



IN THE COURT OF FIRST INSTANCE
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

15 September 2026

CASE No: AIFC-C/CFI/2026/0010

ASTANA FINANCIAL SERVICES AUTHORITY

Claimant

v

PERSONS UNKNOWN

Defendants

DEFAULT JUDGMENT AND ORDER

Justice of the Court:

Justice Sir Stephen Richards



ORDER

- 1. The Claimant is granted judgment in default against the operators of Bing X, Bitcoin.com, Huobi Global (HTX), BitMart, Coinbase, LBank and WEEX digital asset platforms ("the Operators").**
- 2. The Operators are restrained from:**
 - (1) providing, offering or marketing digital asset services on the territory of the Astana International Financial Centre ("the AIFC") or to users located in the territory of the AIFC without authorisation in accordance with Article 12-1 of the Law of the Republic of Kazakhstan 'On Digital Assets', No.193-VII dated 6 February 2023, as amended ("the Law on Digital Assets");**
 - (2) distributing or making available mobile applications through any platform for the purpose of providing unauthorised digital asset services on the territory of the AIFC or to users located in the territory of the AIFC.**
- 3. The Operators shall be jointly and severally liable to pay the Claimant's costs of these proceedings in the total amount of KZT 1,995,479.95 (one million, nine hundred and ninety-nine thousand, four hundred and seventy-five tenge and ninety-five tiyn), consisting of KZT 1,950,479.95 (one million, nine hundred and fifty thousand, four hundred and seventy-nine tenge and 95 tiyn) in respect of legal work performed and KZT 45,000 (forty-five thousand tenge) in respect of Court fees.**
- 4. Notice of this Judgment and Order shall be served on Google LLC and Apple Inc pursuant to Rule 12.36 of the AIFC Court Rules, by the following methods:**
 - (a) service on Google LLC at its designated address for civil requests from outside the United States (Google LLC, c/o Custodian of Records, 1600 Amphitheatre Parkway, Mountain View, California 94043, United States of America);**
 - (b) service on Apple Inc at its designated address for service of legal process (Apple Inc, 20705 Valley Green Dr., Cupertino, CA 95014, United States of America) or through CT Corporation, its registered agent for service of process.**
- 5. Upon service of such notice of this Judgment and Order on Google LLC and Apple Inc, they shall be bound by the Judgment and Order as if they had been parties to the claim, pursuant to Rule 12.41 of the AIFC Court Rules.**
- 6. Liberty to the Claimant to apply to vary the terms of this Order.**
- 7. Liberty to Google Inc and Apple Inc to apply to the Court pursuant to Rule 12.41(2)(a) of the AIFC Court Rules to set aside or vary this Order, provided they have acknowledged service in accordance with Rule 7.6.**

JUDGMENT

1. By a Claim Form dated 25 February 2026 the Claimant sought *inter alia* an order restraining the operators of a number of unlicensed digital asset platforms from (1) providing, offering or marketing digital asset services to users located in the Republic of Kazakhstan without authorisation in accordance with Article 11(5) of the Law of the Republic of Kazakhstan ‘On Digital Assets’, No.193-VII dated 6 February 2023, as amended (“the Law on Digital Assets”); (2) distributing or making available mobile applications through any platform for the purpose of providing unlicensed digital asset services to users in Kazakhstan.
2. By an Order dated 5 May 2026 this Court ordered that service of the Claim Form and any Orders of the Court on each of the Defendants against whom the Claimant wished to proceed was to be effected by email to an email address that appeared to be publicly associated with that Defendant, whether by way of a support email address or by way of an in-app contact function or otherwise. The Order also made provision for the filing of a collective certificate of service following service of the Claim Form as directed on each of those Defendants.
3. The Claimant subsequently filed a first and second collective certificate of service, dated respectively 19 June 2026 and 17 July 2026, summarising the steps taken to serve each of the Defendants and any responses received from the Defendants.
4. In the light of the responses received and subsequent evidence as to steps taken or to be taken to cease unlicensed activity, the Claimant served notices of discontinuance, variously dated 26 June 2026, 15 July 2026 and 27 July 2026, on a total of 12 operators and obtained Orders of the Court dated 6 August 2026 and 9 September 2026 consequential upon such notices of discontinuance.
5. By an Application Notice dated 31 August 2026 the Claimant now seeks a default judgment against the remaining Defendants, namely the operators of the following unlicensed digital asset platforms from whom no or no satisfactory response has been received: Bing X, Bitcoin.com, Huobi Global (HTX), BitMart, Coinbase, LBank, and WEEX.
6. By Rule 9.1 of the Rules of the AIFC Court, “default judgment” in the Rules means judgment without trial where a Defendant has failed to file an acknowledgment of service or has failed to file a Defence. By Rule 9.4 the Claimant may obtain a judgment in default of an acknowledgment of service if the Defendant has not filed an acknowledgment of service or a Defence to the claim and the relevant time for doing so has expired. That condition is met in this case, in that the operators of Bing X, Bitcoin.com, Huobi Global (HTX), BitMart, Coinbase, LBank and WEEX digital asset platforms have each failed to file an acknowledgment of service or a Defence within the relevant time for doing so.
7. By Rule 9.7 a Claimant may obtain default judgment by making an application in accordance with Part 6 of the Rules; and such an application may be made without notice and may be decided without a hearing. The application in this case has been duly made in accordance with Part 6; and the Court is satisfied that it can properly be decided without a hearing.
8. Rule 9.17 provides that where the Defendant was served with the claim outside the Republic of Kazakhstan and the Defendant has not acknowledged service, the evidence in support of an

