



ISO/PC 246 N **043**

2010-03-09

ISO / PC Secretariat

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Title: Final resolutions of comments on ISO 12931 made during the first call for comments

Commentaries: The comments related to the introduction and the section 3 have been solved during the 3rd meeting of ISO/PC 246 held in Lausanne from 1st to 5th of March 2010.

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Template for comments and secretariat observations

Date: 2010-03-09	Document: PC246n043
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1	2	(3)	4	5	(6)	(7)
MB ¹	Clause No./ Subclause No./ Annex (e.g. 3.1)	Paragraph/ Figure/Table/ Note (e.g. Table 1)	Type of com- ment ²	Comment (justification for change) by the MB	Proposed change by the MB	Secretariat observations on each comment submitted
AT				no expertise available		
DE1	General		te	(1) Although the document is supposed to be on a horizontal level and to give generic requirements which are technologically independent, concrete requirements and/or examples for anti-counterfeiting methods and tools are missing. Additional information giving examples for anti-counterfeiting tools should be given.	Add examples and/or more concrete requirements.	Postponed until a contribution is provided
DE2	General		te	(2) National specific privacy laws and regulations have to be obeyed by applied anti-counterfeiting mechanism. (e. g. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.; OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (Sept. 1980))	Include statement	Accepted. "Any individual or organization making use of this standard must comply with all national, regional and local laws" to be added
DE3	General		te	(3) There is text in the introduction describing processes in the development and use of anti-counterfeiting tools, but terms as "assessment of risk level" are mentioned by the way in the text (section 6). I would expect a structured process scheme, stating that e.g. a risk assessment shall take place (and before other processes).	The processes of designing, developing and using anti-counterfeiting tools should be mentioned and made mandatory.	Accepted. A sentence "every tool is required to have an operating procedure manual" has to be added in the 5 th clause (requirements)

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DE4	General		ge	(4) Authentication tools should provide a method to check governmental or non-governmental acknowledged labels concerning product safety, health, consumer protection or environmental protection where possible.		This case is already covered by the document
DE5	General		ed	(5) Terms "rights holder" and "right holder" are used synonymously by mistake.	Use "rights holder" instead of "right holder".	Accepted
NL			ge	For the Netherlands there has not been established a national mirror committee for Anti-counterfeiting tools. NEN must therefore respond ABSTAIN to the ISO document WD 12931.1.		Acknowledged
KR			ge	KATS would like to support the concept overall. It is agreed that it would be useful to develop a checklist regarding anti-counterfeiting tools. Meanwhile, "downloadable" products at this time should not be included in this PC level. Because it would even further delay the standardization process of this particularly selected IPR protection effort area due to digital media's very complicated and sensitive nature and issues. Also, ISO/WD 12931 needs to further clarify the performance criteria for authentication tools as it still looks somewhat vague in terms of authentication and assessment process. It seems to cover many elements for assessment of anti-counterfeiting tools' performance and effectiveness but it is not clear how those tool elements work in each stage of the authentication procedure.		First part is withdrawn Second part : agreed. When the standard will be issued, solutions to make it easily understandable will be studied.

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DE6	Title		ge	(6) Any authentication feature or solution consists of several components, of which an authentication tool, in the narrow sense of the word, is only one. Performance, however, can only be assessed for a feature or solution as a whole. We thus propose to change the word "Tools" in the title of the WD to "Measures" to clarify the complete extent of the intended coverage.	Change the word "Tools" in the title to "Measures".	Solved. Change "tools" to "solutions"
US1	Foreword	Paragraph 6 Last sentence	ed	The term "bites into" is a colloquialism and is subject to misinterpretation	Use the word "reduces"	Accepted
FR1	Foreword	7 th paragraph	Ed	Consistency	Replace "requirements" With "Criteria"	Accepted
US2	Foreword	Paragraph 8, First sentence	ed	Word missing, "the" should be inserted "authentication tools into <u>the</u> products life cycle"	Insert the word "the " as indicated.	Accepted
UK1	Foreword	8	Ge	It is not appropriate to refer to product lifecycle etc in the context of authentication tools.	Replace with: The present document aims to integrate the performance requirements for authentication tools into products' supply and distribution chains, so that authentication is positioned as a feature of these chains.	Solved "lifecycle in any situation when requires"

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FR2	Foreword	Last sentence	Te	Consistency with the content of the scope	Replace “legitimate” with “ <i>genuine</i> ”	Accepted
FR3	Introduction		Te	The introduction will have to be reviewed to make it consistent with the document after discussion and consensus regarding the content of the standard.	See Annex A	Solved with a new drafting of Introduction
UK2	Introduction	All	Ed	With the change of title to “Authentication Tools” the phrase “anti-counterfeiting” is mostly inappropriate as used throughout this section.	Replace “anti-counterfeiting” with “authentication” as necessary and appropriate.	Solved with a new drafting of Introduction
DE7	Intro	Para 1	ed	(7) Grammatical mistake	Change to “the range of counterfeited products <u>has developed</u> ...”	Solved with a new drafting of Introduction
US3	Introduction	First Paragraph First sentence	ed	Poor wording “.....has been developed strongly since over a decade, and is new no longer limited to luxury goods.”	...has been increasing rapidly for over a decade and is no longer limited to luxury goods.”	Solved with a new drafting of Introduction
DE8	Intro	Para 1, 4 th sentence	ed	(8) Clearer language needed	Change to “These counterfeit goods... regulatory requirements, <u>and therefore generate risks</u> for...”	Solved with a new drafting of Introduction
US4	Introduction	First paragraph Last sentence	gen	Additional language introduces the legal and liability issues of counterfeiting.	Additional language “.....loss of earnings, job losses, brand value damage, <i>and increase the potential for false product claims and litigation</i> for the companies and distribution <i>supply chain</i> .”	Solved with a new drafting of Introduction
US5	Introduction	Second paragraph Last Sentence	ed	Change of term for consistency and clarity, “distribution circuits” are typically related to electrical distribution.	“..... to empower and secure the distribution circuits <i>supply chain</i> , and help.....	Solved with a new drafting of Introduction

