



March 12, 2021

SJD/Visiting Scholar Workshop Series: Waleed Haj Hasan on “Cyber-Currencies: A Sui Generis Form of Money in Common Law?”

Contact Info:

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Time: 9:00am

Please join us for the presentation of this academic paper by SJD candidate, Waleed Haj Hasan. We look forward to your feedback in this research workshop. Please RSVP to receive the Zoom link, as well as an advance copy of the paper.

(Excerpts from Abstract) Both in the United States and abroad, financial regulators have remained divided as to how to incorporate Bitcoin into traditional legal structures and policies. Most of the regulatory debate surrounding cyber-currencies has given scant consideration to the nature of cyber-currencies themselves, the current state of the law, or (a fortiori) whether they are ‘money’, ‘commodities’, or ‘securities’; oftentimes transcending directly to juxtaposing the merits of competing regulatory frameworks. The paper begins by assessing the manner in which cyber-currencies would potentially fulfill the necessary monetary functions; wherein, the analysis will survey the potential social and economic implications of treating cyber-currencies as ‘money’, as well as setting cyber-currencies within the established legal theories of money. It will, then, progress to assessing the proprietary rights, if any do exist, in cyber-currencies. Moreover, the article will also assess the applicability of tracing rules and the defense of bona fide purchasers for value without notice to cyber-currencies. The analysis will end with an assessment of cyber-currencies as a form of ‘private’ money and the International Private Law doctrines that may apply to it (from a transactional perspective). It will conclude by proffering proposals for reform. The paper argues that cyber-currencies, as a form of private ‘money’, would be treated as sui generis by the law.

Registration for this event is now closed.