

WHERE ARE WE GOING?

*LEGAL & REGULATORY OVERVIEW OF DLT
& THE TOKENISED ECONOMY*

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BLOCKCHAIN TALKS, 17 MAY
MEET BERLAGE, AMSTERDAM

A low-angle, upward-looking photograph of several modern skyscrapers with glass facades. The image is overlaid with a semi-transparent blue filter. A dark blue rectangular box is positioned in the center-right of the image, containing white and light blue text.

WHY I'M HERE
COMMUNITY,
DEVELOPMENT AND
LEARNING

LEGAL DEVELOPMENTS IN ICOS

THE PAST

- Whitepaper + Community
- Foundations over Companies

PRESENT AND FUTURE

- Structure
- Jurisdiction -(Gibraltar? Singapore? Switzerland? Cayman?)
- Community
- Token economics
- Initial Funding (Pre-sale)
- Private sale?
- AML
- Whale Protection
- Data Protection
- Token Sale Agreement
- Existing Financial Services Regulations (Securities, Financial Instrument)
- Utility.
- Litigation Funding - ICO Underpricing?
- Operating Considerations
- Advertising
- Consumer Protection

DISTRIBUTED LEDGER TECH AND THE LAW

WHERE ARE WE GOING?

- Blockchain Stock Ledgers & Company Law
 - *Share Issuance - replay protection;*
 - *Share Certificates - can't be lost*
 - *Preemption & Covenants*
 - *Duediligence - Company history*
- Land Registries
- Medical Records
- Data Protection / Identity
- Wills? Deeds? Document Execution & Witness.

INVESTMENTS IN DLT, ICOS & CRYPTOCURRENCIES - TRENDS

THE FACETS OF INVESTMENT & PARTICIPATION

- 1. Private Buy Side - Equities; (Institutional)
- 2. Public Buy Side - Cryptocurrencies, ICOs.
(Retail)

SETTING UP INVESTMENT FUNDS IN CRYPTO

1. Cybersecurity
2. Custodianship & Physical Security
3. Depositary
4. Valuation of Assets under management & Investment

ENFORCING RIGHTS TO DIGITAL ASSETS

THE FUTURE

- Contract Law
- Tort?
- Equity - Estoppel
- Jurisdictional Elements
- Litigation Funding
- Wills
- Hard-forks (Participants, Miners, Class Actions)
- Injunctions

SOURCES

- *Ether Sale (2014)* - <https://blog.ethereum.org/2014/07/22/launching-the-ether-sale/>
- *Leigh Sagar - Cryptocurrency litigation issues* - <http://www.chba.org.uk/for-members/library/overseas-seminars/cryptocurrency-litigation-issues>
- *Hedge Fund Numbers* - https://www.cnbc.com/2018/05/15/coinbase-bets-big-on-institutional-investors.html?__source=facebook%7Ccrypto
- *IPO Underpricing - Litigation Risk* - <https://www.sciencedirect.com/science/article/abs/pii/S0148296314002227>
- *Hard Fork - Could Become Legal Mess* - <https://www.coindesk.com/fork-fallout-a-bitcoin-split-could-become-a-legal-mess/>
- *What Happens to Bitcoin when I die?* - <https://cointelegraph.com/news/what-happens-to-bitcoin-when-i-die>
- *Blockchain - The Paradigm Shift* - https://www.linkedin.com/pulse/blockchain-paradigm-shift-philip-vasquez/?lipi=urn%3Ali%3Apage%3Ad_flagship3_profile_view_base_post_details%3BJoa6A7pxTZeGevnWHGMszA%3D%3D
- *Key Information on DLT & ICOs in Gibraltar* - https://www.linkedin.com/pulse/key-information-dlt-icos-gibraltar-philip-vasquez/?lipi=urn%3Ali%3Apage%3Ad_flagship3_profile_view_base_post_details%3BJoa6A7pxTZeGevnWHGMszA%3D%3D
- *Funds and the Emerging Digital Asset Class* - https://www.linkedin.com/pulse/funds-emerging-digital-asset-class-gibraltar-philip-vasquez/?lipi=urn%3Ali%3Apage%3Ad_flagship3_profile_view_base_post_details%3BJoa6A7pxTZeGevnWHGMszA%3D%3D
- *Blockchain & Legal Industry Adoption* - https://www.linkedin.com/pulse/blockchain-legal-industry-adoption-philip-vasquez/?lipi=urn%3Ali%3Apage%3Ad_flagship3_profile_view_base_recent_activity_details_shares%3BM08JOYHBQQudcxjX7fPdJA%3D%3D
- *ICOs 2016* - <https://www.coindesk.com/2016-ico-blockchain-replace-traditional-vc/>
- *Gibraltar - Token Regulation* - <http://gibraltarfinance.gi/20180309-token-regulation---policy-document-v2.1-final.pdf>
- *What happens to cryptocurrencies when you die* - <http://fortune.com/2017/09/26/cryptocurrency-bitcoin-death/>
- *European 5th Anti-Money Laundering Directive* - http://europa.eu/rapid/press-release_STATEMENT-18-3429_en.htm
- *Gibraltar Amendments to POCA* - <http://www.fsc.gi/news/amendment-to-the-proceeds-of-crime-act-2015-poca-with-regards-to-proceeds-from-token-sales-277>
- *Malta - Leader in DLT regulation? @ 5.3* <https://opm.gov.mt/en/Documents/FSDEI%20-%20DLT%20Regulation%20Document.pdf>



Barristers & Solicitors

THAT'S ALL,
FOLKS!

THANKS FOR LISTENING.



If you want to contact Philip for legal enquiries, please email pv@tsnlaw.com or if you want to know more about DAM's cold-storage and OTC solutions please contact philip@dam.gi.