

## DIGITAL TRANSFORMATION

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### CRYPTO ASSETS

In crypto-form, assets can be transferred over the internet on [blockchain](#) basis just as cheaply, quickly and safely as information. This is made possible by digital tokens that can be exclusively attributed to one owner and are tradable as such. Tokens such as bitcoin are known as cryptocurrencies – they have no intrinsic value of their own, but serve as a universal means of exchange. Tokens can also have a real value, however – because they are highly marketable, generally speaking they can also stand for property, shares, claims or money.

In many EU countries the legal framework for crypto-assets is still quite shaky. The Federal Financial Supervisory Authority considers currency tokens to be financial instruments within the meaning of the Banking Act. Depending on their structure, however, tokens can also be regarded as securities or investments. For that reason, the matter of whether a regulatory authorisation is required – for financial commission business, investment advice and brokerage, proprietary trading, or for the operation of a multilateral trading facility in Germany – must always be considered on a case-by-case basis.

Gleiss Lutz's services regarding crypto-assets extend to all rights and risks around the purchase of crypto-assets by companies and private individuals. We provide guidance to trading platforms and wallet providers on the matter of their obligations under money laundering laws and set up compliance structures for the safekeeping of third-party crypto-assets. We examine whether regulatory and merger control authorisation obligations apply, advise on the tokenisation of real assets and on tax issues in connection with the purchase or sale of crypto-assets. Expertise on alternative [FinTech](#) solutions, above all from the regulatory, data protection, IP/IT, antitrust and consumer protection perspectives, rounds off our service portfolio in the area of crypto-assets

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