



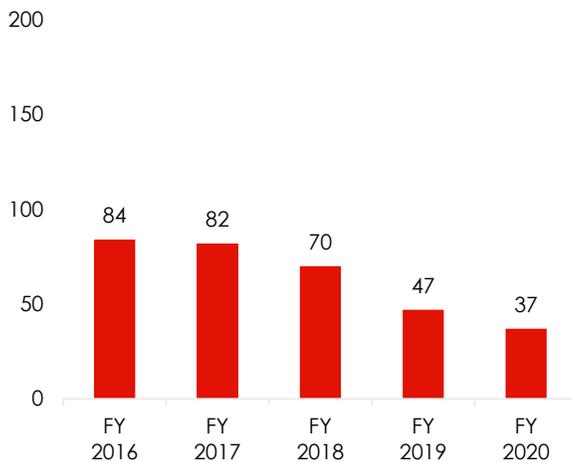
Quick Facts

— Copyright and Trademark Offenses —

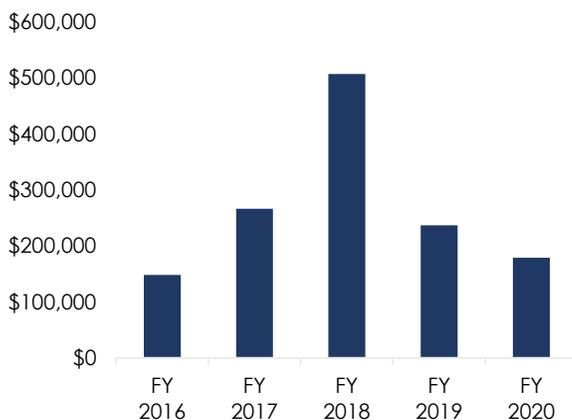
Fiscal Year 2020

- ▶ In FY 2020, 64,565 cases were reported to the U.S. Sentencing Commission.
- ▶ 37 involved copyright and trademark offenses.¹
- ▶ Copyright and trademark offenses have decreased by 56.0% since FY 2016.

Number of Copyright and Trademark Offenders



Median Loss for Copyright and Trademark Offenses



Offender and Offense Characteristics²

- 86.5% of copyright and trademark offenders were men.
- 51.4% were Other races, 21.6% were White, 21.6% were Black, and 5.4% were Hispanic.
- Their average age was 42 years.
- 70.3% were United States citizens.
- 81.1% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$178,848;³
 - ◆ 23.8% involved loss amounts of \$40,000 or less;
 - ◆ 9.5% involved loss amounts greater than \$1.5 million.
- Sentences were increased for:
 - ◆ the display, performance, publication, reproduction, or distribution of a work being prepared for commercial distribution (8.1%);
 - ◆ the manufacture, importation, or uploading of infringing items or for trafficking in circumvention devices (78.4%);
 - ◆ involving a counterfeit drug (5.7%);
 - ◆ a leadership or supervisory role in the offense (16.2%).
- Sentences were decreased for:
 - ◆ not being committed for commercial advantage or private financial gain (2.7%);
 - ◆ minor or minimal participation in the offense (2.7%).
- The top five districts for copyright and trademark offenders were:
 - ◆ Southern District of New York (6);
 - ◆ Eastern District of Pennsylvania (5);
 - ◆ Eastern District of Kentucky (3);
 - ◆ District of New Jersey (3);
 - ◆ Eastern District of Virginia (3).

