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| Focal point for the Informal Consultations | | | |
| Draft consolidated text of a New WTSA resolution on ITU-T studies for combating counterfeit telecommunication/ICT devices - Res [COUNTERF] | | | |
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| **Focal Point:** Mr Isaac Boateng | | | |

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| **Abstract:** | This document contains a consolidated text of proposals for a draft new WTSA resolution on ITU-T studies for combating counterfeit telecommunication/ICT devices in Docs 42 Add. 16, 43 Add. 15 46 Add. 11 and 47 Add. 11, using ARB Doc. 43 Add. 15 as main base text. |

References:

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| [42A16](https://www.itu.int/md/dologin_md.asp?id=T13-WTSA.16-C-0042!A16!MSW-E) | Draft New Resolution [AFCP-5] - ITU-T Role in Combating and Deterring Telecommunication/ICT Counterfeit Devices |
| [43A15](https://www.itu.int/md/dologin_md.asp?id=T13-WTSA.16-C-0043!A15!MSW-E) | Proposed New Resolution [ARB-2] - ITU-T Studies for Combating Counterfeit Telecommunication/ICT Devices |
| [46A11](https://www.itu.int/md/dologin_md.asp?id=T13-WTSA.16-C-0046!A11!MSW-E) | Proposed New Resolution [IAP-6] - Studies Related the Combat of Counterfeit and Tampered ICT Devices |
| [47A11](https://www.itu.int/md/dologin_md.asp?id=T13-WTSA.16-C-0047!A11!MSW-E) | Draft new Resolution [RCC-2] - Studies on combating counterfeit products including telecommunication/ICT devices |

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DRAFT NEW RESOLUTION [COUNTERF]

ITU-T studies for combating counterfeit telecommunication/ICT devices

[AFCP] ITU-T Role in Combating and Deterring Telecommunication/ICT Counterfeit Devices

[RCC] Studies on combating counterfeit products including telecommunication/ICT devices

[IAP] Studies related the combat of counterfeit and tampered ICT devices

(Hammamet, 2016)

The World Telecommunication Standardization Assembly (Hammamet, 2016),

recalling

*a)* Resolution 188 (Busan, 2014) of the Plenipotentiary Conference (PP) on combating counterfeit telecommunication/information and communication technology devices (lCTs);

*b)* Resolution 177 (Rev. Busan, 2014) of the PP on conformance and interoperability;

*c)* Resolution 176 (Rev. Busan, 2014) of the PP on human exposure to and measurement of electromagnetic fields;

*d)* Resolution 79 (Dubai, 2014) of WTDC on the role of telecommunications/information and communication technologies in combating and dealing with counterfeit telecommunication/lCT devices;

*e)* Resolution 47 (Rev. Dubai, 2014) of the World Telecommunication Development Conference (WTDC) on enhancement of knowledge and effective application of ITU Recommendations in developing countries[[1]](#footnote-1), including conformance and interoperability testing of Systems manufactured on the basis of ITU recommendations;

*f)* Resolution 72 (Rev. Hammamet, 2016) of the World Telecommunication Standardization Assembly (WTSA) on measurement concerns related to human exposure to electromagnetic fields (EMF);

*g)* Resolution 62 (Rev. Dubai, 2014) of WTDC on measurement concerns related to human exposure to EMF;

*h)* Resolution 182 (Rev. Busan, 2014) of the PP on the role of telecommunications/information and communication technologies in regard to climate change and the protection of the environment;

*d)* that the World Telecommunication Standardization Assembly adopted Resolution 76, (Hammamet, 2016),on Studies related to conformance and interoperability testing, assistance to developing countries;

*i)* Resolution 79 (Hammamet, 2016) of WTSA on the role of telecommunications/information and communication technologies in handling and controlling e-waste from telecommunication and information technology equipment and methods of treating it,

recognizing

*a)* the noticeably growing sales and circulation of counterfeit and tampered telecommunication/lCT devices in the markets, which have adverse impact on governments, manufacturers, vendors, operators and consumers through: loss of revenues, erosion of brand value/ intellectual property rights and reputation, network disruptions, poor quality of service (QoS) and potential hazard to public health and safety as well as the environmental e-waste;

