

The DLT Act in the courts

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The courts have so far had few occasions to interpret the DLT Act. The ledger-based security has been used mainly in transactions without disputes. The segregation provision of the Debt Enforcement and Bankruptcy Act has been applied in a small number of insolvencies of crypto companies. The questions that have reached the courts concern mostly the general law: the classification of a token in a contractual dispute, the liability of a platform for losses caused by a hack, the seizure of crypto-assets in criminal proceedings and the jurisdiction of Swiss courts in cross-border disputes.¹ Before the Act, bankruptcy offices and courts had to decide under the general rules whether crypto-assets held by a company for its clients could be segregated. Because many crypto companies had their seat in Zug, the local bankruptcy authorities were among the first to face the question, which Article 242a of the Debt Enforcement and Bankruptcy Act later answered. It shows how questions arising in Zug shaped the development of Swiss crypto law, although the canton has no legislative powers in this field.

1 Notes

1. Case law; check in Swisslex or Weblaw: (1) reported decisions of bankruptcy offices and courts applying Art. 242a SchKG since 1 August 2021; (2) Federal Supreme Court and cantonal decisions on the classification of tokens in contractual disputes, on platform liability for hacks and on the jurisdiction of Swiss courts in cross-border crypto disputes. Confirmed so far only: Federal Supreme Court judgment 1B_59/2021 of 18 October 2021 on the realisation of crypto-assets seized in criminal proceedings (watson.ch, 18 November 2021). ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/zug-the-dlt-act-in-the-courts