

[Webinar] Catch Me If You Can: Chasing Fraudsters Across Borderless Cyberspace



3 August 2021, Tuesday
4.00pm – 5.30pm



This programme is conducted as a live webinar.



No. of Public
CPD Points:
1.5

Practice Area:
**Others/Multi-
disciplinary**

Training Level:
General

About the Programme

1. With the increasing digitization of trade and communications, and the growing popularity of cryptocurrency and digital assets, it is important that the law keeps pace with the developments to counter cyber fraud on a global scale.
2. In 2017, the English Commercial Court granted a worldwide freezing injunction over the assets of “Persons Unknown” who were accused of committing large-scale, international financial fraud over the interest. This injunction was the first of its kind to be granted against alleged perpetrators who had not been identified. Since then, there have been a handful of other similar “Persons Unknown” injunctions and ancillary orders granted by the English Courts, including self-identification orders or what is known as “I AM SPARTACUS” orders. Emerging case law has also clarified where and to what extent Bankers Trust orders and similar relief can be granted against entities such as crypto-exchanges. In Asia, Malaysia is the first jurisdiction that has seen a “Persons Unknown” injunction and an “I AM SPARTACUS” order. In December 2020, the Malaysian High Court issued its first judgment granting a Mareva freezing injunction and proprietary injunction against “Persons Unknown” in *Zschimmer & Schwarz GmbH & Co KG Chemische Fabriken v Persons Unknown & Anor* [2021] 7 MLJ 178.
3. In Singapore, while there is academic commentary, for example, “Can a Persons Unknown Injunction Be Deployed in the Singapore Courts?” [2019] SAL Prac 5 (<https://journalonline.academyPublishing.org.sg/Journals/SAL-Practitioner/Advocacy-and-Procedure/ctl/eFirstSALPDFJournalView/mid/589/ArticleId/1348/Citation/JournalsOnlinePDF>), we have yet to see a judgment on this. Given the nascent stage of legal developments in the crypto-space, this webinar will delve into the complications and issues that have arisen and may arise in crypto-fraud cases. The speakers will be touching on:
 - a. the various enforcement actions that can be taken out in crypto-fraud cases;
 - b. the development of the jurisprudence in the common law; and
 - c. the interaction between cross-border criminal, regulatory and civil proceedings.

Programme Outline

Time	Programme
3.30pm – 4.00pm	Registrants to log on
4.00pm – 5.15pm	<p>Panel Discussion: Catch Me If You Can: Chasing Fraudsters Across Borderless Cyberspace</p> <p><u>Facilitator</u> Danny Quah – Counsel, Providence Law Asia LLC</p> <p><u>Panellists</u> Matthew Lavy – Barrister, 4 Pump Court Lee Shih – Managing Partner, Lim Chee Wee Partnership Kenny Lau – Counsel, Providence Law Asia LLC</p>
5.15pm – 5.30pm	Question & Answer
5.30pm	End

Speakers' Profile



Danny Quah – Counsel, Providence Law Asia LLC

Danny is a commercial litigator who regularly represents HNWIs, professionals, C-Suite executives and companies in cross-border, high-stake business and family disputes. In recent years, his practice has focused on (i) corporate & commercial disputes, (ii) insolvency & restructuring and (iii) private wealth & tax disputes. Danny is an accredited mediator with the Singapore Mediation Centre and is member of 3 of the Law Society of Singapore's standing committees: the Civil Practice Committee, the Insolvency Committee and the Tax & Trusts Committee. He speaks and conducts training regularly in his areas of practice. In 2020, he was invited to speak at events hosted by the International Bar Association, the Singapore Academy of Law, the Law Society of Singapore, Tax Academy, Omni Bridgeway, ThoughtLeaders for FIRE, BrightTalk and GAO Capital. He has also published in the International Bar Association Journal, the Business Times, the Straits Times, the IBFD Tax Journal, Tax Notes International, SAL Practitioner and Singapore Law Watch.



