Abstract: The civil law takes seriously and punishes infringements against all types of intellectual property (IP) goods, including those covered by copyright, trademark, and patent protection. At the same time, the criminal law provides sanctions for infringing some forms of IP such as copyright and trademarks but fails to do so for infringing patents despite the high value of numerous patents. This Article attempts to solve the puzzle of why that is. It first delineates why it is ever legitimate to criminalize IP infringement. The Article then analyzes different possible explanations for the disparity in the availability of criminal sanctions by testing theories in the realms of morality, utilitarianism, public choice, and history. This Article then discusses whether we ought to accept the status quo as a sensible solution, decrease criminal sanctions in copyright and trademarks, or create them for patents as has recently been proposed in the European Union.