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UK3	Introduction	3	Ed	See above	Delete	Solved with a new drafting of Introduction
UK4	Introduction	4 and after	Ge	See attached discussion paper. Counterfeiting is more than IPR infringement.	Delete or replace as per attached paper.	Solved with a new drafting of Introduction
US6	Introduction, Intellectual property infringement	First paragraph, first sentence	ed	Redundant language.	“..... counterfeited in various different ways.”	Solved with a new drafting of Introduction
US7	Introduction, Intellectual property infringement	Third point, “patents”	ed	The terms and phrases are not clearly understood. “.....authorized licensee for a new invention that is <i>inventive and industrially applicable, in many cases including a supplementary protection certificate.</i> ”	Replace with new language.	Solved with a new drafting of Introduction
US8	Introduction, Recognition of authenticity	First sentence in italics	ed	Typo or misspelling	Change “Nota” to “Note”	Solved with a new drafting of Introduction
US9	Introduction, Recognition of authenticity	First paragraph	gen	Change terms to more accurately reflect the involved entities.	“.....legal provisions designed to enable professionals, corporations or business entities to release safe products.....	Solved with a new drafting of Introduction
US10	Introduction, Recognition of authenticity	Last paragraph, Second sentence	ed	The term “hone in” is a colloquialism and is subject to misinterpretation	Replace with the word “focus”.	Solved with a new drafting of Introduction

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FR4	Scope	4 th paragraph	Ed	<p>Clarification: the distinctive identity is the most encompassing concept from which the other items follow.</p> <p>Exhaustiveness: this standard has to cover issues not yet identified.</p>	<p>Replace “This document deals with material goods: <ul style="list-style-type: none"> covered by intellectual property rights, and/or covered by relevant national or regional regulation, and/or with safety and public health implications, and/or otherwise with a distinctive identity.” </p> <p>With <i>“This document deals with material goods with a distinctive alleged identity and, among others: <ul style="list-style-type: none"> covered by intellectual property rights, and/or covered by relevant national or regional regulation, and/or with safety and public health implications.”</i> </p>	Withdrawn
US1 1	Scope	Fourth paragraph	ed	The term “deals with” should be more specific. Replace with proposed language.	“This document is focused upon the authentication of material goods.”	Accepted

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FR5	Scope		Te	Completeness	Add the following paragraph: <i>"Authentication tools covered by this standard may be used to provide pieces of evidence, for example in case of legal procedure."</i>	Rejected
FR6	2		Te	Useful reference	Add <i>"ISO/IEC 27001 Information technology -- Security techniques -- Information security management systems – Requirements"</i>	Solved. To be added in bibliography
UK5	3	3.1 - 3.21	Ed	It is logically wrong to establish which words or phrases in the standard require definition until the standard has been drafted. Only then can it be searched for words which require a definition.	Postpone further consideration of the Definitions in this section until the standard is drafted.	Noted
DE9	3.1		te	(9) Improper definition.	Change accordingly: "Successful or unsuccessful attempt to imitate, produce , possible reproduce the authentic product."	Solved with 2nd call for comments
FR7	3	3.1	Ed	The definition, as it is, is too much restrictive	Delete "to be able to imitate, produce, possibly reproduce, the authentication elements"	Solved with 2nd call for comments
US1 2	Definitions 3.1	3.1 attack	ed	The term "hack" is inappropriate for this definition.	"....attempt to <i>compromise or circumvent</i> an anti-counterfeiting solution,...."	Solved with 2nd call for comments

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FR8	3	3.4	Te	Preciseness of the definition	Add “by copying, producing or using without authorization from the right owner”	Solved with 2 nd call for comments
US1 3	Definitions 3.4	3.4 counterfeit	gen	The definition is very limited in scope and needs to be expanded	Additional language, “a material good from an unknown origin, that represents, or attempts to represent, the authentic product.”	Solved with 2 nd call for comments
US1 4	Definitions 3.5	3.5 Inspector	gen	Additional language to expand the definition.	Additional language, ...’who uses the anti-counterfeiting device, <i>exemplars, individual or cumulative expertise, or other means</i> with the aim of	Solved with 2 nd call for comments
FR9	3	3.8	Ed	Clarification: the authentication is larger than a piece of information.	Change the current definition with: <i>“a property, object or mark associated to the product, the use, knowledge and/ or interpretation of which contribute to build evidence.”</i>	Solved with 2 nd call for comments
US1 5	Definitions 3.8	3.8 Authenticatio n	ed	Additional language for clarification	Additional language, “.....help build evidence <i>to authenticate the material good.</i> ”	Solved with 2 nd call for comments
DE1 0	3.9/3.13		te	(10) The document gives two different definitions for the same term "proof". Only one clear definition should be given.	Clarify/change accordingly	Solved The 2 definitions of proof are to be deleted from the document
FR1 0	3	3.9	Ed	Clarification: proof is defined in paragraph 3.13	Delete “proof” from the title	Solved with DE10
FR1 1	3	3.9	Ed	Consistency	Replace “expert” with “ <i>inspector</i> ”	Solved with DE10

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FR1 2	3	3.11	Ed	Clarification	Replace the current definition with: <i>"to be completed"</i>	Interoperability is not used in the document and is to be deleted
FR1 3	3	3.12	Ed	According the way this word is used in the standard, the definition has to be modified.	Cancel "used to build and run the anti- counterfeiting solution," Replace "product authenticity" with <i>"element of authentication"</i>	Covered with the 2nd call for comments
FR1 4	3	3.13	Te	This definition is close to the one available in the dictionary. It has no added value in this standard	Cancel this definition	Agreed
US1 6	Definitions 3.14 3.16	3.14, 3.16	ge, te	Because of the legal issues around intellectual property rights(varying national laws and patent rights) I would question that all authenticate material goods carry intellectual property rights.	The definitions of "authentic product" and "counterfeit product" need to be discussed and evaluated.	Covered by 2nd call for comments
DE1 1	3.15		ed	(11) The wording should be active to clarify the difference between a counterfeiting product to a counterfeited product.	Change to: "counterfeiting product"	Covered by 2nd call for comments
DE1 2	3.15 3.16		ed	(12) Definition of "authentic product" is already given in 3.14, reference to the protection of IPRs is redundant.	Delete "covered by the protection of one or more intellectual property rights"	Covered by 2nd call for comments
DE1 3	3.16		ed	(13) The wording should be passive to clarify the difference between a counterfeiting product to a counterfeited product.	Change to: "counterfeited product"	Covered by 2nd call for comments

