GSM Association   Non-confidential
Official Document SG.13 - Confidentiality and Restricted Usage Undertaking Related to Test Data for
the cipher algorithm A5

Confidentiality and Restricted Usage Undertaking Related to Test Data for the cipher algorithm A5

Version 3.2

16 December 2014

This is a Binding Permanent Reference Document of the GSMA

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1.   Confidentiality and Restricted Usage Undertaking

relating to

THE TEST DATA FOR THE GSM CIPHER ALGORITHM A5 PROVIDED BY THE GSM ASSOCIATION

BETWEEN THE BENEFICIARY:

_____

_____

_____

_____
[Company name and address]

AND THE PROVIDER:

GSM Association
Floor 2
The Walbrook Building
25 Walbrook
London EC4N 8AF
Tel: 020 7356 0600

2. Role of the Beneficiary

The BENEFICIARY has stated that it belongs to one of the following categories:

- A GSM Association signatory or a company acting on behalf of a GSM Association signatory;
- A GSM network operator's system supplier, manufacturer or subcontractor who supplies equipment containing the A5 algorithms;
- Manufacturers of GSM test equipment containing the A5 algorithms;
- Manufacturers of GSM system simulators containing the A5 algorithms;
- Manufacturers of MS containing the A5 algorithms.
- Manufacturers of GSM equipment authorised to receive A5 algorithm from the administrator

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3. Role of the Provider

The PROVIDER is authorised to transfer the confidential information mentioned below to the BENEFICIARY in his role as:

- The GSM Association A5 test data administrator;
- A GSM Association signatory, or a company acting on behalf of a GSM association signatory, who received the confidential information from the A5 Test Data administrator;
- A supplier or manufacturer of GSM equipment as described above who received the confidential information from a GSM Association signatory.

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4. Obligations

The PROVIDER undertakes:

4.1.   to give to the BENEFICIARY [ ] registered copy of the Test Data for the GSM Cipher
        Algorithm A5 provided by the GSM Association numbered [to   ] ("the Test
        Data"), and

4.2.   to forward a copy of all signed CONFIDENTIALITY AND RESTRICTED USAGE
        UNDERTAKINGs known to the PROVIDER and the GSM Association A5 test data
        administrator;

The BENEFICIARY undertakes:

4.3.   to keep strictly confidential all information in the Test Data here above mentioned and
        all related communication, written or verbal, which has been associated with that
        information including algorithms, (the "CONFIDENTIAL INFORMATION");

4.4.   not to make any copies or photocopies of the CONFIDENTIAL INFORMATION
        provided, even for internal usage;

4.5.   not to disclose the CONFIDENTIAL INFORMATION to any party without prior and
        explicit authorisation in writing by the PROVIDER;

4.6.   to take all measures which are necessary to avoid that its personnel disclose all   or
        part of the CONFIDENTIAL INFORMATION to third parties, without prior explicit
        authorisation in writing by the PROVIDER;

4.7.   to use the CONFIDENTIAL INFORMATION for the sole purpose to procure, design,
        manufacture or supply equipment for signaling and data privacy in the GSM system
        that require such test data; all other usage of the CONFIDENTIAL INFORMATION is
        prohibited;

4.8.   to grant licenses on fair, reasonable and non-discriminatory terms and conditions,
        under all ESSENTIAL patents resulting from the implementation of the
        CONFIDENTIAL INFORMATION , proposed by GSM, for use, sale and or manufacture
        of equipment in countries represented in the GSM Association.
        [ESSENTIAL patent shall mean a patent which is implemented by the equipment or
        operation thereof, where it is not technically possible to make, sell or operate
        equipment which complies with the specification of the A5 algorithms provided by GSM
        without infringing such a patent.]

4.9.   not to do any act or thing which would in any way affect, conflict or contradict with any
        Intellectual Property Rights ("IPR") owned or maintained in the CONFIDENTIAL
        INFORMATION by the PROVIDER and to in no way challenge any such ownership of
        the IPR in the CONFIDENTIAL INFORMATION by the PROVIDER;

4.10.   to make best efforts in the design of equipment authorised by the present undertaking,
        in order that the CONFIDENTIAL INFORMATION cannot be used for applications
        other than those explicitly defined in the ETSI/GSM standard (GSM technical
        specification 03.20 and 02.09);

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4.11.   not to sub-contract any part of the design and manufacturing of equipment authorised
         by the present undertaking to any entity who has not forwarded a   signed
         CONFIDENTIALITY AND RESTRICTED USAGE UNDERTAKING to the PROVIDER.

If, after eight years from the date of undertaking, the BENEFICIARY has not used the
CONFIDENTIAL INFORMATION, or if he is no longer active in the business mentioned
above, he shall return the written CONFIDENTIAL INFORMATION which he has received.
The BENEFICIARY is not authorised to keep copies, notes or photocopies of or relating to the
CONFIDENTIAL INFORMATION; THE BENEFICIARY is forbidden to make any further use of
the CONFIDENTIAL INFORMATION. The BENEFICIARY is bound by the clauses of this
undertaking, until the totality of the CONFIDENTIAL INFORMATION is in the public domain.

The obligations of confidentiality herein shall not apply to any INFORMATION, which the
BENEFICIARY can show:

- Was known to the BENEFICIARY before such INFORMATION was received;   or
- Is in or subsequently comes into (other than by breach of this obligations hereunder)
  the public domain; or
- Is received by the BENEFICIARY without restriction on disclosure or use   from a third
  party, which the BENEFICIARY reasonable believes is free to make such disclosure
  on such terms; or
- Is developed or discovered independently without reference to the INFORMATION
  disclosed under this undertaking.

Evidence of being a BENEFICIARY shall be given to the PROVIDER by providing a copy of
this undertaking duly signed and certified by the BENEFICIARY and the PROVIDER. This
undertaking shall be construed and interpreted in accordance with the laws of Ireland.

Made in two originals, one of which is for the PROVIDER, the other for the BENEFICIARY.

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5. NAMES AND SIGNATURES

for the PROVIDER

_____
[signature]

James Moran, Director, Fraud and Security

_____
[date]

for the BENEFICIARY

_____
[signature]

_____
[name and title (typed)]

_____
2.   [date]

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Annex A   Document Management

A.1   Document History

Version	Date	Brief Description of Change	Approval Authority	Editor / Company
3.2	12 Dec 2014	Transferred PRD from SG to FASG as SG.13 v3.2	FASG	David Chong, GSMA

Other Information

Type	Description
Document Owner	FASG
Editor / Company	James Moran, GSMA

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Your comments or suggestions & questions are always welcome.