

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**  
**PART I - CRIMES**  
**CHAPTER 113 - STOLEN PROPERTY**

**§ 2319. Criminal infringement of a copyright**

- (a) Any person who violates section 506 (a) (relating to criminal offenses) of title 17 shall be punished as provided in subsections (b), (c), and (d) and such penalties shall be in addition to any other provisions of title 17 or any other law.
- (b) Any person who commits an offense under section 506 (a)(1)(A) of title 17—
- (1) shall be imprisoned not more than 5 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, including by electronic means, during any 180-day period, of at least 10 copies or phonorecords, of 1 or more copyrighted works, which have a total retail value of more than \$2,500;
  - (2) shall be imprisoned not more than 10 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and
  - (3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, in any other case.
- (c) Any person who commits an offense under section 506 (a)(1)(B) of title 17—
- (1) shall be imprisoned not more than 3 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of \$2,500 or more;
  - (2) shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and
  - (3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000.
- (d) Any person who commits an offense under section 506 (a)(1)(C) of title 17—
- (1) shall be imprisoned not more than 3 years, fined under this title, or both;
  - (2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;
  - (3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a felony and is a second or subsequent offense under subsection (a); and
  - (4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a felony and is a second or subsequent offense under paragraph (2).
- (e)
- (1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.
  - (2) Persons permitted to submit victim impact statements shall include—
    - (A) producers and sellers of legitimate works affected by conduct involved in the offense;
    - (B) holders of intellectual property rights in such works; and
    - (C) the legal representatives of such producers, sellers, and holders.
- (f) As used in this section—
- (1) the terms “phonorecord” and “copies” have, respectively, the meanings set forth in section 101 (relating to definitions) of title 17;

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscp.html>).

- (2) the terms “reproduction” and “distribution” refer to the exclusive rights of a copyright owner under clauses (1) and (3) respectively of section 106 (relating to exclusive rights in copyrighted works), as limited by sections 107 through 122, of title 17;
- (3) the term “financial gain” has the meaning given the term in section 101 of title 17; and
- (4) the term “work being prepared for commercial distribution” has the meaning given the term in section 506 (a) of title 17.

(Added Pub. L. 97–180, § 3, May 24, 1982, 96 Stat. 92; amended Pub. L. 102–561, Oct. 28, 1992, 106 Stat. 4233; Pub. L. 105–80, § 12(b)(2), Nov. 13, 1997, 111 Stat. 1536; Pub. L. 105–147, § 2(d), Dec. 16, 1997, 111 Stat. 2678; Pub. L. 107–273, div. C, title III, § 13211(a), Nov. 2, 2002, 116 Stat. 1910; Pub. L. 109–9, title I, § 103(b), Apr. 27, 2005, 119 Stat. 220; Pub. L. 110–403, title II, § 208, Oct. 13, 2008, 122 Stat. 4263.)

## References in Text

The Federal Rules of Criminal Procedure, referred to in subsec. (e)(1), are set out in the Appendix to this title.

## Amendments

2008—Subsecs. (b)(2), (c)(2). Pub. L. 110–403, § 208(1), (2), inserted “is a felony and” after “the offense” and substituted “subsection (a)” for “paragraph (1)”.

Subsec. (d)(3). Pub. L. 110–403, § 208(3), inserted “is a felony and” after “the offense” and “under subsection (a)” before the semicolon.

Subsec. (d)(4). Pub. L. 110–403, § 208(4), inserted “is a felony and” after “the offense”.

2005—Subsec. (a). Pub. L. 109–9, § 103(b)(1), substituted “Any person who” for “Whoever” and “, (c), and (d)” for “and (c) of this section”.

Subsec. (b). Pub. L. 109–9, § 103(b)(2), substituted “section 506 (a)(1)(A)” for “section 506 (a)(1)” in introductory provisions.

Subsec. (c). Pub. L. 109–9, § 103(b)(3), substituted “section 506 (a)(1)(B) of title 17” for “section 506 (a)(2) of title 17, United States Code” in introductory provisions.

Subsecs. (d), (e). Pub. L. 109–9, § 103(b)(4), (5), added subsec. (d) and redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 109–9, § 103(b)(4), (6), redesignated subsec. (e) as (f) and added pars. (3) and (4).

2002—Subsec. (e)(2). Pub. L. 107–273 substituted “107 through 122” for “107 through 120”.

1997—Subsec. (a). Pub. L. 105–147, § 2(d)(1), substituted “subsections (b) and (c)” for “subsection (b)”.

Subsec. (b). Pub. L. 105–147, § 2(d)(2)(A), substituted “section 506 (a)(1) of title 17” for “subsection (a) of this section” in introductory provisions.

Subsec. (b)(1). Pub. L. 105–147, § 2(d)(2)(B), inserted “including by electronic means,” after “if the offense consists of the reproduction or distribution,” and substituted “which have a total retail value of more than \$2,500” for “with a retail value of more than \$2,500”.

Pub. L. 105–80, substituted “at least 10 copies” for “at last 10 copies”.

Subsecs. (c) to (e). Pub. L. 105–147, § 2(d)(3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

1992—Subsec. (b). Pub. L. 102–561, § 1, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Any person who commits an offense under subsection (a) of this section—

“(1) shall be fined not more than \$250,000 or imprisoned for not more than five years, or both, if the offense—

“(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least one thousand phonorecords or copies infringing the copyright in one or more sound recordings;

“(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of at least sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; or

“(C) is a second or subsequent offense under either of subsection (b)(1) or (b)(2) of this section, where a prior offense involved a sound recording, or a motion picture or other audiovisual work;

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“(2) shall be fined not more than \$250,000 or imprisoned for not more than two years, or both, if the offense—

“(A) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than one hundred but less than one thousand phonorecords or copies infringing the copyright in one or more sound recordings; or

“(B) involves the reproduction or distribution, during any one-hundred-and-eighty-day period, of more than seven but less than sixty-five copies infringing the copyright in one or more motion pictures or other audiovisual works; and

“(3) shall be fined not more than \$25,000 or imprisoned for not more than one year, or both, in any other case.”

Subsec. (c). Pub. L. 102-561, § 2, substituted “ ‘phonorecord’ ” for “ ‘sound recording’, ‘motion picture’, ‘audiovisual work’, ‘phonorecord’,” in par. (1) and “120” for “118” in par. (2).