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CH	3.16			<p>La définition du point 3.16 "counterfeit product" peut prêter à confusion dans le sens où elle définit un produit contrefait en disant qu'il s'agit d'un produit authentique couvert par la protection d'un ou plusieurs droits de propriété intellectuelle et faisant l'objet de contrefaçon ou de violation d'un brevet.</p> <p>Un produit contrefait ne peut jamais être un produit authentique.</p> <p>De plus, la notion de marchandise contrefaite/faux produit est déjà définie au point 3.15 (redondance).</p> <p>Definition 3.16 "counterfeit product" may be confusing when defining it by saying that it is an "authentic product covered by one or more intellectual property rights, and subjected to counterfeiting / patent infringement."</p> <p>A counterfeit product can never be authentic.</p> <p>Moreover, the notion of "counterfeit goods/fake goods" is already defined in 3.15 (redundancy).</p>	<p>Supprimer 3.16</p> <p>Delete 3.16</p>	Covered by 2nd call for comments
US1 7	Definitions 3.16	3.16	ge.	Patent infringement does not automatically result in a counterfeit product.	The definitions of "authentic product" and "counterfeit product" need to be discussed and evaluated.	Covered by 2nd call for comments
DE1 4	3.19		te	<p>(14)</p> <p>Add paragraph after "risk".</p> <p>Definition of "secret" needs to be changed.</p>	<p>Clarify and change accordingly</p> <p>Change definition of 'secret' accordingly: " Data that has to be protected against disclosure to unauthorized entities."</p>	<p>Agreed</p> <p>Data that shall be protected against disclosure to unauthorized entities</p>
US 18	Definitions 3.19	3.19 First definition	ge	Definition is unclear as to meaning, replace.	"A situation in which risk are mitigated in a manner that provides a level of assurance that is compatible with the threats of attack."	Covered by 2nd call for comments

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US1 9	Definitions 3.19	3.19 Second definition	ge	Definition is more appropriate to the term “secret” than to the term “security”	Remove the second definition and add the definition “secret” using the second definition.	Covered by 2nd call for comments
FR1 5	3	3.21	Te	This definition is close to the one available in the dictionary. It has no added value in this standard	Cancel this definition	Agreed
FR1 6	3		Te	Definition missing	Add the following definition: " Material good : physical good, produce of nature or of a manufacturing process"	Covered by 2nd call for comments
FR1 7	3		Te	Definition missing	Add the following definition: " Distinctive identity : characteristics, physical or external presentation, which make a material good uniquely recognizable"	Covered by 2nd call for comments
FR1 8	3		Te	Definition missing	Add the following definition: " Verification protocol: sequence of steps involved in the verification of authenticity of a material good"	Solved Authentication process procedure involved in the authentication of a material good

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UK6	4	Introduction	Ed	This requires a fundamental re-write which is beyond the scope of this comment at present. As drafted, it refers to network digital solutions only, it does not refer to what are now being called in the draft "simple" tools, but only to those being called "complex" tools.	Rethink and re-draft	Accepted. This paragraph will be numbered
DE1 5	4	1 st /2 nd /3 rd para	te	(15) No normative text is given, therefore the text should be moved to the introduction; in fact parts of the text are already mentioned in the introduction	Move text to introduction or re- formulate so that text becomes requirement or recommendation.	Solved by UK6
DE1 6	4	5 th para	te	(16) This statement is part of the scope statement.	Move text to scope.	Accepted
UK7	4.1	All		As above: this describes requirements for complex, or networked tools or systems, not simple tools.	Re-draft as: Performance criteria for authentication tools The aim of the performance assessment criteria for authentication tools is: <ul style="list-style-type: none">To establish objective descriptions of the function of different types of authentication tool;To establish criteria for the assessment of the efficiency of each authentication tool within its understood functions;To show how different types of tool	1 st bullet: Accepted. replace tool with solution in the whole paragraph 2 nd bullet is withdrawn 3 rd bullet: "To establish how different types of authentication solutions

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					<p>provide complementary functionality;</p> <ul style="list-style-type: none"> To provide criteria for which type of tool can be used to authenticate in different examination situations; Thus to assist users and potential users of authentication tools to understand their functionality and selection criteria against their own risk analysis, which will facilitate: The ability to run product verifications anywhere, under all foreseeable circumstances and conditions of use; to define specific requirements for every level of security of the anti-counterfeiting tools; <p>And which will help define and deploy a system for assessing the operational effectiveness of authentication tools.</p>	<p>integrated with each other and with the material good they are authenticating"</p> <p>4th bullet: Accepted 5th bullet: Accepted</p> <p>6th bullet: write "the user's ability" instead of the ability</p> <p>7th bullet: add "the user's ability" before "to define" "for their authentication solution"</p> <p>Withdrawn</p>

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DE1 7	4.1		te	(17) For consumers as well as for other stakeholders it is very important that the use of anti-counterfeiting tools does not interfere with other product requirements. Especially data protection requirements shall not be interfered with; It is equally important for consumers that accessibility and usability requirements for products are met and that accessibility and usability does not decrease because of the use of anti-counterfeiting tools	Give statement on the requirement that the anti-counterfeiting tools shall not interfere with product features and requirements for products.	Accepted To be included in the first part of chapter 4 Replace shall by should
FR1 9	4	3 rd paragraph , 3 rd line	Ed	Consistency	Replace “the product manufactured by the rights holder or licensee” with “ <i>material good</i> ”	Solved by redrafting
FR2 0	4.1	Title	Ed	Consistency with the title of the standard	Cancel “purpose-built”	Accepted
FR2 1	4.1	Title	Ed	Consistency with the title of the standard	Replace “anti-counterfeiting” with “ <i>authentication</i> ”	Accepted
FR2 2	4.1	1 st bullet	Ed	Consistency	Replace “product” with “ <i>good</i> ”	Solved by cancelling the bullet
FR2 3	4.1	3 rd bullet	Ed	Clarification	Replace “to enable upgrades in technological tools to be factored in” with “ <i>to enable durability and evolutivity of the authentication tool</i> ”	Solved by cancelling the bullet

