

# YOU CAN LOG OUT, BUT YOU CAN NEVER LEAVE

How Amazon manipulates consumers to keep them subscribed to Amazon Prime

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## Executive summary

In this report, we show how Amazon makes it unreasonably cumbersome to unsubscribe from the Amazon Prime service. The process of cancelling an Amazon Prime subscription is riddled with a combination of manipulative design techniques, known as ‘dark patterns’. Consumers who want to leave the service are faced with a large number of hurdles, including complicated navigation menus, skewed wording, confusing choices, and repeated nudging. As we argue in this report, the sum of these practices is a process that seems designed to be obscure and manipulative, in order to keep consumers bound to the paid service. These practices were observed on Amazon’s platforms in both the US and in Europe.

In our opinion, the use of dark patterns to prevent consumers from leaving a service is in breach of consumer law. Although Amazon is one of the largest online platforms globally, the dark patterns described throughout this report are emblematic of a broader problem. Consumers are faced with dark patterns on a daily basis; whether they want to use an online retailer, unsubscribe from a service, protect their privacy, and in many other situations. These manipulative design features undermine consumers’ ability to make free and informed choices by making us act against our own interests in favour of the interest of service providers. We call on service providers to stop using dark patterns and on consumer authorities to crack down on infringements of consumer and marketing law.

## 1 Introduction

Consumers are increasingly moving to subscription-based services to access digital content rather than directly purchasing content. Digital content providers charge a regular set fee for access to a number of different types of content. Examples of subscription-based digital content services, or streaming services, includes services for movies and TV series, music, newspapers, audiobooks, e-books, sports broadcasts, video games, and more.

Although the shift toward subscription-based streaming services allows consumers to access an unprecedented amount of content at relatively low prices, how this content is provided may also pose a number of challenges. While many streaming services may be provided at a small monthly sum, the number of different services offering exclusive content means that many consumers will end up paying significant amounts to various content providers on an annual basis, as the number of services they subscribe to increases.



This report is a part of a Norwegian Consumer Council investigation into consumer rights in digital content services. As another part of this work, we conducted a survey in autumn 2020 of 1,000 consumers in Norway.<sup>1</sup> We found that Norwegian consumers subscribe to an average of four digital content services, paying around NOK 400 (€ 38/\$ 46) for these subscriptions each month. However, around 10% of male respondents reported that they pay more than NOK 1,000 (€ 95/\$ 115) per month.

Almost half of the respondents said that they probably or definitely pay for at least one service they do not use often enough to justify the subscription. Furthermore, around 25% of respondents had experienced problems cancelling a digital subscription because they found the process difficult and/or frustrating. These numbers confirm that, while consumers generally have several digital content subscriptions, these subscriptions are often left running without being used. Although Norwegian consumers, in general, have a high degree of purchasing power, these numbers may show a similar trend in other countries.

Subscription-based services are not a novel phenomenon – consumers have been paying monthly or annual sums for having physical products such as newspapers, books, CDs, and more delivered automatically to their homes for decades. Digital content services differ from these models in a number of ways. Platforms such as Spotify, Netflix, and Xbox Game Pass provide access to large selections of content as long as the consumer pays for a subscription. However, due to the lack of a physical product and automated payments, these subscriptions can become ‘invisible’ or hidden from the consumer.

With an increasing number of streaming services reaching high levels of popularity among consumers – and a variety of free trial subscriptions lowering the cost of entry – consumers sign up for services, and the prospect of keeping track of every subscription becomes complicated. In short, it is very easy to sign up for services, while cancelling subscriptions may be challenging for a number of reasons.

As such, consumers may end up with a large number of subscriptions to digital content services, with a mix of services that they make use of often, occasionally, or not at all. There may be many reasons for consumers to keep paying for a digital content subscription, first and foremost because they want to keep using the service, but, as our survey shows, consumers also subscribe to services that they do not actively use. The combination of a large number of

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<sup>1</sup> ‘Population survey on digital content’ <https://fil.forbrukerradet.no/wp-content/uploads/2021/01/population-survey-digital-content.pdf> s



services and the automated renewal and payment for subscriptions often means that consumers end up paying for services that could or should have been cancelled. Consumers might sign up for a free trial period and forget to unsubscribe before the trial period ends, or they may stop using the service while neglecting the running payments for various reasons. Finally, consumers may attempt to unsubscribe, but be discouraged by an unreasonably difficult cancellation process.

This becomes a problem if the consumer is tricked into continuous subscriptions that they do not want to continue because the bar for discontinuing the service is unreasonably high. As a rule, it should not be more difficult to unsubscribe from a service than it was to subscribe in the first place. In the following chapters, we will describe a number of dark patterns, i.e. design techniques used to manipulate or deceive consumers. This is followed by describing the legal context, where we elaborate on how dark patterns may be at odds with consumer and marketing law. We use the process of unsubscribing from the Amazon Prime service as a representative case, illustrating a number of problematic practices that are used to prevent consumers from leaving the service.

The Norwegian Consumer Council is a government funded organisation that represents consumer interests. The project was produced with additional funding from the research project AlerT, which is led by the Norwegian Computing Center.<sup>2</sup> We wish to thank Arunesh Mathur from the Princeton Center for Information Technology Policy, Cristiana Santos from the University of Utrecht, and Ingvar Tjøstheim from the Norwegian Computing Center for invaluable input to this report.

## 2 Background

Service providers facilitate interaction between consumers and platforms through user interface design. Every element of a platform or website has been deliberately placed, either as part of a pre-made template or tailored to a particular platform. In short, everything from the placement of a button to the choice of fonts and text colour is a part of a deliberate process. This means that many online interactions are relatively seamless and low on friction, but this ease of use can also come at a cost to personal autonomy and, consequently, a breach of consumer rights.

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<sup>2</sup> “AlerT - Awareness Learning Tools for Data Sharing Everywhere”  
<https://www.nr.no/en/projects/alert-awareness-learning-tools-data-sharing-everywhere>



## 2.1 Dark patterns

User interfaces can be employed to steer consumers into prioritising certain choices over others, to hide or omit relevant information, or to otherwise trick, confuse or frustrate users. These practices can be collectively referred to as dark patterns or manipulative/deceptive design. Dark patterns can be summed up as features of interface design that push or nudge people into making choices for the benefit of the service provider, often at the cost of the individual's money, time and/or privacy.<sup>3</sup> Several scholars have expressed concern about the use of online manipulation, of which dark patterns are a significant element, calling the practices a 'grave concern'.<sup>4</sup>

Dark patterns may be described as a negative form of 'nudging', which is a concept originating from behavioural psychology. Nudges and dark patterns work by exploiting pre-existing cognitive biases in consumers and are, therefore, often fundamentally manipulative. Such cognitive biases may include choosing small, short-term rewards instead of larger, long-term benefits, or the tendency to choose the path of least resistance.

Another highly relevant form of cognitive bias is known as the 'endowment effect', which posits that people have a tendency to value goods that they own higher than they value those goods before they first acquire them. One explanation for this effect is that individuals assign more value to the positive effects of their possessions, than to any potentially negative effects.<sup>5</sup> This is interconnected with the cognitive bias named 'loss aversion'.