application for default judgment shall establish that (1) the claim is one that the Court has and should exercise jurisdiction to hear and decide, and (2) the claim has been properly served. I am satisfied that the supporting evidence establishes both matters in this case.

9. That the Court has and should exercise jurisdiction is sufficiently established by the following:

- (1) Article 13(4) of the Constitutional Statute of the Republic of Kazakhstan on the Astana International Financial Centre, No.438-V ZRK of 7 December 2015, provides that the AIFC Court has exclusive jurisdiction in relation to the hearing and adjudication of disputes relating to activities conducted in the AIFC and governed by the Acting Law of the AIFC; and this is reflected in the terms of Article 26(1)(b) of the AIFC Court Regulations dated 5 December 2017 which provides that the AIFC Court has exclusive jurisdiction over any disputes relating to operations carried out in the AIFC and regulated by the law of the AIFC.
- (2) As discussed below, the issue and organisation of circulation of unsecured digital assets is permitted only in the cases laid down by Article 12-1 of the Law on Digital Assets as recently amended; one of those cases relates to activities on the territory of the AIFC through participants of the AIFC that have the appropriate licence; and the Claimant, as the regulatory body for the AIFC, is responsible for the issue of appropriate licences in accordance with the Acting Law of the AIFC and can act to prevent the carrying on of relevant activities by unlicensed operators on the territory of the AIFC. Disputes relating to such matters fall within the jurisdiction of the AIFC Court.
- (3) The provision of digital asset services without authorisation in accordance with the Law on Digital Assets undermines the integrity of the AIFC regulatory framework and creates unfair competition for licensed AIFC participants, who bear the costs of anti-money-laundering and counter-terrorism financing compliance, customer due diligence procedures and ongoing regulatory supervision. It is plainly appropriate for the Court to exercise its jurisdiction on the application of the Claimant to prevent such unlawful activities.
- (4) Having regard to the limits, as discussed below, that the Court proposes to place on the injunctive relief to be granted in this case, it is unnecessary to consider the jurisdictional issues that might otherwise be raised by the Claimant's assumption of a regulatory role in respect of the wider territory of the Republic of Kazakhstan.

10. That the claim has been properly served is established by service in accordance with the Order of the Court dated 5 May 2026 and summarised in the collective certificates of service filed with the Court. The method adopted could reasonably be expected to have brought the claim to the attention of the Defendants (see Rules 5.3 and 5.19-5.20 of the Rules of the AIFC Court). The effectiveness of that method is supported by the responses received from those Defendants in relation to whom notices of discontinuance were in due course served.

11. Accordingly, the Claimant has satisfied the conditions for a default judgment against the operators of Bing X, Bitcoin.com, Huobi Global (HTX), BitMart, Coinbase, LBank and WEEX digital asset platforms.

