

DECISION

FIRST INSTANCE JURY

Our Reference EASA CBC Cases 6937, 6938

Complaint by Consumers

EASA Cross Border

Complaints System

Forwarded to CARO by the UK Advertising Standards Authority (ASA)

Advertiser MUSESCORE LIMITED / HE 434183

Decision issued Tuesday 19 March 2024

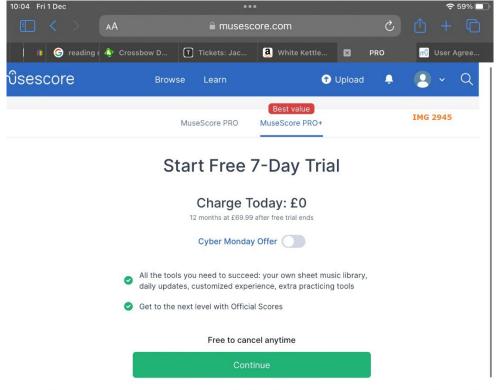
Issue / Complaint CBC 6937

"I attach two screenshots of the Musescore PRO+ sign up page, which misled me into unknowingly paying an annual fee instead of signing up for a free trial.

As you can see, IMG 2945 is for a free trial and IMG 2946 is for the paid option. If you click on the Muscore PRO tab and then back to the PRO+ tab, the second option appears, replacing the free trial sign up but appearing very similar in terms of font and colour. There is no longer a free trial option, it's simply replaced with the paid option in exactly the same place. This appears to be intentionally misleading and intended to get paid sign ups from people who might not noticed the small change, when reviewing the different membership options and considering signing up for a free trial (such as myself). When approving card details for the payment it says that you're making a payment of £0, which is also misleading and implies that you're signing up for the free trial.

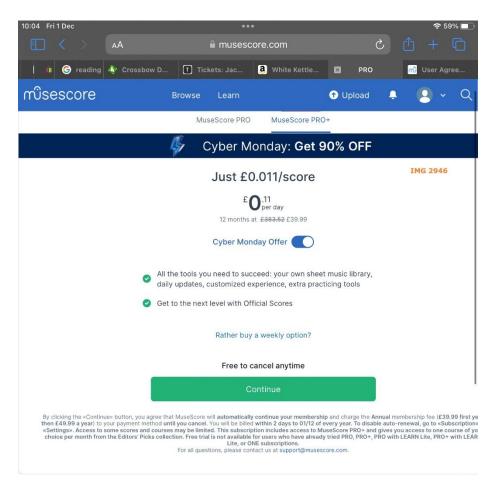
I can see that other customers have complained about the same issue on TrustPilot, thinking they were signing up for a free trial and then struggling to get a full refund."





By clicking the «Continue» button, you agree that at the end of the free trial (Dec 08, 2023) MuseScore will automatically continue your membership and charge it Annual membership fee (£69.99 first year then £79.99 a year) to your payment method until you cancel. You will be billed within 2 days to 08/12 of every year. It disable auto-renewal, go to «Subscription» in «Settings». Access to some scores and courses may be limited. This subscription includes access to MuseScore PR and gives you access to one course of your choice per month from the Editors' Picks collection. Free trial is not available for users who have already tried PRO, PRI PRO with LEARN Lite, PRO with LEARN Lite, or ORS buscriptions.

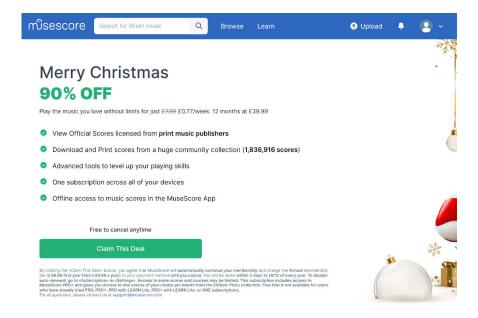
For all questions, please contact us at support@musescore.com.