According to academics in the field, loss aversion is an asymmetry of value, where the disutility of giving up an object is greater than the utility associated with acquiring it. One implication of loss aversion is that individuals have a strong tendency to remain at the status quo (e.g. subscribed to a service), because the disadvantages of leaving a service appear more prominent than the advantages of doing so.<sup>6</sup>

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<sup>3</sup> Harry Brignull, 'Dark Patterns' <https://darkpatterns.org/>

<sup>4</sup> Daniel Susser, Beate Roessler, Helen Nissenbaum, 'Online Manipulation: Hidden Influences in a Digital World' [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3306006](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3306006)

<sup>5</sup> Keith M. Marzilli Ericson Andreas Fuster, 'The Endowment Effect' [https://www.nber.org/system/files/working\\_papers/w19384/w19384.pdf](https://www.nber.org/system/files/working_papers/w19384/w19384.pdf)

<sup>6</sup> Daniel Kahneman, Jack L. Knetsch and Richard H. Thaler, 'Anomalies: The Endowment Effect, Loss Aversion, and Status Quo Bias' <https://www.jstor.org/stable/1942711?seq=1>



Although nudges can be used to benefit people and societies, dark patterns are always designed to benefit the service provider, whether or not this aligns with the best interests of the consumer.<sup>7</sup> Weaponising cognitive biases to influence consumers into making choices against their own interests may be exploitative, unfair and unreasonable.<sup>8</sup>

Dark patterns pose a number of serious challenges to consumer rights. In our previous work, we have documented how digital platforms use dark patterns to circumvent the legal conditions for consent and, as a result, manipulate consumers into sharing personal data with the service provider.<sup>9</sup> Others have demonstrated how dark patterns are used in attempts to circumvent European data protection law through the use of cookie consent banners.<sup>10</sup>

In addition to being at odds with data protection principles and legislation, dark patterns are also used to deceive consumers into paying extra for products or services, or making purchases they otherwise would not have made. A study from 2019 showed how dark patterns are used at scale on shopping websites to deceive or pressure consumers into making certain purchasing decisions.<sup>11</sup> This may happen through the use of various dark patterns, for example countdown timers that stress the consumer into making irrational choices, by adding hidden service fees, or by making it unreasonably difficult to opt out of a paid service.

This review demonstrates how design patterns are used to confuse and/or discourage consumers who want to cancel their Amazon Prime subscription.<sup>12</sup> As will be shown in Chapter 3, in order to end a subscription to Amazon Prime, the consumer has to click through several pages, where almost every page is

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<sup>7</sup> 'Nudging' is often used in a positive sense in the academic literature. However, throughout this report, the nudging we observed takes the form of negative manipulation. Negative nudges have also been described as 'sludging'. Richard H. Thaler, 'Nudge, not sludge' <https://science.sciencemag.org/content/361/6401/431>

<sup>8</sup> For further background on dark patterns and cognitive biases, see our previous report 'Deceived by Design', Chapter 3. <https://www.forbrukerradet.no/undersokelse/no-undersokelsekategori/deceived-by-design/>

<sup>9</sup> Forbrukerrådet, 'Dark Patterns' <https://www.forbrukerradet.no/dark-patterns/>

<sup>10</sup> Colin M. Gray, Cristiana Santos, Nataliia Bielova, Michael Toth, Damian Clifford, 'Dark Patterns and the Legal Requirements of Consent Banners: An Interaction Criticism Perspective' <https://arxiv.org/abs/2009.10194>

Privacy International, 'Most cookie banners are annoying and deceptive. This is not consent.' <https://privacyinternational.org/explainer/2975/most-cookie-banners-are-annoying-and-deceptive-not-consent>

<sup>11</sup> Arunesh Mathur, Gunes Acar, Michael Friedman, Elena Lucherini, Jonathan Mayer, Marshini Chetty, and Arvind Narayanan, 'Dark Patterns at Scale: Findings from a Crawl of 11K Shopping Websites' <https://webtransparency.cs.princeton.edu/dark-patterns/>

<sup>12</sup> See Chapter 2.3 for more details about Amazon Prime.



designed to create uncertainty about the decision and every click nudges the consumer back into the subscription through blurring and omitting cancellation information.<sup>13</sup> As indicated below, this gives grounds to ask whether this practice is in line with the provisions of the EU's Unfair Commercial Practices Directive (UCPD). The practices described in Chapter 3 may also be at odds with certain US laws, such as Section 5 of the Federal Trade Commission (FTC) Act,<sup>14</sup> and state consumer protection laws.

### 2.1.1 Types of dark patterns

In recent years, a number of academic works have been published on the categorisation and taxonomy of dark patterns.<sup>15</sup> Rather than establishing new taxonomies, we draw upon this work to categorise types of dark patterns that were observed when unsubscribing from Amazon Prime. The examples given below of types of dark patterns are not extensive, but cover many of the examples we observed in this particular case. The below categories contain various forms, variants, and subcategories, but provide a useful starting framework to analyse design patterns 'in the field'.

#### Obstruction

When browsing digital content services, it is usually quick and easy to set up an account and start using the service. However, it may not always be as easy to delete an account or cancel a subscription. From non-digital street vendors selling dietary supplements, to digital service providers, this form of dark pattern can be classified under the general category of 'obstruction'.

As a general principle, it should not be more difficult to cancel a subscription than it was to sign up in the first place, and there are usually few technical restrictions to prevent service providers from following this principle. However, the service provider's financial incentive usually means that they will try to enlist and retain as many paying subscribers as possible. This incentive does not necessarily align with the consumers' wishes to end their relationship with services they deem unnecessary or unsatisfactory.

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<sup>13</sup> The use of dark patterns by Amazon has also been demonstrated by others. See for example The Trans Atlantic Consumer Dialogue and Heinrich-Böll-Stiftung Brussels European Union, 'Privacy in the EU and US: Consumer experiences across three global platforms' <https://eu.boell.org/en/2019/12/11/privacy-eu-and-us-consumer-experiences-across-three-global-platforms>

<sup>14</sup> '15 U.S. Code § 45 - Unfair methods of competition unlawful; prevention by Commission' <https://www.law.cornell.edu/uscode/text/15/45>

<sup>15</sup> For the particular taxonomy used below, see Arunesh Mathur, Gunes Acar, Michael Friedman, Elena Lucherini, Jonathan Mayer, Marshini Chetty, and Arvind Narayanan, 'Dark Patterns at Scale: Findings from a Crawl of 11K Shopping Websites' <https://webtransparency.cs.princeton.edu/dark-patterns/>





The dark pattern of obstruction is also closely linked to a pattern called ‘rewards and punishment’, in which individuals are punished for undesirable behaviour, for example by withdrawing benefits. Furthermore, obstruction can take the form of a ‘false hierarchy’, where certain visual aspects (such as buttons) takes precedence over others in the design, in order to lead individual’s attention toward the option preferred by the service provider.<sup>16</sup>

Another form of obstruction, called ‘overchoice’, is done by overwhelming the user with too many choices. Research has shown that providing an excessive amount of choices leads to users being less satisfied with the choice they make, and more likely to regret their choice.<sup>17</sup> The use of too many choices or otherwise over-complicated procedures may confuse consumers, and consequently increases the transaction cost of completing a process in order to express their authentic preferences in the transaction.<sup>18</sup>

### Misdirection

There are several ways in which service providers can misdirect or confuse consumers into making certain choices. These tricks usually take the form of either visual elements that distract the user or wording aimed at compelling or guiltning the consumer. A common form of misdirection is known as ‘confirmshaming’ or ‘framing’, meaning that the service provider attempts to make the user feel bad about making certain choices at the cost of alternative choices.

