



# **POLICIES AND STRATEGIES DEBATE ON COMBATING COUNTERFEIT ICT DEVICES**

**NATIONAL  
COMMUNICATIONS  
AUTHORITY**



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# Presentation Outline

- ❑ Introduction
- ❑ Impact of Counterfeit Devices
- ❑ Definition of Counterfeit
- ❑ Motivation for counterfeit
- ❑ Ghana's Experience and Approach to Combating Counterfeit
- ❑ Challenges
- ❑ Conclusions

# Introduction:

- 1992/1993: Liberalization of the Telecom Sector in Ghana, Authorization for Celtel & Millicom
- 1996: Establishment of the National Regulatory Authority to oversee the activities of telecom operations.
- 2004: Earlier authorizations replaced with licences and new entrants licensed.
- 2005: National Telecom Policy (NTP-05) was introduced with defined targets for the telecom sector
- Competition drove network coverage expansion
- Limited availability of mobile phones due to high cost and perception.



# Introduction Con't

- 2008: National Communications Authority Act was replaced to widen the scope of its oversight including ensuring the achievement of the NTP-05 objectives.
- 2008: Removal of taxes and levies on mobile phones<sup>1</sup>.
- 2009: Growth of Value Added Services such as mobile payments.
- Customers had access to mobile devices at affordable prices
- Leading to penetration of mobile devices



# Introduction Con't

- 2010: More dealers were licensed to import, assemble and sell mobile phones



...imagine the story of counterfeit devices in Ghana.

# Introduction Con't



# Definition Counterfeit

- World Trade Organization (WTO) and World Intellectual Property Organization (WIPO) define counterfeit as violation or infringement of trademark.



# Motivation for counterfeit

## ■ Customer:

- Brand association.
- Cost
- Availability
- Desire for features traditionally not found on original products

## ■ Dealer & Manufacturer

- Profitability
- Customer driven

***The interest of the General Public is to communicate with friends and relatives regardless of device used.***





- This phenomenon has largely led to the rise of counterfeit device in Ghana



# Impact of Counterfeit Devices

## ■ Environment

- Short life cycle – most end up as e-waste, or
- Recycled onto the market with adherence to standards

## ■ Users

- Risk user privacy and security
- Jeopardize digital transactions

## ■ Networks and Vendors

- Network quality of service
- Impair trademark of genuine manufacturers

## ■ Economy

- Tax Evasion (Smuggling)
- Facilitate criminal activities. i.e. drug trade, terrorism.



## ❑ However people are ignorant of the effects of these counterfeit phones:

- ❑ Health and Safety
- ❑ Poor Quality of Experience
- ❑ Environment
- ❑ Quality of service
- ❑ Interference and harm to public networks
- ❑ Tax evasion
- ❑ Cybercrime

# Ghana's Approach To Combating Counterfeit Devices

## Four-pronged approach:

- ❑ Type Approval Regime
- ❑ Dealership Licensing
- ❑ Public Education and Workshops
- ❑ In-country market surveillance
  - ❑ Pre-market surveillance
  - ❑ Market surveillance
  - ❑ Post market surveillance

# NCA Type Approval Regime



Manufacturers or Authorised agents are required to demonstrate that a product they intent to import or distribute in Ghana meets minimum requirements.

## ❑ Requirements:

- ❑ International and National Standards
- ❑ Environmental, Health and Safety requirements
- ❑ Proof of Genuineness
- ❑ Electromagnetic Radiation and Emissions requirements
- ❑ Radio Frequency requirements
- ❑ Network Compatibility/Interoperability



