

# APPENDIX C

## INTELLECTUAL PROPERTY CASES - UNITED STATES ATTORNEYS' OFFICES – FISCAL YEAR 2002

### 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 2002 - TOTALS (All Districts)

#### Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	18
Number of Defendants:	20
Number of Cases Filed:	13
Number of Defendants:	15
Number of Cases Resolved/Terminated:	7
Number of Defendants:	11

#### Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	8
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:	2

#### Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	5
1 to 12 Months Imprisonment:	3
13 to 24 Months:	0
25 to 36 Months:	0
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)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2318 was brought as any charge against a defendant.

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

Offense: willful infringement of a copyright for purposes of 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 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	75
Number of Defendants:	144
Number of Cases Filed:	25
Number of Defendants:	73
Number of Cases Resolved/Terminated:	28
Number of Defendants:	56

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	46
Number of Defendants Who Were Tried and Found Guilty:	1
Number of Defendants Against Whom Charges Were Dismissed:	8
Number of Defendants Acquitted:	0
Other Terminated Defendants:	1

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	30
1 to 12 Months Imprisonment:	6
13 to 24 Months:	5
25 to 36 Months:	3
37 to 60 Months:	3
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)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2319 was brought as any charge against a defendant.

**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 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	7
Number of Defendants:	9
Number of Cases Filed:	5
Number of Defendants:	7
Number of Cases Resolved/Terminated:	7
Number of Defendants:	9

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	5
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	4
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (#represents defendants):

No Imprisonment:	3
1 to 12 Months Imprisonment:	1
13 to 24 Months:	1
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)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2319A was brought as any charge against a defendant.

**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 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	81
Number of Defendants:	135
Number of Cases Filed:	52
Number of Defendants:	79
Number of Cases Resolved/Terminated:	56
Number of Defendants:	88

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	59
Number of Defendants Who Were Tried and Found Guilty:	2
Number of Defendants Against Whom Charges Were Dismissed:	27
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	33
1 to 12 Months Imprisonment:	16
13 to 24 Months:	9
25 to 36 Months:	2
37 to 60 Months:	1
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)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2320 was brought as any charge against a defendant.

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

Referrals and Cases

	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>
Number of Investigative Matters Received by U.S. Attorneys:	197	191	169
Number of Defendants:	314	283	289
Number of Cases Filed:	106	84	78
Number of Defendants:	162	121	149
Number of Cases Resolved/Terminated:	79	81	82
Number of Defendants:	99	106	135

Disposition of Defendants in Concluded Cases

Number of Defendants Who Pled Guilty:	71	83	103
Number of Defendants Who Were Tried and Found Guilty:	5	3	3
Number of Defendants Against Whom Charges Were Dismissed:	19	17	26
Number of Defendants Acquitted:	1	0	0
Other Disposition:	3	3	3

Prison Sentencing for Convicted Defendants (# represents defendants)

No Imprisonment:	51	46	58
1 to 12 Month:	10	23	25
13 to 24 Months:	9	8	14
25 to 36 Months:	6	3	5
37 to 60 Months:	0	2	4
61 + Months:	0	4	0

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

Number of Investigative Matters Referred by U.S. Customs Service:	64	60	57
Number of Defendants:	101	91	84
Number of Customs Matters Pending Resolution:	77	74	83
Number of Defendants:	120	111	126
Number of Customs Matters Terminated:	23	26	22
Number of Defendants:	40	46	35
Number of Cases Originating with U.S. Customs Service:	31	35	26
Number of Defendants	49	49	34
Number of Customs Cases Pending Resolution:	70	72	59
Number of Defendants:	113	109	85
Number of Customs Cases Resolved/Terminated:	29	21	37
Number of Defendants:	3	30	54

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2318, 18 U.S.C. 2319, 18 U.S.C. 2319A, or 18 U.S.C. 2320 was brought as any charge against a defendant. However, the statutes were run together to eliminate any double counting of cases/defendants where more than one of the statutes were charged against the same defendant.