As will be shown below, confirmshaming can involve buttons with negatively charged statements, such as ‘I don’t like great deals’,<sup>19</sup> making certain choices seem ethically questionable, or emphasising what a user will lose by making a certain choice while downplaying other aspects. Similarly, graphic design can be used to steer users’ behaviour by making certain options visually unappealing or obscure, through a technique called ‘visual interference’.

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<sup>16</sup> Colin M. Gray and Yubo Kou, ‘The Dark (Patterns) Side of UX Design’  
[https://www.researchgate.net/publication/322916969\\_The\\_Dark\\_Patterns\\_Side\\_of\\_UX\\_Design](https://www.researchgate.net/publication/322916969_The_Dark_Patterns_Side_of_UX_Design)

<sup>17</sup> Barry Schwartz, ‘The Paradox of Choice: Why More Is Less’  
[https://www.researchgate.net/publication/200552951\\_The\\_Paradox\\_of\\_Choice\\_Why\\_More\\_Is\\_Less](https://www.researchgate.net/publication/200552951_The_Paradox_of_Choice_Why_More_Is_Less)

<sup>18</sup> Stigler Center, ‘Stigler Committee on Digital Platforms: Final Report’  
<https://www.chicagobooth.edu/research/stigler/news-and-media/committee-on-digital-platforms-final-report>

<sup>19</sup> For more examples of confirmshaming, see <https://confirmshaming.tumblr.com/>



## 2.2 Legal context

Although dark patterns are widespread in online user interface design, they are not exempt from consumer law.<sup>20</sup> In the EU, the Unfair Commercial Practices Directive (UCPD) covers unfair, misleading and aggressive practices that are capable of distorting consumers' economic behaviour, thereby causing or being likely to cause them to take a transactional decision that they would not otherwise have taken. Consumers should not face undue burdens in order to unsubscribe from a digital content service, which, simply put, means that unsubscribing should not involve more effort than signing up in the first place.

Service providers are required to act within/according to current legislation when it comes to business practices, and in a European context, the Unfair Commercial Practices Directive 2005/29/EC is therefore relevant when looking into the cancellation procedure for Amazon Prime.

The general clause of the Directive in Article 5 of the UCPD prohibits 'unfair commercial practices' towards consumers. A commercial practice includes both actions and omissions by the trader, and is unfair if it is contrary to the requirements of professional diligence and materially distorts, or is likely to materially distort the economic behaviour of an average consumer.

A commercial practice is always considered unfair if it is misleading<sup>21</sup> or aggressive,<sup>22</sup> or if it leads the average consumer to make an economic decision that they would not otherwise have made. Some commercial practices are always considered unfair, as listed in Appendix 1 to the Directive, referred to as the 'blacklist'.

In this context, it is relevant to ask whether Amazon Prime's cancellation process is in line with provisions on misleading omissions in Article 7, which states that a commercial practice is misleading if the practice 'omits material information that the average consumer needs, according to the context, to take an informed transactional decision and thereby causes or is likely to cause the average consumer to take a transactional decision that he would not have taken otherwise.'

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<sup>20</sup> For business-facing guidelines on how to differentiate between acceptable user interface design and deceptive practices, see the Dutch Authority for Consumers and Markets, 'Guidelines on the protection of the online consumer' <https://www.acm.nl/en/publications/guidelines-protection-online-consumer>

<sup>21</sup> UCPD Art. 6 and 7

<sup>22</sup> UCPD Art. 8 and 9



Furthermore, according to the UCPD, aggressive commercial practices are considered unfair,<sup>23</sup> whereas Article 9(d) states that ‘any onerous or disproportionate non-contractual barriers imposed by the trader where a consumer wishes to exercise rights under the contract, including rights to terminate a contract or to switch to another product or another trader’ should be taken into consideration when determining whether a commercial practice is aggressive.

The UCPD Guidelines<sup>24</sup> also highlight that Article 9(d) prevents traders from imposing disproportionate non-contractual barriers that are detrimental to consumers who wish to exercise their rights under a contract, including the right to terminate the contract or switch to another product or trader.

The review in Chapter 3 shows that the Amazon Prime cancellation process, at several points, omits clear guidance text on how to cancel, instead emphasising the advantages of continuing the subscription through several warnings about how benefits of the service will be lost if the consumer proceeds with unsubscribing. This serves to confuse and mislead the subscriber into making a transactional decision that they would not otherwise have made. We also find it reasonable to question whether the cancellation process imposes onerous barriers on the consumer who wants to exercise their right to terminate the contract, by designing a lengthy and confusing process that takes at least seven clicks to complete.

## 2.3 Amazon Prime

Amazon is the world’s largest e-commerce retailer.<sup>25</sup> In addition to providing a consumer-facing shopping platform and various business-facing services, Amazon also runs its own digital content subscription service, called Amazon Prime. Subscribers to Amazon Prime receive, among other things, special offers and free shipping from the Amazon shopping platform, access to the Amazon Prime Video streaming service, and a premium membership to the popular Amazon-owned livestreaming platform Twitch.<sup>26</sup> Others have already noted

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<sup>23</sup> UCPD Art. 8 and 9

<sup>24</sup> European Commission Staff Working Document “Guidance on the implementation/application of Directive 2005/29 on Unfair Commercial Practices”, 25.5.2016, p. 78

<sup>25</sup> Measured by online revenue.

