



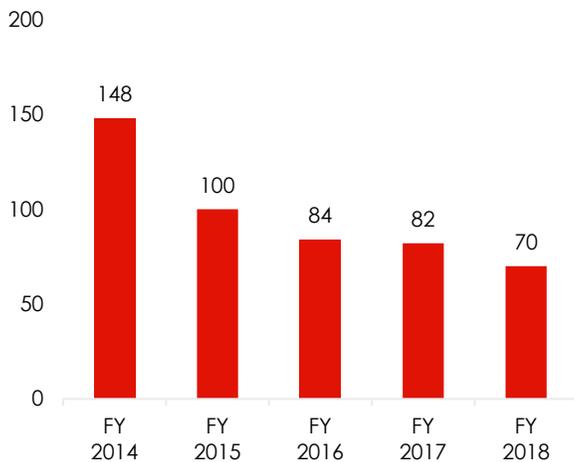
Quick Facts

— Copyright and Trademark Offenses —

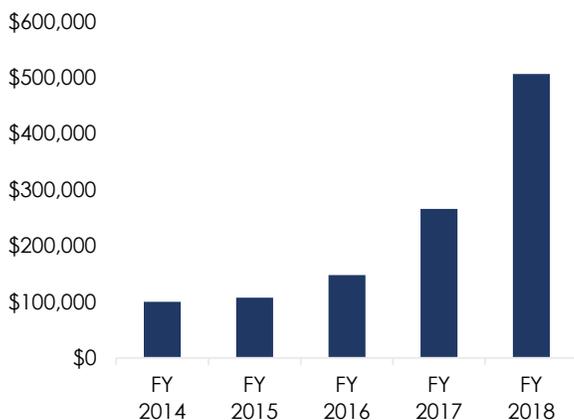
Fiscal Year 2018

- ▶ IN FY 2018, 69,425 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 70 OF THESE INVOLVED COPYRIGHT AND TRADEMARK OFFENSES.^{1,2}
- ▶ COPYRIGHT AND TRADEMARK OFFENSES HAVE DECREASED BY 52.7% SINCE FY 2014.

Number of Copyright and Trademark Offenders



Median Loss for Copyright and Trademark Offenses



Offender and Offense Characteristics

- 90.9% of copyright and trademark offenders were men.
- 47.0% were White, 30.3% were Other races, 13.6% were Hispanic, and 9.1% were Black.
- Their average age was 43 years.
- 80.3% were United States citizens.
- 87.9% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$506,586.
 - ◆ 37.0% involved loss amounts of \$150,000 or less.³
 - ◆ 78.3% involved loss amounts of \$1.5 million or less.
- Sentences were increased for:
 - ◆ the manufacture, importation, or uploading of infringing items or for trafficking in circumvention devices (74.2%);
 - ◆ involving a counterfeit drug (12.1%);
 - ◆ leadership or supervisory role in the offense (10.6%);
 - ◆ involving a risk of death or serious injury or possession of a dangerous weapon (4.6%); and
 - ◆ abuse of a position of trust (1.5%).
- Sentences were decreased for:
 - ◆ minor or minimal participation in the offense (7.6%).
- The top six districts for copyright and trademark offenders were:
 - ◆ Northern District of Georgia (8);
 - ◆ Middle District of Florida (7);
 - ◆ Western District of Missouri (6);
 - ◆ Southern District of New York (5);
 - ◆ Southern District of Florida (4);
 - ◆ Southern District of Texas (4).

Punishment

- The average sentence for copyright and trademark offenders was 11 months.
- 42.4% of copyright and trademark offenders were sentenced to prison.
- None of the copyright and trademark offenders were convicted of an offense carrying a mandatory minimum penalty.



