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Item No. 10 on the agenda: Implementation status and promotion strategy for UNIDROIT instruments

(c) UNIDROIT Principles on Digital Assets and Private Law

(prepared by the Secretariat)

<i>Summary</i>	<i>Update on promotion and implementation efforts for the UNIDROIT Principles on Digital Assets and Private Law</i>
<i>Action to be taken</i>	<i>The Governing Council is invited to take note of the implementation and promotion update</i>
<i>Mandate</i>	<i>Work Programmes 2020–2022 and 2023-2025</i>
<i>Priority level</i>	<i>High</i>
<i>Related documents</i>	<i>UNIDROIT Principles on Digital Assets and Private Law</i> ; <i>UNIDROIT 2023 – C.D. (102) 25</i> ; <i>UNIDROIT 2024 – C.D. (103) 30</i> ; <i>UNIDROIT 2025 – C.D. (105) 21</i>

I. INTRODUCTION

1. The [UNIDROIT Principles on Digital Assets and Private Law](#) (the “DAPL Principles”) were adopted by the UNIDROIT Governing Council at its 102nd session (10-12 May 2023) ([UNIDROIT 2023 – C.D. \(102\) 25](#)) and formally launched on 4 October 2023.

2. At its 103rd session (8-10 May 2024) ([C.D. \(103\) 30](#)), the Governing Council expressed support for the four-part promotion and implementation strategy outlined by the Secretariat, namely: (i) position the DAPL Principles as the leading international standard on the proprietary aspects of digital assets; (ii) identify priority jurisdictions and engage with relevant stakeholders to support domestic awareness of the DAPL Principles; (iii) raise awareness of the DAPL Principles at relevant industry, academic, and institutional fora in priority jurisdictions; and (iv) ensure that the DAPL Principles are broadly accessible, including by engaging with partner stakeholders to facilitate unofficial translations of the instrument into languages other than English and French.

II. UPDATE ON PROMOTION AND IMPLEMENTATION

3. The DAPL Principles have been recognised as the leading international standard on the proprietary rights of digital assets. Legislation consistent with or inspired by the DAPL Principles has,

to date, been implemented in the United States, Italy, and Dubai.¹ Most recently, in March 2026, the Scottish Parliament passed the Digital Assets (Scotland) Bill² which is consistent with certain aspects of the DAPL Principles. The Digital Assets Bill recognises digital assets as incorporeal assets in Scots private law, meaning they can be the subject of proprietary rights. The Bill adopts a control-based approach similar to that reflected in the DAPL Principles and introduces a take-free rule protecting good-faith acquirers who obtain control of a digital asset. It further builds on the Principles in relation to the application of the Scottish law of property, by providing that control of a digital asset by a person raises a presumption of ownership and enables existing law on the acquisition of ownership of tangibles to apply to digital assets. The DAPL Principles were previously cited in the Policy Memorandum supporting the Bill as evidence of the relevant international standards with which the legislation should be aligned.³

4. The Secretariat has continued to promote the DAPL Principles in accordance with the four-part strategy outlined above.

5. In particular, the Secretariat conducted research into priority jurisdictions, meaning those that are best positioned to be open to, and to benefit from, the DAPL Principles. The Secretariat considered: (i) States that had enacted or were considering legislation related to digital assets (even if of a regulatory nature); and (ii) countries which had looked at digital assets as a means to attract investment. On the basis of this research, the Secretariat identified key civil law, common law, and mixed law jurisdictions.

6. The Secretariat then sought to engage with such jurisdictions by, for example, partnering with [DARTE](#) (Digital Assets Round Table Experts Series) to host two workshops dedicated to the DAPL Principles. Held on 5 December 2025 and 26 January 2026, the workshops featured expert-level discussions on the challenges of applying private law frameworks to digital assets, with particular emphasis on the solutions proposed in the DAPL Principles. The sessions examined the interaction between the DAPL Principles and civil law, common law, and mixed legal systems, bringing together academics, practitioners, industry experts, and legislative and governmental representatives from a wide range of jurisdictions including, for example, China, Croatia, the Czech Republic, Greece, Italy, India, Kazakhstan, Kyrgyzstan, Nigeria, Romania, Serbia, the United Kingdom, the United States of America, and Uzbekistan.

