|  |  |  |
| --- | --- | --- |
| itu_logo | World Telecommunication Standardization Assembly (WTSA-16)Hammamet, 25 October - 3 November 2016 | CCITT/ITU-T 60th Anniversary logo |
|  |  |
|  |  |
| PLENARY MEETING | Addendum 16 toDocument 42-E |
|  | 10 October 2016 |
|  | Original: English |
|  |
| African Telecommunication Union Administrations |
| DRAFT NEW RESOLUTION [AFCP-5] - ITU-T Role in Combating and Deterring Telecommunication/ICT Counterfeit Devices |
|  |

|  |  |
| --- | --- |
| **Abstract:** | This contribution proposes a new draft resolution on ITU-T Studies for combating telecommunication/Information and Communication Technology devices. |

# 1 Introduction

Counterfeiting is widely recognized as a significant and growing socio-economic problem, the distribution and accumulation of waste of counterfeit products is a growing problem.

Counterfeit Communication/ICT devices will not usually have been formally tested, or approved according to any regulatory requirements that may be applicable. The use of counterfeit devices can be extremely dangerous, e.g. explosion of counterfeit batteries, fires caused by chargers, and high levels of hazardous substances such as lead and cadmium.

# 2 Challenges of counterfeit products and devices to developing countries

The motive to propose this draft resolution was the noticeably growing sales and circulation of counterfeit 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 and reputation, network disruptions, poor quality of service (QoS) and potential hazard to public health, additionally may endanger security and impact privacy for users.

# 3 Proposal for a new draft resolution

The annexed draft Resolution addresses ways and means to combat counterfeit Telecommunication/ICT devices through technical means as well as with collaborative efforts of all stakeholders.

ADD AFCP/42A16/1

DRAFT NEW RESOLUTION [AFCP-5]

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

(Hammamet, 2016)

The World Telecommunication Standardization Assembly (Hammamet, 2016),

recalling

*a)* Resolution 188 (Busan, 2014) of the Plenipotentiary Conference 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 the World Telecommunication Development Conference (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 WTDC 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;

*f)* Resolution 72 (Rev. Dubai, 2012) 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;

*i)* Resolution 79 (Dubai, 2012) 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 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 and reputation, network disruptions, poor quality of service (QoS) and potential hazard to public health;

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

*c)* that manufacturers of the counterfeit/substandard devices do not pay royalties to the owners of essential patents and copy rights;

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

*e)* that some countries, in particular developing countries, are still facing significant challenges in finding effective solutions to combat counterfeit telecommunication/ICT devices,

recognizing further

*a)* that some countries, with the growing market of mobile devices, rely on International Mobile Equipment Identity (IMEI) and Equipment Identity Register (EIR) to limit and deter dissemination of counterfeit mobile devices;

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

*c)* that the ITU/Dona Foundation agreement include developing and implementing the DOA for *inter alia* the purpose of combating counterfeit devices,

noting

*a)* that individuals or entities engaged in manufacturing and trading of counterfeit 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 products and devices;

*b)* that counterfeiters have taken advantage of the strong growth in mobile devices to successfully circumvent the Equipment Identity Register (EIR), and are selling and circulating mobile phones with forged (duplicate/cloned) International Mobile Equipment Identity (IMEI);

*c)* that supply and demand economics for counterfeit 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 and persistent device identifiers, for combating counterfeit and substandard telecommunication/ICT products;

*b)* 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;

*c)* of relevant activities in other concerned Standards Development Organizations (SDOs), Fora and Consortia, as well as other international entities such as the World Trade Organization (WTO) , the World Intellectual Property Organization (WIPO) and the World Health Organization (WHO),

considering

*a)* the conclusions of the ITU Event on Combating Counterfeit and Substandard ICT Devices (Geneva, 17-18 November, 2014);

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

resolves

to explore ways and means to combat and deter mobile device theft; to protect industry, Governments and consumers from counterfeit telecommunication/ICT devices,

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

1 to conduct studies in the regions as needed to assist MSs and DCs to addressing their concerns with respect to counterfeit telecommunication/ICT devices, and to identify key challenges and ways of combating counterfeit products, including the use of conformity assessment (CA) systems in particularly regional CA labs and test centres at developing countries;

2 to assist in information sharing at regional and global levels on experiences and best practices to combat counterfeit devices,

instructs the Director of the Telecommunication Standardization Bureau (TSB)

1 to assist Member States in taking the necessary actions to apply relevant ITU-T Recommendations for combating counterfeit products, including use of conformity assessment systems;

2 to conduct a pilot project using 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 telecommunication/ICT devices, and to involve experts and external entities in this activity as appropriate;

3 to collaborate and coordinate activities with international organizations (such as the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO), the World Health Organization (WHO)) and other relevant organizations), relating to combating counterfeit telecommunication/ICT devices, including to restrict the trading, export and circulation of these devices internationally, and to encourage for their participation in the pilot project of *instructs the Director of the TSB* 2 above;

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

5 to submit the results of these activities to the ITU Council for its consideration and required actions,

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

1 to study existing as well as new reliable, unique, persistent and secure identifiers, including those based on the Digital Object Architecture (DOA), that have the potential to be used in combating counterfeit products and telecommunication/ICT devices; including their scope of application and level of security in the context of their possible duplication/cloning;

2 to develop a framework and requirements for a Centralized National Reference Database model of authorized equipment, based on type approval logos, icons and/or other reliable unique identifiers, that can be used to differentiate between authentic/genuine and counterfeit or tampered telecommunication/ICT devices;

3 to elaborate issues related to the development and implementation of the pilot project on combating counterfeit products, defined in *instructs the Director of the Telecommunication Standardization Bureau* 2 above;

4 to identify a list of technologies/products which testing for conformity to ITU-T Recommendations could facilitate combating counterfeit ICT products;

5 to develop identifier assessment and verification methods that can be applied by Member States, industry, operators and consumers to combat counterfeit products;

6 to work in collaboration with ITU-D Study Groups 1 and 2 for elaborating guidelines to assist in the implementation of *instructs ITU-T Study Group 11* 2 above, and in combating the adverse hazardous effects of counterfeit devices and the corresponding e-waste on health;

7 to submit periodic reports on the implementation of the relevant parts of this resolution to the Telecommunication Standardization Advisory Group (TSAG),

invites the Council

to consider the Director's Report on implementation of this resolution,

invites Member States

1 to adopt national legal and regulatory framework to combat counterfeit products including telecommunication/ICT devices;

2 to restrict the importation, circulation and sale of counterfeit devices and accessories on the market, and which are not compliant with a country's legislative and regulatory framework;

3 to support establishing national or regional conformance assessment testing facilities to assist combating counterfeit devices, and to assist ITU-T in implementing this resolution;

4 to consider establishing a Centralized National Reference Database of authorized equipment, to be used to differentiate between authentic/genuine and counterfeit or tampered telecommunication/ICT devices;

5 to define all the devices that require type approval before importation, sale and distribution into the country;

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

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

8 to contribute to the implementation of this resolution,

invites all the membership

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

2 to take the necessary actions to prevent or detect tampering with unique telecommunication/ICT devices identifiers;

3 to deter from providing services, including maintenance and repair services, for counterfeit devices, and to take necessary measures for its safe disposal, in particular if containing illegal and unacceptable levels of hazardous substances,

further invites Member States and Sector Members

to bear in mind the legal and regulatory frameworks of other countries concerning equipment that negatively affects the quality of their telecommunication infrastructure and services, in particular recognizing the concerns of developing countries with respect to counterfeit equipment.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_