*b)* that counterfeit and tampered telecommunication/lCT devices may negatively impact on security and privacy for users;

*c)* that counterfeit and tampered telecommunication/ICT devices often contain illegal and unacceptable levels of hazardous substances, threatening consumers and the environment;

*d)* that some countries have conducted awareness campaigns of counterfeit and tampered issues and deployed successful solutions including regulations in their markets to deter the spread of counterfeit and tampered telecommunication/lCT devices, which could be taken by other countries as useful experiences and case studies;

*e)* that countries face significant challenges in finding effective solutions to combat counterfeit and tampered telecommunication/ICTdevices, given the innovative and creative ways used by persons engaged in this illicit activity to evade enforcement/legal measures;

*f)* that the ITU's Conformity and Interoperability and Bridging Standardization Gap programmes are intended to help, by bringing clarity to standardization processes and product conformity with international standards;

*g)* that providing interoperability, safety and reliability should be a key objective of ITU recommendations,

*h)* the ongoing work of ITU-T Study Group 11 as the leading expert studying combating counterfeit and tampered telecommunication/ICT devices at ITU;

*i)* that industry initiatives have been created to coordinate activity between operators, manufacturers and consumers;

recognizing further

*a)* that some countries, with the growing market of mobile devices, rely on unique device identifiers, [such as International Mobile Equipment Identity (IMEI) in Equipment Identity Register (EIR)], to limit and deter proliferation of counterfeit and tampered mobile devices;

*~~[b)~~* ~~that the Memorandum of Understanding between ITU and DONA Foundation includes that DONA will collaborate with ITU and other organizations on outreach efforts, particularly to meet the identified needs of developing countries,]~~

*c)* that Recommendation ITU-T X.1255, which is based on the digital object architecture ~~(DoA),~~ provides a framework for discovery of identity management information;

*~~[f)~~* ~~that the general framework agreement between ITU and the DONA Foundation is intended to create a stable platform for developing and introducing DoA including for purposes of combating counterfeit and tampered products and telecommunication/ICT devices; ]~~

*[~~c)~~* ~~that the Master Framework Agreement between ITU and DONA Foundation includes developing and implementing the DOA~~ *~~inter alia~~* ~~the purpose of combating counterfeit and tampered telecommunication/ICT devices and to meet the needs of developing countries~~,]

d) that a stable platform for combating counterfeit products and devices is required;

noting

*a)* that individuals or entities engaged in manufacturing and trading of counterfeit and tampered telecommunication/ICT devices are continually developing and enhancing their capabilities and means of illegal activities to circumvent Member States’ and other affected parties’ legal and technical efforts to combat counterfeit and tampered products and telecommunication/ICT devices;

*b)* that supply and demand economics for counterfeit and tampered telecommunications/ICT products complicate attempts to tackle the global black/gray market, and that no single solution is easily envisaged,

aware

*a)* of the current work and studies of ITU Study Group 11 of the ITU Telecommunication Standardization Sector (ITU-T), which is conducting study of methodologies, guidelines and best practices, including the use of unique telecommunication/ICT device identifiers, for combating counterfeit and tampered telecommunication/ICT products;

[b) of the current work and studies in ITU T Study Group 20, on Internet of Things, IoT Indentity Management and the potential raise of the importance of IoT devices to the society;]

*c)* of the ongoing work according to Resolution 79 *instructs ITU-D Study Group 2 in collaboration with the relevant ITU Study Groups*;

*d)* that there is ongoing cooperation with SDOs, the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO), World Health Organization (WHO) and the World Custom Organization (WCO) on matters related to counterfeit and tampered products,

