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| C:\Users\ponder\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Word\BDT-25th_anniversary_2017-Logo_411959-3_transparent.png | **World Telecommunication Development Conference 2017 (WTDC-17)**  **Buenos Aires, Argentina, 9-20 October 2017** | C:\Users\ponder\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Word\BDT-25th_anniversary_2017-Logo_411959-1_transparent.png |
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| PLENARY MEETING | | **Addendum 29 to Document WTDC-17/23-E** |
|  | | **4 September 2017** |
|  | | **Original: Russian** |
| ITU Member States, members of the Regional Commonwealth  in the field of Communications (RCC) | | |
| DRAFT Revision to WTDC Resolution 79 - The role of telecommunications/information and communication  technologies in combating and dealing with counterfeit telecommunication/information and communication devices | | |
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| **Priority area:**  Resolutions and Recommendations  **Summary:**  The proposals herein are aimed at clarifying the areas of study carried out within ITU-D in conjunction with ITU-T regarding the study of issues relating to the role of telecommunications/information and communication technologies in combating and dealing with counterfeit telecommunication/information and communication devices. The clarifications to the text are in line with the decisions of the Plenipotentiary Conference (Busan, 2014) and the World Telecommunication Standardization Assembly (Hammamet, 2016), and take into account the ongoing work within ITU-T.  **Expected results:**  WTDC-17 is invited to examine and approve the revision to Resolution 79 (Dubai, 2014), as set forth in the annex hereto.  **References:**  Resolution 79 (Dubai, 2014) | | |

**MOD** RCC/23A29/1

RESOLUTION 79 (REV. BUENOS AIRES, 2017)

The role of telecommunications/information and communication   
technologies in combating and dealing with counterfeit[[1]](#footnote-1)1 telecommunication/information and communication devices

The World Telecommunication Development Conference (Buenos Aires, 2017),

recalling

*a)* Resolution 177 (Rev. Busan, 2014) of the Plenipotentiary Conference, on conformance and interoperability;

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

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

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

*e)* Resolution 62 (Rev. Dubai, 2014) of this conference, on measurement concerns related to human exposure to electromagnetic fields;

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

*g)* Resolution 64 (Rev. Buenos Aires, 2017) of this conference, on protecting and supporting users/consumers of telecommunication services/information and communication technologies (ICTs);

*h)* Resolution 76 (Rev. Dubai, 2012) of the World Telecommunication Standardization Assembly (WTSA), on studies related to conformance and interoperability testing, assistance to developing countries, and a possible future ITU Mark programme;

*i)* Resolution 47 (Rev. Dubai, 2014) of this conference, on enhancement of knowledge and effective application of ITU Recommendations in developing countries, including conformance and interoperability testing of systems manufactured on the basis of ITU Recommendations, and in particular assistance to developing countries in addressing their fears in relation to counterfeit equipment;

*j)* Resolution 79 (Dubai, 2012) of WTSA, on the role of telecommunications/ICTs 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 an 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 on counterfeit and tampered device 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/ICT devices, given the innovative and creative ways used by persons engaged in this illicit activity to evade enforcement/legal measures;

*f)* that ITU's Conformity and Interoperability and Bridging Standardization Gap programmes are intended to add value, 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 Telecommunication Standardization Sector (ITU-T) Study Group 11 as the lead expert group in the study of combating counterfeit, tampered and stolen telecommunication/ICT devices at ITU;

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

*j)* that counterfeit telecommunication/ICT products and devices have become a growing problem in the world, adversely affecting to a large extent all stakeholders in the ICT field (vendors, governments, operators and consumers);

*k)* that several countries have introduced some awareness-raising campaigns, practices and regulations in their markets in order to limit and deter counterfeit products and devices, which have had a positive impact, and that developing countries may benefit from this experience,

taking into account

*a)* that unfortunately, counterfeit telecommunication/ICT devices continue to increase;

*b)* that these counterfeit devices affect economic growth and intellectual property rights, impede innovation, are hazardous to health and safety and have an impact on the environment and the increasing amount of harmful e‑waste;