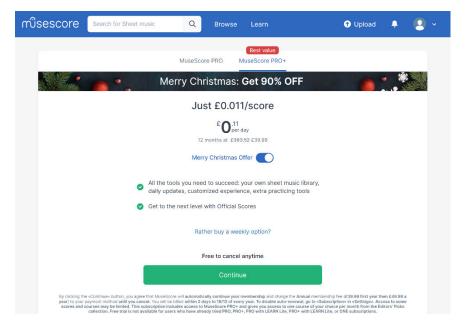




Issue / Complaint CBC 6938

"Ad describes a promotion for 90% off the price of a MuseScore Pro+ 1-year subscription, reducing the price to £39.99. It suggests the normal price is £383.52. However, the regular, non-promotion price of MuseScore Pro+ is in fact around £69.99. The 90% claim seems to be calculated on the basis of their weekly price multiplied by 52. However, the weekly product is not available to pre-purchase for a year, so this is a comparison to a product that does not exist. Rather, the 1-year subscription product is charged at between £44.99–£79.99 and this is the product you receive if you take up their '90%' offer. A concurrent promotion along the same lines is also available for their MuseScore Pro 1-year subscription, which is similarly misleading."







Jury Assessment:

The jury carefully considered all the information presented to them and proceeded to access the site themselves to have first-hand experience of the presentation of the offers and the pricing in general. As always, the jury starts from the premise that information presented should be clear to the average consumer.

2. As far as **CBC 6937** is concerned:

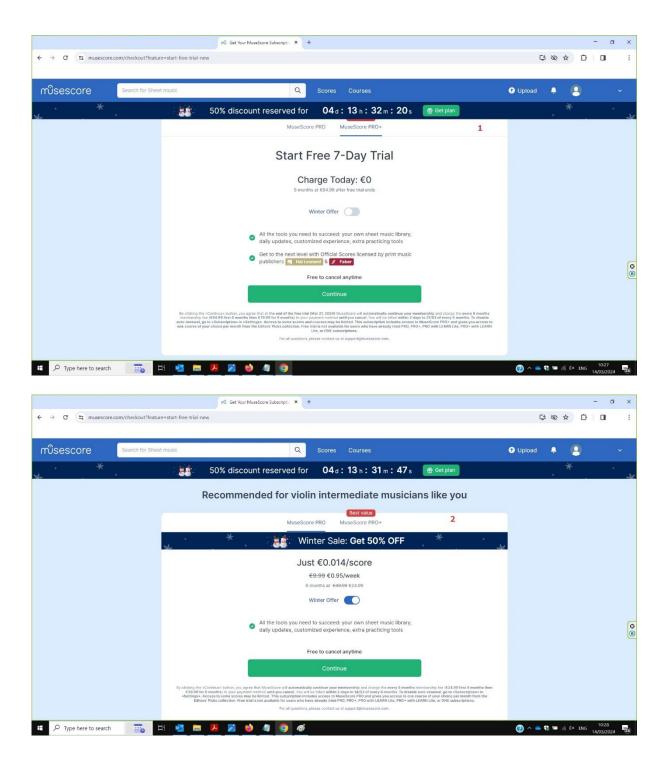
The advertiser claims that "Upon review, we have updated the screenshots to provide clarity on the differences between the free trial and instant payment options. The left screenshot clearly displays the option for a free trial with the prominent header 'Start Free 7-Day Trial,' written in a large font, while the right screenshot presents the option for instant payment without a trial period.

It's important to note that the font and color differences between the two options aim to differentiate them visually. While we acknowledge that there may be similarities in appearance due to design consistency, the main element distinguishing the free trial from the paid option is clearly presented.

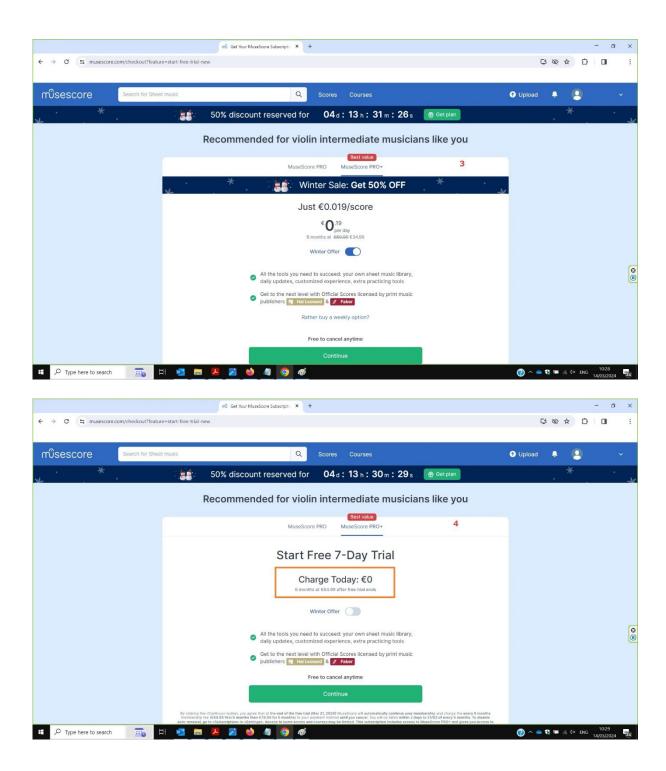
Furthermore, the switch between trial and non-trial options when users switch tabs is intended to ensure that users are presented with the most relevant and beneficial offer based on their preferences. This approach allows users to explore both options seamlessly without any impact on the overall revenue."

