ITU-APT Foundation of India (IAFI)

PROPOSED MODIFICATIONS TO WTDC RESOLUTION 79: THE ROLE OF TELECOMMUNICATIONS/INFORMATION AND COMMUNICATION TECHNOLOGIES IN COMBATING AND DEALING WITH COUNTERFEIT AND TAMPERED TELECOMMUNICATION/INFORMATION AND COMMUNICATION DEVICES

1. INTRODUCTION

The World Telecommunication Development Conference (WTDC) Resolution 79 (Rev. Kigali, 2022) has served as a valuable instrument in guiding international efforts to combat counterfeit and tampered telecommunication/ICT devices. However, due to persistent evolution of illicit manufacturing and distribution practices, coupled with the rapid expansion of online platforms, necessitates a renewed focus and strengthened strategies. Furthermore, the increasing environmental and health hazards posed by the improper disposal of counterfeit devices, particularly in developing countries, demands urgent attention.

This updated Resolution aims to update existing measures, address emerging challenges, and for greater collaboration among stakeholders to effectively mitigate the multifaceted impacts of counterfeit and tampered devices on the global ICT ecosystem.

2. PROPOSALS

IAFI, through this contribution, proposes updates in the Resolution 79, by enhancing international cooperation and information sharing among Member States, action against online platforms to disrupt illicit supply chains and combat the online trade of counterfeit devices, strengthen capacity-building initiatives, and promoting consumer awareness campaigns to educate users about the risks associated with counterfeit devices and exploration of AI and machine learning, to proactively identify and mitigate the proliferation of counterfeit devices.

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RESOLUTION 79 (Rev. Kigali, 2022)

The role of telecommunications/information and communication technologies in combating and dealing with counterfeit and tampered telecommunication/information and communication devices

The World Telecommunication Development Conference (Kigali, 2022),

recalling

a) Resolution 177 (Rev. Dubai, 2018) of the Plenipotentiary Conference, on conformance and interoperability (C&I);

b) Resolution 188 (Rev. Dubai, 2018) of the Plenipotentiary Conference, on combating counterfeit telecommunication/information and communication technology (ICT) devices;

c) Resolution 182 (Rev. Busan, 2014) of the Plenipotentiary Conference, on the role of telecommunications/ICTs in regard to climate change and the protection of the environment;

d) Resolution 96 (Hammamet, 2016) of the World Telecommunication Standardization Assembly (WTSA), on ITU Telecommunication Standardization Sector (ITU-T) studies for combating counterfeit telecommunication/ICT devices;

e) Resolution 174 (Rev. Busan, 2014) of the Plenipotentiary Conference, on ITU's role with regard to international public policy issues relating to the risk of illicit use of ICTs;

f) Resolution 64 (Rev. Kigali, 2022) of this conference, on protecting and supporting users/consumers of telecommunication/ICT services;

g) Resolution 76 (Rev. Geneva, 2022) of WTSA, on studies related to C&I testing, assistance to developing countries[1], and a possible future ITU Mark programme;

h) Resolution 47 (Rev. Kigali, 2022) of this conference, on enhancement of knowledge and effective application of ITU Recommendations in developing countries, including C&I testing of systems manufactured on the basis of ITU Recommendations, and in particular assistance to developing countries in addressing their fears in relation to counterfeit equipment;

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[1] These include the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition.

i)   Resolution 79 (Rev. Geneva, 2022) of WTSA, on the role of telecommunications/ ICTs 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 and tampered telecommunication/lCT devices in the markets, which have a negative impact on governments, manufacturers, vendors, operators and consumers through: loss of revenues, erosion of brand value/intellectual property rights (IPRs) and reputation, network disruptions, poor quality of service, data theft and potential hazard to public health and safety, as well as the environmental impact of e-waste;

b)   that ITU's Conformity and Interoperability and Bridging Standardization Gap programmes are intended to add value, by bringing clarity to standardization processes and product conformity with international standards;

c)   that counterfeit telecommunication/ICT products and devices have become a growing problem in the world, adversely affecting to a large extent all stakeholders in the ICT field (vendors, governments, operators and consumers);

d)   that mobile devices rely on unique device identifiers to limit and deter the proliferation of counterfeit mobile devices;

e)   that counterfeit telecommunication/lCT devices may negatively impact on security and privacy for users;

f)   that Recommendation ITU-T X.1255 provides a framework for discovery of identity management information that can help in combating counterfeiting of telecommunication/ICT devices;

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

●   that counterfeit telecommunication/ICT devices may contain unacceptable levels of

hazardous substances, threatening consumers and the environment,

taking into account

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 IPRs, impede innovation, are hazardous to health and safety and have an impact on the environment and the increasing amount of harmful e-waste;

c)   that counterfeiting of these devices poses a complex challenge and increases the risks of network disruption and interoperability difficulties that reduce the quality of telecommunication/ICT services;

