
Guidelines on consumer warranties/ garanties

*Lignes directrices concernant les droits et garanties aux
consommateurs*

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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 documents 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).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents).

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 Project Committee ISO/PC 303, *Guidelines on consumer warranties and guarantees*.

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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.

Introduction

The rapid globalization of production and the shift in manufacturing and distribution systems has created a new need for consumer protection. The internet and mobile telephones have revolutionized the way the business is conducted. The increased usage of the internet has had a great impact on developed and developing countries. Nearly all countries are experiencing a high demand of e-commerce activities. This new phenomenon has led to the disparity of knowledge between traders and consumers. The advancement of technology has placed at the disposal of consumers a range of complex and sophisticated products, consumable and non-consumable. To protect consumers against faulty products requires the design of new measures.

Rapid expansion of developing economies has led to the inclusion of millions of new consumers in the global market. While this is of great benefit to the standard of living of those consumers, the levels of protection they receive from consumers' law and good business practices is much lower than that received by consumers in the developed world.

The economic importance of product warranties/guarantees is to provide protection against unsatisfactory performance of products. They state that products meet a level of quality and performance that would be reasonable to expect, given their price and description. Traditionally, warranties and guarantees provide less than full insurance by manufacturers and/or suppliers against faulty products and this serves as risk-sharing between consumers, manufacturers and/or suppliers.

Manufacturers, for example, give warranties/guarantees to suppliers, who, in turn, give the same warranties/guarantees to consumers. In this way, all parties connected with the supply of a product are given protection. In addition, manufacturers and/or suppliers often give express warranties/guarantees directly to consumers as an incentive to buy their products. Warranties/guarantees help to improve the quality of products and can be used as a competitive tool in the marketplace.

Warranties/guarantees state exactly what is covered and what is not covered, the time frame of coverage and what manufacturers and/or suppliers expect of consumers. In addition, warranties/guarantees state the remedies offered by the manufacturer and/or supplier to consumers in the event of product failure.

This document can play a significant part in assisting manufacturers and suppliers in understanding their responsibilities towards consumers while, at the same time, equipping consumers with the sense of their rights to safe, durable and well-performing products. This document is intended to enhance and promote confidence in the products supplied by the manufacturer and supplier.

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Guidelines on consumer warranties/guarantees

1 Scope

This document specifies the form and content of warranties/guarantees that a manufacturer and/or supplier can use to address reasonable expectations of products by consumers.

This document is applicable to transactions between businesses and consumers of new and used products, including online transactions. This document is also applicable to products associated with services to complete a transaction (such as, buying clothes that need alteration).

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

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

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

3.1

business

undertaking carried out for profit in the course of which products are acquired or supplied whether at a price or otherwise

3.2

consumer

individual member of the general public purchasing or using property, products or services for private purposes

[SOURCE: ISO 26000:2010, 2.2]

3.3

consumer product

product (3.8), including *digital content* (3.4), designed and produced primarily for, but not limited to, personal use, including its components, parts, accessories, instructions, packaging and labelling

[SOURCE: ISO 10377:2013, 2.2, modified – addition of 'including digital content']

3.4

digital content

data which are produced and supplied to a consumer in digital form

3.5

exclusion

limitation of liability

terms in a *warranty/guarantee* (3.15) by which a *manufacturer* (3.6) or *supplier* (3.13) seeks to exclude or limit all or some of their liabilities

3.6

manufacturer

natural or legal person with responsibility for the design, manufacture, packaging and labelling of a *product* (3.8) before it is placed on the market under their own name, regardless of whether these operations are carried out by that person themselves or on their behalf by a third party

[SOURCE: ISO 19054:2005, 3.8, modified – use of 'his' and 'himself' replaced with gender neutral language.]

3.7

online transaction

transaction between *business* (3.1) and *consumer* (3.2) that is conducted through the internet

3.8

product

manufactured article intended for a *consumer* (3.2)

3.9

perishable product

delicate commodity with a limited storage life

3.10

non-perishable product

commodity not subject to rapid deterioration or decay

3.11

redress

relief or *remedy* (3.12) available to a *consumer* (3.2) against a *manufacturer* (3.6) or *supplier* (3.13) for a faulty *product* (3.8)

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3.12

remedy

means of enforcing a right to bring a *manufacturer* (3.6) or *supplier* (3.13) to account if a *product* (3.8) fails to meet the requirements of a *warranty/guarantee* (3.15)

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3.13

supplier

organization or person who provides a *product* (3.8) to a *consumer* (3.2)

3.14

unfair term

standard term contrary to the requirement of good faith, which causes a significant imbalance in the parties' rights and obligations arising under the contract, to the detriment of the *consumer* (3.2)

EXAMPLE Clauses such as 'goods are sold on as is basis', 'monies paid are not refundable' and 'goods sold are not returnable'.

3.15

warranty

guarantee

enforceable promise given by *manufacturer* (3.6) or *supplier* (3.13) to a *consumer* (3.2) to properly repair, replace or refund a faulty *product* (3.8) and if the repair is not satisfactory the consumer has the right to replace or refund

3.16

express warranty

express guarantee

terms which are clearly stipulated in the *warranty/guarantee* (3.15) document

3.17**extended warranty
extended guarantee**

prolonged *warranty/guarantee* (3.15) offered by the *manufacturer* (3.6) or *supplier* (3.13) to the *consumer* (3.2) in addition to the standard warranty period

3.18**implied warranty
implied guarantee**

warranty/guarantee (3.15) not explicitly stated but implied by the contract or stipulated by legislation

3.19**statutory warranty
statutory guarantee
mandatory warranty
mandatory guarantee**

obligatory *warranty/guarantee* (3.15) specified in legislation

3.20**vulnerable consumer**

consumer (3.2) who could be at greater risk of harm from *products* (3.8) due to their age, level of literacy, physical condition or limitations, or inability to access product safety information

[SOURCE: ISO 10377:2013, 2.3]

4 Purpose and principles

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Businesses are responsible for the safety, durability and performance of their products, whilst complying with applicable laws and adhering to international norms of behaviour. The purpose of this document is to help manufacturers and/or suppliers to develop, implement and improve product warranties/guarantees. Warranties/guarantees should protect the consumer from product defects.

Manufacturers and/or suppliers should demonstrate their commitment to consumer warranties/guarantees by adhering to the principles set out in this document. These principles include the following:

- a) developing, implementing and maintaining appropriate consumer product standards to ensure consumer protection in relation to product safety, performance and durability;
- b) making a commitment to the prompt and effective implementation of remedies when a consumer product fails to conform to the expected safety, performance and durability;
- c) promoting a product quality culture among manufacturers and/or suppliers by establishing manufacturing standards that support the terms in the warranties/guarantees; and
- d) establishing processes to maintain compliance with all applicable laws, regulations and standards, such as those defined in ISO 10002.

5 General requirements**5.1 Status of warranty/guarantee****5.1.1 Pre-condition for registration**

A warranty/guarantee shall not require the consumer to pay a fee (as opposed to an extended warranty/guarantee where registration and fees may be applicable). However, it shall indicate what evidence is needed (e.g. invoice, receipt) as proof of ownership and date of purchase in the event of a claim.