

Standing up for compliant connectivity.

Legal positioning on the use of
Third Party Compatibles.

Discovering the truth behind transceiver warranties

ProLabs strongly supports the possibility for customers to choose freely and believes that consumers should be free to purchase compatible transceivers modules without being subject to pressure and misinformation. ProLabs has always placed extreme importance on reliability, designing its modules to meet the specific requirements of the system or class of systems into which the module will be installed. Our transceivers are 100% tested to be reliable and compatible.

This document is intended to provide an overview of the legal position on the use of third party compatibles.

US Law: Magnuson-Moss Warranty Act of 1975:

The US Federal Trade Commission Magnuson-Moss Act protects consumers. This act, passed in 1975, states that tie-in sales provisions are not allowed in consumer warranties. Manufacturers cannot require consumers to purchase items or services in order to keep their warranty valid.

Essentially, the act states that a warrantor cannot require the consumer of its product (a switch for example) to buy an additional product or service (OEM transceivers) to be used with the original product in order to maintain the original product warranty.

In other words, you cannot be required to add the switch manufacturer's transceivers to maintain the warranty on the system. Also, the switch manufacturer cannot state that the system warranty is void if other "brands" of peripherals are used.

For example if you purchased ABC server but chose to use XYZ brand direct attach cables, ABC Company cannot void the warranty or refuse to provide service on your ABC server.

In addition to the Magnuson-Moss Act, any manufacturer that makes its warranty conditional on the purchase of its own equipment may violate antitrust laws.

https://en.wikipedia.org/wiki/Magnuson%E2%80%93Moss_Warranty_Act

European Law:

According to European law, an explicit or implicit 'warranty tie' by an OEM manufacturer would amount to illegal tying under Art 101 and 102 of the TFEU (Treaty of functioning of the European Union), and equivalent laws in each Member State, where:

There is a brand-specific aftermarket for replacement parts for that OEM's products; the OEM has a high share of supply in that market; and the OEM is illegally seeking to protect that position by dissuading 'captive' customers of its primary products from sourcing more cost-effective, quality products from anyone else; and/or.

Even if there is a broader aftermarket for supply of replacement transceivers, if the cumulative effect of practices adopted by OEMs meant that third-party suppliers of replacement components and businesses specialising in fitting such components find it difficult to penetrate the market.

https://en.m.wikipedia.org/wiki/Article_101_of_the_Treaty_on_the_Functioning_of_the_European_Union

A multi-source agreement (MSA):

is an agreement between multiple manufacturers to make products which are compatible across vendors, acting as *de facto standards*, establishing a competitive market for interoperable products.[1]

"Multi-source agreements". Commscope. Retrieved 2017-02-02.

Examples of OEM Vendor statements all links are correct at the time of this document release.

Cisco

Link: https://www.cisco.com/c/en/us/products/prod_warranty09186a00800b5594.html

"...When a product fault or defect occurs in the network, and Cisco concludes that the fault or defect is not attributable to the use of third-party memory, cables, GBICs, filters, or other non-Cisco components installed by a customer or reseller, Cisco will continue to provide support for the affected product under warranty or covered by a Cisco support program..."

HP

Link: https://support.hpe.com/hpsc/doc/public/display?docId=emr_na-c02566525

"...HP Networking, at its discretion, may not provide support for networking problems resulting from the use of third-party transceivers, mini-GBICs, or SFPs. However, the warranty on the genuine HP Networking product is not affected..."

Juniper

Link: https://www.juniper.net/documentation/en_US/release-independent/junos/topics/reference/specifications/optical-interface-ex-series-support.html

"...Caution: If you face a problem running a Juniper Networks device that uses a third-party optic or cable, the Juniper Networks Technical Assistance Center (JTAC) can help you diagnose the source of the problem..."

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