Punishment

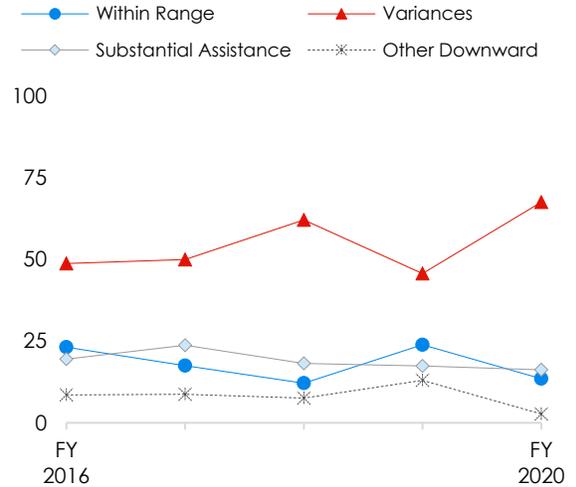
- The average sentence for all copyright and trademark offenders was 11 months.
- 75.7% of copyright and trademark offenders were sentenced to prison.
- None of the copyright and trademark offenders were convicted of an offense carrying a mandatory minimum penalty.



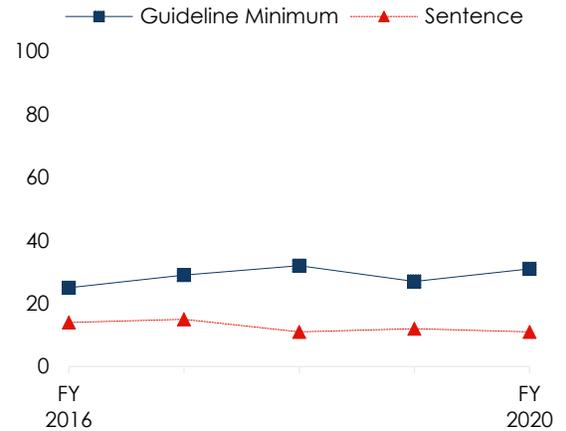
Sentences Relative to the Guideline Range

- Of the 32.4% of copyright and trademark offenders sentenced under the *Guidelines Manual*:
 - 41.7% were sentenced within the guideline range.
 - 50.0% received a substantial assistance departure.
 - Their average sentence reduction was 90.7%.
 - 8.3% received some other downward departure.⁴
- 67.6% received a variance; of those offenders:
 - 96.0% received a downward variance.
 - Their average sentence reduction was 70.9%.
 - 4.0% received an upward variance.⁵
- The average guideline minimum slightly increased and the average sentence imposed remained steady over the past five years.
 - The average guideline minimum increased from 25 months in fiscal year 2016 to 31 months in fiscal year 2020.
 - The average sentence imposed decreased from 14 months in fiscal year 2016 to 11 months in fiscal year 2020.

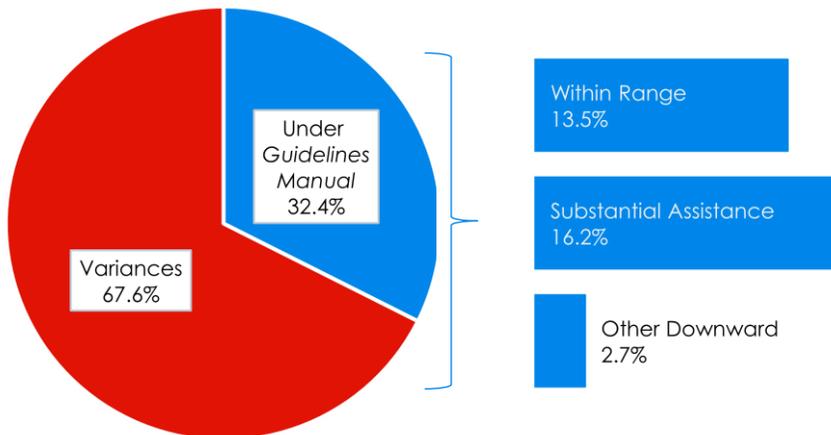
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2020



¹ Copyright and Trademark offenses include cases in which the offender was sentenced under §2B5.3 (Criminal Infringement of Copyright or Trademark).

² Cases with incomplete sentencing information were excluded from the analysis.

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

⁴ The Commission does not report the average for categories with fewer than three cases.

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