***NATIONAL COMMUNICATIONS AUTHORITY***

*Division*



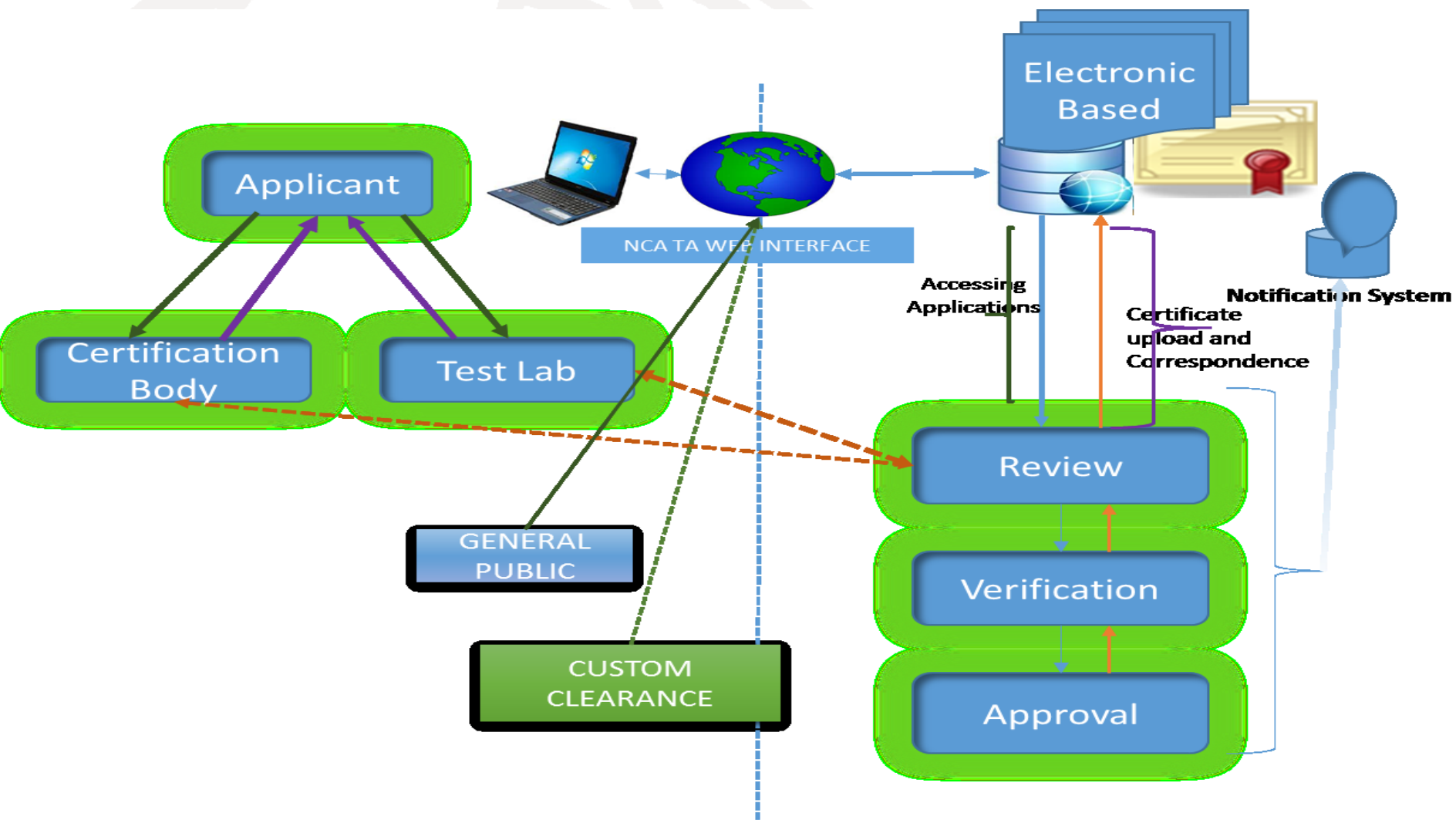
# Type Approval Regime & Dealership Licensing

## ■ Regulatory Requirements:

- Type Approval Certificate (TAC) issued by the NCA.
- Have a Dealership Licence to import, assemble and sell ICT devices
- Approved NCA Type Approval Mark must be visibly embossed on product
- Dealers are also required to deal in only type approved devices.



# The Type Approval Process



# Why the TAC Unique Identity?

- To show that the Certificate is for specific equipment model/category/type
- ECE meets essential requirements of the Authority
- To provide public confidence
- Manufacturer's/Dealer's own declaration that ECE is genuine
- Manufacture/Dealer bears responsibility for any breach under which TAC was issued.
  - If equipment is found to be Fake/Counterfeit
  - If certain key functions (both software and hardware) of the ECE is altered





# Sample Of TAC

NCA PRODUCT IDENTIFIER: 7T2-5H-0E-09C

## TYPE APPROVAL CERTIFICATE

ISSUED BY



### NATIONAL COMMUNICATIONS AUTHORITY

UNDER THE ELECTRONIC COMMUNICATIONS ACT 2008, ACT 775 AND THE ELECTRONIC COMMUNICATIONS REGULATIONS 2011, L.I. 1991

Attention (Where Available): *Peter Grininger*

Date of Issue: *June 13, 2014*

The National Communications Authority hereby grants this Certificate to

*Roland Communications, Inc.*  
(Hereinafter called the Certificate Holder)

of  
*No. 45A Building, 179 Thorpe Road, City Park, Accra, Ghana*

Based on the favourable assessment of the Test Reports and other relevant Documents submitted to the Authority.

