The forum choice

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A digital-asset dispute with a Singapore connection can be heard in three places within the Singapore court system. They are the General Division of the High Court, the Singapore International Commercial Court (SICC), which is a division of the High Court with its own bench and rules, and the State Courts for claims up to S$ 250,000. Appeals lie to the Appellate Division of the High Court or, for SICC cases and matters of general importance, to the Court of Appeal. A Swiss reader should think of the General Division as the equivalent of the Handelsgericht for commercial matters, with the difference that the Singapore judge sits alone, decides fact and law, and controls the procedure actively from the first case conference.

The forum choice is driven by four factors. Whether the dispute is international and commercial, which opens the SICC. Whether the parties want foreign counsel to appear, which the SICC allows for offshore cases and the General Division does not. Whether interim relief against third parties is needed, for which the General Division's established practice described in Chapter III is the safer route. And whether the dispute is likely to settle, in which case the costs regime and the mediation culture of the chosen forum matter more than its jurisprudence.

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