

APPENDIX G

INTELLECTUAL PROPERTY CASES - UNITED STATES ATTORNEYS OFFICE – FISCAL YEAR 2001

Title 18, United States Code, Section 2318 – Trafficking in Counterfeit Labels for Phono Records and Copies of Motion Pictures or Other Audiovisual Works.

Offense: knowingly trafficking in a counterfeit label affixed or designated to be affixed to a phono record or a copy of a motion picture or other audiovisual work.

FY 2001 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	18
Number of Defendants:	26
Number of Cases Filed:	12
Number of Defendants:	15
Number of Cases Resolved/Terminated:	10
Number of Defendants:	13

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	12
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	1
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	4
1 to 12 Months Imprisonment:	6
13 to 24 Months:	0
25 to 36 Months:	1
37 to 60 Months:	0
61 + Months:	1

Total Dollar value of All Criminal Fines Imposed: Not Available
(fines can be assessed in lieu of or in addition to prison sentences)

Title 18, United States Code, Section 2319- Criminal Infringement of a Copyright.

Offense: willful infringement of a copyright for purposes commercial advantage or private financial gain, or through large-scale, unlawful reproduction or distribution of a protected, regardless of whether there was a profit motive.

FY 2001 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	77
Number of Defendants:	112
Number of Cases Filed:	22
Number of Defendants:	36
Number of Cases Resolved/Terminated:	22
Number of Defendants:	27

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	24
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	3
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	11
1 to 12 Months Imprisonment:	8
13 to 24 Months:	4
25 to 36 Months:	1
37 to 60 Months:	0
61 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available
(fines can be assessed in lieu of or in addition to prison sentences)

Title 18, United States Code, Section 2319A - Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances.

Offense: without the consent of the performer, knowingly and for purposes of commercial advantage or private financial gain, fixing the sounds or sound and images of a live musical performance, reproducing copies of such a performance from an authorized fixation; transmitting the sounds or sounds and images to the public, or distributing, renting, selling, or trafficking (or attempting the preceding) in any copy of an unauthorized fixation.

FY 2001 - TOTALS (All District)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	12
Number of Defendants:	17
Number of Cases Filed:	12
Number of Defendants:	15
Number of Cases Resolved/Terminated:	7
Number of Defendants:	7

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	5
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	1
Number of Defendants Acquitted:	0
Other Terminated Defendants:	1

Prison Sentencing for Convicted Defendants (#represents defendants):

No Imprisonment:	4
1 to 12 Months Imprisonment:	1
13 to 24 Months:	0
25 to 36 Months:	0
37 to 60 Months:	0
60 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available
(fines can be assessed in lieu of or in addition to prison sentences)

TITLE 18 UNITED STATES CODE, SECTIONS 2320 - Trafficking in Counterfeit Goods or Services.

Offense: intentionally trafficking or attempting to traffic in goods or services and knowingly using a counterfeit mark on or in connection with such goods or services.

FY 2001 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	94
Number of Defendants:	142
Number of Cases Filed:	52
Number of Defendants:	76
Number of Cases Resolved/Terminated:	52
Number of Defendants:	71

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	48
Number of Defendants Who Were Tried and Found Guilty:	3
Number of Defendants Against Whom Charges Were Dismissed:	18
Number of Defendants Acquitted:	0
Other Terminated Defendants:	2

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	31
1 to 12 Months Imprisonment:	9
13 to 24 Months:	4
25 to 36 Months:	2
37 to 60 Months:	2
61 + Months:	3

Total Dollar value of All Criminal Fines Imposed: Not Available
(fines can be assessed in lieu of or in addition to prison sentences)

TITLE 18 UNITED STATES CODE, SECTIONS 2318, 2319, 219A, AND 2320
Comparison All Districts - All Statutes

Referrals and Cases

	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>
Number of Investigative Matters Received by U.S. Attorneys:	204	197	191
Number of Defendants:	333	314	283
Number of Cases Filed:	108	106	84
Number of Defendants:	161	162	121
Number of Cases Resolved/Terminated:	92	79	81
Number of Defendants:	141	99	106

Disposition of Defendants in Concluded Cases

Number of Defendants Who Pled Guilty:	105	71	83
Number of Defendants Who Were Tried and Found Guilty:	2	5	3
Number of Defendants Against Whom Charges Were Dismissed:	26	19	17
Number of Defendants Acquitted:	3	1	0
Other Disposition:	5	3	3

Prison Sentencing for Convicted Defendants (# represents defendants)

No Imprisonment:	73	51	46
1 to 12 Month:	21	10	23
13 to 24 Months:	10	9	8
25 to 36 Months:	2	6	3
37 to 60 Months:	1	0	2
61 + Months:	0	0	4

Statistics on Matters/Cases Originating with the United States Customs Service

Number of Investigative Matters Referred by U.S. Customs Service:	71	64	60
Number of Defendants:	121	101	91
Number of Customs Matters Pending Resolution:	71	77	74
Number of Defendants:	113	120	111
Number of Customs Matters Terminated:	36	23	26
Number of Defendants:	57	40	46
Number of Cases Originating with U.S. Customs Service:	39	31	35
Number of Defendants:	64	49	49
Number of Customs Cases Pending Resolution:	60	70	72
Number of Defendants:	86	113	109
Number of Customs Cases Resolved/Terminated:	35	29	21
Number of Defendants:	66	3	30