Por que as questões são mais difíceis para tokens

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Todo litígio transfronteiriço levanta três questões. Qual tribunal é competente? Qual lei se aplica? A sentença resultante será reconhecida onde estão os bens ou o réu? Para imóveis, contas bancárias e ações, essas questões têm respostas consolidadas, baseadas na localização do bem. Um token não tem localização. Ele existe como um registro em um livro-razão replicado em milhares de computadores em dezenas de países, controlado por quem detém uma chave que pode estar ela própria dividida entre dispositivos em vários lugares. Os tribunais de Singapura tiveram de responder à questão da localização porque as hipóteses de competência (jurisdictional gateways) das Rules of Court dependem dela. Responderam com referência à residência da pessoa que exerce o controle. Este capítulo expõe essa regra e suas consequências e passa, em seguida, à lei aplicável, ao reconhecimento de sentenças entre Singapura e a Suíça e à arbitragem, que, para muitos contratos de criptoativos, é o único foro realista.

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