- 3. The Jury went through the actions as the consumer suggested and had the same experience, see pictures below 1-3. The jury finds no difference between the screenshots that the advertisers claims have been amended in terms of the references to the free 7-day trial vs the Winter offer, with the screenshots filed in the complaint. The jury finds the switch problematic in many ways. It understands that the switch can also be made from the slider button ("Winter Offer" in our screenshots), but it finds the change confusing and problematic and sees no reason why the change should be effected when one is changing between the Musescore PRO and the Musescore PRO+ tabs.
- **4.** Furthermore, the Jury is perplexed as to the fact that -while the switch between the offer and the free-day trial happens automatically with the mere switch of the Musescore PRO and the Musescore PRO+ tabs -, in essence the free 7-day trial package is mutually exclusive to the offer. In fact, the free 7-day trial leads to a higher cost for the consumer than the offer proposed. More specifically, on the day the screenshots were taken (14.3.2024), the free day trial for Musescore PRO+ is followed by a charge of €64.99 for 6 months after the free trial ends and then €79.99 for the next 6 months (Sequence4.jpg), whereas if one gets the Winter offer of Musescore PRO+, the charge for 6 months is at €34.99 (see Sequence 3.jpg).











5. In terms of the payment of the free 7-day trial, the Jury notes the screenshots shared by the advertiser, which state "Pay 0 now. We won't charge you until the end of the free trial period."

The Jury notes that the Commission Notice "Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market" states in page 58:

"In 2021, the Commission and national consumer authorities took action concerning the lack of clear information when making purchases with credit cards, which may involve problems such as concealing actual costs in hidden or small print about recurring payments (221). While credit card companies are not the ones running these schemes, they have a duty to properly inform their customers. In the payment window where consumers enter their credit card information when shopping online, there is often only information about a one-off payment amount, not the recurring subscription. Under the UCPD and Payment Services Directive, consumers must be made aware of the specific amounts for all payment transactions, including recurring ones."

6. As mentioned in the correspondence of CARO to the client of 24.1.2024, the jury also does not understand why the only way a consumer can get information about the offers and the free trial is by creating an account or by logging in with an account.

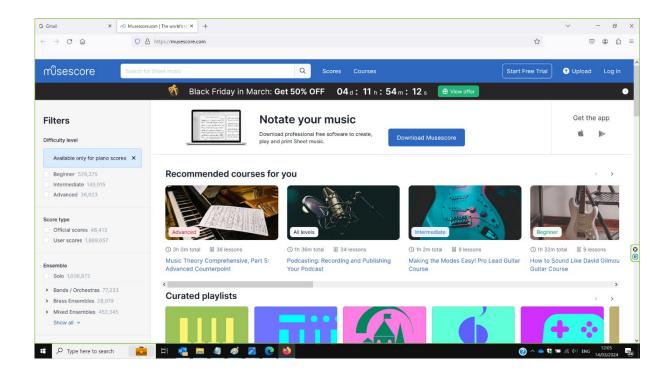
The advertiser states that "We appreciate your concern regarding the accessibility of offer details through the 'View Offer' link on our platform. While it is true that clicking on this link requires user authorization through account creation or login, we want to clarify that this step is intended to provide a personalized and secure experience for our users rather than immediately leading to a transaction.

