



# Performance Data

## Law Enforcement Investigation

- **ICE HSI:** In FY 2011, ICE HSI opened 1,212 intellectual property investigations and had 574 arrests, 355 indictments and 291 convictions. In FY 2010, ICE HSI opened 1,033 intellectual property investigations and had 365 arrests, 216 indictments, and 170 convictions. In FY 2009, ICE HSI opened 730 intellectual property investigations and had 266 arrests, 116 indictments, and 164 convictions.
  - **ICE HSI reported significant benchmark increases due to its enforcement activities, including a 17 percent increase in opened intellectual property cases, a 57 percent increase in arrests, a 64 percent increase in indictments, and a 71 percent increase in convictions in comparison to 2010.**
- **FBI:** In FY 2011, the FBI initiated 235 investigations and made 93 arrests, secured 79 indictments, and obtained 79 convictions. In FY 2010, the FBI opened 218 investigations and had 66 arrests, 75 indictments, and 83 convictions. In FY 2009, the FBI opened 151 investigations and had 100 arrests, 133 indictments, and 95 convictions.
  - **The FBI reported a 29 percent increase in its number of new trade secrets cases, an 87 percent increase in health and safety intellectual property investigations, and a 96 percent increase in pending health and safety intellectual property cases over FY 2010.**
- **IPR Center:** In FY 2011, the IPR Center vetted 178 leads directly referred to it and de-conflicted 2,877 investigations opened by field offices of partner agencies. In FY 2010, the IPR Center vetted 240 leads directly referred to and de-conflicted 544 investigations opened by field offices of partner agencies. In addition, the IPR Center, in coordination with INTERPOL, the World Customs Organization, and law enforcement authorities in 81 countries successfully carried out Operation Pangea IV, focusing on websites supplying illegal and dangerous medicines to consumers in the U.S. and abroad. The operation was the largest Internet-based action of its kind.
  - **In FY 2011, ICE HSI intellectual property investigations increased by more than 17 percent in comparison to FY 2010 and 66 percent in comparison to FY 2009. ICE HSI arrests increased by more than 57 percent in comparison to FY 2010 and 115 percent in comparison to FY 2009.**
  - **In FY 2010, FBI investigations increased by more than 44 percent from FY 2009.**
  - **In FY 2011, the IPR Center's number of leads de-conflicted increased by 429 percent.**

## DOJ Prosecutions

- **Charges:** In FY 2011, Assistant U.S. Attorneys (AUSAs) received 387 intellectual property referrals, and they charged 168 cases with 215 defendants. In FY 2010, AUSAs received 402 intellectual

property referrals, and they charged 177 cases with 259 defendants. In FY 2009 AUSAs received 285 intellectual property referrals, and they charged 173 cases with 235 defendants.

- Sentencing:** In FY 2011, courts sentenced 208 intellectual property defendants. Of these, 102 received no prison term, 27 received sentences of 1-12 months, 33 received sentences of 13-24 months, 17 received sentences of 25-36 months, 21 received sentences of 37-60 months, and 8 received sentences of more than 60 months in prison. In FY 2010, courts sentenced 207 intellectual property defendants. Of these, 121 received no prison term, 38 received sentences of 1-12 months, 27 received sentences of 13-24 months, 10 received sentences of 25-36 months, 7 received sentences of 37-60 months, and 4 received sentences of more than 60 months in prison. In FY 2009, courts sentenced 223 intellectual property defendants. Of these, 126 received no prison term, 35 received sentences of 1-12 months, 29 received sentences of 13-24 months, 6 received sentences of 25-36 months, 18 received sentences of 37-60 months, and 9 received sentences of more than 60 months in prison.

District Totals	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
<b>Investigative Matters Received by AUSAs</b>	426	365	285	402	387
<b>Defendants Charged</b>	290	259	235	259	215
<b>Cases Charged</b>	217	197	173	177	168
<b>Defendants Sentenced</b>	287	242	223	207	208
<b>No Prison Term</b>	148	107	126	121	102
<b>1-12 Months</b>	52	48	35	38	27
<b>13-24 Months</b>	37	45	29	27	33
<b>25-36 Months</b>	20	20	6	10	17
<b>37-60 Months</b>	14	19	18	7	21
<b>60+ Months</b>	16	3	9	4	8

DOJ and FBI have also transmitted to Congress their PRO IP Act Reports for 2011, describing in greater depth the criminal investigations and prosecutions of intellectual property offenses for FY 2011.

## Department of Homeland Security Intellectual Property Seizures

In FY 2011, the number of seizures by CBP and ICE HSI increased by 24 percent to 24,792 with a Domestic Value—i.e., the value of the infringing goods—of \$178.9 million. The MSRP—i.e., the value the infringing goods would have had if they had been genuine—was over \$1.1 billion. In FY 2011, CBP saw a continued increase in the use of express carrier services for shipping counterfeit and pirated goods where the number of seizures increased by 16 percent over FY 2010 and 66 percent over FY 2009. There was also a 44 percent increase in the number of counterfeit consumer safety and critical technology merchandise seizures in FY 2011. The value of the seized counterfeit consumer safety and critical technology merchandise increased to over \$60 million.

DHS agencies—CBP and ICE combined—increased seizures of counterfeit pharmaceuticals by almost 200 percent, increased fake consumer safety and critical technology merchandise seizures by 44 percent and increased overall seizures by 24 percent in comparison to FY 2010 (an overall increase of 67 percent in comparison to FY 2009).

Nine partner agencies including criminal investigative agencies from the DOD and NASA as well as the FBI, ICE HSI, and CBP launched Operation Chain Reaction. This is a coordinated and comprehensive initiative targeted to curtailing the flow of counterfeit items into the U.S. Government supply chain.

CBP led a year-long initiative within the Asia Pacific Economic Cooperation (APEC) targeting counterfeit pharmaceuticals shipped via international mail and express couriers. The initiative led to enforcement action against over 1,200 shipments in the Asia Pacific region and seizures of \$231,136 worth of counterfeit pharmaceuticals.

- **Circumvention Devices:** CBP made 29 seizures of devices designed to circumvent technological measures intended to protect copyrighted works such as game software. The domestic value of the seizures was \$58,000.

## CBP Civil Fines

In FY 2011, CBP implemented new procedures for issuing IPR penalties concurrently with seizure and to expand the scope of parties against whom penalties are issued to the full extent of the law. The number of IPR penalties assessed in FY 2011 was 167 with a total assessment value of \$71,614,950. The amount collected for IPR penalties in FY 2011 was \$135,067.