



Confidentiality and Restricted Usage Undertaking Related to the A51 Ciphering Algorithm

Version 4.1

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 A5/1 ALGORITHM FOR SIGNALLING AND DATA PRIVACY IN THE GSM SYSTEM PROVIDED THE
GSM ASSOCIATION

BETWEEN THE BENEFICIARY:

[Company name and address]

AND THE PROVIDER:

[Company name and address]

2 Role of the Beneficiary

The BENEFICIARY is one of the following parties:

- A GSM Association member or rapporteur or a company acting on behalf of a GSM Association member or rapporteur;
- A GSM network operator's system supplier 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 Mobile Equipment containing the A5 algorithms;
- Manufacturers of GSM base station subsystem equipment authorised to receive A5 algorithm from the administrator;
- Manufacturers of femtocell equipment that is intended to be deployed in a manner that complies with the published 3GPP standards.

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 administrator;

- A GSM Association member or rapporteur or a company acting on behalf of a GSM Association member or rapporteur who received the confidential information from the A5 administrator;
- A supplier of GSM equipment as described above who received the confidential information from a GSM Association member or rapporteur or directly from the GSM Association administrator.

4 Obligations

The PROVIDER undertakes:

- 4.1. To give to the BENEFICIARY, the BENEFICIARY having signed the undertaking, [...] registered copies of the detailed specification of the A5/1 algorithm for signalling and data privacy in the GSM system and provided by the GSM Association numbered [.....to.....]
- 4.2. To forward a copy of all signed CONFIDENTIALITY AND RESTRICTED USAGE UNDERTAKINGS to the GSM Association A5 administrator;

The BENEFICIARY undertakes:

- 4.3. To keep strictly confidential all information in the detailed specification, or electronic implementations thereof, here above mentioned and all related communication, written or verbal, which has been associated with that information, and after the signature of this undertaking (the "INFORMATION");

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- 4.4. Not to make any copies or photocopies of the documentation provided, even for internal usage;
- 4.5. Not to disclose the 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 his personnel disclose all or part of the INFORMATION to third parties, without prior explicit authorisation in writing by the PROVIDER;
- 4.7. To use the A5/1 algorithm for the sole purpose to procure, design, manufacture or supply equipment for signaling and data privacy in the GSM system that require the A5/1 algorithm; all other usage of the 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 A5/1 algorithm, 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 A5/1 algorithm provided by GSM without infringing that patent.]

- 4.9. Not to register any Intellectual Property Rights containing all or part of the INFORMATION;
- 4.10. To make best efforts in the design of equipment authorised by the present undertaking, in order that the algorithms cannot be used for other applications than those explicitly defined in the ETSI/GSM standard (GSM technical specification 3GPP TS 43.020 and 3GPP TS 42.009);
- 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.

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

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- 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 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 law of the country of the PROVIDER.

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

5 Names and Signatures

For the PROVIDER

[Signature]

[Name and title (typed)]

[Date]

For the BENEFICIARY

[Signature]

[Name and title (typed)]

[Date]

Annex A Document Management

A.1 Document History

Version	Date	Brief Description of Change	Approval Authority	Editor / Company
3.1.1	Sep 1993	Rules updated to provide clarity on rights and obligations	Plenary	SG Chair
3.1.2	May 1996	Change of Administrator from SG Chair at One2One UK	Plenary	SG Chair
3.2.0	Oct 2003	Changes made to facilitate distribution of A5 to WLL operators approved at SG#49	Plenary	James Moran, GSMA
3.3.0	Nov 2004	Changes made to remove references to A5/2 in support of GSMA Board policy to withdraw the algorithm	EMC	James Moran, GSMA
4.0	Feb 2010	Changes made to allow Femtocell suppliers to use A5/1 presented for approval at SG#73	EMC	James Moran, GSMA
4.1	12 Dec 2014	Transferred PRD from SG to FASG as SG.02 v4.1	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.