7. The first workshop was held at the seat of UNIDROIT in Rome and concerned the interaction of the DAPL Principles with national legal systems in civil and mixed law jurisdictions. The agenda focused on three strategic themes: (i) the key legal and operational challenges faced by the digital asset industry, presented by Mr Georg Harer of Bybit; (ii) the practical implementation of the concept of “control” in digital asset transfers, discussed by Mr Tomáš Kozárek of the Czech Ministry of Industry and Trade; and (iii) the application of the DAPL Principles to financial instruments, analysed by Ms Tecla Rodi of the Italian Ministry of Economy and Finance. The session opened with welcome remarks by Secretary-General Prof. Ignacio Tirado and concluded with a keynote address by Dr Joachim Schwerin (European Commission).

8. The second workshop was held online and focused on common law and mixed legal systems. It opened with welcome remarks by the Secretary-General and featured discussion of: (i) making security interests in digital assets effective against third parties, presented by Prof. Louise Gullifer

¹ For additional details see [C.D. \(105\) 21](#).

² Digital Assets (Scotland) Bill, 5 March 2026, available at <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/digital-assets-scotland-bill/stage-3/spbill75bs062026.pdf>. The Bill has passed the requisite stages in the Parliament and requires Royal Assent to become an Act.

³ See Digital Assets (Scotland) Bill, Policy Memorandum SP Bill 75–PM, available at <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/digital-assets-scotland-bill/introduced/spbill75pms062025.pdf>

(University of Cambridge); (ii) the challenges arising in the context of cross-border insolvency and the protection of Nigerian digital asset creditors, as addressed by Mr Olayimika Oyebanji Jibril (BlockLaw Consulting); and (iii) proprietary rights in digital assets and linked assets, discussed by Prof. Charles W. Mooney, Jr. (University of Pennsylvania). Dr Joachim Schwerin (European Commission) delivered a keynote address.

9. The Secretariat has also continued to engage with stakeholders and raise awareness of the DAPL Principles at relevant industry, academic and institutional fora. As described in further detail below, the DAPL Principles have been presented to groups of academics, government officials, legal practitioners and students from across the globe.

10. Examples of engagement include the following:

- On 21 March 2025, the Secretary-General and Legal Officer Ms Giulia Previti introduced the DAPL Principles to a group of international post-graduate students as part of a course on fintech and digital money taught by representatives of the Italian Ministry of Finance at Roma Tre University.
- On 19 May 2025, UNIDROIT participated in the Hallsworth Conference at the University of Manchester. The conference addressed “Digital and Sustainable Futures: What role for Digital Assets and Private Law?”. Legal Officer Giulia Previti presented UNIDROIT’s work in the area of law and technology, including an overview of the DAPL Principles.
- On 13 June 2025, the UNIDROIT Asian Transnational Law Centre (ATLC) co-hosted an academic conference entitled “The Digitalised World and the Transformation of Private Law: Cybernetic Avatars and Beyond” at its headquarters in Rome in collaboration with the Moonshot Research & Development Program of the Government of Japan. The conference brought together distinguished scholars and legal practitioners to examine how rapid advances in artificial intelligence, metaverse technologies, and cybernetic agents are reshaping traditional private law concepts and transnational legal frameworks. The event formed part of UNIDROIT’s broader agenda on digital assets and artificial intelligence, providing an international platform for interdisciplinary engagement and legal innovation. The Secretary-General delivered opening remarks and Prof. Hideki Kanda delivered a lecture addressing the DAPL Principles and their implications in Asia.
- On 25 June 2025, the DAPL Principles were presented and discussed during a dedicated session of UNIDROIT’s International Law and Development Programme (IPLD) Africa Plus edition, which was attended by legal professionals from Burkina Faso, Burundi, Cameroon, Egypt, Eswatini, Ethiopia, Gambia, Ghana, Kenya, Malawi, Mauritius, Nigeria, Tanzania, Uganda, Zambia, and Zimbabwe.
- On 17 September 2025, the DAPL Principles were presented and discussed during a dedicated session of UNIDROIT’s IPLD Balkans, Eastern Partnership, Central Asia, and the Caucasus (BEPCAC) edition, which was attended by legal professionals from Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Mongolia, Montenegro, Serbia, Tajikistan, and Uzbekistan.
- On 25 September 2025, UNIDROIT participated in a conference hosted by the Shanghai International Arbitration Center (SHIAC) and co-organised by SHIAC, UNCITRAL, and Shanghai Maritime University addressing opportunities and challenges in the shipping industry. Legal Officer Giulia Previti delivered a presentation addressing UNIDROIT’s role in facilitating trade, focusing on the Institute’s work in the areas of transportation and digital assets. Ms Previti offered an overview of the DAPL Principles, explaining the instrument’s proprietary law focus and approach to linked assets.
- On 26 September 2025, UNIDROIT joined the Fourth Forum on the Rule of Law in Digital Trade held in Hangzhou, People’s Republic of China. The Forum, a flagship parallel event to the Fourth Global Digital Trade Expo, was co-organised by the Free Trade Development Board of

