

# Contents

<b>1</b>	<b>Basic Knowledge regarding Crypto Assets</b>	<b>1</b>
1.1	Definition of Terms	2
1.2	Design of Crypto Tokens	3
1.2.1	Currency Tokens	4
1.2.2	Investment Tokens	5
1.2.3	Utility Tokens	6
1.2.4	Hybrid Forms	7
1.3	Technical Principles	7
1.3.1	Distributed Ledger Technology	8
1.3.2	Blockchain	9
1.4	Market Participants in Relation to Crypto Assets	13
1.4.1	Issuers	13
1.4.2	Service Providers	14
1.5	Opportunities and Risks	18
1.5.1	Opportunities	18
1.5.2	Risks	19
	References	22
<b>2</b>	<b>Regulatory Classification of Crypto Assets</b>	<b>27</b>
2.1	Fundamentals of European Financial Market Supervision	28
2.2	Classification under Capital Market Law	30

2.2.1	Financial Instrument within the Meaning of the WpHG	30
2.2.2	Legal Consequences of Classification	34
2.3	Classification under Banking Supervisory Law	36
2.3.1	Financial Instrument within the Meaning of the KWG	36
2.3.2	Legal Consequences of Classification	43
	References	56
<b>3</b>	<b>Developments at the National and EU Level</b>	<b>59</b>
3.1	The Liechtenstein Token and Trusted Technology Service Provider Act	60
3.1.1	Legislative Background	61
3.1.2	Structure and Content	62
3.2	The EU Proposal for a Regulation on Markets in Crypto-assets	67
3.2.1	Legislative Background	68
3.2.2	Structure and Content	69
	References	76
<b>4</b>	<b>Comparison and Critical Appraisal of the Regulatory Approaches</b>	<b>79</b>
4.1	Scope of Application	80
4.1.1	Utility Tokens	80
4.1.2	Investment Tokens	81
4.1.3	Tokenisation of Other Rights	82
4.2	Regulatory Methodology	84
4.3	Technology Neutrality	85
4.4	Chosen Regulatory Instruments	86
4.4.1	Standardised Information Document	86
4.4.2	Authorisation Procedure	87
4.4.3	Public Register	87

	<b>Contents</b>	<b>xi</b>
4.5	Neglected Aspects	88
4.5.1	Endogenous Manipulation of the Network	88
4.5.2	Anonymity of Network Participants	89
4.5.3	Sustainability	89
	References	91
<b>5</b>	<b>Conclusion</b>	<b>93</b>