*e)* that governments play an important role in combating the manufacture and international trade of counterfeit and tampered products including telecommunication/ICT devices, by formulating appropriate strategies, policies and legislation;

*f)* that tampering with unique telecommunication/ICT device identifiers diminishes the effectiveness of solutions adopted by countries;

considering

*a)* the conclusions of the ITU Events on combating counterfeit and tampered telecommunication/ICT devices (Geneva, 17-18 November 2014 and 28 June 2016);

*b)* the conclusions of the Technical Report on Counterfeit lCT Equipment adopted by ITU‑T Study Group 11 at its meeting (Geneva, 11 December 2015),

*c)* that, in general, telecommunication/ICT devices that do not comply with a country's applicable national conformity processes and regulatory requirements or other applicable legal requirements, should be considered unauthorized for sale and/or activation on telecommunication networks of that country;

*d)* that a counterfeit telecommunication/ICT device is a product that explicitly infringes the trademark, copies hardware or software designs, brand or packaging rights of an original or authentic product and, in general, infringes applicable national and/or international technical standards, regulatory requirements or conformity processes, manufacturing licensing agreements, or other applicable legal requirements;

*e)* that a reliable unique identifier shall be unique for each of the equipment it aims to identify, can only be assigned by a responsible management entity and should not be changed by unauthorized parties;

*f)* that tampered telecommunication/ICT devices are devices that had components, software, unique identifier, intellectual-protected item or trademark tentatively or effectively altered without the explicit consent of the manufacturer or its legal representative;

*g)* that some countries started implementing measures that aim to deter counterfeit and tampered telecommunication/ICT devices based on identification mechanism, which can be also effective on the control of tampered telecommunication/ICT devices;

*h)* that tampering telecommunication/ICT devices, especially the ones that clone a legitimate identifier, may diminish the effectiveness of solutions adopted by the countries when addressing counterfeiting ;

*i)* that a frameworks for discovery and management of identity information can assist on the combating counterfeiting and tampering of telecommunication/ICT devices;

*l)* that ITU and other relevant stakeholders have key roles to play in fostering coordination between the parties concerned in order to study the impact of counterfeit and tampered telecommunication/ICT devices and the mechanism for limiting their use, and to identify ways of dealing with them both internationally and regionally;

*m)* the importance of maintaining user connectivity;

resolves

1 to explore ways and means to combat and deter telecommunication/ICT device counterfeiting and tampering to protect industry, Governments and consumers from counterfeit and tempered telecommunication/ICT devices,

2 that ITU-T Study Group 11 should be the lead study group in the area of combating counterfeit and tampered telecommunication/ICT devices.

instructs the Director of the Telecommunication Standardization Bureau, in close collaboration with the Director of the Telecommunication Development Bureau

1 to organize workshops and events across ITU regions to promote the work in this field, involving all stakeholders and raising awareness of the impact of counterfeit and tampered telecommunication/ICT devices;

2 to assist developing countries in preparing human resources to combat the spread of counterfeit and tampered telecommunication/ICT devices, by providing capacity-building and training opportunities;

3 to work in close collaboration with relevant stakeholders, such as the World Trade Organization (WTO), the World Intellectual Property Organization, (WIPO), the World Health Organization (WHO) and the World Custom Organization (WCO) relating to combating counterfeit and tampered telecommunication/ICT devices, including to restrict the trading, export and circulation of these telecommunication/ICT devices internationally;

4 to coordinate activities relating to combating counterfeit and tampered telecommunication/ICT devices through study groups, focus groups and other related groups.

