

Contents

Introductory Chapters

Brief Overview of UNIDROIT Principles on Digital Assets and Private Law	3
Hideki Kanda	
UNIDROIT Principles on Digital Assets and Private Law—A Comparison to the Uniform Commercial Code, with an Emphasis on Control, Transfer, Custody, Innocent Acquirers, and Secured Transactions	17
Edwin E. Smith and Steven O. Weise	
The Right of Control over Electronic Negotiable Documents and Electronically Documented Rights and Goods	45
Rafael Illescas	
Definition and Holdership of Digital Assets after Two and a Half Decades of Evolution of the Notion of Control	55
Manuel Alba Fernández	
Verified Carbon Credits as Digital Assets	75
Eduardo Miranda Ribera	
Reflections on the Introduction to the UNIDROIT Principles	
Commentary on the “<i>Introduction to the UNIDROIT Principles on Digital Assets and Private Law</i>”	95
Miguel Ángel Pendón Meléndez	
Reflections on Section I: Scope and Definitions	
Principle 1 Scope	149
Teresa Rodríguez de las Heras Ballell	

Principle 2 Definitions	171
Carmen Pastor Sempere	
Principle 3 General Principles	217
David Amable Morán Bovio	
Principle 4 Linked Assets	247
Apol·lònia Martínez Nadal	
Reflections on Section II: Private International Law	
Principle 5 Applicable law	283
Ángel María Ballesteros Barros	
Reflections on Section III: Control and Transfer	
Principle 6 Control	313
Marina Echebarría Sáenz	
Principle 7 Identification of a Person in Control of a Digital Asset	335
Ignacio Alamillo-Domingo, María Cristina Timón-López, and Julián Valero-Torrijos	
Principle 8 Innocent Acquisition	357
Alfonso Martínez-Echevarría y García de Dueñas	
Principle 9 Rights of the Transferee	391
María José Vañó Vañó	
Reflections on Section IV: Custody	
Principle 10 Custody	417
Agustín Madrid-Parra	
Principle 11 Duties Owed by a Custodian to Its Client	447
Maria del Mar Bustillo Saiz	
Principle 12 Innocent Client	479
Ester Becerril Fernández	
Principle 13 Insolvency of a Custodian and Creditor Claims	495
Nicolás Augoustatos Zarco	
Reflections on Section V: Secured Transactions	
Principle 14 Secured Transactions: General	523
Miguel Ángel Pendón Meléndez	
Principle 15 Control as a Method of Achieving Third-Party Effectiveness	545
María Teresa Touriñán Morandeira and Luis Arnáez Fernández	

Principle 16 Priority of Security Rights	569
Pablo Sanz Bayón and Rafael del Castillo Ionov	

Principle 17 Enforcement of Security Rights	589
José Caro Catalán	

Reflections on Section VI: Procedural Law Including Enforcement

Principle 18 Procedural Law Including Enforcement	617
Isabel Villar Fuentes	

Reflections on Section VII: Insolvency

Principle 19 Effect of Insolvency on Proprietary Rights in Digital Assets	641
Jorge Feliu Rey	