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ISO electronic balloting commenting template/version 2001-10

Template for comments and secretariat observations

Date: 2010-03-09	Document: PC246n043
------------------	----------------------------

1	2	(3)	4	5	(6)	(7)
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FR2 4	4.1	4 th bullet	Ed	Clarification	Replace " to guarantee data security, including in terms of economic intelligence" with: " <i>to enable the security of the authentication data, including in terms of economic intelligence</i> "	Solved by cancelling the bullet
FR2 5	4.1	5 th bullet	Ed	Clarification	Replace: "to make it possible to define a level of reliability and robustness that is satisfactory for all the stakeholders" with: " <i>to enable the evaluation of a level of reliability and robustness that is satisfactory for all the stakeholders</i> "	Solved by cancelling the bullet
FR2 6	4.1	5 th bullet	Te	Redondancy with 9 th bullet	Cancel "and robustness"	Solved by cancelling the bullet
FR2 7	4.1	6 th bullet	Ed	Clarification	Replace "particular" with " <i>unexpected</i> "	Solved by cancelling the bullet
FR2 8	4.1	7 th bullet	Te	The standard doesn't only deal with industrial products	Replace "their industrial production and distribution cycles" with " <i>to the material goods lifecycle</i> "	Solved by cancelling the bullet
FR2 9	4.1	9 th bullet	Ed	Consistency	Replace "anti-counterfeiting" with " <i>authentication</i> "	Solved by cancelling the bullet

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FR3 0	4.1	9 th bullet	Ed	Consistency	Replace “requirements” with “ <i>criteria</i> ”	Solved by cancelling the bullet
FR3 1	4.1	9 th bullet	Ed	Clarification	Replace “for every level” with “ <i>and/or levels</i> ”	Solved by cancelling the bullet
FR3 2	4.1	10 th bullet	Ed	Consistency	Replace “anti-counterfeiting” with “ <i>authentication</i> ”	Solved by cancelling the bullet
FR3 3	4.1	10 th bullet	Te	It is not the aim of this standard	Cancel “and deploy”	Solved by cancelling the bullet
UK8	4.2	1, 2, 3	Te	There is some feeling among IAA members that, while the definitions and descriptions of each type of tool are good, to designate them as Type 1, Type 2 etc is unhelpful. While the attempt to establish neutral, non-descriptive words is recognised, it may be that this defeats the intention of a standard for authentication tools, by obfuscating rather than clarifying meaning. The “Types” as described equate to the categories of Overt, Covert, Forensic etc which are in common use and which were defined by the CEN CPF Workshop. Perhaps adopting these words instead of Type 1, 2, 3 will improve communication between practitioners, where the use of Type 1, 2, 3 etc will confuse.	Further consideration by PC 246, with reference to the CEN CPF Workshop definitions (attached). (Note that this Workshop was disbanded by its members when 246 was established as members did not want to be divisive and welcomed ISO's initiative.)	Accepted
UK9	4.2 on			Still to be considered by IAA members after further drafting by PC 246.		Acknowledged

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FR3 4	4.2	1st paragraph 1 st sentence	Te	Consistency with the decisions made during the first PC246 meeting	Replace “This typology is not intended to rank the solutions according to performance effectiveness” With “ <i>This typology is not intended to rank the anti-counterfeiting devices according to performance effectiveness</i> ”	Solved Replace the title with “categorisation of authentication solutions” Replace typology with categorisation This categorisation is intended to provide a table for solution users and suppliers according to the tools needed for the implementation of the solutions. It is not intended to rank the solutions according to performance effectiveness

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FR3 5	4.2	1 st paragraph Last sentence	Ed	Clarification	Replace “An anti-counterfeiting solution may combine several types of anti-counterfeiting devices.” With <i>“An anti-counterfeiting solution may consist of one or several types of anti-counterfeiting devices.”</i>	Solved “An authentication solution may contain one or more types of authentication elements”
FR3 6	4.2	Examples	Te	This standard is supposed to be solution independent. Examples may influence the reader.	Cancel examples	Accepted
FR3 7	4.2	4.2.1, 4.2.2, 4.2.3	Ed	All the content of 4.2 which is located after 4.2.3 seems to be part of this paragraph, which is false.	Cancel the numbering	Accepted
FR3 8	4.2	2 nd paragraph	Ed	Clarification	Replace the current definition for Type 1 with <i>“verification protocol can be performed by an informed or trained inspector, by purely human means: senses, acting, thinking, with the exclusion of any technical tool, independently of any external source of information”</i> .	Solved Replace with CEN workshop CPF definition This definition will be also in chapter 3

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FR3 9	4.2	3 rd paragraph	Ed	Clarification	Replace the current definition for Type 2 with " <i>verification protocol is performed by an informed or trained inspector. The protocol requires a technical tool for its execution. The technical tool may be an off-the-shelf tool (C) or be built on purpose (D). The protocol may be stand-alone (A) or involve access to an external service or source of information (B). The interpretation can be made by the inspector using his human means (E) or be provided by the technical tool (F). The protocol does not require moving the product from its current location and provides a quasi-immediate answer</i> ".	Solved Replace with CEN workshop CPF definition This definition will be also in chapter 3

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FR4 0	4.2	4th paragraph	Ed	Clarification	Replace the current definition for Type 3 with " <i>verification protocol is performed by an informed or trained inspector. The protocol requires moving part or all the product to an expert analyses center. The analysis center may use only off-the-shelf tools (C) or require a tool built on purpose (D). The protocol may be executable by the analyses center in a stand-alone mode (A) or involve access to external services or sources of information (B). The interpretation can be made by the inspector using his human means (E) or be provided by the technical tool (F). The protocol may take a certain amount of time to provide an answer</i> ".	Solved Replace with CEN workshop CPF definition This definition will be also in chapter 3

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Template for comments and secretariat observations

