
COMMITTEE 5

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**COMMITTEE 5 AD HOC GROUP ON RES. 177 AND
DRAFT NEW RES. ON COUNTERFEIT DEVICES**

Please find attached the proposed draft new Resolution on Counterfeit Devices.

Nilo PASQUALI
Chairman

ADD COM5/58/1

DRAFT NEW RESOLUTION [COM5/XX]

Combating counterfeit telecommunication/ICT devices

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

recalling

- a) Resolution 177 (Rev. Busan, 2014) of the Plenipotentiary Conference on conformity and interoperability;
- 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 the World Telecommunication Development Conference on the role of telecommunications/information and communication technologies in combating and dealing with counterfeit telecommunication/information and communication devices,

recognizing

- a) the growing problem related to the sale and circulation of counterfeit devices in the market, as well as the adverse consequences for users, governments and the private sector;
- b) that counterfeit telecommunication/ICT devices may negatively impact security and quality of service for users;
- c) that counterfeit telecommunication/ICT devices often contain illegal and unacceptable levels of hazardous substances, threatening consumers and the environment;
- d) that some countries have adopted measures to raise awareness of this issue and deployed successful solutions to deter the spreading of counterfeit telecommunication/ICT devices, and that developing countries may benefit from learning from those experiences;
- e) that some of the measures adopted by the countries rely on unique telecommunication/ICT device identifiers, such as the International Mobile Equipment Identity, to limit and deter counterfeit ICT devices;
- f) that industry initiatives have been created to coordinate activity between operators, manufacturers, and consumers;
- g) that Member States face significant challenges in finding effective solutions to counterfeit devices, given the innovative and creative ways used by persons engaged in this illicit activity to evade enforcement/legal measures;
- h) the ITU's Conformity and Interoperability and Bridging Standardization Gap programmes are intended to help by bringing clarity to standardization processes and product's conformity to international standards;

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

considering

a) that, in general, telecommunication/ICT devices that do not comply with applicable national conformity processes, as well as national regulatory requirements or other applicable legal requirements, should 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 devices and the mechanism for limiting their use and to identify ways of dealing with them internationally and regionally;

c) the importance of maintaining user connectivity,

aware

a) 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;

b) of the current work and studies of ITU Study Groups, in particular of Study Group 11 of the ITU Telecommunication Standardization Sector (ITU-T) that is engaged in a study of methodologies and use cases for combating counterfeit and substandard ICT products, and of relevant activities in other relevant forums;

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

d) that there is ongoing cooperation with the World Trade Organization and World Intellectual Property Organization on matters related to counterfeit products,

resolves to instruct 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 telecommunication/ICT devices through information sharing at regional or global level, including conformity assessment systems;

2 to assist all membership, considering relevant ITU-T Recommendations, in taking the necessary actions to prevent or detect the tampering and/or duplication of unique device identifiers interacting with other telecommunication SDOs related to these matters,

invites Member States

1 to take all necessary measures to combat counterfeit telecommunication/ICT devices;

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

3 to encourage participation in industry programs combating counterfeit telecommunication/ICT devices,

invites all the Membership

- 1 to participate actively in ITU studies relating to combating counterfeit telecommunication/ICT devices by submitting contributions;
- 2 to take the necessary actions to prevent or detect the tampering of unique telecommunication/ICT devices identifiers,

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.