*c)* that ITU and relevant stakeholders have a key role to play in fostering coordination between the parties concerned to study the impact of counterfeit devices and the mechanism for limiting them and to identify ways of dealing with them internationally and regionally,

recognizing further

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

*b)* that, as stated in Resolution 188 (Busan, 2014) of the Plenipotentiary Conference, Recommendation ITU-T X.1255, which is based on the digital object architecture, provides a framework for discovery of identity management information,

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 telecommunication/ICT products and devices;

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

aware

*a)* that governments play an important role in combating the manufacture of and international trade in counterfeit and copied devices by formulating appropriate strategies, policies and legislation;

*b)* of the current work and studies in Study Group 11 of the ITU Telecommunication Standardization Sector (ITU‑T) and of relevant activities in other relevant forums;

*c)* of the current work and studies in ITU-T Study Group 20, on the Internet of Things (IoT), IoT Identity Management and the increasing importance of IoT devices to the society;

*d)* of the ongoing work and studies begun in Study Group 1 and being continued in Study Group 2 of the ITU Telecommunication Development Sector (ITU‑D) under Question 8/2, on strategies and policies for the proper disposal or reuse of telecommunication/ICT waste material;

*e)* of the current work and studies in ITU‑T Study Group 5, on the health and environmental impact of telecommunication equipment, particularly peripheral, mobile and handheld equipment;

*f)* that there is ongoing cooperation with standards development organizations (SDOs), the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO) and the World Customs Organization (WCO) on matters related to counterfeit and tampered products;

*g)* 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 ICT Equipment adopted by Study Group 11 at its meeting in Geneva on 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, or infringes 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 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 have components, software, a unique identifier, an item protected by intellectual property rights or a trademark tentatively or effectively altered without the explicit consent of the manufacturer or its legal representative;

*g)* that some countries have started implementing measures that aim to deter counterfeit and tampered telecommunication/ICT devices based on an identification mechanism, which can also be effective for 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 framework for discovery and management of identity information can assist in combating counterfeiting and tampering of telecommunication/ICT devices;

*j)* 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,

resolves to instruct the Director of the Telecommunication Development Bureau, in close collaboration with the Director of the Telecommunication Standardization Bureau and the Director of the Radiocommunication Bureau

1 to continue to increase and develop ITU activities on combating, and ways of limiting the spread of, counterfeit devices;

2 to assist Member States, particularly developing countries, in addressing their concerns regarding counterfeit devices;

3 to continue to work in collaboration with stakeholders (such as the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO)), including academia and relevant organizations, to coordinate activities relating to combating counterfeit devices through study groups, focus groups and other related groups;

4 to organize seminars and workshops to raise awareness of the health and environmental risks of using counterfeit devices and ways of limiting them, particularly in developing countries, which are the most at risk from the dangers of counterfeit devices;

5 in collaboration with WTO, WIPO and other relevant bodies, to restrict the trading, export and circulation of counterfeit devices internationally;

6 to submit periodic reports on the implementation of this resolution,

instructs ITU‑D Study Group 2, in collaboration with the relevant ITU-T and ITU-R study groups

1 to prepare and document examples of best practices on limiting counterfeit and copied devices, for distribution to ITU Member States and Sector Members;

2 to prepare guidelines, methodologies and publications to assist Member States in identifying counterfeit devices and methods of increasing public awareness to restrict trade in these devices, as well as the best ways of limiting them;

3 to study the impact of counterfeit telecommunication/ICT devices being transported to developing countries;

4 to continue studying safe ways of disposing of the harmful e‑waste from the counterfeit devices currently in circulation in the world,

invites Member States

1 to take all necessary measures to combat counterfeit devices;

2 to cooperate and exchange expertise among themselves in this area;

3 to incorporate policies to combat counterfeit devices in their national telecommunication/ICT strategies,

invites telecommunication operators

to cooperate with governments, administrations and telecommunication regulators in combating counterfeit devices, restricting trade in these devices and disposing of them safely,

encourages Member States, Sector Members and Academia

to participate actively in ITU‑D studies relating to combating counterfeit devices by submitting contributions and in other appropriate ways.

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1. 1 Counterfeit telecommunication/ICT devices include counterfeit and/or copied devices and equipment as well as accessories and components. [↑](#footnote-ref-1)