Zhejiang Province, the Hangzhou Municipal Bureau of Commerce, the Zhejiang Law Society Digital Law Research Institute, and Zhejiang Gongshang University School of Law. The event represents a principal convening platform for academic exchange and policy discussions on digital trade legal frameworks. Legal Officer Ms Giulia Previti delivered a keynote speech addressing UNIDROIT's role in harmonising transnational commercial law and its pioneering work concerning digital assets. Ms Previti provided an overview of the DAPL Principles' proprietary law framework and highlighted key provisions concerning control, innocent acquisition, security rights, custody, linked assets, and conflicts of laws.

- On 3-4 October 2025, UNIDROIT participated in the Fourth International Forum of Law School Deans and Jurists Communication and Cooperation among Global Legal Professionals in the Age of AI conference, hosted by Renmin University of China. Within the framework of this conference, the ATLC, in collaboration with the Renmin University of China Law School, co-hosted the thematic forum Global Legal Responses to Digital Assets, which included a keynote speech delivered by Secretary-General Tirado on the role of the DAPL Principles in providing legal certainty to the market for digital assets.
- On 3-4 February 2026, UNIDROIT hosted the UNIDROIT Middle East and North Africa Transnational Law Academic Symposium on "Transnational Commercial and Investment Law and Middle East Regional Developments". Legal Consultant Ms Theodora Kostoula offered an overview of the DAPL Principles, which was followed by a discussion on sharia law and digital assets trading.
- On 6 February 2026, UNIDROIT participated in the conference "Digital Trade Law: *Problemi e Prospettive*" held at the Sapienza University of Rome to mark the 20th anniversary of the Master's in International Business Law (Master IBL). The Master IBL aims to train scholars and professionals on, *inter alia*, the foundations of international commercial law, as well as the main hard- and soft-law instruments developed by the international organisations that comprise the transnational legal system, including UNIDROIT. Legal Officer Ms Giulia Previti presented UNIDROIT's work in law and technology, including the DAPL Principles.
- On 10 February 2026, UNIDROIT's Secretary-General met with Ms Linda Fit-Alan, Registrar and Chief Executive Officer of the Abu Dhabi Global Market's Courts, at the ADGM's Seat in the UAE, to discuss the consideration of the DAPL Principles by the said special economic zone.
- On 5 March 2026, UNIDROIT participated in the conference jointly organised with the Royal University of Law and Economics on "Modernising Private Law for the Digital Economy: East Asia–Europe Comparative Perspectives and Cambodian Practice", in Phnom Penh, Cambodia. Secretary-General Tirado delivered a presentation on UNIDROIT's work in the harmonisation of private law in which he highlighted the role of the DAPL Principles.

11. The Secretariat will continue to support dissemination and understanding of the DAPL Principles across key jurisdictions, including by working with its network of Working Group experts, scholars, and UNIDROIT Correspondents to ensure visibility of the instrument across public, private and academic platforms. For example, the DAPL Principles will be presented as part of the pilot training course delivered jointly by UNIDROIT and the Italian Arbitration Association (*Associazione Italiana dell'Arbitrato*) to public officials and arbitration centre staff in Zambia later in 2026. The Secretariat will also continue participating in relevant initiatives concerning digital assets, including the [Digital Assets Project of the University of Oxford](#) and the [CERIL WP 16](#) (for more information, see para. 16 below).

