Por qué las preguntas son más difíciles con los tokens

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Todo litigio transfronterizo plantea tres preguntas. ¿Qué tribunal es competente? ¿Qué ley se aplica? ¿Se reconocerá la sentencia resultante allí donde estén los bienes o el demandado? Para los inmuebles, las cuentas bancarias y las acciones, estas preguntas tienen respuestas asentadas, basadas en la ubicación del bien. Un token no tiene ubicación. Existe como una anotación en un registro replicado en miles de ordenadores de decenas de países, controlado por quien posee una clave que a su vez puede estar repartida entre dispositivos en varios lugares. Los tribunales de Singapur han tenido que responder a la cuestión de la ubicación porque de ella dependen los supuestos de competencia (jurisdictional gateways) de las Rules of Court. La han respondido atendiendo a la residencia de la persona que ejerce el control. Este capítulo expone esa regla y sus consecuencias, y pasa después a la ley aplicable, al reconocimiento de sentencias entre Singapur y Suiza y al arbitraje, que para muchos contratos sobre criptoactivos es el único foro realista.

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