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FR4 1	4.2	Table describin g Inspector and element of authentica tion	Ed	Clarification	Move the table before the description of the types.	Accepted
FR4 2	4.2	table	Ed	Clarification	Replace “Tool” with “ <i>Control means</i> ”	Accepted
FR4 3	4.2	Table	Ed	Clarification	Name of the line “ <i>Inspector</i> ” and name of the column “ <i>element of authentication</i> ”	Accepted This table has to be moved in informative annex Add a sentence to explain the aim of the table
FR4 4	4.2	Tools definition s	Ed	Clarification	Add (<i>A</i>), (<i>B</i>), ... in front of the definitions	Accepted

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FR4 5	4.2	Standalon e tool	Te	Consistency with the definitions of the types	Replace “technical tool which integrates the functions required to be able to interpret the authentication element in-the-field, off line” with “ <i>technical tool which integrates the functions required to be able to interpret the authentication element, without connection to an external source of information</i> ”	Moved to chapter 3. Examination postponed
FR4 6	4.2	Standalon e tool	Ed	Consistency with the table	Replace “Technical tool” with “ <i>control means</i> ”	Moved to chapter 3. Examination postponed
FR4 7	4.2	On-line tool	Ed	Consistency with the table	Replace “Technical tool” with “ <i>control means</i> ”	Moved to chapter 3. Examination postponed
FR4 8	4.2	Off-the- shelf tool	Ed	Consistency with the table	Replace “Technical tool” with “ <i>control means</i> ”	Moved to chapter 3. Examination postponed
FR4 9	4.2	Purpose- built tool	Ed	Consistency with the table	Replace “Technical tool” with “ <i>control means</i> ”	Moved to chapter 3. Examination postponed

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FR5 0	4.2	On-line tool	Te	Clarification	Replace “technical tool which requires a real-time on-line connection to be able to locally interpret the authentication element” with “ <i>control means which requires a real-time on-line connection to an external source of information to be able to interpret the authentication element</i> ”	Moved to chapter 3. Examination postponed
FR5 1	4.2	Last sentence	Ed	Clarification	Replace “tools” with “ <i>control means</i> ”	Moved to chapter 3. Examination postponed
FR5 2	5	whole clause until 5.6 included		This comment aims to give a technologic generalization and a better understanding in the description of the performance criteria .	Replace the current clause 5 until 6.6 included with the text in annex B. The criteria are ordered by relations between entities. To do so, the chapter 5 is rewritten. The corresponding link with the previous version of the text is shown between brackets and written in underlined italic as this sentence.	To be redrafted by the drafting committee

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DE1 8	5.1	Para 3	te	(18) The mentioned CWAs have been converted into European standards, meanwhile (CWA 14167 into EN 14890-1, EN 14890-2) or are going to be converted (CWA 14169).	Check and change accordingly. Take these standards into account in Normative References or in a Bibliography	CWA 14890 parts 1 and 2 became EN 14890 parts 1 and 2 CWA 14167 will maybe converted in EN 14167 (there is a request from the European Community, but nothing is done for the time being). CWA 14169 is currently being converted into EN 14169. The enquiry will be launched at the end of 2009 or at the beginning of 2010. EN 14169, and maybe EN 14167 will become mandatory (European Directive). If needed, it will be taken into account in re-drafted chapter 5
DE1 9	5.1		te	(19) The current text mandates that, should an electronic signature be part of an authentication measure, its key lengths be at least those selected for the protection of long-lasting electronic documents in the referenced CWAs/ENs. This is not appropriate, as technical constraints (e.g., available space to store the required data) might preclude using the referenced key lengths, while a shorter key length might still offer adequate protection in the particular application scenario envisaged.	Refer to the referenced CWAs/ENs as guidelines without mandating a particular key length or level of protection.	To be dealt within the drafting committee

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DE20	5.5	Title	ed	(20) Grammatical mistake	Change to "Usability"	To be dealt within the drafting committee
DE21	5.5.1		te	(21) The statements need to be formulated in a normative way and give requirements and/or recommendations addressed to a stakeholder.	Change accordingly	To be dealt within the drafting committee
FR53	5.7		Te	Out of scope	Remove this paragraph	To be dealt within the drafting committee
FR54	5.8	Title	Te	To avoid to enter in the competence field of the regulation	Replace the title with <i>"Ability to provide pieces of evidence"</i> And add <i>"Existence and respect of a verification protocol to check if the verification was made in the conditions proposed by the solution supplier"</i> And cancel the other subtitles.	To be dealt within the drafting committee
FR55	6		Te	Clarification	Replace the current paragraph with annex C	To be re-drafted by the drafting committee

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FR5 6	7		Te	Reference to national or regional standards are not relevant to an international standard.	Cancel [1] “Accord AFNOR AC Z 60-100 "Prévention et dissuasion techniques pour la lutte anti- contrefaçon (protection des droits de propriété intellectuelle) - Spécifications d'un cadre générique décrivant les dispositions d'authentification des produits, d'organisation de la traçabilité et de contrôle dédiées à la lutte anti-contrefaçon"	Accepted
DE2 2	Annex A		te	(22) It needs to be clarified if Annex A is normative or informative. The heading "parameters to be assessed" implies that it is normative and gives requirements.	clarify	Informative. The draft has to be completed

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Annex A :

Introduction

Depending on the data source and method of calculation, counterfeit goods is estimated up to 10% of world trade, and the counterfeit market has been booming in recent years.

This growth has been promoted by globalization, which accelerated the development of goods and services exchange between States, and by the development of the internet, which encouraged the rise of e-commerce. Counterfeiters take advantage of this “easy trade” environment to spread on a big scale counterfeits on the market.

Supprimé : at

Indeed, the range of counterfeited products has been developed strongly since over a decade, and is now no longer limited to luxury goods. Counterfeit ing is spreading to every economic field, even if some sectors are more affected than others.

Supprimé : goods trafficking is progressively spanning out to target more general consumer goods

Supprimé : concerned

Counterfeiting is an infringement of intellectual property rights, a point that need to be kept separate from the question of product quality and the distribution of authentic products via alternative business channels.

