

PCC.I/RES. 249 (XXVII-15)¹

TECHNICAL NOTEBOOK “REGIONAL MEASURES TO COMBAT THE SPREAD OF COUNTERFEIT, SUBSTANDARD AND UNAPPROVED MOBILE DEVICES”

The XXVII Regular Meeting of the Permanent Consultative Committee I: Telecommunications/Information and Communications Technology (PCC.I),

CONSIDERING:

- a) That the counterfeit, substandard and unapproved mobile device problem is within the scope of prior mandates of the Inter-American Telecommunications Commission (CITEL) relating to the prevention, detection, policies and actions on fraud and non-compliant practices;
- b) That one of the mandates of the Working Group on Policies and Regulation is to study issues related to the prevention of fraud and non-compliant practices in the provision of telecommunication/Information and Communication Technologies (ICT) services, and recommend best practices that can minimize the impact on Member States, users and operators;
- c) That the work of the Regulatory Non-compliance Practices and Fraud Control in Telecommunications Rapporteurship, within the scope of the Working Group on Policies and Regulation, is aimed at providing tools that allow Member States to develop specific policies aimed at solving the problems presented by the existence of fraudulent and non-compliant practices;
- d) That a Correspondence Group to Examine the Issues Relative to Counterfeit, Substandard and Unapproved Mobile Devices, with the purpose of addressing this endemic problem within the region, was established within the framework of the Regulatory Non-compliance Practices and Fraud Control in Telecommunications Rapporteurship in the XXVII Regular Meeting of PCC.I through PCC.I/RES. 222 (XXIV-14),

RECOGNIZING:

- a) That it is necessary to join efforts among Member States to have information on regulations that are applicable to combat the spread of counterfeit, substandard and unapproved mobile devices;
- b) That it is essential to share information and exchange experiences on issues associated with the combating of sale and circulation of counterfeit, substandard or unapproved devices in the market, as well as the adverse consequences for users, governments and the private sector, in order to enable Member States to assess the implementation of potential solutions;
- c) That it is in the interest of Member States to be aware of the leading cases relating to the enforcement of regulations, practices, and awareness-raising campaigns for citizens in order to limit and deter the circulation of counterfeit, substandard, and unapproved mobile devices;
- d) That the exchanging of such information will provide to the Member States knowledge based on the experience of their peers regarding the combat of counterfeit, substandard and unapproved mobile devices for better policy making, and will also provide tools to address problems that companies providing telecommunications services may face as a consequence of the use of those devices,

¹ CCP.I-TIC/doc. 3715/15

WHEREAS:

- a) The terms of reference of the Correspondence Group to Examine the Issues Relative to Counterfeit, Substandard and Unapproved Mobile Devices envision that the Group should, among other things:
1. Evaluate the scope and nature of the counterfeit, substandard and unapproved mobile devices problem;
 2. Promote sharing of information and exchanging of experiences among CITELE Members regarding measures taken to combat trade and use of counterfeit, substandard and unapproved mobile devices, and
 3. Document best practices from around the world in combating trade and use of counterfeit, substandard and unapproved mobile devices;
- b) The terms of reference of the Correspondence Group also tasks it to propose the creation of technical notebooks, recommendations and/or resolutions of CITELE addressing technical and regulatory measures to combat trade and use of counterfeit, substandard and unapproved mobile devices in the Americas Region,

BEARING IN MIND:

- a) That it would be beneficial for Member States to have a centralized source of information on the various experiences, measures, studies, and regulations that CITELE Member States have been implementing or developing to combat trade and use of counterfeit, substandard and unapproved mobile devices in the Americas Region;
- b) That this collection of experiences and documents is an initial step toward assessing best practices and, where appropriate, recommending actions,

RESOLVES:

1. To approve the creation of a Technical Notebook on “Regional Measures to Combat the Spread of Counterfeit, Substandard and Unapproved Mobile Devices” to provide updated and detailed information on the experiences, measures, studies, and regulations that CITELE Member States have developed in this regard.
2. To designate the Administration of Brazil as the Coordinator for this Technical Notebook, represented by Mr. João Zanon, the Coordinator of the Correspondent Group to Examine the Issues Relative to Counterfeit, Substandard and Unapproved Mobile Devices.
3. To task the Coordinator to collect information provided by Member States and Associate Members on this subject and to prepare the Technical Notebook as well as to keep it updated, as required.
4. To approve the recommended Contents of the Technical Notebook, as shown in Annex I.
5. To request that the Secretariat of CITELE circulate this Resolution among the Member States and Associate Members to begin the information collection process.
6. To invite the CITELE Member States and Associate Members to provide information to be included in the Technical Notebook.

ANNEX I TO RESOLUTION PCC.I/RES. 249 (XVVII-15)

RECOMMENDED CONTENTS OF THE TECHNICAL NOTEBOOK

“REGIONAL MEASURES TO COMBAT THE SPREAD OF COUNTERFEIT, SUBSTANDARD AND UNAPPROVED MOBILE DEVICES”

1. Definitions for counterfeit, substandard, and unapproved devices.
2. Information on the size of the counterfeit, substandard, and unapproved mobile devices problem including any studies conducted regarding the sale and distribution of such products, data/statistics on how many devices are on networks that have invalid IMEI numbers, information on number of seizures by customs or other enforcement authorities, etc.
3. Data or statistics on the economic impact of the sale and circulation of counterfeit, substandard, and unapproved mobile devices on society.
4. Data relating to the sources of counterfeit, substandard, and unapproved mobile devices.
5. Information regarding cybersecurity threats posed by such devices.
6. Safety, environmental, or performance related problems from the use of counterfeit, substandard, and unapproved mobile devices including any studies conducted on these topics.
7. Data on existing legislation or regulations in Member States specifically addressing the counterfeit, substandard, and unapproved mobile devices problem.
8. Information on studies and consultancies undertaken in this area by international and/or multilateral bodies.
9. Information on best practices from inside and outside the region including available technological solutions.
10. Information on cases of practical implementation of measures to combat the spread of counterfeit, substandard and unapproved mobile devices in each Member States
11. Information on the main challenges faced and possible solutions when implementing measures to combat the spread of counterfeit, substandard and unapproved mobile devices.