

SPECIAL REPORT:

Commitment issues

You've paid good money for a new tech product, so why should the company abandon support for its services after just a couple of years?



Picture a world where every time you wanted to use a new piece of software, you'd have to buy a new computer. You'd be outraged. Yet this is exactly the sort of situation that manufacturers have left consumers in when it comes to internet-connected smart TVs, and even tablets and smartphones can be left without support.

You might spend hundreds or even thousands of pounds on a tech product, but some manufacturers would rather you spent all over again on a shiny new version instead of keeping up the support needed for their older models. PCs on older operating systems can be stranded without support; perfectly good smartphones can be forgotten in software updates, and smart TV apps can simply vanish altogether.

Which? believes that the big tech companies are suffering from commitment issues, and it's time for a change. Consumers have every right to a reasonable lifespan for the products they buy, and we believe that this should extend to support for the services these products are marketed with in the first place.

Support dries up

Of course, there's nothing wrong with manufacturers improving their products and services every year – this sort of innovation is what makes new technology so exciting, after all. But it can all too easily come at the expense of legacy customers who still own older products. At times, brand loyalty can fail to be a two-way street.

If you buy a smart TV, you're putting a lot of faith in the manufacturer to give you a quality product that will deliver on all the boasts of its advertising. Yet within a year, the manufacturer could be saving its boasts for the next generation of its smart TVs, lavishing them with new services while leaving older models –

and the customers who bought them – unloved and unsupported.

Even fairly recent products can succumb to fleeting life spans. Last year, we were contacted by Which? members with Samsung and LG smart TVs that had been purchased as recently as 2010 and 2011, outraged after they'd lost access to the hugely popular LoveFilm app (now called Amazon Prime Instant Video). Since such online **streaming** services were one of the reasons they'd bought these TVs in the first place, many were left in disbelief that they were losing out on apps so quickly.

Whenever a TV manufacturer updates its smart TV range, the whole **operating system** may change, and that means entirely new coding is needed for the apps running on it. Since manufacturers pay licenses to host apps such as BBC iPlayer or Netflix, they may choose to only cover app licenses for their newer products, and not their older ones.

It's not just a matter of keeping existing apps going, either. New apps and services launch all the time, but there's no guarantee your existing tablet, smartphone or smart TV will be able to access them. Say you fancy watching Netflix, ITV Player or 4 On Demand on your smart TV that's a year or two old. If these apps weren't around when you first bought the set, there's little chance they'll ever be made available to you. To get the latest services, you could end up spending on new equipment yet again.

Big names, little commitment

Some of the biggest names in the technology industry can fall short when it comes to committing to older products. Apple regularly updates its **iOS** operating system for iPads and iPhones, and this is now on iOS 7. But if you're a 2009 iPhone 3GS owner, or a 2010 (first-generation) iPad owner, you're left stuck on a limited version of iOS,



Licenses for the services used to promote a smart TV may not be maintained by the TV manufacturer

unable to take advantage of some of the latest features, such as Siri voice control, or some of the latest apps that require iOS 7 to run. If you buy an **Android** smartphone or tablet from any brand other than Google, there's no guarantee of updates to newer versions of the Android operating system.

Recently, Microsoft triggered an outcry after it stopped security patch support for Windows XP, forcing millions of customers into potentially unwanted PC upgrades. While this move has had a huge global impact, Microsoft had at least kept up XP support for over 12 years since the operating system launched. Plenty of manufacturers offer significantly less long-term commitment than this.

Consumer law catching up

The manufacturers blame the app providers, the app providers blame the manufacturers, and the retailers blame everyone but themselves. Yet in the middle of this, consumers can lose out. Since the product itself hasn't developed a physical fault, it's a grey area for consumer rights. For instance, if your product can't receive upgrades, preventing it from accessing new services, then you can't claim for a breach of contract if there was no original indication that it could be

We've challenged some of the biggest names in tech to offer real commitment

upgraded. But if it loses features that it had when you bought it, you may have stronger grounds to claim.

The Sale of Goods Act, 1979, lets customers argue that a retailer is in breach of contract if a product doesn't last for a reasonable lifespan, and you might reasonably expect a brand new TV to last for at least five years. Which? has campaigned hard over the years to make sure that the protection consumers deserve is enshrined in law. But new technology moves at a rapid pace, and we believe that consumer legislation needs to keep up with digital changes.