Counterfeiting commonly concerns:

- Copyrights and rights related to copyrights: unauthorized reproduction of an original literary or artistic works or software belonging to a third party.
- Patents: unauthorized production and/or marketing of a copy of a product or process covered by patent protection granted to the patent holder or to the authorized licensee for a new invention that is inventive and industrially applicable, in many cases including a supplementary protection certificate.
- Trademarks: unauthorized total or partial reproductions or imitations, without the authorization of the trademark owner or its authorized licensee, of the distinctive sign or combination of signs that a business organization attaches to a product or services to distinguish its product or services from those of others entities.
- designs or models : using or making similar or identical copies, without authorization from the owner, of the representation of a product or part of a product that confers the characteristic lines, outline, colors, shape, texture, and/or the materials of the product itself and/or its trade dress.

Supprimé : .

Supprimé : Industrial

Supprimé : contours

Products uncovered by intellectual property rights may also be subject to fraudulent practices.

They cause loss of earnings, job losses and brand value damage for the companies targeted.

Consumers may also be victims of these practices. Indeed counterfeit goods do not necessarily offer the same guarantees in terms of safety and/or compliance with environmental measures and regulatory requirements, generating risk for consumers and users.

Supprimé : infected

Supprimé : by

Supprimé :

That is why counterfeiting of toys, tools, automotive spare parts or electrical products is a potential threat to the safety of individuals.

Furthermore, the distribution of counterfeit medecine remains a major public health concern for States .

Supprimé : drugs

Awareness of the extent of this phenomenon and the dangers associated requires the adoption of appropriate measures at different levels.

Beyond the legal aspects to ensure intellectual property rights, the fight against counterfeiting requires the setting up by the business of technical devices tailored to their needs and their products. These devices become more effective when they are adapted to product lifecycles .

Supprimé : geared

These devices must allow products authentication throughout the supply chain in order to facilitate recognition of genuine or forged product.

Establishing the authenticity of a product¹, in other words recognizing that the product is genuine or forged in order to demonstrate whether it is a counterfeit, consists in checking whether the product reproduces the essentials characteristics of the authentic product to help establish whether or not there has been infringement. The first step, then, required to provide solid ground on which to conduct this challenge, is to establish what these essentials characteristics are, in particular the product's origin, and then to verify whether the suspect ed product does objectively and concretely present these characteristics.

Supprimé : being challenged

If there any doubt as to the authenticity of a product, it is the inspector's role, once they have observed the characteristics of the suspected ed product and/or anti-counterfeiting device, to examine whether these characteristics match those of the authentic product and/or anti-counterfeiting device. this process is ment to be an analysis, essentially of, technical, characteristics, where time pressure is a major element for success in any effective data input and investigation procedure.

Supprimé : The

Supprimé : involved

Supprimé : is

Supprimé : an

Supprimé : essentially

Supprimé : analysis

Products can be authenticated in one of two ways: either by experience, or by authentication elements.

For the professionals tasked with carrying out the verifications and who are used to handling the products, experience is the result of the match made between several products by their experienced eye. They know by experience what they need to pay attention to. However, since the counterfeits themselves get better every year, the degree of attention given and the level of expertise and experience required also need to grow. A professional who spends hours and hours examining the same kind of products undeniably acquires a mass of knowledge, acumen and sharpness of vision that will often enable them to see through the quality and origin of a part far faster than somebody else. Unfortunately, experts of this level are few and far between, and it is generally the common people that end up checking the vast majority of products submitted to inspection, a situation that makes it increasingly important to have reliable, commercially available counterfeit detection tools.

Supprimé : hone

Supprimé : home in on

Supprimé : "all rounders"

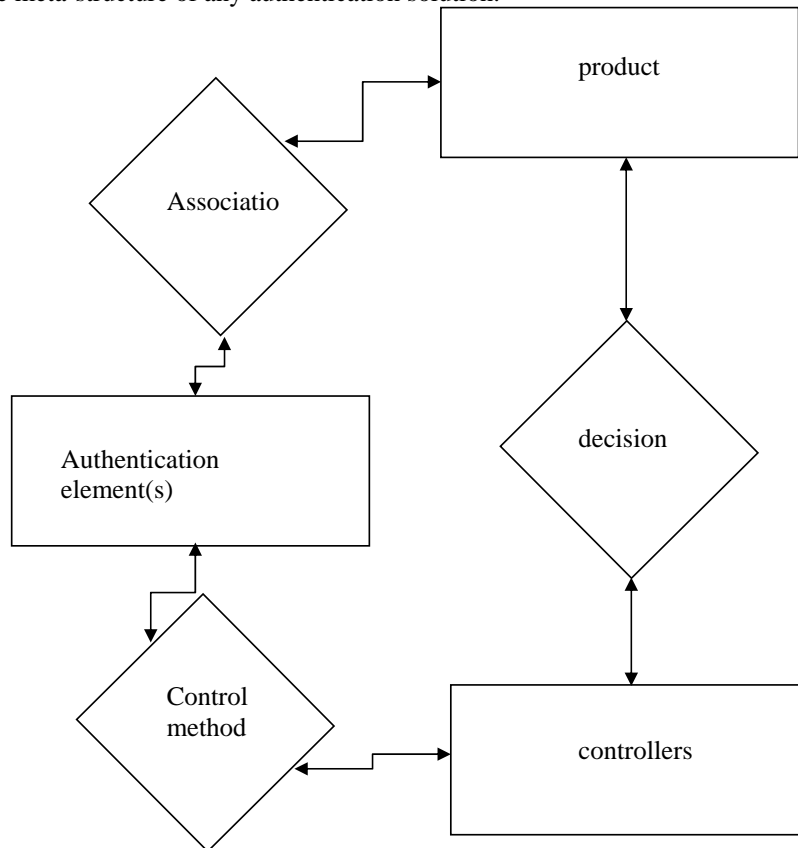
¹ Nota: this paragraph applies solely to the recognition of the authenticity of products and does not cover any counterfeit presumption stemming from independent elements such as anomalies (whether proven or suspected) in official documents, distribution circuits or shipping channels.

Annex B .

5. Performance criteria

[Corresponding to the introduction body]

The performance criteria concern the properties of the several entities constituting the authentication solution and the relations between them. Meaning entities, the product is sought to be protected, the authentication solution that will serve to authenticate the product, or controllers that will operate the act of authentication. “Relations” is a term for the physical and/or logical association that exists between the product and the authentication element(s), the method for monitoring of the controller(s) to the authentication element(s). After the results of the control, the controller(s) take a decision toward the product. This is, ultimately, the meta-structure of any authentication solution.



