



# Quick Facts

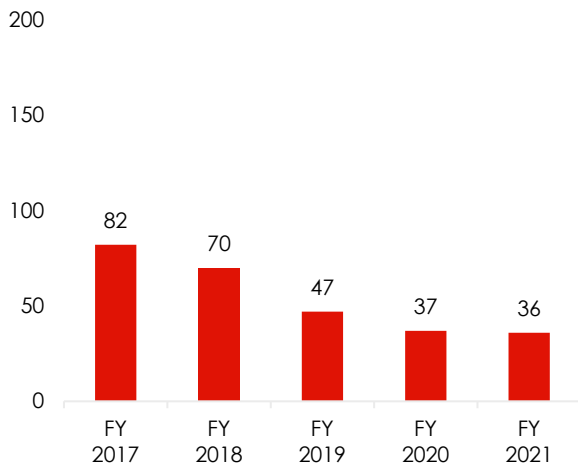
— Copyright and Trademark Offenses —



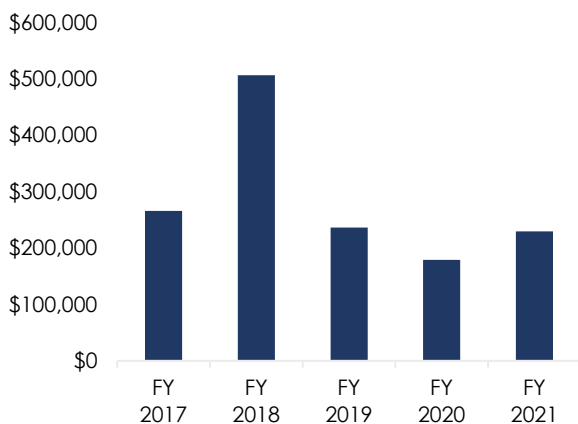
## Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 36 INVOLVED COPYRIGHT AND TRADEMARK OFFENSES.<sup>1</sup>
- ▶ COPYRIGHT AND TRADEMARK OFFENSES HAVE DECREASED BY 56.1% SINCE FY 2017.

Number of Copyright and Trademark Offenders



Median Loss for Copyright and Trademark Offenses



## Offender and Offense Characteristics<sup>2</sup>

- 80.0% of copyright and trademark offenders were men.
- 40.0% were Other races, 28.6% were White, 20.0% were Hispanic, and 11.4% were Black.
- Their average age was 47 years.
- 80.0% were United States citizens.
- 91.4% had little or no prior criminal history (Criminal History Category I).
- The median loss for these offenses was \$229,302;<sup>3</sup>
  - ◆ 17.7% involved loss amounts of \$40,000 or less;
  - ◆ 29.4% 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 (8.6%);
  - ◆ the manufacture, importation, or uploading of infringing items or for trafficking in circumvention devices (57.1%);
  - ◆ involving a counterfeit drug (17.1%);
  - ◆ a leadership or supervisory role in the offense (2.9%).
- Sentences were decreased for:
  - ◆ not being committed for commercial advantage or private financial gain (5.7%);
  - ◆ minor or minimal participation in the offense (2.9%).
- The top five districts for copyright and trademark offenders were:
  - ◆ Eastern District of New York (8);
  - ◆ District of Columbia (3);
  - ◆ Eastern District of Pennsylvania (3);
  - ◆ District of Puerto Rico (3);
  - ◆ Middle District of Florida (2).

## Punishment

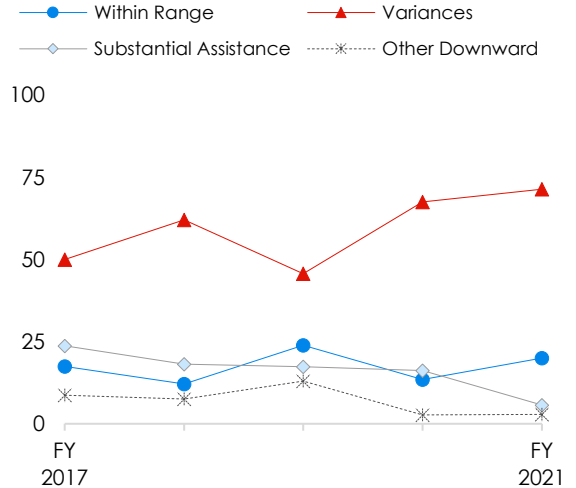
- The average sentence for copyright and trademark offenders was 10 months.
- 60.0% were sentenced to prison.
- None were convicted of an offense carrying a mandatory minimum penalty.



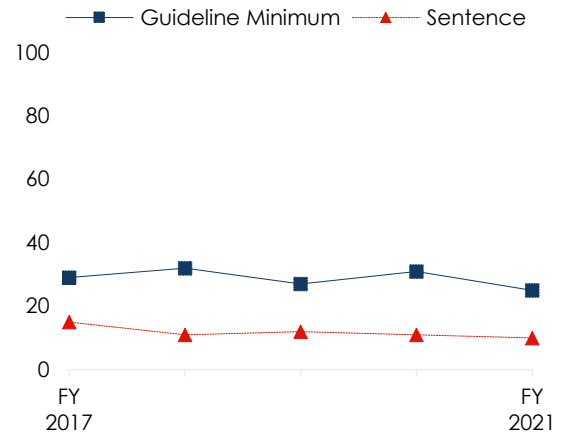
### Sentences Relative to the Guideline Range

- Of the 28.6% of copyright and trademark offenders sentenced under the *Guidelines Manual*:
  - ◆ 70.0% were sentenced within the guideline range.
  - ◆ 20.0% received a substantial assistance departure.<sup>4</sup>
  - ◆ 10.0% received some other downward departure.<sup>4</sup>
- 71.4% received a variance; of those offenders:
  - ◆ All received a downward variance.
    - ◇ Their average sentence reduction was 78.1%.
- The average guideline minimum fluctuated while the average sentence imposed slightly decreased over the past five years.
  - ◆ The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 29 months in fiscal year 2017 and 25 months in fiscal year 2021.
  - ◆ The average sentence imposed decreased from 15 months in fiscal year 2017 to 10 months in fiscal year 2021.

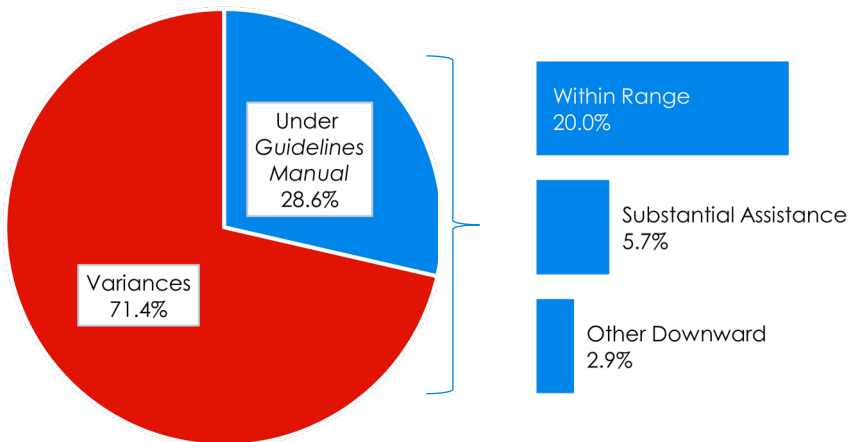
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



### Sentence Imposed Relative to the Guideline Range FY 2021



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

<sup>2</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>3</sup> The Loss Table was amended effective November 1, 2001 and November 1, 2015.

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