Nina Angelovska, ‘Top 5 Online Retailers: “Electronics And Media” Is The Star Of E-commerce Worldwide’

<https://www.forbes.com/sites/ninaangelovska/2019/05/20/top-5-online-retailers-electronics-and-media-is-the-star-of-e-commerce-worldwide/#1d555a41cd9f>

<sup>26</sup> Twitch <https://www.twitch.tv/>



how Amazon uses dark patterns throughout their services to Amazon's benefit, at the cost of the consumer.<sup>27</sup>

Amazon Prime has more than 150 million subscribers on a worldwide basis.<sup>28</sup> Prime Video, the video streaming platform that is part of Amazon Prime, accounts for 23% of streaming video on demand (SVOD) subscriptions in the US.<sup>29</sup> In Europe, the Prime Video platform is second only to Netflix when it comes to market share.<sup>30</sup> Although Prime Video is included as part of an Amazon Prime subscription, it is possible to subscribe to Prime Video without having an Amazon Prime subscription. This analysis deals with Amazon Prime subscriptions in general, rather than subscriptions directly to Prime Video.<sup>31</sup>

	Amazon	Amazon Prime	Amazon Prime Video
Monthly subscription fee	No	Yes	Yes
Membership leads to access to	Online shopping physical and digital products	Free delivery, exclusive deals, Audible credits, access to <i>Amazon Prime Video, Prime Gaming etc.</i>	Video streaming

Subscribing to Amazon Prime takes only a few clicks, and consumers on various Amazon-run platforms are often nudged toward subscribing to the service through reminders about various benefits. Amazon offers a free 30-day trial to new Prime users, which may also be an effective way to entice new subscribers. Offers to enter a free trial subscription to Amazon Prime may appear at several

<sup>27</sup> 'How Dark Patterns Trick You Online' <https://youtu.be/kxkrdLI6e6M>

<sup>28</sup> Daniel Keyes, 'Amazon has surpassed 150 million Prime subscribers globally' <https://www.businessinsider.com/amazon-surpasses-150-million-prime-subscribers-2020-2?r=US&IR=T>

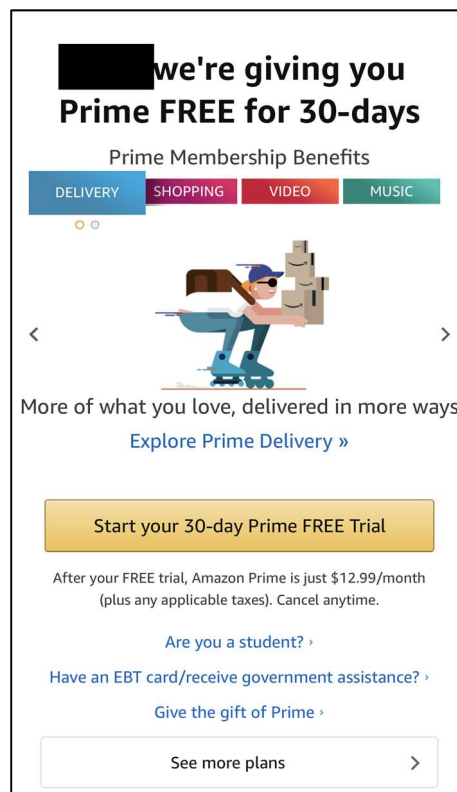
<sup>29</sup> Samson Amore, 'Amazon Prime Video Tops Streaming Services in New Subscribers for Q2, Disney+ and ESPN+ Fall Back' <https://www.thewrap.com/amazon-prime-video-tops-streaming-services-in-new-subscribers-for-q2-disney-and-espn-fall-back/>

<sup>30</sup> 'Netflix and Amazon are leaders of the European SVOD market. And how is it in Poland?' <https://ictmarketexperts.com/en/news/netflix-and-amazon-are-leaders-of-the-european-svod-market-and-how-is-it-in-poland/>

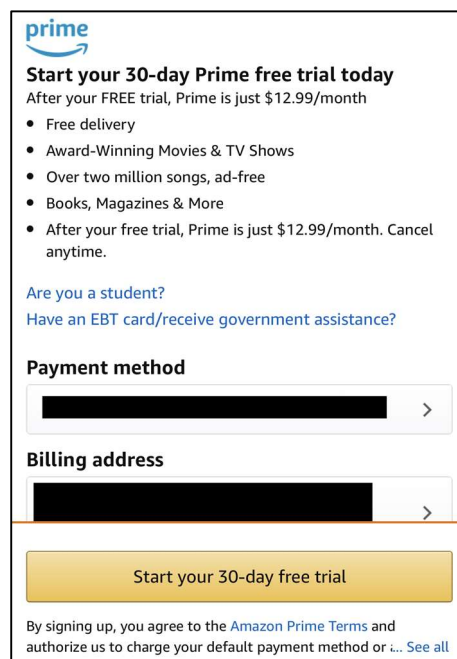
<sup>31</sup> A cursory check of the unsubscribe process for *only* the Prime Video service indicated that this process is significantly less cumbersome than the process for Amazon Prime as a whole, which shows that Amazon is capable of designing more streamlined unsubscribe processes.



junctions when using the Amazon platform or any related platforms and services, giving the consumer plenty of opportunities to easily sign up for a subscription.

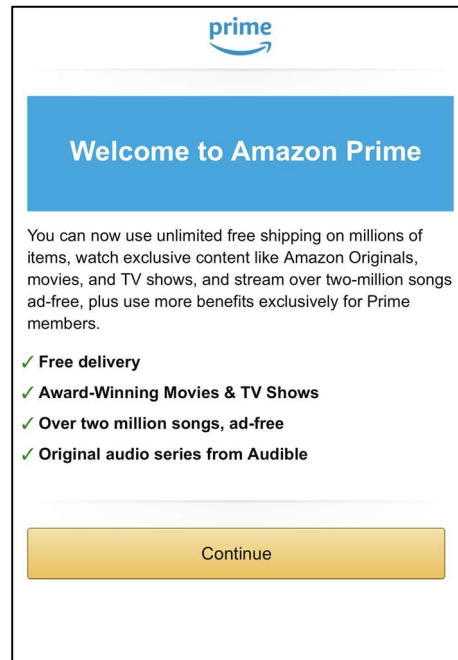


1 Click 'Start your 30-day Prime FREE Trial'.



2 Click 'Start your 30-day free trial'.





*3 You are now subscribed to Amazon Prime.*

While signing up for an Amazon Prime account is a seamless interaction, consumers who wish to unsubscribe are faced with a significantly more complicated set of tasks. In the following chapter, the process of unsubscribing from an Amazon Prime subscription is described, along with a series of screenshots.

### **3 Case: Unsubscribing from Amazon Prime**

The screenshots below were taken on an iPhone 8 Plus running the operating system iOS 14.0.1, in October and November 2020. We also tested the process on a number of other mobile devices and computers. The user experience will differ between platforms, and the desktop experience in particular has variations in the user design for obvious reasons. The mobile version of the Amazon.com platform was used for screenshot purposes, because consumers use their phones for e-commerce at a growing rate. Additionally, the smaller user interfaces on smartphones makes it increasingly important that information is concise and visually understandable.

There are minor variations to the process depending on local variations of the Amazon storefront, such as Amazon.co.uk, Amazon.com and Amazon.de, but the general use of dark patterns occurs across platforms. The following analysis represents the experience presented to consumers during October and November 2020, which means that the interface may differ at other points in time. However, the process was tested on several mobile devices and

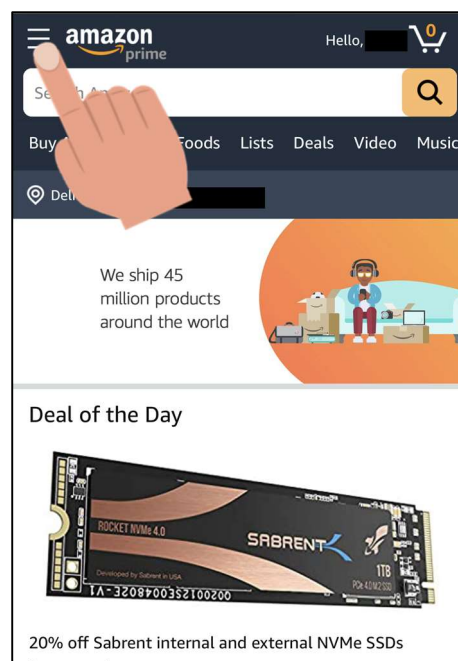


computers, and across jurisdictions (EU and US), confirming that the variations were not significant.

