

April 13, 2026

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Mail Stop H-144 (Annex N)
Washington, DC 20580

Re: Negative Option Rule; Project No. P064202; RIN 3084-AB54

To whom it may concern:

TechNet appreciates the opportunity to submit written comments in response to the Federal Trade Commission's ("Commission") Advance Notice of Proposed Rulemaking ("ANPRM") regarding proposed changes to the Rule Concerning the Use of Prenotification Negative Option Plans (the "Rule"). TechNet submits these comments on behalf of its members, many of whom operate subscription-based services and have a direct and significant interest in the regulatory framework that emerges from this proceeding.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

Subscription services offered by TechNet's members provide significant benefits to consumers and the broader economy. Any regulatory framework in this area must protect consumers from genuinely deceptive or unfair practices while preserving companies' ability to offer pro-consumer, subscription-based business models.

The Commission's Existing Enforcement Tools Protect Consumers

The Commission's existing authority is robust. The Commission has brought many enforcement actions under Section 5 of the *Federal Trade Commission Act* and the *Restore Online Shoppers' Confidence Act* (ROSCA) against companies allegedly engaged in unfair or deceptive negative option practices, including major cases across multiple industries. Existing law provides the Commission with ample tools to address the conduct discussed in this proceeding, and the Commission has demonstrated a

sustained willingness to exercise that authority. TechNet respectfully requests that the Commission continue consulting with subscription service providers and other stakeholders to assess whether any gaps in consumer protection remain, and if no such gaps exist, rescind the ANPRM. Where appropriate, the Commission could issue narrowly targeted guidance to address discrete concerns related to identified gaps.

If the Commission proceeds with the ANPRM, TechNet urges the Commission to ensure that any final rule is limited in scope and focused only on specific, identified gaps in existing law that cannot be adequately addressed through case-by-case enforcement. The Commission should not use this rulemaking to expand its authority beyond those targeted areas or to codify enforcement positions drawn from individual litigation settlements.

The Final Rule Should Not Require a Separate “Double Opt-In” Consent Mechanism

TechNet strongly opposes requiring sellers to obtain a consumer’s express consent to an auto-renewing subscription feature separately from any other portion of the transaction, the formulation that appeared in the Vacated Rule and that TechNet identified as a significant and unwarranted source of compliance burden and user experience degradation.¹

Requiring a separate “checkbox” or double opt-in consent mechanism adds cognitive load to consumer transactions, creates redundancy given existing material disclosure requirements, and does not meaningfully improve consumer understanding or protection. The requirement that consent be obtained “separately from any other portion of the transaction” would disrupt carefully designed consumer enrollment flows and impose technical compliance challenges across a variety of platforms and device types.

Instead of requiring separate consent, TechNet recommends that the Commission require clear and conspicuous disclosure of negative option terms near the consumer's primary consent mechanism. Specifically, TechNet recommends that the Commission modify the "immediately adjacent" disclosure language from the Vacated Rule to align with ROSCA’s existing "clear and conspicuous" standard.² This change would preserve the consumer protection goals of prominent disclosure while providing companies with flexibility to design compliant user interfaces across diverse platforms and business models.

¹ Negative Option Rule, 91 *Fed. Reg.* 12,318, 12,323 (Mar. 13, 2026) (to be codified at 16 C.F.R. pt. 425); TechNet, Comment Letter on Negative Option Rule, Project No. P064202 (June 23, 2023) (FTC-2023-0033-0869), <https://www.regulations.gov/comment/FTC-2023-0033-0869>.

² 15 U.S.C. § 8403(3).

Cancellation Requirements Must Be Simple, Accessible, and Technically Feasible, Without Prescriptive Click-Counting

TechNet supports requiring subscription services to make cancellation simple and easily accessible to consumers. Clear, straightforward cancellation pathways benefit consumers and businesses alike. However, any cancellation requirements must be technically feasible across the full range of business sizes and service models that the Rule would cover, and must not impose prescriptive, technology-specific mandates that inhibit innovation.

