



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVÉ

## Exploratory Workshop on Digital Assets and Private Law

17-18 September 2020, 13.00 – 17.00 CEST  
Rome and Zoom

### Draft Agenda

#### DAY 1 – Thursday, 17 September

12:30 – 13:00 Registration / Opportunity for online participants to test Zoom connection

13:00 – 13:20 Opening Remarks – *Prof. Ignacio Tirado – UNIDROIT Secretary-General*

13:20 – 14:50 **Session 1 – Digital Assets: A Legal Taxonomy and Challenges to Private Law**

This session will consider some of the more fundamental challenges regarding the application of private law concepts to digital assets, including the application of property law concepts to digital assets, the difficulties in developing a legal taxonomy of digital assets and the challenges in mapping private law concepts onto assets based on a new, and ever-developing, technology.

Chair: *Prof. Louise Gullifer – University of Cambridge*

Panellists: Jason Grant Allen (Humboldt University), Tetsuo Morishita (Sophia University), David Fox (University of Edinburgh)

14:50 – 15:20 Break

15:20 – 16:50 **Session 2 – Legal Issues in the Use of Digital Assets as Collateral: Existing and Emerging International Standards**

This session will discuss various legal issues surrounding the use of digital assets as collateral for loans. It will first provide illustrations of the typical transactions and then examine how the existing and emerging international standards, including the UNCITRAL Model Law on Secured Transactions and the ALI-ELI Principles for a Data Economy address legal issues that arise in secured transactions. The Panel will identify the aspects of secured transactions that the current UNIDROIT project on digital assets should explore in coordination with these standards.

Chair: *Dr. Marek Dubovec – Kozolchyk National Law Center*

Panellists: Andrew Hinkes (Carlton Fields), Steve Weise (Proskauer Rose LLP), Teresa Rodríguez de las Heras Ballell (Universidad Carlos III de Madrid)



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## DAY 2 – Friday, 18 September

### 13:00 – 14:20 **Session 3 – Digital Assets Linked to Real-World Assets (Digital Twins): Civil Law and Private International Law Implications**

This session will focus on exploring the issues of digital twins which represent a real-world asset and typically face problems of how to prevent the digital twin from separating from the real-world asset which it represents. The speakers will explain how their respective jurisdictions deal with these issues. In addition, all speakers will share their practical experiences with the multi-jurisdiction issues faced by many, if not all, digital asset projects, realising that in most cases more than one jurisdiction is claiming to be applicable to their digital asset.

Chair: *Dr. Nina-Luisa Siedler – DWF Germany*

Panellists: Thomas Nägele (NÄGELE Attorneys), Joshua Klayman (Linklaters), Urszula McCormack (King & Wood Mallesons)

14:20 – 14:40 Break

### 14:40 – 16:00 **Session 4 – Intermediated Digital Assets: Custody Issues**

This session will address the settings in which an acquirer of digital assets may choose to hold the assets through a custodian and will compare “direct” holding with various structures for custodial holding. It will explore the practical and legal aspects of custodial holding from the perspectives of an acquirer and a custodian, including issues of private law and insolvency law.

Chair: *Prof. Charles Mooney, Jr. – University of Pennsylvania*

Panellists: Carla L. Reyes (Southern Methodist University), Matthias Haentjens (University of Leiden), Stephen A. Keen, Esq. (Perkins Coie LLP)

16:00 – 16:20 Break

### 16:20 – 17:00 **Concluding Session**

Chair: *Prof. Hideki Kanda – Gakushuin University – UNIDROIT – Governing Council Member*

Panellists: Chairs of the previous sessions