

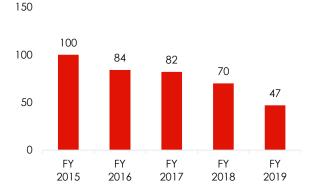
Copyright and Trademark Offenses

Fiscal Year 2019

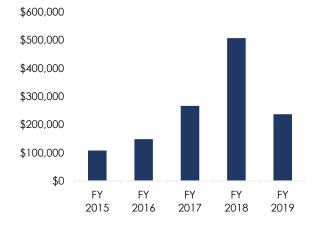
- In FY 2019, 76,538 cases were reported to the U.S. Sentencing Commission.
 - ▶ 47 INVOLVED COPYRIGHT AND TRADEMARK OFFENSES. 1, 2
 - COPYRIGHT AND TRADEMARK OFFENSES HAVE DECREASED BY 53.0% SINCE FY 2015.

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.

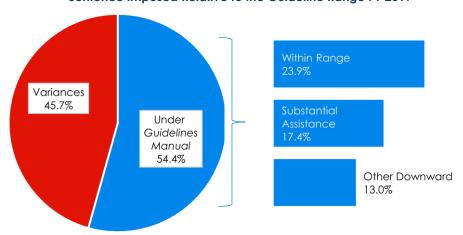
Copyright and Trademark Offenses

Within Range

Sentences Relative to the Guideline Range

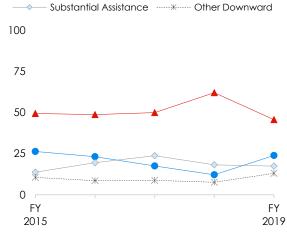
- Of the 54.4% of copyright and trademark offenders sentenced under the Guidelines Manual:
 - ♦ 44.0% were sentenced within the guideline range.
 - ♦ 32.0% received a substantial assistance departure.
 - ♦ Their average sentence reduction was 62.4%.
 - 24.0% received some other downward departure.
 - ♦ 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 Imposed Relative to the Guideline Range FY 2019

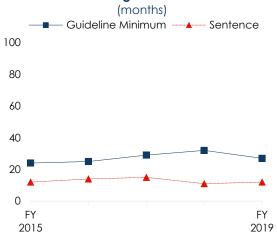


Sentence Relative to the Guideline Range (%)

── Variances



Average Guideline Minimum and Average Sentence



- $\scriptstyle\rm I$ 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.