

APPENDIX F

INTELLECTUAL PROPERTY CASES - UNITED STATES ATTORNEYS OFFICE – FISCAL YEAR 2000

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 2000 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	19
Number of Defendants:	23
Number of Cases Filed:	7
Number of Defendants:	12
Number of Cases Resolved/Terminated:	9
Number of Defendants:	12

Disposition of Defendants in Concluded Cases:

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

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	2
1 to 12 Months Imprisonment:	1
13 to 24 Months:	1
25 to 36 Months:	2
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 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 2000 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	63
Number of Defendants:	96
Number of Cases Filed:	32
Number of Defendants:	43
Number of Cases Resolved/Terminated:	21
Number of Defendants:	26

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	22
Number of Defendants Who Were Tried and Found Guilty:	1
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:	20
1 to 12 Months Imprisonment:	1
13 to 24 Months:	0
25 to 36 Months:	2
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 2000 - TOTALS (All District)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	2
Number of Defendants:	2
Number of Cases Filed:	3
Number of Defendants:	4
Number of Cases Resolved/Terminated:	4
Number of Defendants:	5

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	3
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:	2
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 2000 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	113
Number of Defendants:	193
Number of Cases Filed:	64
Number of Defendants:	103
Number of Cases Resolved/Terminated:	45
Number of Defendants:	56

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Plead Guilty:	41
Number of Defendants Who Were Tried and Found Guilty:	3
Number of Defendants Against Whom Charges Were Dismissed:	10
Number of Defendants Acquitted:	0
Other Terminated Defendants:	2

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	27
1 to 12 Months Imprisonment:	7
13 to 24 Months:	8
25 to 36 Months:	2
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, SECTIONS 2318, 2319, 219A, AND 2320
Comparison All Districts - All Statutes

Referrals and Cases

	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>
Number of Investigative Matters Received by U.S. Attorneys:	192	204	197
Number of Defendants:	298	333	314
Number of Cases Filed:	97	108	106
Number of Defendants:	132	161	162
Number of Cases Resolved/Terminated:	84	92	79
Number of Defendants:	128	141	99

Disposition of Defendants in Concluded Cases

Number of Defendants Who Pled Guilty:	104	105	71
Number of Defendants Who Were Tried and Found Guilty:	8	2	5
Number of Defendants Against Whom Charges Were Dismissed:	28	26	19
Number of Defendants Acquitted:	0	3	1
Other Disposition:	6	5	3

Prison Sentencing for Convicted Defendants (# represents defendants)

No Imprisonment:	74	73	51
1 to 12 Month:	27	21	10
13 to 24 Months:	6	10	9
25 to 36 Months:	3	2	6
37 to 60 Months:	1	1	0
61 + Months:	0	0	0

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

Number of Investigative Matters Referred by U.S. Customs Service:	64	71	64
Number of Defendants:	104	121	101
Number of Customs Matters Pending Resolution:	75	71	77
Number of Defendants:	114	113	120
Number of Customs Matters Terminated:	33	36	23
Number of Defendants:	61	57	40
Number of Cases Originating with U.S. Customs Service:	42	39	31
Number of Defendants:	63	64	49
Number of Customs Cases Pending Resolution:	61	60	70
Number of Defendants:	98	86	113
Number of Customs Cases Resolved/Terminated:	37	35	29
Number of Defendants:	58	66	3