The General Division of the High Court

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Jurisdiction over foreign defendants

The General Division has jurisdiction over a defendant who is served in Singapore or who submits. For a foreign defendant the claimant needs permission to serve out of jurisdiction under O 8 of the Rules of Court 2021. Since 2021 the rule requires only that the court has jurisdiction or is the appropriate court under the Supreme Court of Judicature Act and that Singapore is the proper forum, with the former "gateways" demoted to factors. The claimant must show a good arguable case that Singapore is the appropriate forum and must disclose fully.[1] In crypto cases the relevant connections are usually that the claimant is in Singapore and suffered the loss there, that the exchange holding the assets is in Singapore or that the contract chose Singapore law.

The courts have been receptive. In *Janesh* the court found Singapore the appropriate forum because the claimant was based and carried on business there, while recognising that the decentralised nature of the blockchain made the location of the dispute difficult to fix.[2] In *CLM v CLN* leave to serve out was granted against defendants in several countries identified through the exchanges' disclosure.[3] A

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Swiss defendant sued in Singapore over a token transaction should expect the Singapore court to accept jurisdiction if any substantial element of the transaction touched Singapore. He should raise any forum objection at the first opportunity, because taking a step in the proceedings is a submission.

The Rules of Court 2021 and digital assets

The Rules of Court 2021, in force from 1 April 2022, replaced the 2014 Rules with a procedure built around early judicial control, a single application pending trial and proportionate production of documents. Three features matter for digital-asset litigation. The court's power to grant enforcement orders under O 22 extends to cryptocurrency, which the Rules name as a form of property, a point the *ByBit* judgment relied on.[4] Production of documents under O 11 is limited to documents the parties rely on and documents requested with specificity, so that a claimant seeking a defendant's wallet history must ask for it precisely. And the Ideals in O 3 r 1, which direct the court to achieve fair and practical results suited to the needs of the parties, have been invoked in the crypto cases to justify substituted service and claims against persons unknown.[5]

Disclosure of wallet data

Wallet data has a dual character in litigation. The public ledger is available to everyone, so the court takes judicial notice of what a block explorer shows, subject to proof of the address's attribution. The link between an address and a person is private, held by exchanges, wallet-software providers and the person himself. A party's own wallet addresses and the keys that prove control are documents within the production regime. A party who refuses to disclose addresses he controls, or who claims to have lost keys, faces adverse inferences and, where a court order compels disclosure, contempt. Singapore courts have ordered defendants to list all wallets they control and to provide signed messages proving control, which is the on-chain equivalent of a sworn asset disclosure in Mareva proceedings.

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Third-party wallet data is obtained by the Bankers Trust and Norwich Pharmacal routes described in Chapter III, or by pre-action production under O 11 r 11. That rule allows the court to order a non-party to produce documents where the applicant shows that the documents are necessary to decide whether to sue and whom.[6] The Personal Data Protection Act 2012 does not bar disclosure under a court order, because the Act's exceptions cover disclosure required by law and for the purpose of legal proceedings.

Expert evidence

Digital-asset cases almost always need expert evidence on two subjects: the tracing of assets on the ledger and the technical operation of the protocol or platform in question. Order 12 of the Rules of Court 2021 gives the court control over expert evidence, including the power to require a single joint expert or to limit the issues on which expert evidence may be given. The court must approve expert evidence in advance. Blockchain-analytics reports from the established vendors have been accepted at the interlocutory stage without difficulty. At trial the methodology of attribution, the clustering heuristics that link addresses to a single owner and the treatment of mixers are open to cross-examination. A defendant with resources will attack them. Lawyers should instruct the analytics expert early and ensure the report distinguishes what the ledger shows from what the expert infers.

Practice note

When you brief a blockchain-analytics expert for Singapore proceedings, ask for three things. A chain-of-custody statement showing how the data was obtained from the public ledger and from any exchange disclosures, so that the report is admissible without further proof. A clear separation between deterministic tracing (this output funded that input) and probabilistic attribution (these addresses are probably one wallet), because the court will give the two different weight. And a plain-language section the judge can read without a glossary, since the Singapore bench is sophisticated but will not forgive a report that assumes knowledge of UTXO accounting.

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Costs

Singapore costs follow the event and are assessed on a standard basis that typically recovers between one-third and two-thirds of actual expenditure. The Supreme Court's costs guidelines in Appendix G to the Practice Directions give ranges for party-and-party costs in the General Division. Examples are S$ 20,000 to S$ 40,000 for a contested interlocutory injunction application and S$ 60,000 to S$ 180,000 per day of trial for complex commercial matters, although the ranges are revised and the court departs from them.[7] A claimant who obtains summary judgment on the *ByBit* model recovers costs and disbursements of the order of S$ 45,000 to S$ 60,000, which is a fraction of the actual spend.[8] Security for costs may be ordered against a foreign claimant, including a Swiss company, under O 9 r 12, which is a common defence application against Zug entities suing in Singapore.

Notes

1. Rules of Court 2021, O 8 r 1, Singapore Statutes Online; Supreme Court of Judicature Act 1969, s 16. ↩
2. Janesh s/o Rajkumar v Unknown Person [2022] SGHC 264, on jurisdiction and appropriate forum. ↩
3. CLM v CLN [2022] SGHC 46 at [61]–[75]. ↩
4. ByBit Fintech Ltd v Ho Kai Xin [2023] SGHC 199 at [30], referring to O 22 r 1(1) of the Rules of Court 2021. ↩
5. Janesh [2022] SGHC 264 at [37]–[42] and [86]–[91] on the Rules of Court 2021 and substituted service out of jurisdiction. ↩
6. Rules of Court 2021, O 11 r 11 (production before action and against non-parties), Singapore Statutes Online. ↩
7. Supreme Court Practice Directions 2021, Appendix G (Guidelines for Party-and-Party Costs Awards in the Supreme Court of Singapore). ↩
8. ByBit Fintech Ltd v Ho Kai Xin [2023] SGHC 199 at [47]: costs of S$ 45,000 and disbursements of S$ 11,500. ↩

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