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| PLENARY MEETING | | Addendum 11 to Document 46-E | |
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| Member States of the Inter-American Telecommunication Commission (CITEL) | | | |
| Proposed new Resolution [IAP-6] - Studies related the combat of counterfeit and tampered ICT devices | | | |
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| **Abstract:** | This contribution presents a proposal for a new Resolution on studies related the combat of counterfeit and tampered ICT devices, recognizing the importance of the ongoing work on this field being develop on ITU and proposing, based on the decision being made on past decisions from Plenipotentiary, World Telecommunication Standardization Assembly and World Telecommunication Development Conference, how the studies should be conducted on the next study period. |

Introduction

The growing usage of ICT Equipment in people’s daily lives in recent years resulted in increased problems related to the sale, circulation and use of counterfeit devices in most markets as well as their adverse consequences for manufacturers, users and governments.

A considerable number of these ICT devices have been found to be counterfeit and concerns on national security, performance, quality of service delivery and revenue losses for all stakeholders. This has led to the calls by ITU Member States, particularly those in developing countries to address the issue especially the negative effects and studies on any positive impact of measures taken.

In addition, the demand for services resulting in the increased production and availability of ICT devices to end users has also seen the rise of stolen devices. These devices are returned to the market after they have been tampered and hence bypass the blacklist solutions implemented by Governments. Consequently, most countries around the world are not only engaged in combating counterfeit devices, but also have put in place measures to preventing tampered and stolen devices to return to the market.

During the last study period, a technical report on “Counterfeit ICT Devices” was approved on ITU-T Study Group 11 from and published by ITU-T and a number of new work items have been established on the same working group, including Draft new Recommendation “Framework for Solutions to Combat Counterfeit ICT Devices”.

The ITU Resolution 188 (Busan, 2014) of the Plenipotentiary Conference, invites Member States to take all necessary measures to combat counterfeit telecommunication/ICT devices, point that conformance and interoperability testing could be one of the solutions to combat counterfeiting and that unique and persistent identifiers could allow the recognition of genuine products and help on the combat of counterfeit and tampered ICT devices.

It was also adopted on The World Telecommunication Development Conference the Resolution 79 (Dubai, 2014), “The role of telecommunications/information and communication technologies in combating and dealing with counterfeit telecommunication/information and communication devices”.

This proposal also recognize that cooperation among all stakeholders, in special between ITU-T study groups, ITU-T and ITU-D as well as with external bodies outside the ITU (such as SDOs), will be required to gather a complete information and understanding on the subject, including the organization of seminar/workshops in collaboration with stakeholders.

ADD IAP/46A11/1

DRAFT NEW RESOLUTION [IAP-6]

Studies related the combat of counterfeit and tampered ICT devices

(Hammamet, 2016)

The World Telecommunication Standardization Assembly (Hammamet, 2016),

recalling

*a)* that the Plenipotentiary Conference adopted Resolution 188 (Busan, 2014), that aims to Combat counterfeit telecommunication/information and communication technology devices;

*b)* that the Plenipotentiary Conference adopted Resolution 177 (Rev. Busan, 2014), that invites Members States to adopt conformity-assessment regimes and procedures based on applicable ITU-T recommendations;

*c)* that the Plenipotentiary Conference adopted Resolution 123 (Rev. Busan, 2014), that instructs the Secretary-General and the Directors of the three Bureaux to work closely with each other in pursuing initiatives that assist in bridging the standardization gap between developing and developed countries;

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

*e)* that The World Telecommunication Development Conference adopted Resolution 79 (Dubai, 2014), “The role of telecommunications/information and communication technologies in combating and dealing with counterfeit telecommunication/information and communication devices”;

recognizing

*a)* that, with the boom in telecommunications/ICTs, counterfeit and tampered telecommunication/ICT devices have increased noticeably in recent times;

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

*c)* that counterfeit and tampered telecommunication/ICT devices may negatively impact on users security and quality of telecommunication service;

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

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

*f)* that Member States face significant challenges in finding effective solutions to combat counterfeit and tempered devices, given the innovative and creative ways used by persons engaged in this illicit activity to evade enforcement/legal measures;

*g)* the ongoing work of ITU T Study Group 11 as the leading expert group today on the combat of counterfeit and tampered ICT devices at ITU;

considering

*a)* 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;

*b)* that counterfeit 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;

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

*d)* that tampered ICT devices are devices with 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;

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

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

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

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

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

aware

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;

resolves

1 to foster initiatives on combating the spread of counterfeit and tampered ICT devices;

2 that ITU-T Study Group 11 should continue to be lead study group in the area of combating counterfeit and tampered 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 ICT devices;

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

3 to work in collaboration with experts, academia and other relevant stakeholders, such as the World Trade Organization -WTO and the World Intellectual Property Organization – WIPO, on combating the spread of counterfeit and tampered ICT devices;

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

instructs the study group 11

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

4 to study results achieved by various international standardization bodies and coordinate with them when proposing technical solutions;

5 cooperate, as appropriate, with interested stakeholders to optimize studies to prepare test specifications to identify and control counterfeit and tampered ICT device, deployed or not on the market, especially regarding cloned devices;

invites Member States

1 to contribute to the implementation of this resolution and take all necessary measures to combat counterfeit and tampered devices;

2 to incorporate in their applicable national legal and regulatory frameworks policies that support the combat counterfeit and tampered devices;

invites Sector Members

to cooperate with governments, administrations and telecommunication regulators in combating counterfeit and tampered devices, restricting trading and network operation of these devices and disposing of them safely;

invites all the membership

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

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

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