

CRYPTO & DIGITAL ASSETS

AN INTRODUCTION TO OUR SERVICES



NOVEMBER 2022

ABOUT COLLYER BRISTOW

Collyer Bristow LLP is a long-established central London law firm. We provide high quality, individually tailored legal advice, often with a cross-border aspect, to a portfolio of international and domestic clients including businesses, ambitious entrepreneurs and wealthy individuals and families. We specialise in Business; Dispute resolution; Private wealth; and Real estate services.

Our clients choose Collyer Bristow because they, like us, appreciate individuality, creativity and collaboration. They recognise that their needs may be unique and complex, or that in progressing with their legal issues they value a more engaged and personalised service from their lawyers. They recognise that the Collyer Bristow approach is one of building understanding, trust and relationships with clients. We take time to build relationships so as to understand the commercial objectives behind every transaction or dispute. We find this allows us to operate more strategically on our clients' behalf and to best support the achievement of the outcomes they desire.

The firm is well known for its high standards of client service. We combine a long history of high-quality legal work and professionalism with a dynamic, commercially astute team of lawyers.



The firm and many of our individuals are ranked in the latest edition of the Chambers & Partners legal directory.



The firm and many of our individuals are ranked in the latest edition of the Legal 500 legal directory.



Our training & the continued development of our people won us 'Trainer of the Year' in legal industry awards.

CRYPTO & DIGITAL ASSETS EXPERTISE

We have a flourishing FinTech practice acting across the breadth of business stages from start-up, through rapid growth and to exit. Working with entrepreneurs, SMEs, investors and venture capitalists, we understand the challenges facing technology businesses, and offer a uniquely tailored service.

Our practice advises a diverse client base including challenger banks, peer-to-peer e-payment vehicles, Forex companies and those utilising Blockchain technology and cryptocurrencies.

We regularly advise companies and projects looking to raise funds via Initial Coin Offerings (ICOs) and Security Token Offerings (STOs) in regards to UK law and FCA regulation and the contractual relationship between those offering the token and the token holder. We have particular expertise advising on corporate, commercial, data protection, and intellectual property issues and in resolving disputes.

We understand that, in this space, simple is better. We keep our approach light touch, focusing only on what needs to be done to secure the best result as quickly as possible, freeing you up to focus on the progression of your business.

"ALWAYS ACCESSIBLE, RESPONSIVE AND COMMERCIAL"

Client feedback 2020

REGULATORY AND TRANSACTIONAL SERVICES

Our team specialises in advising a wide range of clients from the financial services sector, including broker dealers, transaction venues, payments firms, peer-to-peer lenders, fund managers, digital asset issuers and traders, corporate finance advisers, financial research firms and independent financial advisers.

We can advise on both transactional and regulatory matters, including perimeter regulatory guidance, Initial Coin Offerings (ICOs) and Security Token Offerings (STOs), terms of business, documenting structured products, regulatory investigations, appointed representative arrangements, anti-money laundering advice and investigations, MiFID II and Senior Managers and Certification Regime (SMCR) compliance, financial promotions and compliance with prospectus regulations on Initial Public Offerings (IPOs).

Examples of our work include:

- Advising a **digital metals exchange** on all aspects of its launch.
- Advising a leading **provider of AML / KYC services** in the crypto space on a range of corporate and regulatory matters.
- Advising several **fund managers** on investment management agreements and regulatory status.
- Advising a **Japanese-based client** on raising money via an Initial Coin Offering (ICO) to fund their project to issue gold bullion-based stablecoins.
- Providing regulatory advice to a leading Slovenian-based **provider of brokerage services** in the digital assets space.
- Acting for several **digital currency traders** whose accounts had been frozen at hacked digital exchanges.
- Acting for a **stockbroker** under an FCA investigation.


“[COLLYER BRISTOW] DOES A FANTASTIC JOB...PROVIDING CONCISE ADVICE ON WHAT TO DO AND NOT SIMPLY QUOTING THE LAW”.

Client feedback 2020

EXPERT ADVICE ON ALL AREAS OF FUNDRAISING

The fundraising landscape for companies seeking growth capital has changed considerably in recent years. Our Corporate team advises growing businesses and professional investors, including advising Private Equity houses and Venture Capitalists, on obtaining investment, on the acquisition, management and disposal of their investment portfolios.

Recently, we have supported many companies and projects raising money through Security Token Offerings (STOs) and Initial Coin Offerings (ICOs.) We can guide you through each stage of the ICO / STO process, from early stage regulatory analysis, to dealing with the operational process of selling tokens. Additionally, we can review and help you draft your white paper and terms and conditions of offer. Should we conclude that your ICO is a regulated security or investment, we are able to support applications to the regulator or work with you to find an authorised firm to provide you with a regulatory umbrella.

A photograph of a wooden surface with a Bitcoin Cash wallet app on a smartphone, a Bitcoin Cash coin, and a Bitcoin Cash wallet card. The app screen shows 'Bitcoin Cash (BCH) Wallet' with a balance of '4.68168026 BCH' and icons for Home, Receive, Scan, Send, and Settings. The coin is gold with a 'B' logo. The wallet card is black with 'Bitcoin.com' and a logo.

