Sectors & Industries

Blockchain Technologies & FinTech

Schellenberg Wittmer

Schellenberg Wittmer's multidisciplinary and integrated Blockchain Technologies and FinTech Group features experts and specialists with a strong blockchain technology background across the firm's various practice groups (Information and Communication Technology, Corporate and Commercial, Banking and Finance, Capital Markets, Taxation, and Dispute Resolution).

The team advises clients looking to take full advantage of the high potential of blockchain technology, such as the sale and purchase of cryptocurrencies, project launch and financing (ICO, DAO), on execution of the projects and promotion to commercial partners.

The team's specialist skills are essential to the uniqueness of each project with its own technical and commercial features. A specialist team assembled from across the various practice groups evaluates each project's specific requirements in order to provide expert, tailored advice.

Expertise

Our team advises clients across all industries in relation to blockchain technology and FinTech (e.g. financing, real estate, commercial, charity) in the following areas:

- Crowd-funding project preliminary analysis and set-up, incorporation of legal entities in Switzerland and abroad with the assistance of carefully selected advisors
- Domiciliation in Switzerland of companies active in the blockchain technology and FinTech market
- Regulatory advice on any activities in relation to cryptocurrencies (issuance of coins, brokerage, storage, status of coins)
- Set-up of cryptocurrency brokerage activities and storage solutions (wallets)
- ICO preparation (incorporation of legal entities, white paper drafting and review, set-up of bank accounts, obtaining no-action comfort from Swiss regulator FINMA, compliance with AML requirements)
- ICO execution (negotiation and drafting of agreements with investors and commercial partners, filing with authorities)
- Advice on compliance with anti-money laundering legislation in connection with issuance and trading in cryptocurrencies
- Advice on structuring of smart contracts
- Advice on compliance with data protection and transaction security requirements
- Advice on taxation of products and services offered
- Executive education (compliance in the area of cryptocurrencies and tokens)
- Dispute resolution

Deals and Cases

- Advice and representation to Lake-Diamond SA in the launch of its CHF 60 million ICO with Swissquote Bank SA
- Advice to a Swiss investment fund on all Swiss regulatory aspects and feasibility of an ICO for future investment in real estate and energy
- Advice on the set-up of a new crowd-funding platform in Switzerland, including analysis of all financial regulations, such as the Swiss Banking Act, Securities Dealers Act, Financial Market Infrastructure Act and Collective Investment Schemes Act, and anti-money laundering legislation
- Advice to a global transport company on the establishment of a foundation and the issue of tokens to be used in a blockchain-based transport platform operated by the client that allows autonomous vehicles to transact with one another
- Advice to a stock photo company on the set-up of a joint stock corporation in Switzerland and on the issuance of tokens in an ICO to be used to obtain services from a platform to share photos operated by the client
- Advice to a luxury lifestyle provider on the set-up of a joint stock corporation in Switzerland and on the issuance of tokens in an ICO
- Advice on the set-up of a crowd-funding platform in Switzerland, drafting of all related agreements, and obtaining a non-action letter from FINMA confirming that it is out of scope of regulations and in line with all applicable laws
- Advice to a leading ATM software company provider to banks worldwide, at the early stages of exploring an ICO as a method of investment, on the regulatory environment in Switzerland

Recognitions

The practice and its leading practitioners of the group are highly ranked across leading publications and directories:

- Chambers & Partners
- Legal 500
- IFLR
- Who's Who Legal
- Chambers & Partners FinTech Guide

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Schellenberg Wittmer Ltd is your leading Swiss business law firm with more than 150 lawyers in Zurich and Geneva, and an office in Singapore. We take care of all your legal needs – transactions, advisory, disputes.

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