TechNet opposes any approach that would mandate a specific number of clicks, steps, or screen interactions to complete a cancellation. Such prescriptive “click-counting” requirements do not reflect how consumers interact with digital products, and are poorly suited to an era of rapidly advancing technology. As consumer digital experiences integrate agentic artificial intelligence (AI), enabling AI agents to manage subscriptions, navigate cancellation flows, and act on behalf of consumers autonomously, rigid user interface-based mandates will quickly become obsolete. The Commission should instead focus on outcomes: ensuring that consumers who wish to cancel can readily do so, without specifying the precise technical means by which that result must be achieved.

TechNet also urges the Commission to:

- Ensure that consent and cancellation requirements are technically feasible for businesses of all sizes, with particular attention to the resource constraints faced by small and medium-sized enterprises.
- Recognize that customer authentication requirements—necessary to protect consumers from unauthorized account modifications—may prevent literal “one-click” cancellation and should not be treated as an impermissible impediment to compliance.
- Clarify that cancellation is not required to be available through every channel through which enrollment is possible. While online cancellation should be available for subscriptions initiated online, consistent with *ROSCA*’s existing simple cancellation requirement, not every app or platform needs to offer a symmetrical cancellation experience given in-person and online purchasing experiences. Companies should retain flexibility to offer streamlined, dedicated cancellation pathways rather than replicating every enrollment channel.

The Rule Should Expressly Permit “Save Offers”

TechNet urges the Commission to expressly authorize companies to present “save offers,” such as discounts, alternative service tiers, pauses, or other retention options, to consumers who initiate a cancellation request. Save offers benefit consumers by making them aware of options they may not have known were available, including reduced rates and trial extensions, and they benefit competition by enabling

companies to respond to consumer preferences in real time. A new rule should make clear that the presentation of a save offer, where the consumer retains the full ability to decline it and proceed with cancellation, without unreasonable delay, does not constitute an impediment to cancellation.

The Rule's Scope Should Be Appropriately Tailored, with a Clear Business-to-Business Exemption

If the Commission proceeds with rulemaking, TechNet urges the Commission to carefully consider the appropriate scope of any new requirements. Specifically, TechNet recommends:

- **Business-to-business exemption:** Any new rule should expressly exempt business-to-business (B2B) subscription arrangements. B2B transactions do not raise the same consumer protection concerns that motivate regulation in this area. Sophisticated business subscribers can evaluate and negotiate the terms of their subscription arrangements, and applying consumer-oriented negative option requirements to commercial relationships would impose unnecessary compliance costs without a corresponding consumer protection rationale.
- **Consumer transactions only:** Consistent with the above, the rule should be limited to transactions with individual consumers.
- **Subscription duration:** Any new rule should be narrowly tailored, applying only to contracts longer than one month in duration.
- **Platform-offered subscriptions:** The Commission should differentiate between stand-alone subscription services and platforms, like many TechNet members, that offer subscriptions as part of broader digital services. Requirements designed for dedicated subscription businesses may be poorly suited to platform-based subscription models.
- **Saved billing information:** The Commission should carefully consider how any new requirements interact with the use of saved billing information. Requirements in this area should not prevent companies from using previously authorized payment credentials to facilitate seamless transactions that consumers have already consented to, nor should they create friction that undermines the convenience that consumers expect from services where they have established billing relationships.

The Rule Should Not Impose Additional Requirements on Free Trial Conversions

TechNet urges the Commission to refrain from additional requirements on the conversion from a free trial to a paid subscription. Existing clear and conspicuous disclosure obligations already ensure consumers are informed of material terms, including the nature and timing of any conversion. If the Commission determines that notification is warranted, a simple reminder email a few days before a free trial ends, informing consumers of the upcoming conversion, would likely be sufficient.

Conclusion

Thank you for this opportunity to provide comments on the Negative Option ANPRM. TechNet and our member companies are committed to working constructively with the Commission to address unfair or deceptive negative option marketing practices while preserving the consumer benefits that subscription-based services provide. We urge the Commission to carefully weigh whether existing enforcement tools are sufficient, and if it proceeds with rulemaking, to limit any new requirements to narrow gaps in existing law, conduct the thorough preliminary regulatory analysis required under Section 22 of the *FTC Act*, and adopt a framework that is technically feasible and protective of innovation. We stand ready to serve as a resource to the Commission as it continues its deliberations on this important issue.

Sincerely,



Linda Moore
President and CEO