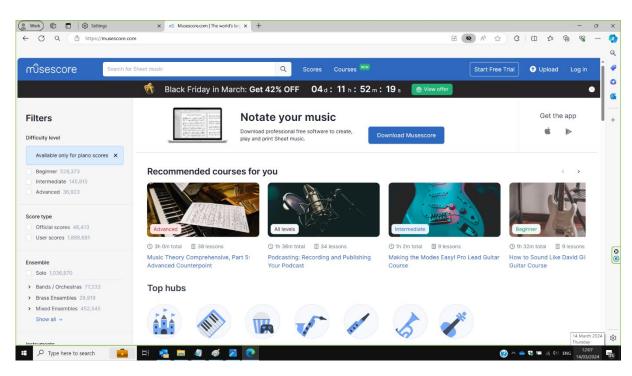
Upon accessing the offer details, users are presented with clear information about the offer, including pricing, features, and any applicable terms and conditions. Users then have the option to select their preferred payment method and proceed with the transaction only if they choose to do so.

We understand the importance of transparency and clarity in presenting offer details to consumers, and we are committed to ensuring that users have access to relevant information before making any transactional decisions. The authorization process helps us maintain user privacy and security while providing a seamless experience for our users."

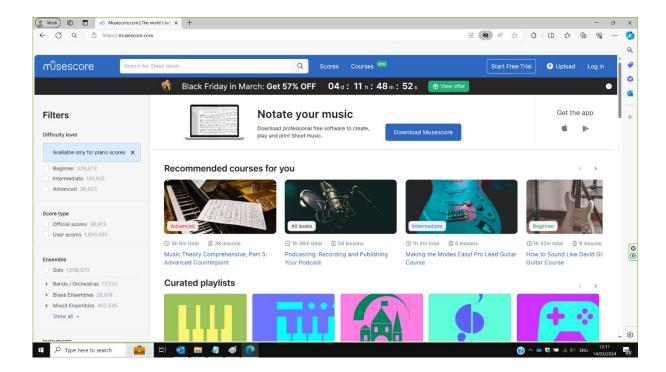
The Jury does not share this view at all. It considers this practice to be highly problematic, especially since -on the same day- accessing the site from the same computer but 3 different browsers, the home page of the site had a different % offer - 50% (at 12:05), 42% (at 12:07), 57% (at 12:11), see screenshots below.











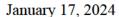
- **7.** Furthermore, the Jury believes that **all components of an offer should be clear <u>before</u>** the consumer is required to impart their data and/or create an account.
- **8.** As far as **CBC 6938** is concerned:
 - The Jury notes the letter sent by Berman Entertainment and Technology Law, on 17 January 2024. The proposed solution referenced in the letter, namely that "MuseScore Limited will create a product with installment payments: weekly charges, but the subscription is active for 52 weeks (1 year)", seems more of a way to post-rationalise the issue and cannot be accepted.
- 9. Given the above, the Jury finds that the presentation of the pricing structure, the offers and the free trial may mislead the average consumer and are in breach of articles 1, 3 and 5(a) and (b)(ii) of the Cyprus Advertising Code. Furthermore, the pricing button should be prominent, ideally on the menu at the top of the home page, and not in the footnote under the heading "More", as is currently the case.
- **10.** Amendments should be made **within 5 working days** of the dispatch of this decision. Please note that, for the purpose of assessing the deadline, the count begins the working day following the dispatch of this decision.



Appeal to the Review Jury is provided for in the Regulations of the latter (Article 1). A review request is made in writing with reference to the initial complaint and the decision of the First Instance Jury, within 15 working days from the dispatch of the decision of the First Instance Jury to the parties involved.

Please note that filing an appeal does not suspend the decision of the First Instance Jury; the Review Jury will not discuss cases if there has been no compliance with the decision of the First Instance Jury by the party filing the appeal.

BERMAN ENTERTAINMENT AND TECHNOLOGY LAW



Via E-mail: info@fed.org.cy

Cyprus Advertising Regulation Organization

RE: COMPLAINT ABOUT MUSESCORE (HE 434183) - REF / EASA CBC 6938

This law firm represents MuseScore Limited. We are in receipt of your email dated January 10, 2024. Thank you for bringing these issues to our attention.

In response to the issues cited in the complaint, MuseScore Limited proposes to take the following actions:

- 1. MuseScore Limited will create a product with installment payments: weekly charges, but the subscription is active for 52 weeks (1 year);
- 2. The same is true for monthly subscriptions; and
- 3. MuseScore Limited will place a link to this product on the pricing page and in the normal funnel as well.

