

Parameters

- Case Number: [#ECAF00000027](#)
- Status: Ruling Issued
- Claimant: MR B.T.L (C)
- Respondent: The owner of EOS account hezdnjxgmge (R)
- Case Manager: Moti Tabulo (CM)
- Arbitrator: Ben Gates (A)
- Date of arbitration start: 2018/09/17
- Date of ruling: 2018/12/14
- Case closed: Pending completion of detailed actions ordered
- Complaint: Private keys to the account have been lost but the claimant is the owner.
- Relief: Provide control of the disputed account to the claimant
- Account disputed: hezdnjxgmge

Ruling

Under the powers afforded to me as The Arbitrator under Article 6 of the [Rules of Dispute Resolution](#), I, Ben Gates, rule that the EOS account in question is the rightful property of the claimant and that new private keys should be provided to him.

The Claimant presented sufficient evidence to establish they are the rightful owner of the EOS account **hezdnjxgmge**. Any potential respondent(s) was notified but did not get in touch with ECAF.

The existence of another party has not been shown and the evidence to the contrary is extensive.

Arbitration/Case management fees payable by the claimant:

| Item | Total Claim Amount (EOS) | Filing Fee % | Arbitration Costs % | Sub-Total (EOS) | Notes |
|-------------------|--------------------------|--------------|---------------------|-----------------|---|
| Entire Case Costs | 1014.0094 | 7.5% | 7.5% | 152.10141 | Usually all Lost Key Claims are charged at this rate. |

Pre-Arbitration Events

The Claimant alleged that:

- Upon registering his ERC-20 (see footnote 1) tokens through the official EOS.IO website he was provided with a private key to the EOS account linked to his ERC-20 tokens.
- He subsequently lost this key prior to the main net launch.

An emergency freeze of his account was not requested by the claimant as there was no indication of any activity on the account.

Discovery

The claimant requests full access to EOS account **hezdqjxgmge** based on the assertion they are the correct owner of the account who has lost access.

This raises two questions which require answers:

- 1) Is the Claimant the correct owner even without possession of the private keys?
- 2) If the Claimant is owner, is there any reason not to provide him access?

Evidence and Application of Logic

[Ruling 1](#) shows the ownership link between the ERC-20 EOS account and the linked EOS main net genesis account. It raises important questions which need answering in order to establish this ownership.

- i) Is the claimant able to show sufficient evidence of ownership of the ERC-20 account?
- ii) Is this ERC-20 account linked through registration to the EOS account over which ownership is claimed?
- iii) Is there any evidence to the contrary?

The account named by the claimant is a genesis account, so we can use the logic of Ruling 1 to establish ownership of the account in question.

- 1) Is the Claimant the correct owner even without possession of the private keys?
Yes.

The Claimant has demonstrated ownership by means of a signed ERC-20 transaction with a memo specified by ECAF. The ERC-20 account is also linked by registration through the EOS.IO website to the EOS account **hezdqjxgmge**. There is no evidence to suggest anything other than the claimant being the correct owner of the EOS account.

Additionally: The Claimant has also accepted liability for any fraudulent claims by way of a signed waiver and has also provided sufficient information as to their identity. Whilst not evidence in itself it does demonstrate that the Claimant is prepared to identify themselves to the Forum and stand by the validity of their claim.

2) If the Claimant is the owner, is there any reason not to provide them access?

No.

There has been no evidence brought by any other party to suggest that access to the account should be denied to the Claimant. A reasonable amount of time was available for any other party to make themselves known.

The Claimant claims they lost their keys prior to the launch of the main net. This claim is substantiated by the fact that no activity is present on the account since the launch of the main net.

On the evidence the account should be returned to the Claimant as they have demonstrated sufficient ownership. Ownership, however, does not remove the responsibility of token holders regarding the safekeeping of their private keys. Any results of this responsibility, I leave open to be decided in the future. Questions of liability are not relevant to this particular case.

Copies of the EOS main net Constitution and Rules of Dispute resolution can be viewed [here](#).

Thoughts and Suggestions

This ruling is not intended to bind the actions of arbitrators in future cases which differ on the facts. If there was, for example, evidence of any activity on the account in question then the ruling may not have proven so clear cut.

In this case, however, with so narrow a scope, it is hard to reach an alternative decision regarding ownership of the account in question. As such it is probably correct that cases following identical facts to this case should reach the same conclusions.

Detailed actions ordered

For the above reasons, I order that the account, **hezdqjxgmge**, be transferred to the Claimant.

EOS Block Producers are ordered to do so by modifying the account's authorisation to the following values that have been provided by the Claimant:

- New Active Public Key:
EOS7P1TmuGBdcShxEvweLYkVMYpxpUEeUubjak22mqvAwKDanfcdM
- New Owner Public Key:
EOS7P1TmuGBdcShxEvweLYkVMYpxpUEeUubjak22mqvAwKDanfcdM

Ben Gates
The Arbitrator

Footnote 1: Please note that the mention of ERC-20 tokens is purely in relation to ERC-20 EOS tokens.