**"EXCELLENT AT IDENTIFYING
THE KEY ISSUES THAT ARE
RELEVANT' TO CLIENTS IN [THE
FINANCIAL SERVICES] SPACE"**

Legal 500 Legal directory

CRYPTO AND DIGITAL ASSETS **DISPUTES**

Our team has specialist experience to help you resolve disputes involving digital assets and cryptocurrency. The largely unregulated nature of this sector has driven rapid innovation, as a result of which our clients have access to a vast new digital economy that poses unique legal issues. As investor demand continues to boom and financial regulators provide guard rails for the world's largest corporates to enter this space, there is no doubt that blockchain technology, cryptocurrencies and decentralised finance will continue to revolutionise the global financial market.

Examples of our work include:

- Defending a **healthcare focused tech company** against threatened litigation by disgruntled coin holders following an ICO.
 - Acting for **Ethereum investors** in threatened proceedings against a wallet provider after a bug in its coding was triggered which caused the investors' wallets to be permanently locked.
 - Recovering an **account holder's cryptoassets**, which were wrongfully held by the liquidator of defunct exchange "Cryptopia".
 - Acting for a **crypto trader** whose account was frozen by an exchange following allegations of fraud and hacking against a counterparty.
 - Advising clients on legal options to trace and recover **stolen crypto assets**.
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INTELLECTUAL PROPERTY

Our intellectual property team works with technology companies, including those in the FinTech and RegTech space on drafting commercial agreements which relate to or arise from the protection, transfer or exploitation of IP and IT rights, including assignments, licences, and research and development agreements.

The team also advises clients on resolving disputes related to all intellectual property rights, including copyright, trade marks, design rights, patents, database rights and anti-counterfeiting and customs measures in the UK and EU.

DATA PROTECTION

Our Data protection team supports those operating in the crypto, digital assets, FinTech and RegTech space in ensuring compliance with data protection legislation, including the UK GDPR and Data Protection Act 2018.

We offer a range of services, including:

- An assessment of your business to evaluate your current policies and procedures and identify any UK GDPR compliance requirements;
- Helping you to create and implement a pragmatic compliance programme, tailored specifically to your business and aligned with your commercial objectives;
- If a data breach does occur, or if you receive a data subject access requests, our DSAR and breach response support will assist you in dealing with the incident swiftly and efficiently, ensuring the least possible disruption to your business and your clients; and
- Providing UK GDPR training to staff and/or management to ensure that data protection issues and potential issues can be recognised and dealt with before they become major challenges to your business.

Main contacts



NIGEL BRAHAMS

**Partner, Corporate
Head of FinTech**

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Nigel is a partner in our Corporate department. Nigel specialises in transactional and regulatory financial services work, including derivatives, clearing, settlement and trading and also perimeter and specific regulatory guidance. He is also very active, dealing with Seed Funding, Series A and other venture capital financing work and also in M&A within the tech and financial services arena.

Nigel acts in particular for regulated financial services firms and also FinTech, RegTech and broader technology providers. His clients include several payments providers, trading platforms, and P2P lenders. He has a specific interest in Blockchain, digital assets and crypto currencies. He regularly advises and speaks on Blockchain projects, as well as the application of English law and regulation to the selling and issuance of ICOs and advises crypto brokers, payments firms and fund managers.

Nigel spent 20 years as in-house counsel at a series of investment banks and brokerage / FinTech firms.



ROBIN HENRY

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Dispute Resolution Services**

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Robin heads our Dispute resolution department and is a member of our Banking & financial disputes team.

Robin has wide experience of financial disputes and has developed an expertise in advising clients on complex FX derivative contracts. He is experienced in advising on financial mis-selling claims and also advises clients subject to investigation by the FCA.

He has broad experience of both contentious and non-contentious banking and insolvency matters, with an emphasis on financial markets work and distressed debt. Robin gained experience of distressed debt trading from being seconded to Morgan Stanley and has since advised clients in this area, including on Lehman and MF Global claims.

He has also defended directors against claims brought by IPs, negotiated on behalf of companies in debt restructuring negotiations and advised borrowers on swap mis-selling claims.



PATRICK WHEELR

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IP & Data Protection**

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Patrick heads both the Intellectual property and the Data protection teams at Collyer Bristow. He has extensive experience of contentious IP matters for a wide variety of clients, both as Claimant and Defendant. He specialises in identifying creative, cost effective, and practical solutions to disputes.

He also advises on commercial IP agreements of all kinds and helps clients from startups to multi-nationals to negotiate and conclude effective contracts.

As an accredited Data Privacy Practitioner he provides regulatory advice to businesses seeking to comply with GDPR, as well as helping clients to prepare for and respond to data breaches, subject access requests, and enforcement actions taken by the ICO.



JEAN-MARTIN LOUW

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Since joining Collyer Bristow, he has been involved in some of the firm's most high profile disputes work.

Jean-Martin has developed a particular expertise in financial benchmark manipulation claims. He has a particular interest in advising on disputes before the US courts which involve issues of English law.

Jean-Martin also provides regular advice to investors and technology services providers on disputes in the burgeoning area of cryptocurrency.



CHRISTIAN DAVISON

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Christian is an Associate in our Corporate and Commercial team. He advises on corporate, regulatory and commercial matters. He also has experience in our insolvency and FinTech practices.

Christian studied Law at Keble College, Oxford, graduating in 2016. He then completed the LPC and an MSc in Law, Business and Management from the University of Law.



CAMERON CREES

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Cameron is an Associate in our Trusts, tax and estate planning team. He joined Collyer Bristow in June 2022. Cameron advises high-net-worth individuals, family offices, and trust companies across a range of issues, both domestically and internationally. Cameron's work includes digital assets management, succession and estate planning (including the drafting of Wills and other testamentary documents) and providing personal tax advice.

For more information please visit

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