On 7 September 2023, the Centre for Banking & Finance Law (CBFL) Seminar Series welcomed **Mr. Nik Yeo**, a distinguished barrister with a passion for emerging legal issues at the crossroads of technology and law. Mr. Yeo's lecture, titled 'Litigating Crypto Exchanges and the English Law Commission's Report on Digital Assets', was a follow-up to his [previous CBFL seminar](#) last year on 'Crypto litigation: how the law must (and will!) adapt'. In this thought-provoking session, moderated by Associate Professor Sandra Booyesen, Mr. Yeo offered profound insights into the multifaceted legal challenges surrounding cryptocurrencies, particularly concerning disputes between crypto exchanges and their users.

The lecture started with Mr. Yeo underlining the imperative to distinguish between two fundamental categories of cryptocurrency-related cases. The first category encompasses cases directly related to cryptocurrencies, while the second involves commercial disputes where cryptocurrencies are central. The latter category, exemplified by conflicts arising from crypto exchanges, necessitates an intricate exploration of the commercial relationships linking users, exchanges, and other intermediaries. These cases, in fact, typically blend various law domains such as consumer law, contract law, and the mindset of capital markets. Notably, Mr. Yeo cautioned against the misconception that cryptocurrency cases constitute uncharted territory within the legal sphere. Many of the legal complexities they present remarkably resemble issues encountered in well-established legal domains.

A central theme of the lecture revolved around the seemingly elusive legal nature of cryptocurrencies and the

corresponding rights and obligations they confer upon various parties in economic relations, particularly in the context of crypto exchange-user relationships. In this context, courts worldwide have been grappling with fundamental legal questions, such as whether cryptocurrencies can be legally defined as property, the extent of control and possession they embody, and the legal obligations that bind the parties involved.

The lecture prominently featured the perspective of the [UK Law Commission's Final Report on Digital Assets](#), according to which the flexible and adaptable common law framework can serve as a comprehensive and globally relevant basis for digital assets regulation. In particular, recognizing the unique characteristics of cryptocurrencies, the Commission advocates for the creation of a distinct category of personal property within common law. This initiative aims to alleviate ambiguities and provide a secure legal foundation for all stakeholders.

Mr. Yeo's lecture embarked on a profound exploration of the ever-evolving legal terrain of cryptocurrencies. It underscored the complexities entailed in classifying crypto assets as property, delineating the associated rights and obligations, and constructing legal frameworks to govern exchanges and users. As the cryptocurrency ecosystem continues to mature, the insights shared in this lecture serve as invaluable guidance for anyone navigating the intricate domain of crypto litigation.

Mr. Yeo helped the audience demystify the legal aspects of cryptocurrencies, shedding light on the challenges and opportunities inherent in this emerging field. The lecture concluded with a vibrant and interactive Q&A session. Distinguished participants from both academia and the legal profession posed thought-provoking questions, further enriching the discourse. Topics encompassed the intricate relationship between the nature and structure of cryptocurrencies and the corresponding rights of their controllers, the role of regulation as a complement to commercial law, issues of consumer protection in insolvency cases, and the significance of soft law instruments in the regulation of cryptocurrencies, among other engaging subjects.