

# TOPAS

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## Traffic Open Products and Specifications

### ***TOPAS 0600B***

#### *TOPAS Registration Process Additional Guidelines*

<b>Revision</b>	<b>Date</b>	<b>Scope</b>
A	16/11/17	Issue

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**TOPAS will consider an application for product registration from a third party other than the manufacturer, provided that the applicant has the permission of the original equipment manufacturer to submit an application or a degree of ownership of the design to fulfil the manufacturer's role.**

The TOPAS registration process is set out in TOPAS0600B and throughout the document refers only to the manufacturer submitting the application for product registration. The manufacturer has many responsibilities including:

- Recognition as the design authority for the product
- Compilation and maintenance of a Technical File recording evidence of all relevant product testing results
- Under the Sale and Supply of Goods Act 1994 purvey goods that are as described, of merchantable quality and fit for purpose
- Provision of warranty support for the product
- Liability for product performance

In the majority of cases the manufacturer will register their own product with TOPAS. However, there may be circumstances when the manufacturer does not wish to register their product, e.g. a manufacturer outside the UK, and is prepared to delegate to and allow a third party supplier-see notes below- to register a product with TOPAS providing they have the explicit agreement of the manufacturer. TOPAS would require evidence of the agreement and access to the Technical File at the time of the application.

A supplier may apply to register a product in addition to the registration held by the manufacturer, providing they have explicit agreement of the manufacturer but it will be recorded against the product that purchasers can see both the manufacturer, where applicable, and the supplier(s) have registered the same product.

A supplier may apply for registration when it has commissioned the manufacture of an own brand product, paid for development and testing, can demonstrate ownership of the design and IPR and has sufficient control over product manufacturing to ensure conformity with the appropriate specifications. In effect the supplier takes the role of the manufacturer.

Products registered with TOPAS by manufacturers or suppliers may be offered for sale in the normal course of business by contractors, distributors and resellers- see note below- however, they will not be eligible to register a product with TOPAS. The Sale of Goods Act makes the seller of a product responsible for the warranty or guarantee and conformity with the specification in the first instance. The seller may try to pass it back to the manufacturer but the purchaser's contract is with the seller.

## **Manufacturer or suppliers**

Registration by a manufacturer is clear and easy to understand, they have designed, developed, tested and made the product and own the IPR.

TOPAS assigns no particular importance to the use of the word supplier as a first or second registrant; any one of the descriptors from the list of synonyms below could be used and largely depends on the industry sector.

Supplier	Distributor
Wholesaler	Dealer
Representative	Trader
Broker	Merchant
Retailer	Vendor
Reseller	

In the electrical sector it is common to refer to wholesalers, builders refer to merchants, car buyers refer to dealers and so on, but all are doing the same thing, reselling goods.