

▶ THERE WERE 75,836 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2014.

▶ COPYRIGHT AND TRADEMARK INFRINGEMENT OFFENSES ACCOUNTED FOR 0.2 % OF THE FEDERAL CASELOAD DURING THIS TIME PERIOD.¹

▶ THESE OFFENDERS WERE SENTENCED UNDER SECTION 2B5.3 OF THE U.S. SENTENCING COMMISSION'S *GUIDELINES MANUAL*

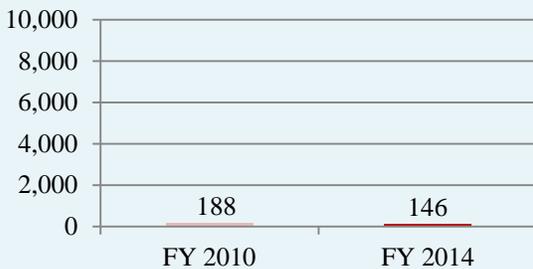
Quick Facts



Copyright and Trademark Infringement Offenses¹

In fiscal year 2014, there were 146 copyright and trademark offenders who accounted for 0.2% of all offenders sentenced under the guidelines. The number of copyright and trademark infringement offenders has decreased during the last five years.

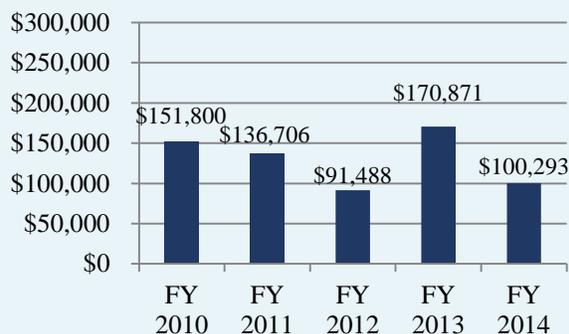
Number of Copyright/Trademark Offenders



Top Five Districts Copyright/Trademark Offenders FY 2014

Eastern District of California (N=13)
Middle District of Florida (N=13)
District of New Jersey (N=11)
Eastern District of Pennsylvania (N=9)
Southern District of Texas (N=8)

Median Infringement Amount for Copyright/Trademark Offenders



Offender and Offense Characteristics

- In fiscal year 2014, the majority of copyright/trademark offenders were male (86.3%).
- More than one-third were White (35.6%) followed by Other Races (31.5%), Black (16.4%), and Hispanic (16.4%).
- The average age of these offenders at sentencing was 42 years.
- Two-thirds of copyright/trademark offenders were United States citizens (67.8%).
- The majority of copyright/trademark offenders had little or no prior criminal history (76.0% of these offenders were assigned to Criminal History Category I).
- The median infringement amount for these offenses was \$100,293.
 - ◆ 53.4% of copyright/trademark offenses involved infringement amounts of \$120,000 or less.
 - ◆ 84.3% of copyright/trademark offenses involved infringement amounts of \$1,000,000 or less.
- Sentences for copyright/trademark offenders were increased for:
 - ◆ 52.0% of offenders for the manufacture, importation, or uploading of infringing items or for trafficking in circumvention devices.
 - ◆ 12.3% of offenders because the offense involved a work being prepared for commercial distribution.
 - ◆ 4.3% of offenders because the offense involved a counterfeit drug.
 - ◆ 4.1% of offenders because the offense involved a risk of serious injury or possessing a weapon.
 - ◆ 6.2% of offenders for having a leadership or supervisory role in the offense.
- Sentences for copyright/trademark offenders were decreased for:
 - ◆ 8.2% of offenders because they were a minor or minimal participant in the offense.

¹ Copyright and Trademark Infringement offenses include cases with complete guideline application information in which the offender was sentenced under USSG §2B5.3 (Criminal Infringement of Copyright or Trademark) and using a *Guidelines Manual* in effect November 1, 2001 or later.

Quick Facts

Copyright and Trademark Infringement Offenses¹

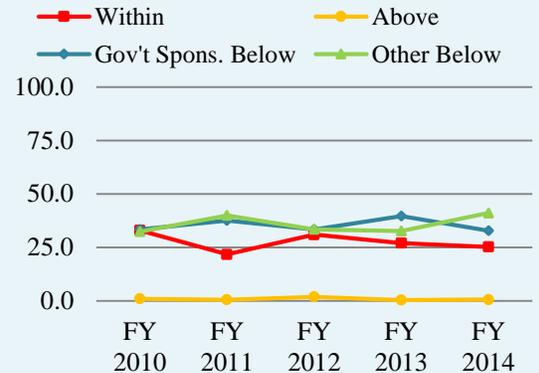
Punishment

- More than half of copyright/trademark offenders were sentenced to imprisonment (59.0%).
 - ◆ The average prison term for these offenders was 20 months.
 - ◆ The average sentence length for all copyright/trademark offenders was 13 months.

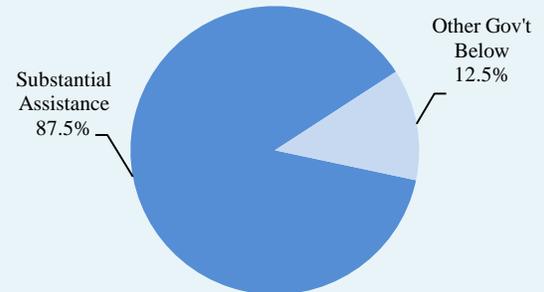
Sentences Relative to the Guideline Range

- In each of the past five years less than one-third of copyright/trademark offenders were sentenced within the guideline range. In fiscal year 2014, 25.3% of copyright/trademark offenders were sentenced within the guideline range.
 - ◆ In fiscal year 2014, substantial assistance departures accounted for 28.8% of the sentences imposed for copyright/trademark cases.
 - ◇ The average reduction for these offenders was 72.3% during the five year time period (which corresponds to an average reduction of 26 months).
 - ◆ In fiscal year 2014, non-government sponsored below range sentences accounted for 41.1% of the sentences imposed for copyright/trademark cases.
 - ◇ The average reduction for these offenders was 65.0% during the five year time period (which corresponds to an average reduction of 15 months).
- Both the average sentence and average guideline minimum for copyright/trademark offenders have remained relatively stable for the last five years.
 - ◆ The average guideline minimum ranged from 25 to 27 months during that time period;
 - ◆ The average sentence imposed ranged from 10 to 13 months during that time period.

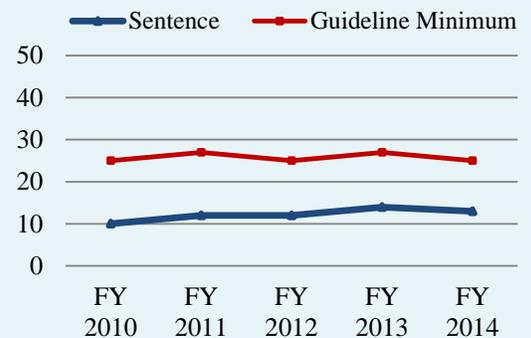
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2014



Average Sentence and Average Guideline Minimum (in months)



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