

The long-awaited decision in the Series Yonkis case leaves right owners unsatisfied

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Almost a decade after the first complaint was lodged, the judgment in the Series Yonkis case was delivered by the Murcia Criminal Court in June.



This case is considered to be the most important court case to date in relation to downloads of content protected by intellectual property rights in Spain.

For 7 years (from 2007 till 2014) the "seriesyonkis.com", "peliculasyonkis.com" and "videonyonkis.com" websites provided links to films and series that enjoyed a high number of visits.

The plaintiff, the Audiovisual Rights Collecting Society (EGEDA) and the now defunct Antipiracy Federation (FAP) which represented the producers and distributors affected, sought up to 546 million euros from several defendants for a continued intellectual property offence and 2 to 4 years in prison.

The judgment of the Criminal Court acquitted the defendants of an intellectual property offence for several reasons, in particular because, at the time, their activity was not yet punishable. This was because the 2015 reform of the Spanish Criminal Code had added a new paragraph to article 270 to include the situations whereby a website enables third parties to access a copy of a literary, artistic or scientific work. However, the judge concluded that this legislation could not be applied retroactively.

A full report of this case has been published on [Kluwer IP Law](#).