While there are some minor variations to the process, such as different graphics and changes in offers or discounts, we regard the customer journey below to be representative for what a significant amount of Amazon customers will experience if they wish to cancel an Amazon Prime subscription.

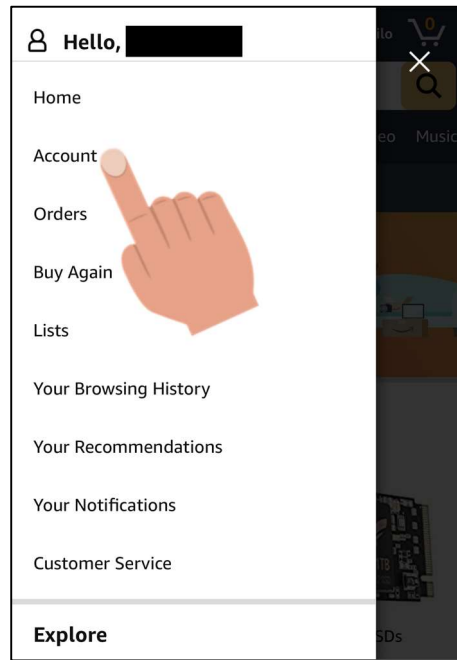
### 3.1 Unsubscribe process

The first hurdle to unsubscribing from an Amazon Prime membership is to locate the option to cancel the membership. Users who want to unsubscribe first have to log in to their Amazon account. After logging in to their account, the user then has to navigate the Amazon account menu. From this menu, the user is presented with a vast amount of different options and settings.



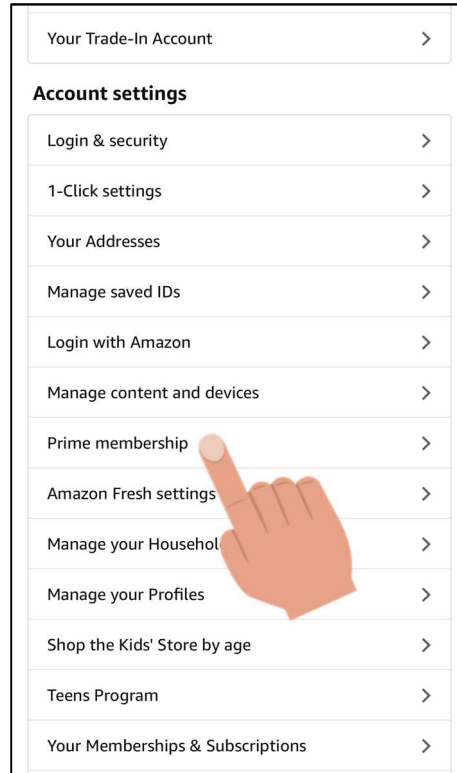
*1 Locate the Amazon menu.*

After opening the Amazon menu in the upper left corner, the user can click the 'Account' option to be taken to a new page.



*2 Click the 'Account' option.*

The 'Your Account' menu presents the user with a large number of new options. In order to access Amazon Prime-related settings, the user must scroll down to the 'Prime membership' option.



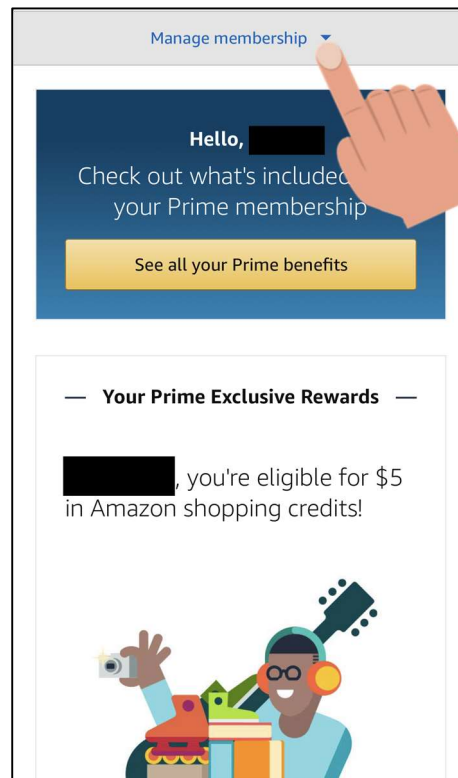
*3 Scroll down to click 'Prime membership'.*





Clicking on 'Prime membership' opens a new page. On the 'Prime membership' page, the user is presented with a number of visuals outlining some benefits and rewards obtained by being a subscriber.

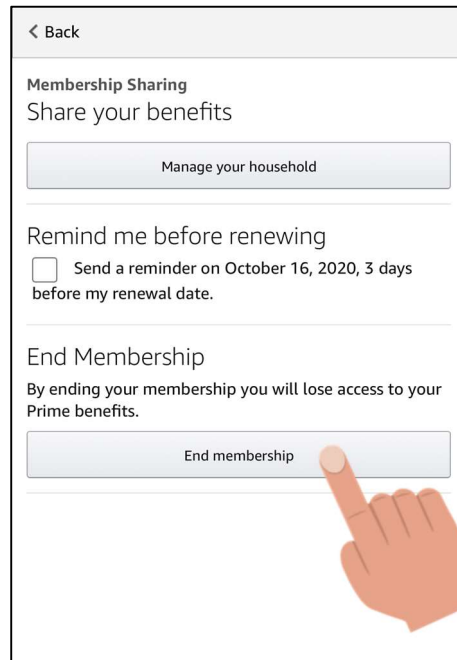
Consumers who wish to unsubscribe have to click the smaller 'Manage membership' text above. This is an example of misdirection through visual interference, as users' attention is drawn to the prominent display of 'Prime benefits' while the option to cancel the subscription is obscured behind a much less prominent link.



*4 Click the 'Manage membership' text.*

Clicking on the 'Manage membership' text takes the user to a new page. This page implores the user to 'share your benefits', and the 'End membership' button is accompanied by a warning that reads: 'by ending your membership you will lose access to your Prime benefits'. This warning is an example of confirmshaming, by exploiting consumers' cognitive bias for loss aversion, meaning that people have a tendency to fear they are missing out on benefits. This page also allows the user to set a reminder before the subscription is automatically renewed, but this option was off by default.