Matthew Lavy – Barrister, 4 Pump Court

Matthew is a commercial barrister practising from 4 Pump Court, Temple. He is top-ranked for information technology and telecoms work in the Legal 500 and in the Chambers & Partners guide, where he is listed as a "Star Individual". In addition to disputes involving mainstream business systems and services of all sizes, Matthew has acted and advised in relation to highly specialised applications such as broadcasting platforms, radio-telecommunication networks, core banking systems, military technology, safety critical software, and industrial control systems (SCADA/PCL). Disputes in which he has been instructed include those arising out of project failures and delays, IP licensing, copyright infringement, breach of confidence, outsourcing agreements, data protection, digital media and digital rights management. He also has expertise and has advised in relation to cyber liability and the insurance of cyber risks, cryptocurrencies, blockchain technologies and ICOs. His clients regularly include tier-one IT suppliers, telecoms giants, and software and equipment suppliers with global reach. Matthew has a particular interest in emerging technology and is co-editor of the practitioner text *The Law of Artificial Intelligence*, Sweet & Maxwell, 2020. He is also a Trustee of the Society for Construction and Law.



Lee Shih – Managing Partner, Lim Chee Wee Partnership

Lee Shih is the managing partner of the boutique dispute resolution firm, Lim Chee Wee Partnership. He has over 15 years' experience in dispute resolution, contentious restructuring and insolvency, and fraud and asset recovery.

He is also the sole Malaysian member of ICC FraudNet, an international network of leading civil asset recovery lawyers in each country. He secured Malaysia's first-ever 'persons unknown' injunction and a Spartacus order for self-identification against persons unknown. He has acted as counsel in urgent injunctive and asset preservation relief, *Bankers Trust* discovery orders, and at cross-border fraud trials.

He has been described by Chambers Asia-Pacific as "well regarded for his expertise in company law, as well as restructuring and insolvency cases" and "the next generation of talented individuals: a forceful advocate in terms of intellectual prowess and punching well above his weight in terms of his level of seniority". He was awarded the 'Rising Star of the Year' across Asia at the Benchmark Litigation Asia-Pacific Awards 2020.



Kenny Lau – Counsel, Providence Law Asia LLC

Kenny is a counsel at Providence Law Asia LLC, where he regularly acts on matters pertaining to fraud litigation, asset tracing and asset recovery. He has successfully argued for and obtained numerous interlocutory orders before the High Court of Singapore to aid in asset preservation and tracing. These include worldwide freezing injunctions, proprietary injunctions, bankers trust orders, pre-action disclosure orders, and search orders. Prior to joining Providence Law Asia LLC, Kenny served as a Justices' Law Clerk in the Supreme Court of Singapore where he clerked for Judges of the High Court, Court of Appeal, and the Chief Justice of Singapore.

Admin Note to Singapore Practitioners and s36B Foreign Lawyers in relation to the Mandatory CPD Scheme:

No of Public CPD Points: 1.5
Practice Area: Others/Multi-disciplinary
Training Level: General

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes logging in at the start of the webinar and logging out at the conclusion of the webinar in the manner required by the organiser, and not being away from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

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Registration Fees

Membership Category	Fees (Inclusive of 7% GST and course materials)
Law Society Member	\$32.10
SCCA Member	\$57.78
Non-Member	\$64.20

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1. Terms and Conditions

- 1.1 Registration closes on the date as stipulated on the registration page or when all seats are filled.
- 1.2 The registration fee is due and payable upon registration and must be received prior to the programme.
- 1.3 Payment must be made by the closing date stated. Registration will only be confirmed upon receipt of full payment.
- 1.4 The Law Society reserves the right to refuse to register or admit any participant, and to cancel or postpone the programme.
- 1.5 If you are unable to attend, a substitute delegate is welcomed, provided that the Law Society is notified in writing of the name and particulars of the substitute delegate at least 3 working days before the programme.

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- 2.1 Allocation of seats is on a first-come-first-served basis and limited seats for each programme.
- 2.2 Participant who cancels their registration before the commencement date shall be liable to pay the percentage of the registration fee set out as follows:
 - i. 20 calendar days before commencement date: 25% of registration fee.
 - ii. 8 to 19 calendar days before commencement date: 50% of registration fee.
 - iii. 7 calendar days or less before commencement date: 100% of registration fee.
- 2.3 Participants who cancel their registration without prior payment made shall also be liable to the cancellation fee set out in 2.2. In the event that the payment for cancellation fee is not received despite multiple chasers, a tax invoice will be issued and mailed to your law practice/organisation.
- 2.4 Participant who is unable to attend the programme due to medical exigencies will be subject to a cancellation fee of 50% of registration fee.