This Certificate is **VALID ONLY** for the under-mentioned product:

APPROVED PRODUCT TYPE	:	TABLET COMPUTER
MODEL NUMBER	:	L66700-KH
BRAND/TRADE NAME	:	ROLAND
PRODUCT NAME	:	ROLAND L66700-KH PORTABLE TABLET COMPUTER
FREQUENCY RANGE (WHERE NECESSARY)	:	GSM900 /DCS 1800 / WCDMA 2100/ GPS 1575/WLAN & BT 2400
EFFECTIVE RADIATED POWER (WHERE NECESSARY)	:	Band I: 22.71dBm/Band VIII: 23.11dBm /802.11b:16.16dBm/ 802.11g: 14.90dBm /802.11n HT20 (2.4GHz):14.80dBm/ BT: 6.01dBm

#### INTENDED USE OF PRODUCT

*The product, ROLAND L66700-KH, is a Portable tablet computer with Wi-Fi, BT, GSM, WCDMA, and GPS and is to be used for data processing and network communication within the stated frequencies and the power levels provided.*

The Certificate Holder is hereby authorized to use or sell the above-mentioned product in the Ghanaian Market directly or through its Licensed dealers or agents. The Certificate Holder must at all times abide by the provisions in the Type Approval Guidelines and other relevant regulations. The same is null and void when the equipment is altered in function and no longer falls within the parameters verified from the accredited Test Lab.

#### DIRECTOR GENERAL

*This Certificate is issued in Pursuant of Section 36(a) of the National Communications Authority Act 2008, Act 769, Section 66 of the Electronic Communications Act 2008, Act 775, Regulations 78-89 of the Electronic Communications Regulations 2011, L.I.1991*

PLEASE NOTE: THE MARK "NCA APPROVED: 7T2-5H-0E-09C" MUST BE VISIBLE ON THE PRODUCT PER THE TYPE APPROVAL GUIDELINES

# Public Education and Workshops

- Public Education:
  - Consumer fora
  - Consumer outreach
  - NCA Quarterly Watch (Publications)
- Workshops
  - Dealers
  - Telecom operators
  - Custom officers and freight forwarders



# In-country Market Surveillance



## Pre-Market Surveillance

- ❑ **Two levels of clearance**
  - ❑ **Customs Clearance**
  - ❑ **Regulatory Clearance:** Includes physical inspection where destination Inspectors go to the point of entries for inspection
- ❑ **All communications equipment imported into the country must be inspected and passed by NCA**





# In-country Market Surveillance

## Market Surveillance

**NCA undertakes market survey from time to time to ensure only Type Approved ICT devices are sold on the market. Such surveillance can arise from:**

- Consumer complaint,
- A report of interference
- Visual inspection of ICT devices in a retail outlet
- Inappropriate advertising
- Random selection





# In-country Market Surveillance

## Post-Market Surveillance

The NCA established a testing laboratory to conduct post market surveillance of ICT devices on their Ghanaian market. The Lab has the capacity to test:

- ❑ Specific Absorption Rate (SAR)
- ❑ Electromagnetic Field (EMF) measurements
- ❑ Digital Terrestrial Television (DTT)
- ❑ Radio Frequency and Signalling (RF&Sig)



# Challenges

- ❑ Porous ports of entry and un-approved routes
  - ❑ **Engaging Customs and other border agencies**
- ❑ consumer education on effect of buying counterfeit ICT devices
  - ❑ **Advertising in local languages and rural engagement**
- ❑ Low income levels – Prioritizes affordability for quality devices; mostly the reason for buying counterfeits
- ❑ Balancing high ICT service penetration (universal service/access) and enforcing strict regulations with respect to combating counterfeit - particularly in developing countries.

# To Conclude

- ❑ Legal framework to support the actions of regulatory agencies in fighting counterfeit
- ❑ Conformity and Interoperability Regime
- ❑ Collaboration among state agencies and stakeholders
- ❑ Establishment of Type Approval lab to support Market Surveillance



International  
Telecommunication  
Union



# THANK YOU