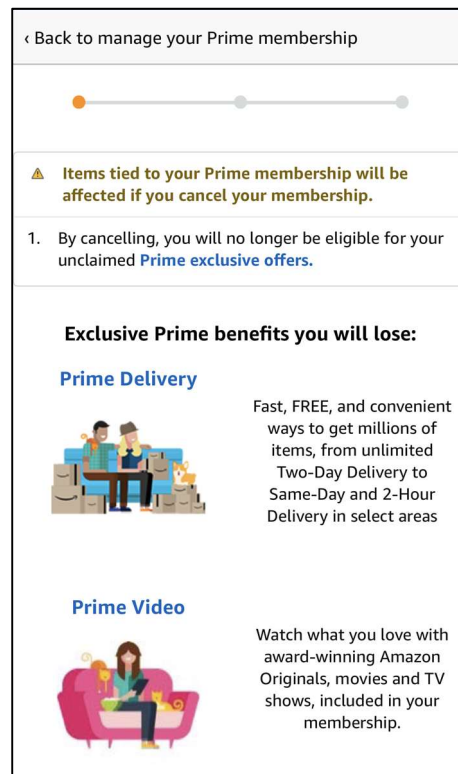
*5 Click the 'End membership' button.*

After clicking the 'End membership' button, the consumer is taken to a new page to begin the process of unsubscribing from Amazon Prime.

The user is met by a yellow warning triangle and accompanying text stating that 'Items tied to your Prime membership will be affected if you cancel your membership'. It is not immediately clear what benefits or items will be affected, and in what way, which is likely to cause unease at the prospect of losing access to paid services (for example purchased e-books or movies). This warning is followed by another alert that 'By cancelling, you will no longer be eligible for your unclaimed Prime exclusive offers'.

The entire process is full of these warnings about benefits that will be lost. Clicking any of these warnings takes the user to a different Amazon page, and thus stops the unsubscribe process. If the user still wants to unsubscribe, they have to start the process from the beginning again.



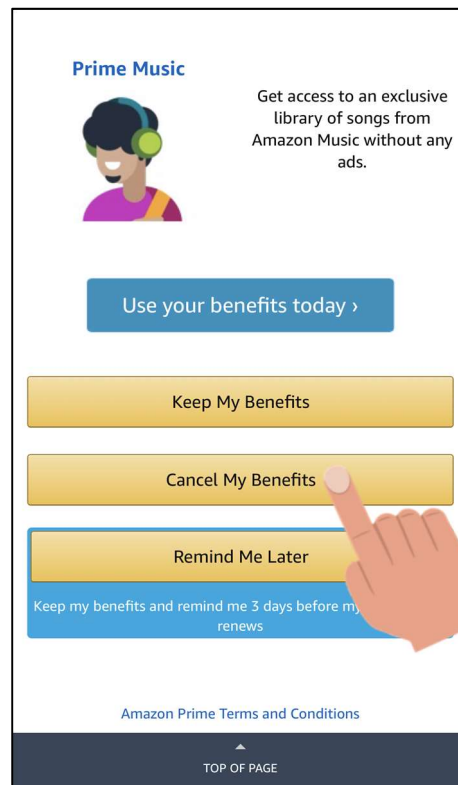


*6 Scroll past a number of warnings and graphics about what benefits ‘you will lose’.*

In order to continue the cancellation process, the consumer has to scroll past a number of graphics and text about ‘Exclusive Prime benefits you will lose’. Again, Amazon uses confirmshaming to discourage the user from ending their subscription. Clicking any of these graphics takes the user to a different Amazon page and stops the cancellation process.

After having scrolled past the list of benefits that will be lost, the consumer is faced with a number of choices. The first button, which is coloured bright blue, states ‘Use your benefits today’. This is followed by three yellow buttons.

The first button, ‘Keep My Benefits’, cancels the process, meaning that the user stays subscribed to Amazon Prime. The second button, which states ‘Cancel my benefits’, continues the process to unsubscribe. Note that while the button on the previous page was titled ‘End Membership’, the text has now changed, and the consumer must select ‘Cancel My Benefits’ in order to proceed. The final button, which appears to be highlighted by default without any action by the user, says ‘Remind Me Later’, and implores the user to postpone their cancellation until 3 days before the membership renews, at which point they will receive a reminder.

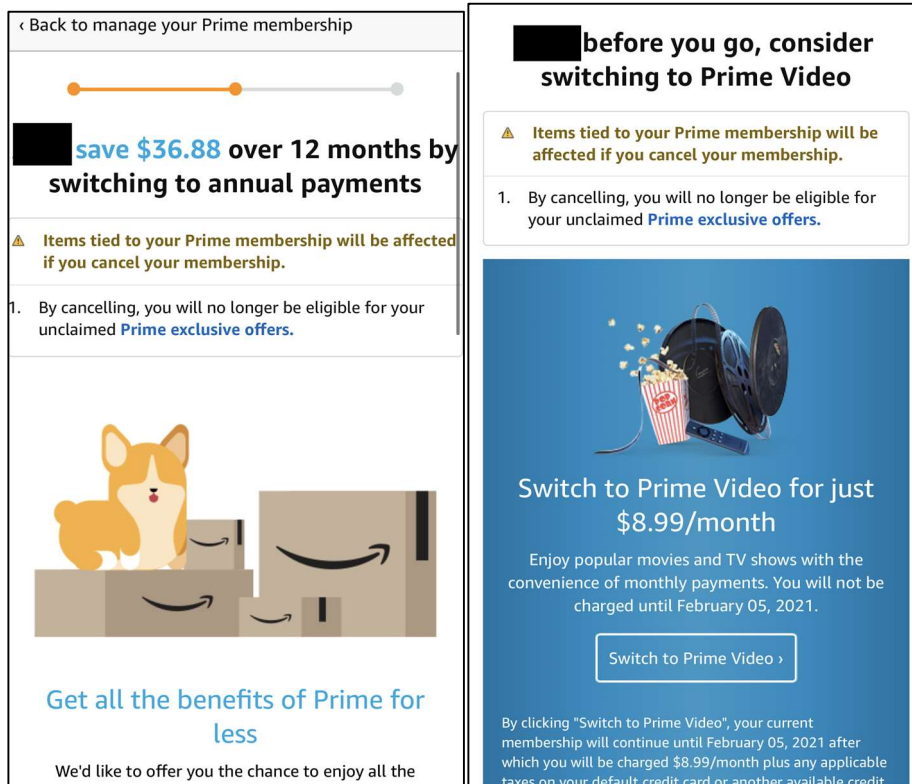


7 Click 'Cancel My Benefits'.

The wording 'Cancel My Benefits' is negatively charged and uses confirmshaming to make the user feel like they will lose out if they continue the process to cancel the subscription.

After having clicked the 'Cancel My Benefits' button, the consumer is taken to a new page. At the top of this page, Amazon uses the first name of the user, offering alternative purchasing offers to discourage them from ending the subscription. When first going through the process for the sake of this analysis, Amazon implored the user to 'save \$ 36.88 over 12 months by switching to annual payments'. In a later test, the user was presented with a suggestion to switch to an Amazon Prime Video subscription.

As on the previous page, the yellow warning triangle portends that, 'Items tied to your Prime membership will be affected if you cancel your membership'. More whimsical graphics and claims about benefits that will be lost follow, and once again, the user has to scroll past all of this to proceed.