A new Consumer Rights Bill is being debated in parliament, and Which? has been consulted on its development and wording. The new Bill will, for the first time, provide consumers with rights specific to digital content, both where the product is entirely digital (such as a download) and where a physical good contains a digital element (such as a satnav system with maps). It also provides rights where software updates or upgrades cause problems.

The law is keeping pace with consumer rights around digital products, and we believe that the big manufacturers need to do the same. That's why we've challenged some of the biggest names in tech to offer some real commitment to their customers, guaranteeing that their products will be continue to be supported for a realistic lifespan (see p7).



Expert's view

Peter McCarthy
Senior lawyer

Where do you stand if a product you bought is still in perfectly fine physical condition, but the digital services and support that are key to its functionality should suddenly disappear?

The Sale of Goods Act, 1979, states that customers can argue that a retailer is in breach of contract if a product doesn't work as long as it could reasonably have been expected to. You could argue that this covers not just physical faults, but also where software isn't up to standard or is withdrawn, thus taking away functions that the item once had.

Currently, some legal principles from the 1970s are being used to govern consumer rights over 21st-century digital products. The good news is that consumer law is becoming clearer, and the new Consumer Rights Bill will expressly state that where a physical good includes a digital element that develops a problem, then the physical item itself can be argued to no longer be of satisfactory quality or fit for purpose. That's essential protection in this digital age of ours. >

Support vanishes for £1,400 system

When a service is dropped from a product that's otherwise in perfect working order, a consumer can be left trapped in the middle of several parties who won't take responsibility. That's exactly what happened to Which? member Mark Hill.

In November last year, Mark spent over £1,400 in John Lewis on a new Sonos wireless audio system after being wowed by an in-store demonstration of how it could be controlled with an iPad. Mark owned a first-generation iPad, and there was every indication at the point of sale this would work.

However, Sonos contacted its customers early this year to let them know of a refresh of its Sonos Controller iPad app. It warned that first-gen iPads wouldn't be fully supported and

would miss out on some of the app's functions, as these iPads couldn't update to Apple's latest operating system, iOS 7. Mark will now lose some of the iPad controls that drew him to the Sonos.

Zero support

It's a classic case of the consumer being left in the middle when technology services dry up. Mark's system hadn't developed any physical fault he could demand a refund for, and John Lewis's explanations about its functionality were true at the point of sale. Matters out of John Lewis's or Sonos's control had left Mark unable to get the full use of the equipment he had purchased only a few months previously.

Mark challenged John Lewis, as he specifically made his purchase on the basis that he could



control the Sonos with his iPad. Yet John Lewis was unwilling to help, telling him that 'although we aim to provide the most accurate and up to date advice at the time of purchase, we cannot

be held liable for decisions which are out of our control.'

Frustrated at his lack of progress, Mark got in touch with Which?, and we contacted Sonos on his behalf.

Which? steps in

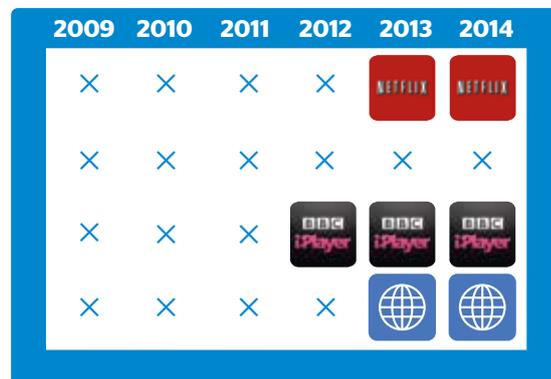
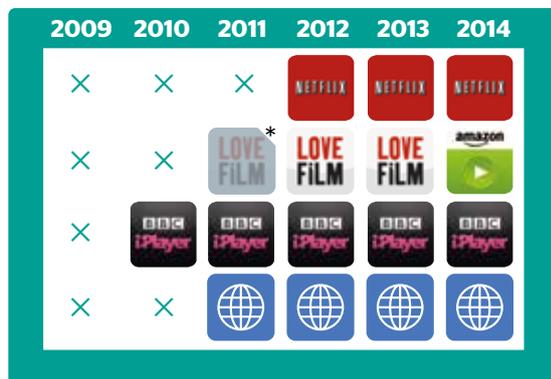
Sonos has since agreed to get in touch with Mr Hill directly to resolve his issue. It advised us that any customers who are using the first generation iPad will continue to enjoy some functionality, but later this year will not be able to update to the latest Sonos Controller app.

