The seven axes

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Part O, Chapter I compares the two systems along seven axes. The axes were chosen because they are the questions that recur in every mandate and because each has a reasonably clear answer in both systems as of mid-2026. They are introduced here, with the headline answer for each, so that the reader has the frame before reading the detailed parts.

Legal nature of the asset

The first axis asks what a token is in private law. Switzerland answers by statute for tokens that embody rights, through the ledger-based security of Art. 973d ff. CO. For pure payment tokens it answers by doctrine: they are neither things nor claims but objects of a factual power of disposal.[1] Singapore answers by case law, holding since *ByBit Fintech Ltd v Ho Kai Xin* [2023] SGHC 199 that a crypto asset is a thing in action which the common law recognises and will protect by the ordinary remedies of property law.[2] The practical difference is less than the doctrinal one. In both systems a token can be owned, transferred, stolen, traced, pledged and inherited, because in both the private key is the fact that the law attaches its consequences to. The difference shows itself at the margins. In good-faith acquisition, Swiss law has a

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statutory rule for ledger-based securities while Singapore law has the equitable defences. In the treatment of a mistaken transfer, Swiss law applies unjust enrichment while Singapore law applies constructive trust.

Licensing perimeter

The second axis asks which activities require a licence and from whom. Switzerland draws the perimeter by function across a cascade of acts, with AML-only status for the majority of crypto businesses and a banking licence for anyone who pools customer tokens. Singapore draws the perimeter by activity under the PSA, the SFA and the FSMA, with a dedicated DPT licence that carries conduct, custody and consumer-protection duties from the start. The thresholds differ in kind. Switzerland asks how much is deposited and whether it is segregated. Singapore asks how much is transacted each month and whether the customer is in Singapore. A business that is AML-only in Zug would usually need a major payment institution licence in Singapore. A business that holds an MPI licence in Singapore would usually need a fintech or banking licence in Switzerland if it ran the same custody model there.[3]

Custody and insolvency

The third axis asks what happens to the customer's tokens when the custodian fails. Switzerland gives the customer a statutory right of segregation under Art. 242a and 242b DEBA for crypto-based assets held ready at all times and either individually allocated or collectively held and attributable, supplemented by Art. 16 no. 1bis BankA for bank custodians.[4] Singapore gives the customer the protection of an express or statutory trust where the licensee's terms and the PSA regulations create one. Where they do not, the customer has only the uncertain protection of a constructive trust. The Singapore insolvencies of 2022 showed that the terms of service decide the outcome: customers of a platform whose terms transferred title to the platform were unsecured creditors, while customers of a platform that held on trust had a proprietary claim.[5] Part D, Chapter IV and Part J, Chapters II and V develop the axis, while Part O gives the side-by-side table.

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Example

A Zürich custodian and a Singapore custodian each hold 100 BTC for the same family office, each in an omnibus wallet together with the coins of other customers, and each becomes insolvent on the same day. In Zürich the family office claims segregation under Art. 242b DEBA because the custodian's records attribute 100 BTC to it and the coins were held ready at all times, so the liquidator must hand them over outside the estate without the family office proving title to any particular coin. In Singapore the outcome depends on the terms of service that the family office accepted when it opened the account, which it has probably never read. If those terms declare that the custodian holds customer tokens on trust and the regulations require segregation, the family office has a proprietary claim that the judicial manager must respect. If the terms instead describe the balance as a debt owed by the platform, the family office is an unsecured creditor and shares the shortfall with everyone else. The comparison is therefore between a rule that operates by statute whatever the contract says and a rule whose content is written by the custodian's lawyers, which is why Part Q includes a checklist for reviewing a custody agreement under each system.

Anti-money-laundering

The fourth axis asks who is a financial intermediary and what that person must do. Both systems implement the FATF standard including the travel rule, identify customers, beneficial owners and the source of funds, and report suspicion to a financial intelligence unit, which in Switzerland is the Money Laundering Reporting Office and in Singapore the Suspicious Transaction Reporting Office.[6] The differences are in architecture and thresholds. Switzerland supervises most crypto businesses through self-regulatory organisations and requires identification for exchange transactions above CHF 1,000. Singapore supervises directly through MAS and sets the occasional-transaction threshold at S$ 20,000, while imposing a travel rule that applies from the first dollar for licensees. Switzerland reaches foreign-facing businesses through the financial-intermediary definition. Singapore reaches them through the DTSP regime. Parts F and L treat both.

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Tax

The fifth axis asks how holders, companies and funds are taxed. For the individual, Switzerland exempts private capital gains but taxes wealth annually and taxes staking, mining and airdrop income when received. Singapore has no capital gains tax and no wealth tax but taxes trading gains as income and uses the badges of trade to decide. For the company, both tax token issuance according to its accounting character and both tax a trading entity on its profits. For the fund, Switzerland offers the L-QIF and the ordinary fund regimes with tax transparency, while Singapore offers the VCC with the ss. 13D, 13O and 13U incentives. Both have signed the Crypto-Asset Reporting Framework and both will exchange crypto account information with each other once the framework is active, which for Switzerland means data collection from 1 January 2027 at the earliest with first exchanges in 2028 (see Part C, Chapter VI and Part G, Chapter VII), while Singapore has committed to first exchanges in 2027 or 2028.[7] Parts G and M treat the systems and Part O, Chapter I sets the figures side by side.