8 Scroll past more warnings and graphics (two different offers from two different attempts).

This continues the trend of confirmshaming and visual interference that dominates the cancellation process and attempts to lock in the consumer for a yearly subscription, despite their intention of cancelling the membership.

After scrolling past the graphics, the message of switching to annual payments is repeated, along with a prominent orange button. The consumer has to scroll past this button to get to another set of three yellow buttons. As on the previous page, the 'Keep My Membership' button appears first, followed by a button that now says, 'Continue to Cancel'. The final button, as previously, is a reminder to unsubscribe later.

Although the user has already confirmed that they wish to cancel their subscription, they now have to affirm this choice again, which seems designed to either frustrate the consumer into giving up the process, or to create uncertainty about the decision to unsubscribe.

### Get all the benefits of Prime for less

We'd like to offer you the chance to enjoy all the benefits of Prime for only \$119/year.

Switch to annual payments ›

[Are you a student?](#)  
[Do you have a valid EBT/Medicaid card?](#)

By clicking "Switch to annual payments", your default payment method or another available payment method on file will be charged \$119/year plus any applicable taxes. Your Prime membership will continue until cancelled. You will be refunded \$12.99 for your current plan.

Keep My Membership

Continue to Cancel

Remind Me Later

Keep my benefits and remind me 3 days before my renews

9 Click 'Continue to Cancel'.

After clicking 'Continue to Cancel', the consumer is taken to another new page. Once again, they are greeted by their first name. This page leads by stating that Amazon is 'sorry to see you go', and the user has to confirm the cancellation of the membership once again. Beneath this plea, the warning triangle reappears, along with another warning that the user will lose their unclaimed offers.

This is followed by a yellow button that lets the user 'Pause' their membership. Pausing the membership means that the subscription will run until the end of the current billing cycle, and then stop until the user reactivates Amazon Prime. This option is followed by the 'Keep My Membership' and 'Remind Me Later' buttons.



[Back to manage your Prime membership](#)

**we're sorry to see you go. Please confirm the cancellation of your membership.**

⚠ **Items tied to your Prime membership will be affected if you pause your membership.**

1. By pausing, you will no longer be eligible for your unclaimed **Prime exclusive offers**. [Click here](#) to see your offers.

Pause on October 19, 2020

Your benefits access will continue until October 19, 2020. After that date, your billing and benefits will be paused, and you will no longer be charged for your Prime membership. Use the quick-resume function anytime to regain access to your Prime benefits. [Learn More.](#)

Keep My Membership

Remind Me Later

Remind me three days before my membership renews.

*10 Scroll past a new set of warnings and yellow buttons.*

In order to actually cancel the subscription, the user has to scroll past these three yellow buttons. Below the buttons, the warning triangle appears again, making sure for the fourth time that the consumer knows that they will lose their 'Prime exclusive offers' if they complete the unsubscribe process. Beneath the warning, the choice between two buttons appears. Here, the consumer can choose between ending their subscription at the end of the billing cycle, or to 'End Now', meaning that the payment for the rest of the subscription period is refunded. If the user pauses the subscription or ends it at the end of the billing cycle, no money is refunded.



Remind Me Later

Remind me three days before my membership renews.

When would you like to cancel?

⚠ Items tied to your Prime membership will be affected if you cancel your membership.

- By cancelling, you will no longer be eligible for your unclaimed [Prime exclusive offers](#).

End on October 19, 2020

Your benefits will continue until October 19, 2020, after which your card will not be charged.

OR

End Now

Your benefits will end immediately and you will be refunded \$12.99 for the remaining period of your membership.

TOP OF PAGE

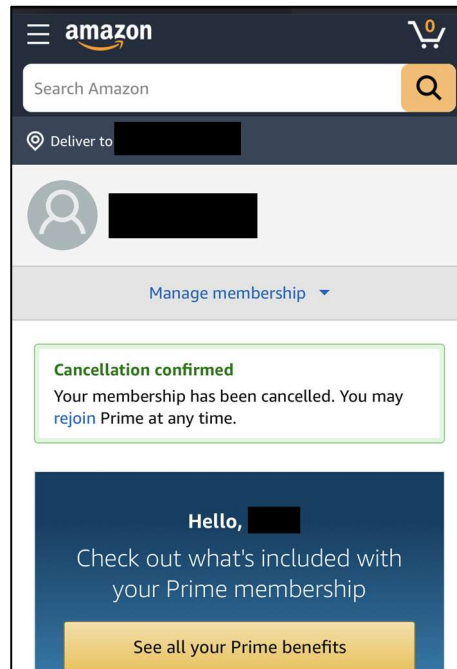
*11 Scroll down to the bottom and click one of the two buttons to end the subscription.*

Here, Amazon appeals directly to the consumer by using their first name, confirmshaming them by saying that Amazon is ‘sorry to see you go’. Again, the message is to make the consumer unsure about their choice, and to make them feel bad about wanting to cancel the subscription.

After having clicked either the ‘End Now’ or ‘End on...’ button, the user is brought back to the ‘My membership’ page, where Amazon confirms that the cancellation is confirmed, but reminds the consumer that they ‘may rejoin Prime at any time’. A link to rejoin Amazon Prime immediately is also provided, in the unlikely case that the user unsubscribed by mistake or if they regret the action.



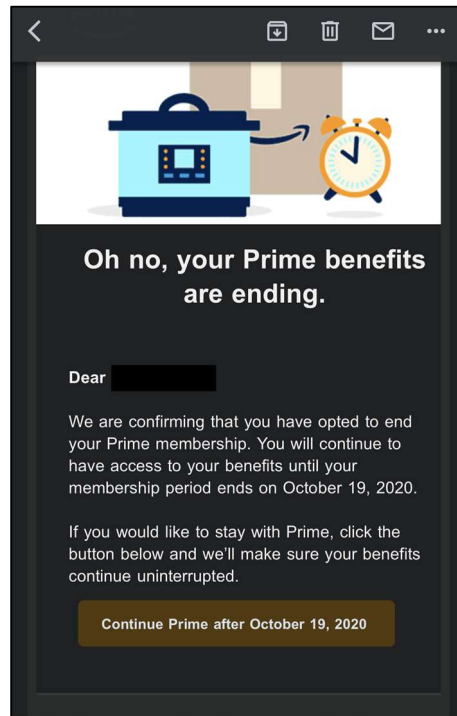




*12 Cancellation confirmed, but you may rejoin at any time.*

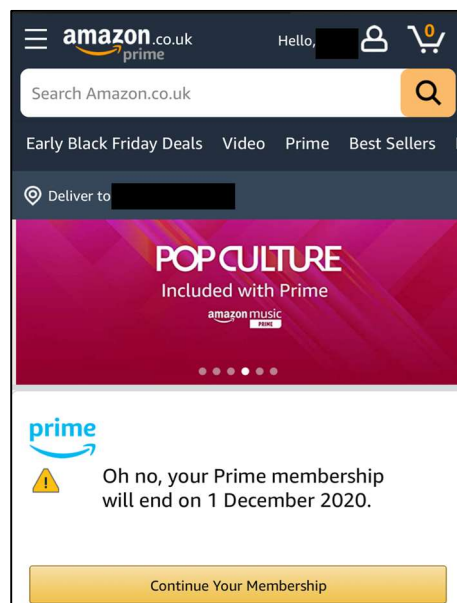
Upon completion of the cancellation, Amazon sends out an e-mail entitled 'Oh no! Your Prime benefits are ending!'. This e-mail contained another warning that the user had chosen to end their Amazon Prime membership and would lose benefits. Just in case the user had not really meant to cancel their subscription, Amazon included a bright yellow button in the e-mail to 'Continue Prime'. Clicking this button instantly took the user back to their Amazon account, with a message stating that their Prime membership had been reactivated. Thus, re-subscribing to Amazon Prime only took a single click.





