SIAC与《2025年仲裁规则》

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仲裁机构

SIAC成立于1991年，现已发展为全球使用最多的五大仲裁机构之一。近年来每年新受理案件逾600件，其中多数案件没有新加坡当事人。其仲裁院负责指定仲裁员并就回避申请作出决定，秘书处则负责案件管理。SIAC的仲裁员名册中包括具有技术背景的仲裁员。该机构曾在涉及交易平台、代币销售、挖矿合同和托管失败的争议中指定仲裁员。案件统计并未单列数字资产案件，但从业者估计，这类案件在技术和金融服务类别中所占比例不断上升。[1]

《2025年仲裁规则》

第七版《SIAC仲裁规则》于2025年1月1日生效，除当事人另有约定外，适用于该日或之后开始的仲裁。其主要创新有六项。简化程序适用于金额不超过100万新元的请求，除当事人另有约定外，由独任仲裁员在仲裁庭组成后三个月内书面审理并作出裁决。快速程序的金额门槛提高至1000万新元。紧急仲裁员程序现允许在提交仲裁通知之前提出申请，并规定可在不通知对方的

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情况下作出保护性初步命令。初步裁定程序允许仲裁庭及早就个别问题作出决定。协调程序的规定适用于相互关联的仲裁。第三方资助的披露义务则是最后一项创新。[2]

上述每一项创新在数字资产领域都有用武之地。简化程序适合大量涉及代币交付和SAFT分配、金额低于100万新元的争议，在这类争议中，完整仲裁程序的费用会超过请求金额。保护性初步命令相当于仲裁中的单方面冻结令。一方当事人发现对方正在转移代币时，可在对方知悉程序已经开始之前，从紧急仲裁员处取得命令。依照此前的规则，这是不可能的，因为紧急申请必须通知被申请人。初步裁定程序使仲裁庭能够及早认定某一代币依准据法是否属于证券，而这一问题往往决定案件结果。协调程序适合众多购买者持有相同协议的代币销售。

紧急仲裁员与代币冻结

在代币争议中，紧急仲裁员程序是最能立即发挥作用的机制。当事人可在提交仲裁通知时或之前提出申请。SIAC在一天内指定紧急仲裁员，紧急仲裁员必须在十四天内作出命令。该命令对当事人具有约束力，并且由于IAA对仲裁庭的定义包括紧急仲裁员，该命令在新加坡可如同法院命令一样执行。依照《2025年仲裁规则》，申请人可在申请中请求保护性初步命令，该命令在二十四小时内作出且无需通知对方，在紧急仲裁员能够听取双方意见之前维持现状。

紧急仲裁员的局限就是仲裁的局限：命令只约束当事人。它不能强制非当事人的交易平台冻结账户或披露客户信息。需要针对第三人取得救济的申请人必须诉诸法院：在新加坡依IAA第12A条，或依交易平台所在国法律的相应规定。因此，最佳做法是将两者结合使用。紧急仲裁员命令被申请人不得处分代币并披露代币所在，同时依第12A条取得并送达交易平台的法院命令冻结该账户。瑞士法通过《瑞士国际私法》（IPRG/PILA）第183条提供同样的组合，该条允许仲裁庭下令采取临时措施并由国家法院协助；就国内仲裁而言，则通过《瑞士民事诉讼法》（ZPO/CPC）第374条实现。[3]

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示例

一家楚格基金会同意根据一份SAFT向一家新加坡风险投资基金出售200万枚治理代币。该SAFT以新加坡法为准据法，约定以新加坡为仲裁地的SIAC仲裁。在代币生成事件当天，基金会交付了120万枚代币，并宣布余额须受新设的锁定期限制。该基金提出紧急仲裁员申请，并请求保护性初步命令。该命令在一天之内获准，禁止基金会转让或在未交付的代币上设定负担。紧急仲裁员在八天后举行听证，确认了该命令。与此同时，该基金依IAA第12A条向新加坡高等法院申请针对上市该代币的新加坡交易平台的命令，冻结基金会的做市账户。仲裁庭后来认定该锁定期构成违约，并命令交付代币，另以交付日价格计算的损害赔偿作为替代救济。该裁决在四个月内依《纽约公约》在瑞士获得执行。

注释

1. SIAC Annual Report 2024及2025年统计数据。 ↩
2. SIAC Rules 2025, 第13条及附表2（Streamlined Procedure）、第14条及附表3（Expedited Procedure）、第12条及附表1（Emergency Arbitrator）、第46条（Preliminary Determination）、第17条（Coordinated Proceedings）、第38条（Third-Party Funding）。 ↩
3. Swiss Private International Law Act (PILA; IPRG), SR 291, 第183条； Swiss Civil Procedure Code (CPC; ZPO), SR 272, 第374条。 ↩

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