12. Finally, in keeping with the above implementation and promotion strategy, the DAPL Principles have been translated into [Japanese](#) and [Chinese](#). Unofficial translations are currently being undertaken into Spanish and Korean, as well as Turkish, Mongolian and Vietnamese, under the coordination of the ATLC.

III. COOPERATION AND COORDINATION WITH OTHER ORGANISATIONS

13. At its meeting in March 2025, the Council on General Affairs and Policy (CGAP) of the HCCH mandated the establishment of an Experts' Group (EG) to study the Private International Law (PIL) issues raised by digital tokens. The HCCH CGAP mandated the HCCH Permanent Bureau (PB) to coordinate with UNIDROIT, UNCITRAL, and other relevant institutions to avoid fragmentation among legal instruments developed by different intergovernmental organisations on related subject matters.⁴ The Secretariat appointed Prof. Charles Mooney (Emeritus, University of Pennsylvania), Ms Giulia Previti (Legal Officer, UNIDROIT), and Ms Theodora Kostoula (Legal Consultant, UNIDROIT) as observers to the EG.

14. In 2025, the HCCH EG met twice: from 16 to 18 June and from 18 to 20 November. At its first meeting, the HCCH EG agreed to organise its work into two workstreams: (i) a workstream focusing on PIL rules on electronic transferable records (ETRs), as defined in the UNCITRAL Model Law on Electronic Transferable Records (MLETR); and (ii) a second workstream focused generally on PIL rules for other digital tokens. At its meeting in March 2026, the HCCH CGAP approved the continuation of the EG's work, and invited the HCCH PB to convene two further EG meetings, as well as intersessional work, in 2026, during which: (i) draft provisions for a PIL framework relating to ETRs, aligned with UNCITRAL's MLETR, will be developed; and (ii) PIL issues raised by digital tokens will continue to be studied, with a view to identifying more specific issues to be addressed.

15. UNIDROIT participated in the Colloquium on "Harmonizing law in the age of digital trade and finance" hosted by UNCITRAL in New York from 10 to 12 February 2026. The Secretariat appointed Prof. Charles Mooney (Emeritus, University of Pennsylvania, and member of the UNIDROIT Working Group on Digital Assets), who participated in the first session on "Secured transactions using new types of assets". Prof. Mooney presented the DAPL Principles and their application to secured transactions, noting that the DAPL Principles closely followed the framework of the UNCITRAL Model Law on Secured Transactions. He further stressed the importance of UNCITRAL respecting the approach of the DAPL Principles relating to secured transactions in its future work programme and the need for UNCITRAL, the HCCH, and UNIDROIT to avoid fragmentation and inconsistencies across their private law and private international law instruments.

16. UNIDROIT also participates in the Conference on European Restructuring and Insolvency Law Working Party 16 on Crypto-assets in Restructuring and Insolvency II (CERIL WP 16), which examines the implications of the Markets in Crypto-assets (EU) Regulation (MiCAR) for EU insolvency law and aims to develop proposals addressing key insolvency issues at the EU level. UNIDROIT has appointed Legal Consultant Ms Theodora Kostoula as an observer to provide input on, *inter alia*, the approach of the DAPL Principles in relation to insolvency matters. The first and second CERIL WP meetings (21 January and 11 March 2026) focused on proprietary aspects, segregation and shortfall where crypto-assets are held by a custodian. Ms Kostoula shared insights from the DAPL Principles on proprietary rights, the concept of control, applicable law and the treatment of custody, commingling practices and shortfalls.

IV. ACTION TO BE TAKEN

17. *The Governing Council is invited to take note of the implementation and promotion update.*

⁴ See HCCH CGAP 2025, Conclusions and Decisions 14-16, available at <https://assets.hcch.net/docs/1828feba-831f-4f6f-a95e-6286e0495057.pdf>.