The standard defines the performance criteria on the nature of the association with the product, the authentication solution and the control method. It will be the right holder to define the context of implementation of elements of authentication, ie to define the product, the controllers and the type of decision.

Any single anti-counterfeiting solution may combine several authentication elements working together to build proof (nb: it would be interesting to introduce the concept of technologies stacking) These components may operate on different types and with different levels of accessibility (see 4.2) In this case, if it's relevant, the performance of each type should be considered individually. With the aim of assisting the user to choose the better adapted anti-counterfeiting solution for his needs, criteria consider both the intrinsic performance of the solutions and the performance of their use.

The main criteria is the robustness of the anti-counterfeiting solution to be defined as follows:

5.1 Robustness/Vulnerability of the anti-counterfeiting solution:

[corresponding to the 5.1 paragraph]

The robustness of a solution is measured by assessing its vulnerability. Indeed, for assessing the degree of robustness, we conduct a series of tests designed to test the weaknesses of the solution, called vulnerabilities.

The easier it is to lure the verification protocol, the more important the vulnerability of the authentication solution will be.

In order to measure the robustness of an anti-counterfeiting solution, and if this solution uses a system of information, it should be advisable to consult the Common Criteria (ISO 15408), for the relevant parts of the information system (software components and).

5.1.1 [added paragraph] The level of robustness is defined by the technological effort and the availability of the needed resources which was necessary to lure the verification protocol. The solution should be difficult or impossible to reproduce, either by simulation (using different methods) or by emulation (using the same processes). The characteristic « difficult » or « impossible » to reproduce should be clarified:

5.1.1.1 [added paragraph] By requiring an ordinary level of difficulty, it is expected that the verification protocol cannot be lured with commonly available means of reproduction.

5.1.1.2 [added paragraph] By requiring a medium level of difficulty, it is expected that the verification protocol cannot be lured with specialized means available from industrial laboratories, as commercial benefit for example.

5.1.1.3 [added paragraph] By requiring a high level of difficulty, it is expected that the verification protocol cannot be lured with means, such as those available to a government agency

5.2 The association [corresponding to the 5.1.2 paragraph and 5.4 paragraph apply to the association]

Association means any means to guarantee the integrity of the relationship between the product and its elements of authentication. It is crucial to develop either tangible or intangible interdependence between the authentication element and the product it protects. Tangible interdependence means destruction, visible or recognizable alteration of the authentication element in case of attempted dissociation of this component and product, or product and container. Intangible interdependence means logical association between the certification element and a reference, which is a non-erasable and non-duplicable association.

5.2.1 The association must be affected by any attacks undergone (principle of reducing the risks of non-detection of an attack).

5.2.2 To do this, the association must have one or more characteristic that may change irreversibly at the first attempt of aggression.

5.2.3 The modification of these characteristics has to be detected during the verification protocol.

5.2.4 The Association must be able to resist in the environmental conditions of the product throughout its life cycle. Similarly, the sensitivity of the association should remain stable in normal environmental conditions throughout its life cycle (principle of risk reduction of false alarms).

5.3 *[added paragraph]* The performance criteria to be used for an authentication element depend on the characteristics of this authentication element that allow it to fulfill the functions of authentication expected.

5.3.1 Resistance of authentication elements *[corresponding to the 5.4 paragraph apply to the authentication elements]*

The resistance of the authentication elements to unintended alterations (climate, natural wear, handling ...) is essential in the sustainability of the performance of the solution during the period requiring the application of the verification protocol.

5.3.2 *[added paragraph]* Batch authentication element

The batch authentication element is an element which is designed to be perceived as identical by a stage in the verification protocol. The resulting series covers a range of products from the same batch

5.3.2.1 *[corresponding to the 5.1.2 paragraph apply to the batch authentication elements]*

Security of the creation of the batch authentication elements

The authentication elements cannot be produced in excess of the quantities ordered.

It is necessary to ensure the level of safety and traceability linked to the creation and / or production of authentication elements, and to human intervention in the production chain and logistics.

All information and specific means to industrially produce authentication elements should be explicit safeguards. The destruction of these information and resources can be requested at the end of production.

5.3.3 *[added paragraph]* Authentication element per unit

The authentication element is generated to be perceived as unique during a stage of the verification protocol. Each element covers a single good. These elements are identified by features discriminating against each other.

5.3.3.1 *[added paragraph]* Authentication elements per unit generated in a deterministic way
In these processes, the unique value is known before the generation of the authentication element.

5.3.3.1.1 [corresponding to the 5.1.2 paragraph apply to the authentication elements per unit generated in a deterministic way]The security of the establishment of the authentication elements per unit generated in a deterministic way

It is necessary to ensure the level of safety and traceability linked to the creation and / or production of authentication element, to human intervention in the production chain and logistics.

All information and specific means to industrially produce authentication elements should be explicit safeguards. The destruction of these information and resources can be requested at the end of production.

5.3.3.2 [added paragraph]The authentication elements per unit generated in a non-deterministic way

These elements are produced without any possible control of the man about the authentication features that result. In this case, the authentication element is the subject of a registration reference.

5.3.3.2.1 [corresponding to the 5.1.2 paragraph apply to the authentication elements per unit generated in a non-deterministic way]The security of the creation of the authentication elements per unit generated in a non-deterministic way

It is necessary to ensure the level of safety and traceability linked to the production and the registration of authentication elements.

5.3.3.3 [added paragraph]Guarantee of non-recovery on generation of the authentication elements per unit

We will have to get the statistics and mechanisms to ensure that no authentication element has been generated twice.

5.4 [corresponding to a part of 5.6 paragraph and 5.1.3 paragraph]The reliability of the verification protocol is the success rate of unambiguous recognition of the authentication element in the conditions defined by the supplier.

5.4.1 [corresponding to the 5.6.1.3 paragraph]False releases are authentication elements that were mistakenly rejected in the control

5.4.2 [corresponding to the 5.6.1.2 paragraph]False acceptances are authentication elements that were accepted at the control but should be refused.

