

APPENDIX C

INTELLECTUAL PROPERTY REPORT-UNITED STATES ATTORNEYS' OFFICES, FY 2005

ERRATA NOTE: Certain data contained in Appendix C of the FY 2005 Performance and Accountability Report, printed November 15, 2005, have been updated and corrected. Any version of Appendix C downloaded/printed from the Department of Justice website between December 15, 2005 and February 14, 2006 should be updated to the version below.

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 2005 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	30
Number of Defendants:	84
Number of Cases Filed:	17
Number of Defendants:	64
Number of Cases Resolved/Terminated:	8
Number of Defendants:	11

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	7
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:	2
1 to 12 Months Imprisonment:	3
13 to 24 Months:	0
25 to 36 Months:	1
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. 2318 was brought as any charge against a defendant. Displayed defendant outcome information is based upon the defendants outcome on the individual charge. Defendants against whom charges were dismissed may have been convicted of other, related offenses. This chart may not include criminal cases or matters involving 18 U.S.C. 2318 where the lead charge, charges filed or charges of conviction include only a conspiracy to violate 18 U.S.C. 2318.

TITLE 18, UNITED STATES CODE, SECTION 2319, TITLE 17, UNITED STATES CODE, SECTION 506* - 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 copyrighted work, regardless of whether there was a profit motive.

FY 2005 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	213
Number of Defendants:	280
Number of Cases Filed:	85
Number of Defendants:	97
Number of Cases Resolved/Terminated:	56
Number of Defendants:	68

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	46
Number of Defendants Who Were Tried and Found Guilty:	4

Number of Defendants Against Whom Charges Were Dismissed:	14
Number of Defendants Acquitted:	1
Other Terminated Defendants:	3
<u>Prison Sentencing for Convicted Defendants (# represents defendants):</u>	
No Imprisonment:	27
1 to 12 Months Imprisonment:	4
13 to 24 Months:	10
25 to 36 Months:	4
37 to 60 Months:	5
61 + Months:	0

*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2319 or 17 U.S.C. 506 was brought as any charge against a defendant. Displayed defendant outcome information is based upon the defendants outcome on the individual charge. Defendants against whom charges were dismissed may have been convicted of other, related offenses. This chart may not include criminal cases or matters involving 18 U.S.C. 2319 where the lead charge, charges filed or charges of conviction include only a conspiracy to violate 18 U.S.C. 2319.

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 the 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 authorized fixation.

FY 2005 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	0
Number of Defendants:	1
Number of Cases Filed:	1
Number of Defendants:	3
Number of Cases Resolved/Terminated:	0
Number of Defendants:	0

Disposition of Defendants in Concluded Cases:

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

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	0
1 to 12 Months Imprisonment:	0
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.)

*The chart above includes data on any and all criminal cases/defendants where 18 U.S.C. 2319A was brought as any charge against a defendant. Displayed defendant outcome information is based upon the defendants outcome on the individual charge. Defendants against whom charges were dismissed may have been convicted of other, related offenses. This chart may not include criminal cases or matters involving 18 U.S.C. 2319A where the lead charge, charges filed or charges of conviction include only a conspiracy to violate 18 U.S.C. 2319A.

TITLE 18, UNITED STATES CODE, SECTION 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 2005 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	144
Number of Defendants:	324
Number of Cases Filed:	70
Number of Defendants:	195

Number of Cases Resolved/Terminated:	52
Number of Defendants:	76

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	50
Number of Defendants Who Were Tried and Found Guilty:	4
Number of Defendants Against Whom Charges Were Dismissed:	21
Number of Defendants Acquitted:	1
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	28
1 to 12 Months Imprisonment:	13
13 to 24 Months:	7
25 to 36 Months:	1
37 to 60 Months:	3
61 + Months:	2

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. Displayed defendant outcome information is based upon the defendants outcome on the individual charge. Defendants against whom charges were dismissed may have been convicted of other, related offenses. This chart may not include criminal cases or matters involving 18 U.S.C. 2320 where the lead charge, charges filed or charges of conviction include only a conspiracy to violate 18 U.S.C. 2320.

TITLE 18, UNITED STATES CODE, SECTIONS 2318, 2319, 2319A, 2320 OR TITLE 17, UNITED STATES CODE, SECTION 506*

All Districts - All Statutes

Referrals and Cases:

	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>
Number of Investigative Matters Received:	191	169	229	269	361
Number of Defendants:	283	289	333	334	642
Number of Cases Filed:	84	78	100	101	147
Number of Defendants:	121	149	165	141	323
Number of Cases Resolved/Terminated:	81	82	65	107	99
Number of Defendants:	106	135	119	137	137

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	83	103	87	114	116
Number of Defendants Who Were Tried and Found Guilty:	3	3	5	8	7
Number of Defendants Against Whom Charges Were Dismissed:	17	26	22	8	10
Number of Defendants Acquitted:	0	0	3	1	1
Other Terminated Defendants:	3	3	2	6	3

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	46	58	50	62	59
1 to 12 Months Imprisonment:	23	25	18	26	29
13 to 24 Months:	8	14	13	14	18
25 to 36 Months:	3	5	1	9	6
37 to 60 Months:	2	4	9	7	7
61 + Months:	4	0	1	4	4

*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, 18 U.S.C. 2320, or 17 U.S.C. 506 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 was charged against the same defendant. Displayed defendant outcome information is based upon the overall outcome of the defendant. This chart may not include criminal cases/defendants involving 18 U.S.C. 2318, 18 U.S.C. 2319, 18 U.S.C. 2319A, 18 U.S.C. 2320, or 17 U.S.C. 506, where the lead charge, charges filed or charges of conviction include only a conspiracy to violate any of the identified offenses. This chart does not include data on the investigation and prosecution of other intellectual property crimes, such as economic espionage, 18 U.S.C. 1831; theft of trade secrets, 18 U.S.C. 1832; signal piracy, 47 U.S.C. 553 and 605; and circumvention of copyright protection systems, 17 U.S.C. 1201 to 1205. In addition, the data does not include month of September 2005 information for the Eastern District of Louisiana due to Hurricane Katrina.