Blockchain & Legal Innovation I

Suggested Assignment Topics

From the point of view of a specific chain or blockchains of a particular type (PoW, PoS, Consensus; Permissioned vs Permissionless)

# The Blockchain

## Is a particular chain an unincorporated joint venture under Australian law?

## Is a particular chain partnership under Australian law?

## Is a particular chain a common enterprise/managed investment scheme under Australian law?

## What law/jurisdiction applies to a blockchain transaction? How is the answer to the question affected by the different types of technology of the chain?

# Miners/Validators

## Are miners or validators fiduciaries under Australian law?

## What potential torts should miners or validators in Australia be insured against?

## When miners or validators collaborate to manage a chain, what breaches of the Competition and Consumer Act might apply and why?

## Do miners/validators provide a service or good and are they required to give statutory warranties under the Competition and Consumer Act?

## Is there a contract between miners/validators and users? Under what circumstances would a contract arise?

## Do miners/validators have he necessary consent to deal with a user’s personal data under Australian privacy laws or the GDPR?

## Are miners/validators compliant with the GDRP or Australian privacy laws?

## What possible legal risks exist for miners/validators for participating in contentious forks or other alterations to a chain's code? See Sun's "takeover" of Steem or BCH chains proposed miners tax as a concrete example.

## Are miners/validators liable for 51% attacks on chains causing a double spend, that contrary to the accepted history of a chain, for example under cyber security laws preventing computer hacking?

## What obligations do miners have for the use users make of their machines and the data stored there, such as child porn, illegal transactions etc?

## If mining is a service to chain users, do miners in Australia have to provide a Tax Invoice and remit GST? How do they determine whether their services are exports or not?

# Mining Pools/Staking Proxies

## Are mining pools fiduciaries to their users? Can they act in their own best interests or in the interests of their users as a whole?

## Do mining pools owe any duty of care to the blockchain or their users and if so to whom?

## Is centralisation of mining power anti-competitive? If so, what is the relevant market?

## Is it cartel behaviour for mining pools to co-ordinate? Is a mining pool itself prohibited under Australian law as a scheme or arrangement between competitors (the individual miners who contribute their machines/hashpower/resources to the pool.)

## Do mining pools provide a service or good under Australian law and are they required to give statutory warranties under Competition and Consumer Laws?

## Is there a contract between mining pools and the individual miners in the pool. What is the nature of this contract? Are pools partnerships joint ventures or managed investment schemes?

## Is a 51% attack by one or more mining pools illegal computer hacking?

# Coders

## Are coders with commit access fiduciaries and if so to whom? Must they in the interests of users as a whole?

## Do coders owe a duty of care to anybody?

## Do coders provide a service or good and are they required to give statutory warranties?

## Are coders liable for the illegal uses made of their code in a blockchain or smart contract?

## Must coders provide back doors for law enforcement under the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018?*

## Is there a contract between coders and users or miners? Can there ever be a contract between coders and users or miners? What is the nature of the relationship between coders and miners and/or users?

## If coders were paid from a pool of money/tokens contributed by users or miners how does that alter the relationship between the parties?

## Are coders data controllers under privacy laws? Do they have obligations regarding the design of the code, what it does and how it is used?

## If a coder makes use of a bug in the blockchain software, is that an illegal form of computer hacking?

## Who owns the IP in a blockchain's source code?

## Can coders claim moral rights over their code base in a blockchain project and what might be the nature and extent of those rights?

# Exchanges

## Are Exchanges fiduciaries in terms of using the power attached to the tokens users leave on their exchange?

## Are exchanges fiduciaries in terms of denying or freezing txns from hacked or scam accounts?

## Do exchanges owe a duty of care to anybody?

## Do exchanges provide a service or good and are they required to give statutory warranties?

## Must exchanges provide back doors for law enforcement under the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018?*

## Do or can exchanges enter into contracts with users? With chains they list? Can those contracts negate other legal obligations?

## Which law applies to an exchange?

## Consider the tort of unlawful interference in contractual relations: does it apply to blockchains where exchanges freeze someone’s tokens?

# Users

## Are users co-venturers in a blockchain? Is there any relationship between them at all?

## Are Users liable to other users or miners for the use they make of a blockchain?

## Consider the tort of unlawful interference in contractual relations: does it apply to blockchains?

## Are users bound by any privacy laws in relation to the use they make of private information discovered in using a blockchain?

## Do users owe a duty of care to anybody?

## Is there a contract of any kind between two users? Between Users and miners/validators?

## Can courts compel users to us a blockchain in a particular way to achieve particular outcomes?

## Which law applies to a transaction between two users?