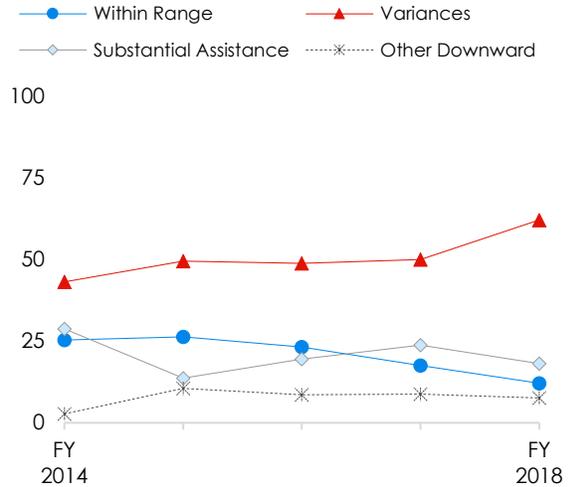
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— Copyright and Trademark Offenses —

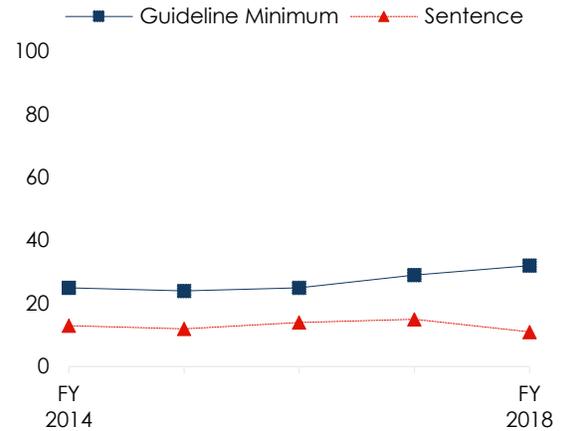
Sentences Relative to the Guideline Range

- Of the 37.9% of copyright and trademark offenders were sentenced under the *Guidelines Manual*:
 - ◆ 32.0% were sentenced within the guideline range.
 - ◆ 48.0% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 69.8%.
 - ◆ 20.0% received some other downward departure.
 - ◇ Their average sentence reduction was 76.9%.
- 62.1% received a variance; of those offenders:
 - ◆ 100.0% received a downward variance.
 - ◇ Their average sentence reduction was 77.2%.
- The average guideline minimum has increased while the average sentence imposed has decreased over the past five years.
 - ◆ The average guideline minimum increased from 25 months in fiscal year 2014 to 32 months in fiscal year 2018.
 - ◆ The average sentence imposed decreased from 13 months in fiscal year 2014 to 11 months in fiscal year 2018.

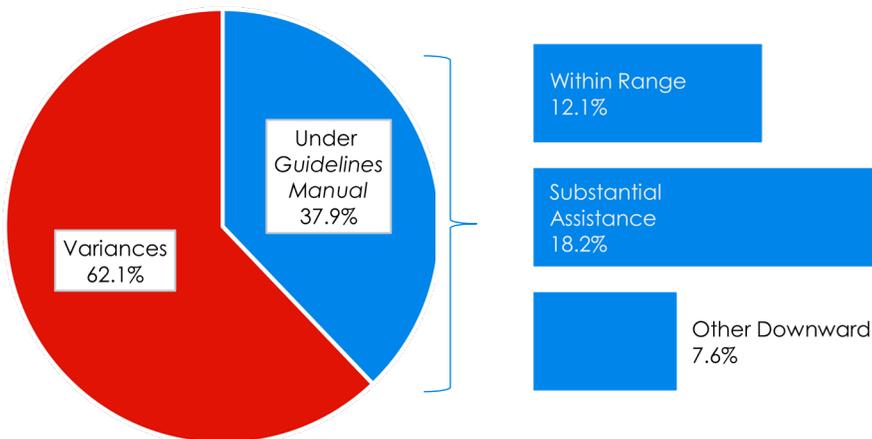
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2018



¹ Cases with incomplete sentencing information were excluded from the analysis.

² Copyright and Trademark offenses include cases in which the offender was sentenced under §2B5.3 (Criminal Infringement of Copyright or Trademark).

³ The Loss Table was amended effective November 1, 2001 and November 1, 2015.