



Digital assets: New means of enforcement



Digital assets

UFADAA: *a record that is electronic*

EU: digital contents: *“data which are produced and supplied in digital form”* (article 2(11), *“such as computer programs, applications, games, music, videos or texts, irrespective of whether they are accessed through downloading or streaming, from a tangible medium or through any other means.”*
(Consideration 19)



Digital assets and enforcement

Digital assets, represent a certain economic value.

For example:

- ❑ Digital bank accounts (such as Paypal),
- ❑ Digital currencies (such as bitcoins)
- ❑ Domain names
- ❑ Computer programs
- ❑ (Commercial) databases
- ❑ Applications



Some examples: bitcoins



Virtual assets

Judgment of the Dutch Supreme Court (Taxes/ Bartering, NJ 1994,640)

Bartering was a network organisation that introduced for its network members a special savings account administered with so called Barterunits. Each Barterunit had a value of 1 Euro. Intention was that the members buy and sell between each other through these Barterunits (2000 the turnover was about 27 million euros with 3,200 members!)



(Taxes/ Bartering, NJ 1994,640)

Bartering had 75,000 Barterunits of a client (Bon Patron) registered on the Barter unit account.

Questions:

- can we consider these Barterunits assets?
- If so: can we attach these Barterunits or their equivalent in money?



(Taxes/ Bartering, NJ 1994,640)

can we consider these Barterunits assets?

Supreme court: yes;

If so: can we attach these Barterunits or their equivalent in money?

Supreme court: based on the general terms Bartering is not obliged to pay an equivalent of the Barterunits in money. This means an attachment is possible, however: only on the Barterunits as such not on the equivalent



S

Why is this interesting?

More companies are collecting Barterunits, air miles or whatever bonuses also professionally.

Airlines are also offering this possibility: see
KLM



Royal Dutch Airlines



#KLM #BlueBiz #SkyTeam #BusinessTravel

BlueBiz

Save with BlueBiz



Save on your company's travel costs with BlueBiz. Discover how easy it is to fly for free. KLM is pleased to reward you as a loyal business client. Your company will earn valuable Blue Credits for every flight made with KLM or our BlueBiz partners. These Blue Credits can be easily redeemed for free flights on our global network.

Register your company

Earn free flights



Some examples: domain names



Internet domain name

Attachment is effected by registration of the attachment in the Domain name register.

For example for .eu domain names this is: EURid

Steps:

1 check the ownership of the .eu domain name (whois function) via:

□ Eurid

□ <http://www.norid.no/domenenavnbasen/domreg.html>



EURid

The European Registry of Internet Domain Names

 Site search

en | de | es | fr | it

Contacts Site Map

- About EURid
- How to get a .eu name
- Sunrise & Land Rush
- FAQ
- News
- Downloads/ Documents
- Public Bodies
- Press
- List of Registrars
- Jobs
- Dispute Resolution/ADR
- Registrar Site

Welcome to EURid – the registry of .eu



See in the WHOIS database when a name is being released from Sunrise [More information](#)



News Flash

- 21 Dec 2006**
Residents of Romania and Bulgaria can register .eu domain names as of January 1, 2007 [\[more info\]](#)
- 21 Dec 2006**
Code of Conduct for .eu registrars during 2007 [\[more info\]](#)
- 21 Nov 2006**
.eu seminar for Bulgaria and Romania on December 14 and 15 [\[more info\]](#)
- 16 Nov 2006**
The ".eu" success leads to a considerable price reduction [\[more info\]](#)

[Archive news](#)

Check if your domain name is still available

www. .eu

Active domain names:
2,417,365
updated 13:20 22 Dec 2006
[more .eu statistics](#)



Internet domain name 2

2 prepare the relevant documents

3 send the documents to the domain name register and ask for a confirmation

(normally takes about 2 hours for a confirmation that the domain name is put on a hold)

4 Sale: in accordance with provisions for movables



Some examples:
provisional seizure of evidence



Intellectual property rights

Obligation to disclose 1

Based on art 843a CPC:

a person who has a justified reason may, at his expenses, demand inspection, copy or summary of documents regarding a dispute in which he or one of his predecessors is a party. Documents include data on a data carrier.



Intellectual property rights

Obligation to disclose 4

Dutch law enables the claimant, with permission of the President of the court, to safeguard evidence

Safeguarding evidence is performed by the enforcement agent: via a so called evidence attachment the enforcement agent describes the breach and the products, materials, tools that are used for this



Conclusion

Legislation does not catch up with technologic developments