5.4.2.1 [added paragraph]False acceptances discernment means that the verification protocol cannot distinguish the difference between two authentication elements, similar by nature but different.

5.4.2.2 [added paragraph]False acceptance of luring means that the verification protocol cannot distinguish the difference between the authentication element and an imitation, a copy or a clone.

5.4.3 [corresponding to the 5.1.3.1 paragraph]Tools inviolability

The capture devices for authentication elements must be protected and / or react to any attempt of deviation aimed to capture information that are processed or transferred, including the inability to query data bases with unauthorized tools.

5.4.3.2 [corresponding to the 5.1.3.2 paragraph] Normal / degraded

For capture devices having their own power source and / or operating in online mode, it must be indicated if there are different levels of degraded modes of operation (low battery, missing network ...) or an alternative protocol that may appeal to another type of authentication element.

5.4.3.3 [corresponding to the 5.1.3.3 paragraph] Traceability of control

Control actions can be plotted to verify the correct execution both in quality and quantity in accordance with the protocols and rules of confidentiality established with stakeholders.

5.4.3.4 [corresponding to the 5.1.4 paragraph] Safety of the conservation of authentication elements references

This criterion applies only in case of use of reference databases for authentication . The databases involving the references of authentication elements and verifying the authenticity of the authentication elements associated with controlled products must be protected against any intrusion. A successful intrusion must be detected and reported to the rights holder.

5.5 [corresponding to the 5.2 paragraph] Scalability and flexibility

The anti-counterfeiting solution must make possible to adjust the frequency and sensitivity of the controls to react to events such as the influx of goods on a geographical area, over a period, on a typology of products ...

5.6 [corresponding to the 5.3 paragraph] Mutualization and evolutivity of the control tools:

5.6.1 Several verification functions accessible through the same technical tool

Capability possessed by a single tool to perform verifications on different elements of authentication, with zero risk of interference between the control applications.

5.6.2 Hardware modularity

Ability to integrate hardware upgrades or additional options that will add features or improve the tool's performance levels without having to completely overhaul the tool and without weakening its security-assurance characteristics.

5.6.3 Software interoperability

Ability to integrate software upgrades or additional options that will add features or improve the tool's performance levels without having to readjust the software architecture and without weakening its security-assurance characteristics.

5.7 [added paragraph] Ease of integration

Authentication elements must be integrated into a production process without requiring major changes, without affecting performance. The production processes must not affect the characteristics of authentication elements.

5.8 [corresponding to the 5.5 paragraph] Useability of the analysis tools:

5.8.1 Training

Expression of the need for training on the use of technical tools according to levels of intervention and pre-requisite. This includes training on the information sought and the tasks assigned to the stakeholder as part of the solution

5.8.2 Usage

Ease of implementation and availability

5.8.3 Autonomy

Operating time on site in normal mode, degraded mode

5.8.4 Ergonomics

criteria that evaluates the efficiency, satisfaction, well-being and ease of learning for the user while conducting the verification protocol

5.8.5 Innocuousness

No negative effect on human health

5.9 [corresponding to the 5.6 paragraph] Reliability/solidity of the technical tools and of the control devices:

5.9.1 MTBF (Mean Time Between Failures)

The intrinsic reliability of the technical tools, resulting from formula-based calculations of the individual reliability of each of the tool's components.

5.9.2 Maintenance, preventive maintenance

Scheduling and specifying the interventions and regular checks that needs to be performed on the capture systems (such as cleaning, settings, calibration, etc.)

5.9.3 Ruggedness

Resistance to stress of all kinds (protection element against water / dust, working temperature range, impact strength, etc.)

Annex C :

6 – Effectiveness measurement of the anti-counterfeiting solution

Performance of anti-counterfeiting solutions is also linked to the fact that they are properly implemented and used. Effectiveness measurement is the only way to check that a solution is complying with the right owner objectives and the announced performances. Measurement protocols have to be defined. However, measurement protocols will depend of the controlling protocols that are defined and implemented by the right owner as effectiveness measurement is first the traceability of the different steps of production, association and control of the authentication elements.

Defining a standard and unique effectiveness measurements protocol as well as control protocols themselves is not feasible. Therefore this chapter will describe the key points to consider by right owners to define their own measurement protocols.

The measurement of effectiveness can be done:

- in the creation, and processing of authentication elements
- in the normal verification/authentication process
- in case of specific verification/control process as a reaction to attacks or to detection of abnormal rate of fake products/goods

6.1

As every process of manufacturing, manufacturing of authentication elements have to comply with quality requirements. This can be linked to the quality manual of the authentication solution providers, including its subcontractors and suppliers if any, Quality audits is usual in all sectors of industry.

This means that all the processes from authentication element creation to the shipment of the protected authentic products/goods which lack of robustness may impact the global effectiveness of the anti-counterfeiting solution have to be described and audited.

When required, and especially when IT are involved, security audit may also be required

Quality of the authentication elements have to be considered. Discrepancy of tolerances are variations in quality of the production or association of the authentication elements that will impact the true/false response as the larger the variation of production parameters, the larger the window of tolerance of the tool will be, increasing the risk of non detecting fake products/goods.

Dynamic control of the production of authentication elements will assure the reliability of the on site controls as it will guarantee the quality.

Effectiveness measurements can made with the traceability of:
nb of rejections (unauthentifiable products) in final production control
nb of rejections (unauthentifiable products) on site

6.2

Traceability of the normal control protocols may concern:

- the inspector

- the tool
- the connections and data exchanges if required
- the results

Inspector:

- identification
- authentication
- definition and revocation of rights

Tool:

- maintenance, calibration
- tampering
- downloads
- destruction

Connection and exchanges:

- successful and denied logins
- service level agreement

Results:

- ratio of controls
- nb of true/false detection
- nb of authentication elements non interpretable (« don't know »)

6.3

In case of emergency (abnormal counterfeiting rate detected) control protocols may be adapted or specific control protocols can be activated.

Measurement of effectiveness is then the key element to check the efficiency of the emergency control protocols

6.4

Obsolescence monitoring

Considering the evolution of technology, robustness of the authentication solution may decrease over time. Therefore, the right owner should regularly assess whether the solution deployed is still robust enough.