12. The injunctive relief sought in the Claim Form must, however, be amended and put in more limited form in order to take account of changes to the legal regime in Kazakhstan to which attention has been drawn by the Claimant in an Application Notice dated 4 August 2026 exhibiting correspondence between the Claimant and the National Bank of Kazakhstan. The Law on Digital Assets has been amended in material respects by Law 259-VIII dated 16 January 2026 which came into effect on 1 May 2026. Article 11 has been deleted and a detailed regime for the provision of digital asset services on the territory of the Republic of Kazakhstan has been introduced by Article 12-1. The issue and organisation of circulation of unsecured digital assets is permitted only in the cases laid down by that article. They include, in summary and so far as relevant, activities carried out by operators that have a licence from the National Bank or registration with the National Bank (sub-paragraph (1)); activities on the territory of the AIFC through participants of the AIFC that have the appropriate licence (sub-paragraph (2)); and activities within the special regulatory regime of the National Bank (sub-paragraph (3)).
13. The Claimant, as the regulatory body for the AIFC, is responsible for the issue of appropriate licences in accordance with the Acting Law of the AIFC and can act to prevent the carrying on of relevant activities by unlicensed operators on the territory of the AIFC. Article 12-1 does not appear, however, to give it the wider role that it formerly assumed in the absence of a general licensing regime under the law of Kazakhstan. The article gives that wider role to the National Bank.
14. It seems to me that the injunctive relief to which the Claimant is entitled in those circumstances must be limited to an injunction restraining the relevant operators from (1) providing, offering or marketing digital asset services on the territory of the AIFC or to users located in the territory of the AIFC without authorisation in accordance with Article 12-1 of the Law on Digital Assets, (2) distributing or making available mobile applications through any platform for the purpose of providing unauthorised digital asset services on the territory of the AIFC or to users located in the territory of the AIFC.
15. I will make an Order accordingly but will grant the Claimant liberty to apply to vary the terms of the Order, to allow for the possibility that it can advance a properly reasoned basis for an injunction in wider terms.
16. Rule 15.8 of the AIFC Court Rules provides that no cross-undertaking in damages is required where the applicant is the Astana Financial Services Authority, i.e. the Claimant in this case. That is in recognition of the fact that the case is brought in the exercise of regulatory functions.
17. In addition to injunctive relief, the Claim Form seeks an order for costs. Details of costs incurred are given in the Application Notice dated 31 August 2026 and the schedule at Annex 2 to the Application Notice. The total claimed for legal work performed by the Claimant's employed Senior Lawyer is KZT 1,950,479.95 (one million, nine hundred and fifty thousand, four hundred and seventy-nine tenge and 95 tiyn); with a further sum of KZT 45,000 (forty-five thousand tenge) in respect of Court fees. Applying the provisions of Part 26 of the AIFC Rules, I am satisfied that an order for costs should be made in the Claimant's favour and that the sums claimed should be allowed by way of immediate assessment as costs reasonably and necessarily incurred and proportionate to the matters in issue. The operators of the relevant digital asset platforms should be held jointly and severally liable for the payment of those costs.

18. Finally, the Claimant seeks orders pursuant to Rules 12.36 and 12.41 of the AIFC Court Rules in relation to Google LLC and Apple Inc as the operators of the distribution platforms through which the Defendants' unauthorised applications reach users in Kazakhstan (Google Play and the Apple App Store respectively).

19. Rule 12.36 provides:

"The Court may at any time direct that notice of the claim or any judgment or order given in the claim be served on any person who is not a party but who is or may be affected by it."

Rule 12.41 provides:

"Any person served with a notice of a judgment or order under Rule 12.36:

- (1) shall be bound by the judgment or order as if he had been a party to the claim; but
- (2) may, provided he acknowledges service in accordance with Rule 7.6:
 - (a) apply to the Court to set aside or vary the judgment or order; or
 - (b) take part in any proceedings relating to the judgment or order."

20. It appears to me that Google LLC and Apple Inc, as operators of the relevant distribution platforms, are or may be affected by this judgment and order; and as the Claim Form points out (at paragraph 20), any order restraining the Defendants' unlicensed activity would be practically unenforceable without the cooperation of the operators of those distribution platforms. I will therefore direct that notice of the judgment and order be given pursuant to Rule 12.36 to Google LLC and Apple Inc at the addresses identified in the Application Notice, with the consequence pursuant to Rule 12.41(1) that each shall be bound by the judgment and order as if it had been a party to the claim.

21. The Claimant also seeks an order against Google LLC and Apple Inc, once they become bound by the judgment and order, that they shall "(i) remove or restrict access for users located in the Republic of Kazakhstan to all mobile applications of the digital platforms of the [relevant operators]; (ii) take reasonable steps to prevent the future distribution of such applications to users in Kazakhstan". Any such injunction would plainly have to be qualified to reflect the more limited terms of the injunction granted against the operators themselves. But I am also concerned about the appropriateness of granting an independent injunction against Google LLC and Apple Inc on the basis of Rule 12.41(1), and of doing so without first giving them an opportunity to make representations on the subject: this is a default judgment but they are not themselves parties in default.

22. As persons bound by the judgment and order, Google LLC and Apple Inc would be at risk of a finding of contempt of court if they were knowingly to permit the relevant operators to breach the injunction granted against them, for example by knowingly permitting the use of Google LLC's and Apple Inc's application distribution platforms for the distribution of the operators' mobile applications in breach of the injunction. But it seems to me that the sensible course in the first instance is for the Claimant to enter into dialogue with Google LLC and Apple Inc about the specific steps required to prevent such unlawful activity by the operators. If the Claimant wishes in due course to pursue the question of an independent injunction against Google LLC and Apple Inc, it may do so pursuant to the liberty to apply,



setting out the revised terms of the injunction sought and explaining the precise legal basis upon which the Claimant claims to be entitled to such relief. Google LLC and Apple Inc will then be given an opportunity to make representations in reply.

23. Google LLC and Apple Inc have the separate right under Rule 12.41(2)(a) to apply to the Court to set aside or vary this judgment or the related order, provided they have acknowledged service in accordance with Rule 7.6.

By the Court,

The Rt Hon. Sir Stephen Richards

Justice, AIFC Court

Representation:

The Claimant represented itself.

The Defendants were not represented.