[PT] Pirate TV - Court acquits 38 defendants for illegal set up of television boxes

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On 18 January 2022, the Court of Coimbra decided to acquit 38 defendants in a case regarding the illegal set up of television boxes.

The main defendant was an electrician, who had allegedly installed illegal television boxes and routersto enable users to unlawfully access broadcasting services, for a total of 37 clients. The panel of judges decided to acquit the electrician since it had not been proven that he had been paid for the service, nor that the handmade devices created and delivered by him had reduced or changed the services provided by "NOS" (a Portuguese telecommunications and media company).

The only fact that could be proven was the possession of the illicit devices by the 38 defendants. The Communications Act, Law 5/2004, establishes that the manufacture, distribution, sale, lease, or possession, for commercial purposes, of illicit devices is forbidden, as well as their acquisition, use, ownership or mere possession for private purposes by the acquirer, user, owner, holder or third party (Article 104, number 1, paragraphs a) and d), respectively). However, as the system installed had stopped functioning on 10 January 2017, the 5-year limitation period for bringing the case under Portuguese law had expired.

The claim for compensation made by NOS was rejected, as the court considered that it had not been proved that the company had suffered losses nor that any of the defendants would have signed a contract with the company as a result of the system provided by the main defendant.

Lei n.º 5/2004, de 10 de Fevereiro – Lei das Comunicações Eletrónicas – Alterada pelo Decreto-Lei n.º 49/2020, de 4 de Agosto

https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1439&tabela=leis&so_miolo=

Law 5/2004, of 10 February - Electronic Communications Act – With amendments of Law-Decree 49/2020, of 4 August

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