5 to assist Member States in taking the necessary actions to apply relevant ITU-T Recommendations for combating counterfeit and tampered telecommunication/ICT devices, including use of conformity assessment systems;

6 to facilitate the standardization of mechanisms and technologies ~~standardized~~ by the ITU ~~and other standardization Bodies,~~ ~~as well as the framework agreement between the ITU and the DONA Foundation,~~ for the creation of a global model for combating counterfeit and tampered telecommunication/ICT devices, and to involve experts and external entities in this activity as appropriate;

instructs the Director of the Telecommunication Standardization Bureau (TSB)

1 to collaborate with industry associations, consortia and fora to identify possible technological measures that may be developed, both software and hardware, to deter the tampering, use and spread of counterfeit and tampered telecommunication/ICT devices;

2 to submit the results of these activities to the Council for its consideration and required actions;

3 to involve experts and external entities as appropriate;

Instruct the Director of TSB in close collaboration with the BDT and BR Directors

1 to assist Member States in addressing their concerns with respect to counterfeit and tampered telecommunication/ICT devices, through information sharing at regional or global level, including conformity assessment systems;

2 to assist all the membership, considering relevant ITU-T recommendations, in taking the necessary actions to prevent or detect the tampering with and/or duplication of unique telecommunication/ICT device identifiers, interacting with other telecommunication standards-development organizations related to these matters,

instructs ITU-T Study Group 11, in collaboration with other study groups concerned

1 to continue developing recommendations, technical reports and guidelines to address the problem of counterfeit and tampered ICT equipment and to support the Member States in anti-counterfeiting activities;

2 to collect, analyse and exchange information about counterfeiting and tampering practices in the ICT sector, and how ICTs could be used as a fighting tool;

3 to study existing as well as new reliable, unique, persistent and secure identifiers, in collaboration with ITU-T Study Groups 2, 17 and 20 ~~[including those based on the Digital Object Architecture (DOA)],~~ that have the potential to be used in combating counterfeit and tampered products and telecommunication/ICT devices; including their scope of application and level of security in the context of their possible duplication/cloning;

4 to develop methods of assessing and verifying identifiers used for purposes of combating counterfeit production,

[5 to provide a list of identifiers used for combating counterfeit production including their areas of application and level of security as regards possible duplication/cloning;]

6 with the involvement of relevant standardization organizations, to develop mechanisms as appropriate for identifying production, unique identifiers that are resistant to duplication and respond to confidentiality/security requirements;

7 to study possible solutions, including frameworks to discover identity management information, that could support the combat of counterfeit and tampered telecommunication/ICT devices;

[8 to develop the Recommendations related on the result of the pilot projects on combating counterfeit production as outlined in *instructs the Director of the Telecommunication Standardization Bureau in collaboration with the BDT Director* 6 above;]

9 to identify a list of technologies/products, used for conformance testing to ITU-T Recommendations in order to help in efforts to combat counterfeit ICT production;

invites Member States

1 to take all necessary measures, including collaboration, cooperation and exchange of experiences and expertise with other Member States, to combat counterfeit and tampered telecommunication/ICT devices in a country/region, as well as globally;

2 to adopt national legal and regulatory framework to combat counterfeit and tampered telecommunication/ICT devices;

3 to consider measures to mitigate the importation, circulation and sale of counterfeit and tampered telecommunication ICT/devices from the market,

4 to consider solutions, to be used to differentiate between authentic/genuine and counterfeit or tampered telecommunication/ICT devices, e.g. establishing a centralized national reference database of authorized equipment;

5 to conduct awareness campaigns for consumers on the adverse impact of counterfeit and tampered products and telecommunication/ICT devices on the environment and on their own health, as well as on the degraded reliability, quality of services and performance of such telecommunication/ICT devices;

Invites Sector Members

to collaborate with governments, administrations and telecommunication regulators in combating counterfeit and tampered telecommunication/ICT devices;

invites all the membership

1 to participate actively in ITU studies relating to combating counterfeit and tampered telecommunication/lCT devices by submitting contributions;

2 to take the necessary actions to prevent or detect tampering of unique telecommunication/ICT devices identifiers, in particular regarding the cloned telecommunication/ICT devices

3 to collaborate and exchange expertise among themselves in this area;

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1. These include the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition. [↑](#footnote-ref-1)