Blockchain & Legal Innovation I

Suggested Assignment Topics

It generally helps if you pick a specific chain/token to limit the scope of your analysis. You want to go deeper into a specific issue (like a client needing an answer to a particular problem) rather than a general description of a broader issue (like a client wanting to know likely issues/roadblocks)

# Digital Assets and Property-ness

## Are digital assets property. If so, what kind?

## To what extent can fraudulently acquired digital assets be traced and recovered via lien?

## To what extent does the public nature of blockchain negate “bona fide third party for value without notice” defences to restitution?

## To what extent are exchanges obliged to confirm the valid chain of title of assets they receive and so not cash out ill-gotten digital assets?

## What category of personal property is a digital asset for the purposes of the Personal Properties Security Register? Could a registered personal properties security interest be enforced in any meaningful way?

# Private Keys and Property-ness

## Are private keys property? If so, of what kind?

## Do privacy laws protect private keys?

## Do cyber security laws protect private keys?

## What makes a transfer of digital assets from one wallet to another using the private keys theft or otherwise illegal?

# Tokens and Tax

## Does loss of private keys constitute disposal of an asset for CGT purposes? Does sharing private keys constitute disposal of an asset for CGT purposes?

## Does stamp duty apply to sale of digital assets that represent interests in real estate?

# Specific Tokens

## Choose a particular digital asset. Is it a good, service, or intangible property, or nothing at all?

## Assume a client has had their bitcoin stolen. They are able to trace their bitcoin the thief’s address and then to Binance, where it was sold for $AUD which was then withdrawn. What options exist for the client to retrieve their stolen bitcoin? Can they even show anything was stolen? Does it matter whether their coins were stolen through:

### A hack involving a vulnerability in their hardware wallet?

### The theft of their private keys?

# Choose your own adventure

## Answer your own question that aligns with any of the following themes:

### The Property-ness of a particular digital asset;

### The Money-ness of a particular digital asset;

### The Property-ness of the private keys;

### Alternative protections (e.g. cyber security laws) for private keys;

### The adequacy of equitable remedies – Restitution, Unjust Enrichment, Fiduciary Duties and/or the impact of public/open source nature of blockchains on those equitable remedies.