



Technical Specification

ISO/TS 22386

Security and resilience — Authenticity, integrity and trust for products and documents — Guidelines for brand protection and enforcement procedures

*Sécurité et résilience — Authenticité, intégrité et confiance
pour les produits et les documents — Lignes directrices pour la
protection des marques et les procédures de mise en application*

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ISO copyright office
CP 401 • Ch. de Blandonnet 8
CH-1214 Vernier, Geneva
Phone: +41 22 749 01 11
Email: copyright@iso.org
Website: www.iso.org

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Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of ISO document should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

ISO draws attention to the possibility that the implementation of this document may involve the use of (a) patent(s). ISO takes no position concerning the evidence, validity or applicability of any claimed patent rights in respect thereof. As of the date of publication of this document, ISO had not received notice of (a) patent(s) which may be required to implement this document. However, implementers are cautioned that this may not represent the latest information, which may be obtained from the patent database available at www.iso.org/patents. ISO shall not be held responsible for identifying any or all such patent rights.

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/TC 292, *Security and resilience*.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

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Introduction

The value of brands to a brand owner is both intangible and tangible. Brands are built as part of the intellectual property rights (IPR) of the brand owner and enhance its related innovations. Brand reputation relies on the brand owner's investment and often leads to brand equity, including consumer trust and confidence.

In recent years, counterfeiting activities have become increasingly aggressive, causing harm to brands. Besides damages to a brand owner's intangible and tangible assets, such activities also pose a threat to the global economy and critical infrastructure assets, while endangering consumer health and safety. Those responsible for counterfeiting products are solely seeking self-benefit, which means that they are likely to provide poor working conditions, use child labour, contribute to human trafficking and criminal organizations. They also do not invest in research and design; instead, they exist by plagiarizing others' creations and innovations. This harms the entire IPR intensive industry.

NOTE For more information on IPR intensive industry, see EPO/EUIPO (October 2022), IPR-intensive industries and economic performance in the European Union Industry-level analysis report, fourth edition October 2022. [\[17\]](#)

Counterfeiting activities also have a negative environmental impact during and after the manufacturing of counterfeit goods, such as the release of toxic waste into the environment.

Brand protection activities, therefore, are meaningful. By the protection of brands and their related brand reputation/image, sales and revenues are increased, IP assets are also protected, and their consumers' benefits are ultimately protected.

Therefore, brand owners can utilize this document to make their brand protection activities efficient, effective, professional and valuable. This document is designed to provide guidelines for brand protection activities, aiming to build a unified terminology and set of activity elements.

Online enforcement is becoming an increasingly important element in brand protection. However, online enforcement is not detailed in this document and will be left for future development.

The following relevant international standards can be used in conjunction with this document.

- ISO 9004, which gives guidelines for enhancing an organization's ability to achieve sustained success.
- ISO 31000, which provides principles, a framework and a process for managing risk.
- ISO 22384, which sets up a process to assess risks, and to select and combine individual measures for developing a product protection plan. It includes consideration of impacts and modifications to, for example, product lifecycle, supply chain, manufacturing, data management, brand perception and costs so as to adapt the protection plan accordingly.
- ISO 28000, which specifies requirements for a security management system, including aspects relevant to the supply chain.
- ISO 22380, which provides guidance on how organizations can establish strategic, business countermeasures to prevent or reduce any harm, tangible or intangible loss and cost from such fraudulent attacks in a cost-effective manner.
- ISO 22383, which gives guidelines for performance criteria and an evaluation methodology for authentication solutions that aim to unambiguously establish material good authenticity and integrity throughout an entire material good's lifecycle.
- ISO 22378, which describes framework for identification and authentication systems.
- ISO/IEC 27001, which provides companies of any size and from all sectors of activity with guidance for establishing, implementing, maintaining and continually improving an information security management system.
- ISO 31700-1, which establishes high-level requirements for privacy by design to protect privacy throughout the lifecycle of a consumer product, including data processed by the consumer.

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- ISO/TR 31700-2, which provides illustrative use cases, with associated analysis, chosen to assist in understanding the requirements of ISO 31700-1.

This document provides guidance for professionals within brand protection including, but not limited to:

- a management team of brand owners
- brand protection managers and practitioners
- IP and trademark attorneys
- investigators
- online monitoring solution providers
- authentication solution providers
- business intelligence and data analysts
- inspection and enforcement authorities
- associations for brand protection

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Security and resilience — Authenticity, integrity and trust for products and documents — Guidelines for brand protection and enforcement procedures

1 Scope

This document provides guidelines for establishing and enforcing respective measures for brand protection. It supports the development of a brand protection strategy and describes a brand protection framework for the development, production, and distribution of products and documents.

Applying these guidelines throughout the product lifecycle can facilitate interaction between individuals and organizations involved in brand protection activities and can make brand protection procedures more effective and efficient.

This document is intended to support the brand owner's business resilience, brand reputation, and brand value, by protecting products, documents, and associated services from counterfeiting and other infringements.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO 22300, *Security and resilience — Vocabulary*

3 Terms and definitions

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For the purposes of this document, the terms and definitions given in ISO 22300 and the following apply.

ISO and IEC maintain terminology databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <https://www.electropedia.org/>

3.1 General terms related to brand protection

3.1.1

anti-counterfeiting

process of either combating counterfeiting activities or counterfeit products, or both

3.1.2

brand protection

process of either protecting brands against counterfeiting or other infringement acts, or both

3.1.3

brand protection activity

event undertaken by a right owner (or on its behalf) for the purpose of *brand protection* (3.1.2)

3.1.4

case

series of events or persons being dealt with by *brand protection* (3.1.2) teams

3.1.5

customs training

training provided to customs authorities for the learning and development of knowledge, skills and abilities, of the intellectual property rights and products of a specific company or companies

3.1.6

genuine product

product that is manufactured by, or authorized to be manufactured by, the brand owner, used as reference for identifying suspect counterfeit products

3.1.7

infringing product

product that is made without licensing or authorization

3.1.8

intellectual property

IP

output of creative human thought process that has some intellectual or informational value

[SOURCE: ISO/IEC/IEEE 26511:2018, 3.1.19]

3.1.9

intellectual property infringement

unauthorized use, reproduction, distribution, or violation of *intellectual property* ([3.1.8](#)) rights

3.1.10

intellectual property portfolio

collection of *intellectual property* ([3.1.8](#)) rights owned by one entity

3.1.11

key performance indicator

KPI

quantifiable measure that an organization uses to gauge or compare performance in terms of meeting its strategic and operational objectives

3.1.12

product identification

product verification

product authentication

process to determine whether a product is counterfeit or not

3.1.13

return on investment

ROI

measure of performance represented in the form of a ratio calculated by the benefit of an investment divided by the cost of an investment, which is used to evaluate the profitability of an investment

3.2 Terms related to organization and individuals

3.2.1

brand protection manager

individual who is responsible for strategizing, planning, conducting and evaluating *brand protection activities* ([3.1.3](#))

3.2.2

infringer

individual or company who has infringed the *intellectual property* ([3.1.8](#)) rights of third parties

3.2.3

leads

source of information that can lead to *brand protection activities* ([3.1.3](#))