

CBFL WORKING PAPER PRESENTATION

Investor Protection in the Digital Era

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Block B Conference Room (next to CBFL) | NUS Law (Bukit Timah Campus)

ABSTRACT

This paper is about the intersection between private law, specifically the law of contract, and investor protection. It aims to examine the scope of contractual duties and liabilities of online platforms and intermediaries operating within the established and emerging financial sectors. Through this examination, the paper seeks to determine the extent to which protections for the investing public may be enhanced under either the common law or through statutory reform.

Advancements in technology have brought about the liberalisation and democratisation of the financial sector. Consequently, the public's access to participation in the financial sector no longer relies exclusively or predominantly on tried and tested institutions and products. New investment schemes and technologies are also emerging into the public consciousness, including robo-investing and machine learning investment platforms or tools. As the legal complexity and sophistication of such arrangements increase, private law needs to develop in lock-step with such advancements to secure an adequate level of investor protection that is desirable in any functioning financial sector.

The paper seeks to address three aspects of the law of contract and its relationship with investor protection, specifically consumer investor protection. Firstly, it will address the subject of contractual mistake in the light of the decision in *Quoine Pte Ltd v B2C2 Ltd* [2020] SGCA(1) 2. Thereafter, the paper examines the extent to which the law of misrepresentation may play a role in achieving meaningful consumer investor protection in transactions and customer relationships of this kind. Finally, the paper will address questions of limitations and exclusions of liability as may be encountered in the operation of online financial platforms.

ABOUT THE SPEAKER



Joshua read law as an undergraduate at Trinity Hall, University of Cambridge and later went on to obtain an LLM (International Commercial Law) at University College London. Prior to his appointment at the CBFL, he was a Senior Associate at Messrs Skrine, Kuala Lumpur with a broad practice in commercial and intellectual property litigation. As part of his practice, he has advised regulators, financial institutions, and listed corporations on various regulatory and compliance matters including in the financial services and capital markets sector. Prior to commencing private practice as an advocate and solicitor in Malaysia, Joshua worked as a judicial clerk in the Federal Court of Malaysia.

This event is by invitation only. For enquiries, please email cbfl@nus.edu.sg.

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