
COMMITTEE 5 AHG

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English only

**Note by the Chairman of Committee 5's Ad hoc Group on
Res. 177 and Draft new Res. on Counterfeit Devices**

COMPILATION OF PROPOSALS FOR A DRAFT NEW RESOLUTION
ON COUNTERFEIT DEVICES

Please find attached a compilation of the proposals relevant for a draft new Resolution on Counterfeit Devices.

Nilo PASQUALI
Chairman

DRAFT NEW RESOLUTION [IAP-8]

Combating ~~counterfeit and unauthorized~~ telecommunication/information and communication ~~counterfeit and unauthorized~~ devices

The Plenipotentiary Conference of the International Telecommunication Union (Busan, 2014),

recalling

a) Resolution 177 (~~Guadalajara Rev. Busan, 2010-14~~), of the Plenipotentiary Conference, on conformity and interoperability, which instructs the Director of the Telecommunication Development Bureau to assist Member States in addressing their concerns with respect to counterfeit devices ~~and with the terms of this Resolution;~~

b) Resolution 47 (Rev. Dubai, 2014), of the World Telecommunication Development 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;

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

d) Resolution 76 (Rev. Dubai, 2012) of the World Telecommunication Standardization Assembly,

recognizing

a) the growing problem related to the sale and circulation of counterfeit and unauthorized devices in the market, as well as the adverse consequences for users, governments and the private sector;

b) that counterfeit and unauthorized telecommunication/ICT devices may decrease security and quality of service for users and lead to tax losses for governments, among others;

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

d) that while there are more similarities than differences between counterfeit, —and unauthorized telecommunication/ICT devices, , it is important to recognize the differences which may require different solutions;

e) that some countries have adopted measures to raise awareness of this issue and deployed successful solutions to deter the spreading of counterfeit and unauthorized telecommunication/ICT devices, and that developing countries may benefit from learning from those experiences;

f) that some of the solutions adopted by the countries rely on unique ICT device identifiers, such as the International Mobile Equipment Identity, to limit and deter counterfeit and unauthorized ICT devices;

ADD by VEN/88/2

g) that conformity assessment is the accepted way of demonstrating that a product adheres to an international standard and is increasingly important in the context of World Trade Organization

(WTO) members' international standardization commitments under the Agreement on Technical Barriers to Trade (TBT), [moved from draft proposal from VEN on Res 177]

ADD by RCC/73A1/25

h) that the use within public networks of certified ICT products with a unique identifying code assigned by the manufacturer is an effective means of combating the counterfeit trade,

g) that industry initiatives have been created to coordinate activity between operators, manufactures, and consumers;

h) that operators ins some countries offer solutions for consumers such as free anti-theft applications;

i) that Members States face significant challenges in finding effective solutions to this problem, given the innovative and creative ways used by persons engaged in this illicit activity to evade enforcement/legal measures;

j) the ITU's Conformity and Interoperability and Bridging Standardization Gap programmes, may help by bringing clarity to standardization processes and product's conformity to international standards;

k) that providing interoperability, safety, and reliability should be a key objective of ITU Recommendations,

considering

a) that, in general, telecommunication/ICT devices that does not comply with applicable national conformity processes, as well as national regulatory requirements or other applicable legal requirements, may be considered unauthorized for sale and/or activation on telecommunications networks of that country;

b) that ITU and other relevant stakeholders have key roles to play in fostering coordination between the parties concerned to study the impact of counterfeit and unauthorized devices and the mechanism for limiting their use and to identify ways of dealing with them internationally and regionally,

aware

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

b) of the current work and studies of ITU Study Groups, and of relevant activities in other relevant forums;

ADD by RCC/73A1/25

g) that Study Group 11 of the ITU Telecommunication Development Standardization Sector (ITU-T) is engaged in a study of approaches for combating counterfeit ICT products;

c) that the tampering of unique identifiers diminishes the effectiveness of solutions adopted by the countries,

ADD by RCC/73A1/25

Resolves

~~1 — to contribute to combating counterfeit products by creating within ITU a single register of ICT product codes, and by inviting manufacturers belonging to ITU (including Sector Members) to register their ICT products, and the administrations of ITU Member States to avail themselves of the full database for combating counterfeit ICT products at the national level, [ok]~~

~~12 aware [move up]~~

~~that there is ongoing to continue working in cooperation with the World Trade Organization and World Intellectual Property Organization on matters related to coordinating activities to combat counterfeit products and implement an approach aimed at curbing the trafficking of counterfeit products at the international level, [ok]~~

[instructs the Director of the Telecommunication Standardization Bureau,

~~to continue to engage in studies for the development of standards for use in the creation of mechanisms for combating counterfeit ICT products – RCC to take comments into account]~~

instructs the Director of the Telecommunication Development Bureau, the Director of the Telecommunication Standardization Bureau and the Director of the Radiocommunication Bureau,

1 to assist Member States in addressing their concerns with respect to counterfeit [and unauthorized] telecommunication/ICT devices ~~by encouraging adoption of mechanisms to combat such practices~~ through information sharing at regional or global level, including conformity assessment systems; ok but brackets

2 to assist all membership in taking the necessary actions to prevent or detect the tampering of unique device identifiers, such as the International Mobile Equipment Identity, interacting with other telecommunication SDOs related to these matters, [ok]

~~MOD by ARB/79A3/5, RCC/73A1/25, IAP/34A1/36~~

~~2 — to assist Member States in addressing their concerns with respect to counterfeit and unauthorized telecommunication/ICT devices, taking into consideration WTDC Resolution 79 (Dubai, 2014);~~

invites Member States

1 to take all necessary measures to combat counterfeit [and unauthorized] ICT devices; [ok but with brackets]

[The Netherlands to propose text under considering on “taking into account user connectivity”]

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

~~3 — to incorporate policies to combat the use of these devices in their national telecommunication/ICT strategies, [ok to remove]~~

~~ADD by RCC/73A1/25~~

~~4 — to use the single register of ICT equipment codes in the fight against counterfeit equipment at the global and national levels, [ok to delete]~~

invites telecommunication operators

~~1~~—~~3~~to encourage participation in industry programs combating counterfeit [and unauthorized] telecommunication/ICT devices ~~such as accessing the database for information about stolen devices in each country;~~ [ok]

~~2~~ to ~~cooperate with governments, administrations and telecommunication regulators in combating counterfeit and unauthorized telecommunication/ICT devices, restricting trade of these devices and disposing of them safely,~~ [ok]

invites all the Membership

1 to participate actively in ITU studies relating to combating counterfeit [and unauthorized] telecommunication/ICT devices by submitting contributions; [ok but with brackets]

2 to take the necessary actions to prevent or detect the tampering of unique ICT devices identifiers, such as the International Mobile Equipment Identity. [ok]

ADD by RCC/73A1/25

~~2~~—~~to register telecommunication/ICT equipment in the single register of ICT product codes;~~

CUT&PASTE from PP-10 Res 177

[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 and unauthorized ICT equipment.] brackets