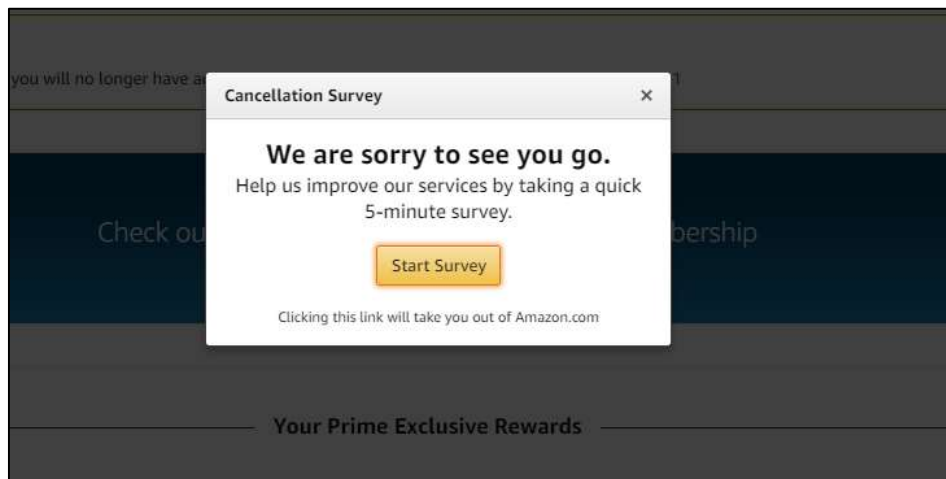
*13 E-mail warning that Prime benefits are ending. Clicking 'Continue Prime...' leads to an immediate re-subscription.*

When testing the process on the Amazon.co.uk platform, the Amazon front page proceeded to display a prominent warning, stating 'Oh no, your Prime membership will end'. This warning is accompanied by another yellow button to 'Continue Your Membership'. In another test case, the user was asked to complete a 5-minute survey before completing the process.



*14 Warning on Amazon.co.uk that Prime membership will end.*





*15 Prompt to take Cancellation Survey.*

## 4 Assessment

Dark patterns are a set of design techniques that push users toward making choices that benefit the service provider, often at the cost of the consumer's interests. By using methods derived from behavioural psychology, service providers may attempt to exploit certain cognitive biases to influence and manipulate consumer choices. A commonly used dark pattern involves making certain choices prominent and simple, while the choice the user originally wanted to make is obscured or made into an arduous process.

As shown in the previous chapter, Amazon appears to go to great lengths in order to discourage the user from unsubscribing from Amazon Prime. Since payments are automatic, the user must firstly remember that they have a subscription. The next hurdle is to actually locate the option to unsubscribe, which is hidden behind several layers of the Amazon menu. Users cannot unsubscribe from Amazon Prime directly through related services, such as Twitch, even if they only use Amazon Prime for Twitch-related services. This appears to be a typical example of using obstruction to keep users subscribed to a service.

The number of clicks necessary to find the unsubscribe settings mean that there is little chance that anyone would start the process by mistake. Despite this, Amazon warns the user throughout the process of the consequences of unsubscribing, while simultaneously offering a prominent way out of the process at every turn, a total of five times.<sup>32</sup> This use of misdirection may serve to confuse or wear out the user and seems designed to foster uncertainty about

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<sup>32</sup> As noted above, the number of steps may vary between devices.



the decision to unsubscribe due to fear of losing something important, or because the user simply does not understand the process.

Other dark patterns include the use of visual interference through graphics, and confirmshaming by using warning triangles to steer the user away from the process they have started, while constantly encouraging them to turn back in order to keep their 'Prime benefits'.

In another example of misdirection, Amazon changes around the name of the button that takes the user through the process. 'End Membership' becomes 'Cancel My Benefits', which becomes 'Continue to Cancel', which becomes 'End Now'. Meanwhile, the 'Keep My Benefits' button remains static, although this button somewhat obscures that 'keep my benefits' in fact means 'stop the cancellation process'.



*16 Different wording, same function (illustration).*

While unsubscribing from Amazon Prime is a process filled with roundabouts and obstacles, creating a new subscription to the service is a straightforward process. For users who regretted unsubscribing, or who somehow went through the cancellation process by mistake, it only takes a single click to sign up again. This shows that many of the barriers put in place to prevent users from leaving Amazon Prime are artificial; not put in place out of necessity.

In addition to being at odds with the law, the use of dark patterns increases switching costs for consumers. This may also be harmful to market competition, as it locks consumers into Amazon Prime at the possible cost of competitors.

## 5 Conclusion

There are many reasons why consumers may want to terminate a digital subscription service. Their needs may have changed, the service could have deteriorated, or they simply do not use the service anymore. However, the power and information asymmetry between the service provider and the consumer means that the service provider has a clear and unambiguous responsibility to facilitate an easy and problem-free cancellation process, even if that does not align with their financial incentives to keep as many paying subscribers as possible.

As described in Chapter 2, as a general principle, service-providers should make it as easy to unsubscribe from a service as it is to sign up in the first place. The process described above shows how Amazon makes it exceedingly easy for consumers to sign up for Prime, only requiring a couple of clicks on a prominent advertising banner. This stands in stark contrast to the process of ending the subscription. Therefore, in our opinion, the process of cancelling an Amazon Prime subscription is not compliant with European law and may also be in breach of US law.

When attempting to terminate the service, the consumer firstly has to find the unsubscribe option within a layered menu. After locating the option, there are numerous hoops to jump through, and at every turn, Amazon implores the user to keep their subscription through a variety of dark patterns.

Amazon clearly has a financial incentive to keep consumers subscribed to Amazon Prime, as the service requires a monthly fee. In light of this, the difficulty of unsubscribing from the service appears both manipulative and unfair to the user. Rather than deliberately placing artificial hurdles in the way of users who no longer want to pay for the service, Amazon should clean up its act and provide a simple and unambiguous process that only requires a minimum number of clicks. This would benefit consumers by helping them unsubscribe from services they no longer need or want and would benefit Amazon by fostering consumer trust.

As one of the largest online retailers and platforms in the world, Amazon should lead by example and take steps to ensure that they comply with consumer protection principles. Instead of relying on deceptive dark patterns, showing respect for consumer choices should be a win-win situation.



## FOR MORE INFORMATION

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