Enforcement

The sixth axis asks how a victim recovers and how the state punishes. Switzerland offers criminal seizure and confiscation under the Criminal Code and the Criminal Procedure Code, civil attachment under Art. 271 ff. DEBA and FINMA enforcement including liquidation of unlicensed firms. It also offers a prosecutor in Zug with a decade of crypto experience.[8] Singapore offers proprietary and freezing injunctions, disclosure orders against exchanges, service by novel means, the Commercial Affairs Department and MAS enforcement. Its courts have issued more reported crypto-recovery decisions than any other in Asia.[9] The two toolkits interlock in a cross-border fraud. Part H, Chapter VI and Part N, Chapter III describe how.

Succession

The seventh axis asks what happens to tokens on death or incapacity. Switzerland applies the forced-heirship rules of Art. 457 ff. CC and the matrimonial property regimes to tokens as to any other asset. The executor's problem is access to the keys.

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Singapore applies the Wills Act, the Intestate Succession Act and the Probate and Administration Act, with the same practical problem and the additional possibility of a trust. Neither system has a statutory regime for digital assets in succession, so planning does the work in both.[10] Part D, Chapter VIII, Part J, Chapter VII and Part P, Chapter VIII treat the axis.

Axis	Switzerland in one line	Singapore in one line
Legal nature	Statute for ledger-based securities; doctrine of factual power of disposal for payment tokens	Thing in action, by case law since 2023
Licensing perimeter	Function-based cascade; AML-only for segregated custody; bank or fintech licence for pooled custody	Activity-based; DPT licence under PSA; DTSP under FSMA for offshore-only
Custody and insolvency	Statutory segregation, Art. 242a/242b DEBA	Trust law and PSA segregation rules; terms of service decide
AML	SRO supervision; CHF 1,000 exchange threshold; travel rule since 2019	MAS supervision; S$ 20,000 occasional threshold; travel rule under PSN02
Tax	Private gains exempt; wealth tax; staking income taxed	No CGT; no wealth tax; trading gains taxed; fund incentives
Enforcement	Criminal seizure, civil attachment, FINMA liquidation	Injunctions, disclosure orders, CAD, MAS enforcement
Succession	Forced heirship; key access problem	Testamentary freedom; trusts; key access problem

Notes

1. Code of Obligations (SR 220), Art. 973d; Federal Council, report on the legal framework for distributed ledger technology and blockchain in Switzerland of 14 December 2018, section on the civil-law classification of tokens. ↩

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2. ByBit Fintech Ltd v Ho Kai Xin and others, General Division of the High Court, Philip Jeyaretnam J, 25 July 2023, paras 4, 36 and 39. ↩
3. Banking Act (SR 952.0), Art. 1 and 1b; Anti-Money Laundering Act (SR 955.0), Art. 2 para. 3; Payment Services Act 2019, ss. 5 and 6 and First Schedule, Part 3; Financial Services and Markets Act 2022, Part 9. ↩
4. Debt Enforcement and Bankruptcy Act (SR 281.1), Art. 242a and 242b; Banking Act (SR 952.0), Art. 16 no. 1bis. ↩
5. Insolvency, Restructuring and Dissolution Act 2018, ss. 64 (moratorium) and 91 ff. (judicial management); Re Zipmex Asia Pte Ltd and others, General Division of the High Court, 2022 (moratorium applications); Hodlnaut Pte Ltd, judicial management from August 2022. ↩
6. FATF, "Updated Guidance for a Risk-Based Approach to Virtual Assets and Virtual Asset Service Providers", October 2021; Anti-Money Laundering Act (SR 955.0), Art. 3 to 9; MAS Notice PSN02, Prevention of Money Laundering and Countering the Financing of Terrorism, Digital Payment Token Service. ↩
7. State Secretariat for International Finance, "CARF FAQ Update", confirming that Parliament approved the CARF multilateral competent authority agreement on 26 September 2025, that CARF will apply in Switzerland at the earliest from 1 January 2027 and that no CARF duties apply in 2026. ↩
8. Swiss Criminal Code (SR 311.0), Art. 70 to 72; Swiss Criminal Procedure Code (SR 312.0), Art. 263 ff.; Debt Enforcement and Bankruptcy Act (SR 281.1), Art. 271 ff.; Financial Market Supervision Act (SR 956.1), Art. 29 ff. ↩
9. Supreme Court of Judicature Act 1969, s. 18 and First Schedule, paragraph 5 (injunctions); Rules of Court 2021, Order 13 (freezing and disclosure orders); CLM v CLN and others, General Division of the High Court, 2022, SGHC 46; Janesh s/o Rajkumar v Unknown Person, General Division of the High Court, 2022, SGHC 264. ↩
10. Civil Code (SR 210), Art. 457 ff. and Art. 181 ff.; Wills Act 1838 (2020 Rev. Ed.); Intestate Succession Act 1967; Probate and Administration Act 1934. ↩

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