



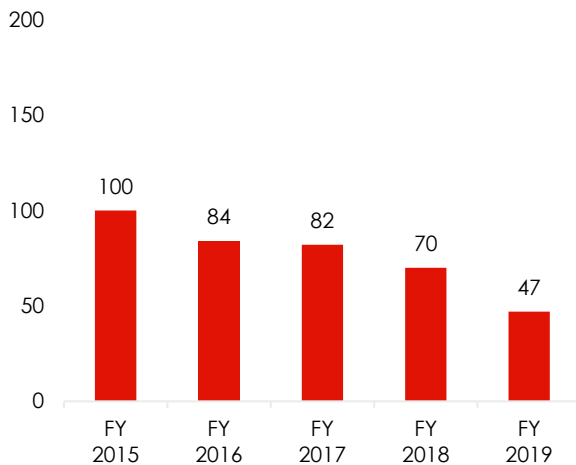
Quick Facts

— Copyright and Trademark Offenses —

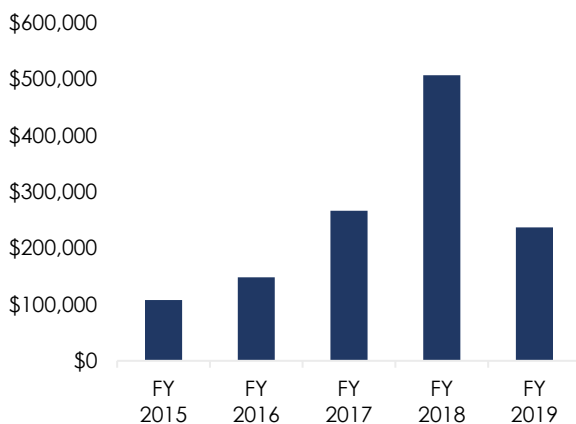
Fiscal Year 2019

- ▶ In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
- ▶ 47 involved copyright and trademark offenses.^{1,2}
- ▶ Copyright and trademark offenses have decreased by 53.0% since FY 2015.

Number of Copyright and Trademark Offenders



Median Loss for Copyright and Trademark Offenses



Offender and Offense Characteristics

- 80.4% of copyright and trademark offenders were men.
- 40.0% were White, 26.7% were Other races, 24.4% were Hispanic, and 8.9% were Black.
- Their average age was 44 years.
- 67.4% were United States citizens.
- 89.1% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$236,600.
 - ◆ 36.4% involved loss amounts of \$150,000 or less.³
 - ◆ 97.0% 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 (69.6%);
 - ◆ Involving a counterfeit drug (8.7%);
 - ◆ Leadership or supervisory role in the offense (2.2%); and
 - ◆ Involving a risk of death or serious injury or possession of a dangerous weapon (10.9%).
- Sentences were decreased for:
 - ◆ Minor or minimal participation in the offense (13.0%).
- The top five districts for copyright and trademark offenders were:
 - ◆ Western District of Texas (9);
 - ◆ District of New Jersey (5);
 - ◆ Eastern District of New York (3);
 - ◆ Southern District of Texas (3); and
 - ◆ Central District of California (2).

Punishment

- The average sentence for copyright and trademark offenders was 12 months.
- 54.4% 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.

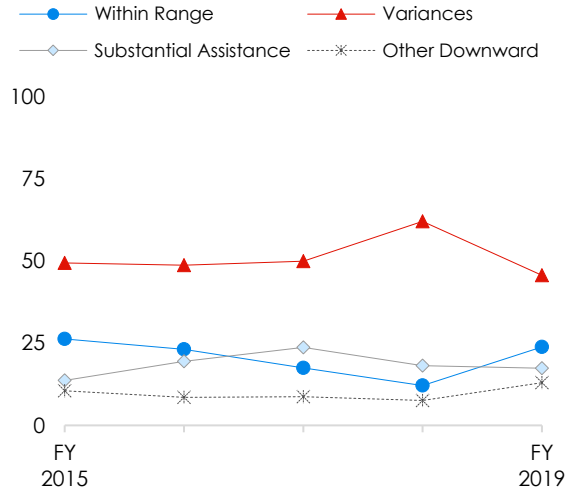


— Copyright and Trademark Offenses —

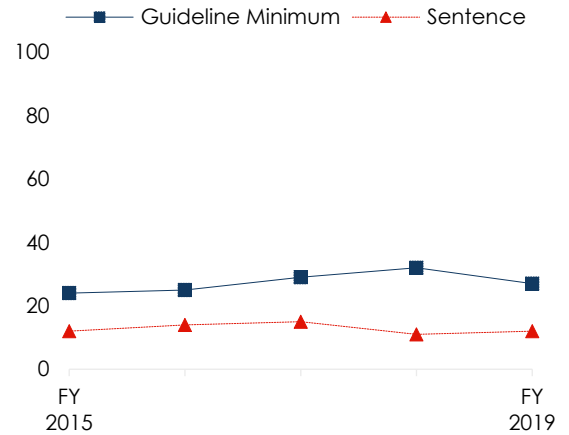
Sentences Relative to the Guideline Range

- Of the 54.4% of copyright and trademark offenders sentenced under the *Guidelines Manual*:
 - ◆ 44.0% were sentenced within the guideline range.
 - ◆ 32.0% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 62.4%.
 - ◆ 24.0% received some other downward departure.
 - ◇ Their average sentence reduction was 84.7%.
- 45.7% received a variance; of those offenders:
 - ◆ 100.0% received a downward variance.
 - ◇ Their average sentence reduction was 71.4%.
- The average guideline minimum has increased while the average sentence imposed has remained steady over the past five years.
 - ◆ The average guideline minimum increased from 24 months in fiscal year 2015 to 27 months in fiscal year 2019.
 - ◆ The average sentence imposed was 12 months in fiscal year 2015 and 12 months in fiscal year 2019.

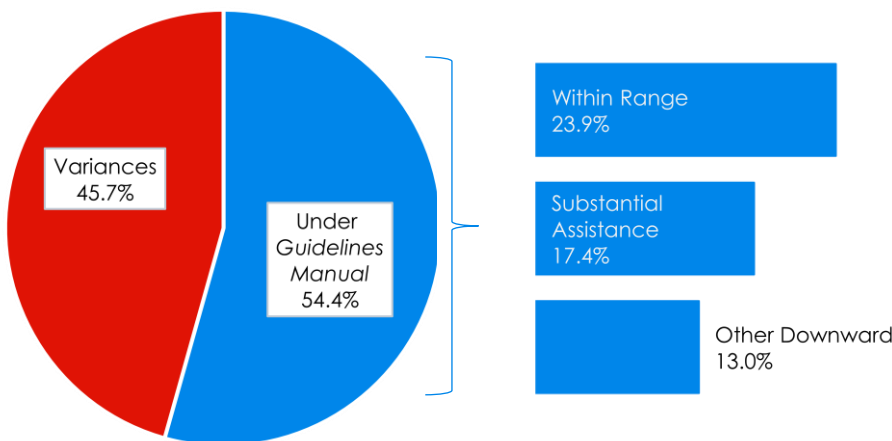
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2019



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.