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October 14, 2008

Ambassador David A. Gross
US Coordinator for International Communications and Information Policy
US Department of State
2201 C Street, NW
Room 6333
Washington, DC 20520

Re: ATIS Opposition to ITU Mark Program

Dear Ambassador Gross:

On behalf of ATIS – the Alliance for Telecommunications Industry Solutions, and its members, we appreciate the tremendous efforts of you and your staff to coordinate and prepare for the upcoming International Telecommunication Union (ITU) World Telecommunication Standardization Assembly (WTSA) meeting. We know that your goal is to advance the interests of the U.S. communications industry while balancing the need to seek resolve on an important set of global issues and policies in a complex, political landscape.
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ATIS is submitting this letter in response to the recommendation made by the ITU Director of the Telecommunication Standardization Bureau in Document 104-E that the ITU implement a program to designate an ITU Mark for products and services based on ITU-T Recommendations. ATIS believes that the implementation of an ITU Mark Program could have significant negative impacts on the development of ICT standards, on compliance with these standards by vendors, and on global consumers. As such, ATIS does not support the implementation of an ITU Mark Program on a permanent or a trial use basis.

ATIS is a technical planning and standards development organization providing leadership for, and the rapid development and promotion of, worldwide technical and operations standards for information, entertainment and communications technologies using a pragmatic, flexible, and open approach. Participants from more than 300 companies are active in ATIS' industry committees and Incubator Solutions Programs.

ATIS believes that the establishment of an ITU Mark program will not advance the stated goals of the Mark program and could potentially harm the ITU and the credibility of standards development organizations, in general. In support of this belief, ATIS' concerns with the ITU Mark Program are summarized as follows:

Increased Costs. The implementation of a Mark program will create new costs for the ITU, for the vendors that implement standards based on the ITU recommendations subject to the program, and most significantly, for consumers to whom the costs of the program would almost certainly be passed. It takes both money and resources to

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establish, implement, and administer such a program. From an ITU standpoint and given the current economic environment, ATIS believes that a substantial portion of the ITU Mark program costs internal to the ITU may end up being borne by Sector members. It is therefore likely that implementation of the program could decrease ITU membership. The layering of costs and the likely ripple effect through the ITU membership and the ITU itself argues strongly against such a program.

Negative Impact on The Development, Implementation and Use of ITU Recommendations. As a key developer of communications and information technology standards, ATIS is concerned that the implementation of an ITU Mark Program may slow the development and the implementation of ICT standards Because ITU Recommendations are typically not developed to the level of specificity required to ensure interoperability, taking steps to add such specificity and develop corresponding test scripts as likely to be required for the ITU Mark, could extend the time required to complete ITU Recommendations. The marketplace does not wait for standards if they are not available when needed, and any steps which further delays global availability, is not acceptable. ATIS maintains that any increase to development time may actually result in the decreased implementation of ITU Recommendations.

Marketplace Delay for New Products and Services. Any increased development time for ITU Recommendations will certainly result in delays to the deployment of new products and services into the marketplace. This impact is directly counter to any of the stated goals that the ITU Mark Program is intended to foster, whether it be to foster conformance to ITU recommendations, increase consumer confidence or increase credibility of ITU-T Recommendations.

Significant Legal Issues And Risks for Liability. ATIS strongly believes that a certification program such as the proposed ITU Mark Program presents a potential for significant legal liability and legal costs. The Program document sets forth a thicket of legal issues to be addressed before such a program could be implemented. Associated with these issues are not only significant costs, but the potential for liability to the ITU. Other bases for liability also exist. For instance, implementers who fail to obtain a mark under the Program may seek legal redress against the ITU. ATIS does not believe that to undertake certification activity like that being proposed is consistent with the mission and role of the ITU. Rather, it portends an organization that is searching for both dollars and a role other than its fundamental purpose.

Effectiveness Of ITU Mark Could Frustrate Interoperability. ATIS also does not believe that the proposed Mark Program would necessarily be effective in increasing the likelihood of end-to-end interoperability between products from different vendors. Such testing would only address those aspects of interoperability related to ITU Recommendations. There are other technical issues which could frustrate complete interoperability of all functions and/or services. Additionally, it is important to remember that ITU Recommendations are not the only standards with which the equipment in question may need to comply. For such assurance, comparable certification programs from IETF, IEEE, 3GPP, the Broadband Forum, ATIS, ETSI and other Standards Developing Organizations would be needed. As such, purchase of ITU-marked equipment may not provide consumers more confidence and information when buying equipment, but may create for consumers an incomplete and confusing environment for compliance.

Loss of Reputation/Credibility of ITU. Given that the ITU Interoperability Mark is not sufficient to guarantee interoperability, the ITU's reputation will suffer. Countries, companies, and consumers will be angry and disillusioned if their expectations of interoperability are not satisfied. In addition, the fact that marks would be available for only some recommendations could create a dichotomy in perceived value of ITU Recommendations while adversely affecting the credibility and acceptance of

ITU Recommendations for which no ITU Mark is offered. Thus, the overall mission and goals of the ITU to embrace the global marketplace will not be achieved.

Strong Opposition to Trial Use. ATIS is particularly concerned with and strongly opposes the proposed trial use of the ITU Mark. "Trial use" is intended to allow the test drive of a program that is fully supported and embraced by the constituency which supports its creation and use. And trial use presupposes that all issues have been addressed to make the program a success. Any effort to trial such a program would cause confusion in the industry, particularly if the full program were never to be implemented. And, without the full support of its membership, to push through a trial use of the ITU Mark flies in the face of the ITU's own processes.

In summary, ATIS does not support implementation of an ITU Mark Program on a permanent or trial use basis due to the significant negative impacts stated herein that this program could have on the development of ICT standards, the use of these standards, and on global consumers. It is concerning to ATIS and its membership that the ITU would move so far afield from the role it plays as well as the core values and policies that it embraces.

While we understand what the ITU is trying to achieve for its diverse membership, ATIS sees the greatest benefit and prospect for success in the alternative recommendation from the U.S. delegation. The recommendation -- that Member States and Sector Members work with the ITU-T, and the other sectors, as appropriate, to develop and organize exploratory meetings in each region of the globe to clearly identify and prioritize issues faced in developing countries—is a sound, less costly, and less risky way to open the desired dialogue and achieve the important goals of the ITU for developing countries. Based on the results of the regional exploratory meetings, the ITU-T, working with Member States and Sector Members, could then identify human and institutional capacity-building and training opportunities in each region, tailored to the needs and objectives of each region and/or Member State. Such a program would greatly advance the dialogue that the Mark Program is intended to address and obviate any need for a confusing, legally-sensitive and costly ITU Mark Program.

ATIS appreciates the opportunity to offer these comments. If there are any questions, please do not hesitate to contact me.

Sincerely,

Susan M. Miller
ATIS President & CEO