–   that ITU and relevant stakeholders have a key role to play in fostering coordination

among the parties concerned to study the impact of counterfeit devices and the mechanism for limiting them and to identify ways of dealing with them internationally and regionally,

noting

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

that supply and demand economics for counterfeit telecommunication/ICT products complicate attempts to tackle the global black/grey market, and that no single solution is easily envisaged,*aware*

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

b)   of the related work and studies in ITU-T Study Groups 5, 11, 17, and 20;

c)   of the ongoing work and studies in Study Group 1 and Study Group 2 of the ITU Telecommunication Development Sector (ITU-D);

–   that there is ongoing cooperation with standards-development organizations (SDOs),

the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the World Health Organization (WHO) and the World Customs Organization (WCO) on matters related to counterfeit products,

considering

a)   that a counterfeit telecommunication/ICT device is a product that explicitly infringes the trademark, copies hardware or software designs, or infringes 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;

b)   that tampered (making unauthorized changes to) telecommunication/ICT devices are devices that have components, software, a unique identifier, items protected by IPRs or a trademark tentatively or effectively altered without the explicit consent of the manufacturer or its legal representative;

c)   that tampered telecommunication/ICT devices, especially the ones that clone/ replicate a legitimate unique identifier, may diminish the effectiveness of solutions adopted by the countries when addressing counterfeiting;

d)   that ITU and other relevant stakeholders have key roles to play in fostering coordination between the parties concerned in order to study the impact of counterfeit and tampered telecommunication/ICT devices and the mechanism for limiting their use, and to identify ways of dealing with them both internationally and regionally, particularly through the ongoing work in ITU-T Study Group 11, as the leading expert in the study of combating counterfeit and tampered telecommunication/ICT devices at ITU, and also related work and studies, in particular in ITU-T Study Groups 5, 17 and 20 and ITU-D Study Group 2,

resolves to instruct the Director of the Telecommunication Development Bureau, in close collaboration with the Director of the Telecommunication Standardization Bureau and the Director of the Radiocommunication Bureau

1   to continue to increase and develop ITU activities on combating, and ways of limiting the spread of, counterfeit and tampered devices;

2   to assist Member States, particularly developing countries, in addressing their concerns regarding counterfeit and tampered devices, including through information sharing at regional or global level;

3   to continue to work in collaboration with stakeholders (such as WTO, WIPO, WHO and WCO), including academia and relevant organizations, to coordinate activities relating to combating counterfeit and tampered devices through study groups, focus groups and other related groups;

4   to organize seminars and workshops to raise awareness of the health and environmental risks of using counterfeit and tampered devices and ways of limiting them, particularly in developing countries, which are the most at risk from the dangers of counterfeit devices;

5   to continue assisting developing countries in attending these workshops and seminars by providing fellowships and remote participation;

6   to work in close collaboration with relevant stakeholders, such as WTO, WIPO, WHO and WCO, on activities relating to combating counterfeit and tampered telecommunication/ICT devices, including restricting the trading, export and circulation of these telecommunication/ICT devices internationally;

7   to submit periodic reports on the implementation of this resolution,

8   to strengthen anti-counterfeiting efforts in developing countries by implementing robust capacity building initiatives, including specialized training for customs, law enforcement, and regulatory officials.

invites the Director of the Telecommunication Development Bureau

to provide information on a periodic basis on international and regional testing, type-approval and accreditation bodies and laboratories,

instructs Study Groups 1 and 2 of the ITU Telecommunication Development Sector,
within their mandate, as appropriate, in collaboration with the relevant ITU study groups

1   to prepare and document examples of best practices on limiting counterfeit and tampered telecommunication/ICT devices, for distribution to ITU Member States and Sector Members;

2   to prepare guidelines, methodologies and publications to assist Member States in identifying counterfeit and tampered telecommunication/ICT devices and methods of increasing public awareness to restrict trade in these devices, as well as the best ways of limiting them, taking into account ongoing studies conducted by ITU-T Study Group 11;

3   to study the impact of counterfeit and tampered telecommunication/ICT devices being transported to developing countries;

4   to continue studying safe ways of disposing of the harmful e-waste from the counterfeit devices currently in circulation in the world , .

5   to cooperate with relevant ITU-T study groups, in particular Study Group 11 as the lead study group in the area of combating counterfeit and tampered telecommunication/ICT devices,

invites Member States

1   to take all necessary measures to combat counterfeit and tampered telecommunication/ICT devices and to review their regulations;

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

3   to incorporate policies to combat counterfeit and tampered devices in their national telecommunication/ICT strategies;

   3.   to raise awareness among consumers regarding the negative impacts of counterfeit and tampered devices.