'We absolutely agree with Which? that apps and services should be supported for as long as possible,' Sonos told us. 'We also believe that customers who bought our products many years ago should be able to operate them with the latest platforms and services – many of which did not exist when our products were first purchased. These two aspects form the basis of our long-term commitment to and support of all customers.'

MALCOLM CASE-GREEN

The smart TV generation gap

Buy a new smart TV and you might well think you'll be getting a future-proof piece of the latest tech. Yet manufacturers rarely allow older models to keep up with the latest apps, as they only buy licenses for their newer ranges. This can mean that early adopters miss out on the latest online streaming services, since manufacturers tend to only invest in app licenses for their newer TV ranges.



What you can do if you're affected

While we lobby government and industry for positive change, there are some immediate things you can do if you feel your product is no longer supported as it should be.

✓ Challenge the retailer

Though this is presently no guarantee of success when there is no physical fault with the product, the law stipulates that it is the retailer, rather than the manufacturer, who has a duty to repair or replace a product that is no longer fit for purpose if a breach of contract can be demonstrated.

✓ Upgrade with a smart box

If your expensive smart TV loses services or can't access new ones, consider buying a smart **Blu-ray** player

or streaming box as a way to get the latest smart features without needing to splash out on a whole new set. They start from just £30 – you can read our reviews on *p54*.

✓ Make your voice heard

We want to hear from readers who've been affected by this. Share your experiences and help us build a groundswell of support for our commitment issues argument, and help us to bring about real change: which.co.uk/support



The industry responds

We've contacted some of the biggest technology companies and service providers in the world, and asked them to commit to ensuring that apps, services and software features that are used to sell a product will remain available for a reasonable product lifecycle.

We've had some mixed responses, which in some cases show just how little by way of solid commitment the big firms are currently willing to offer their customers.

Panasonic 'We are fully supportive of Which?'s position. We are committed to providing our customers with a first-rate experience and work hard with our suppliers to maintain a good service.'

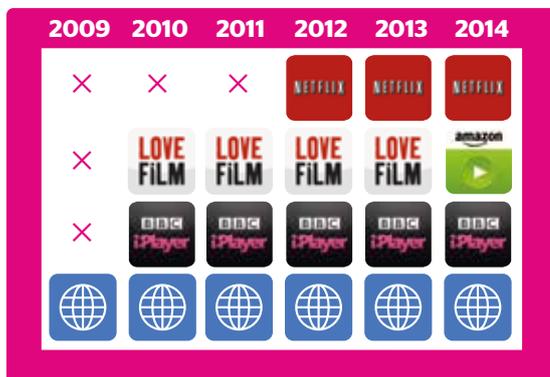
Samsung 'Samsung is unable to guarantee the availability of any application on any specific television

model. Content providers may remove applications from the Samsung smart TV platform without notice.'

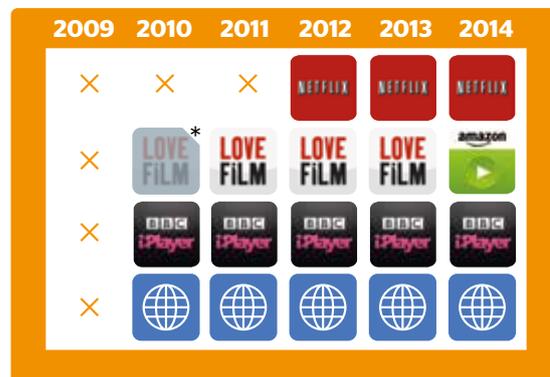
Amazon 'It is our aim to make Prime Instant Video available on as many connected devices as possible. Unfortunately, developments to our service mean that we aren't now able to support applications on Samsung 2010 and LG 2011 services.'

BBC 'The BBC wants to make its programmes available to viewers whenever and wherever they are. BBC iPlayer is already available on over 1,000 devices and platforms in the UK and with the roll out of the new BBC iPlayer, we want to make this experience even better.'

Apple / LG We contacted both Apple and LG, but neither were able to supply a response.



Sony



Samsung

2013
2014

Samsung added ITV Player and 4 On Demand to its 2013 and 2014 smart TVs

*2010 Samsung and 2011 LG ranges initially had LoveFilm apps, but lost the service. For full icon explanations, see *p55*.