These changes will be implemented as early as this week. Please let me know if these actions will resolve the complaint or if you have any questions.

Very truly yours,



CARO

Request

I attach two screenshots of the Musescore PRO+ sign up page, which misled me into unknowingly paying an annual fee instead of signing up for a free trial.

As you can see, IMG 2945 is for a free trial and IMG 2946 is for the paid option. If you click on the Muscore PRO tab and then back to the PRO+ tab, the second option appears, replacing the free trial sign up but appearing very similar in terms of font and colour. There is no longer a free trial option, it's simply replaced with the paid option in exactly the same place. This appears to be intentionally misleading and intended to get paid sign ups from people who might not noticed the small change, when reviewing the different membership options and considering signing up for a free trial (such as myself). When approving card details for the payment it says that you're making a payment of £0, which is also misleading and implies that you're signing up for the free trial.

I can see that other customers have complained about the same issue on TrustPilot, thinking they were signing up for a free trial and then struggling to get a full refund. "

Given that we now have two complaints on the Musescore pricing approach, the fact that the 90% offer is still on the site (now renamed to Winter Sale), the pricing structure is unclear (https://musescore.com/pro/landing/pricing), and the View Offer link does not show any details unless one creates an account or logs in with an account, the case should be reviewed by a jury.

Please note that under Cyprus and European consumer protection law, the details of an offer should be clear to the consumer before they make any transactional decision. The Courts have held that 'transactional decision' covers not only the decision whether or not to purchase a product, but also decisions directly related to that decision. In that sense, the notion of transactional decision also encompasses pre-purchase and post-purchase decisions.

In terms of the Cyprus Code, from experience with similar cases, the relevant articles are articles 1, 3, 5 and 8

Please review with your client and let us know of availability for discussion on the 1st of February. Our cases are usually reviewed within working hours in Cyprus, it would perhaps be best to ask your legal firm in Cyprus to represent you given the time difference. Alternatively, please give us a written document with your views on both cases

Answers

Part 1

I attach two screenshots of the Musescore PRO+ sign up page, which misled me into unknowingly paying an annual fee instead of signing up for a free trial.

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We appreciate the opportunity to address the concerns raised regarding the sign-up process for Musescore PRO+ memberships. Upon review, we have updated the screenshots to provide clarity on the differences between the free trial and instant payment options. The left screenshot clearly displays the option for a free trial with the prominent header 'Start Free 7-Day Trial,' written in a large font, while the right screenshot presents the option for instant payment without a trial period.

It's important to note that the font and color differences between the two options aim to differentiate them visually. While we acknowledge that there may be similarities in appearance due to design consistency, the main element distinguishing the free trial from the paid option is clearly presented.

Furthermore, the switch between trial and non-trial options when users switch tabs is intended to ensure that users are presented with the most relevant and beneficial offer based on their preferences. This approach allows users to explore both options seamlessly without any impact on the overall revenue.

We are committed to transparency and fair marketing practices, and we believe that providing users with clear and distinct choices aligns with our principles. We will continue to monitor user feedback and make necessary adjustments to enhance the user experience while maintaining transparency in our offerings.



When approving card details for the payment it says that you're making a payment of £0, which is also misleading and implies that you're signing up for the free trial.

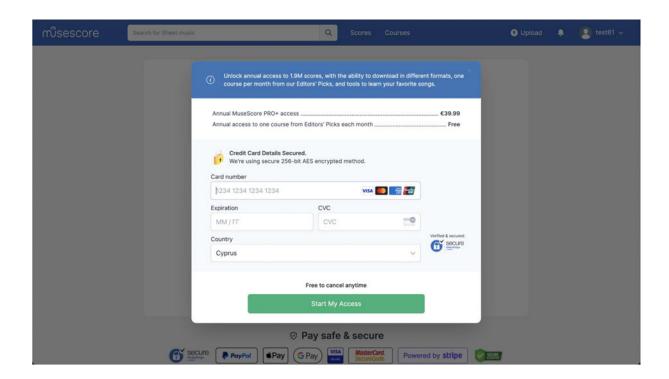
We appreciate the opportunity to clarify the payment process for Musescore PRO+ memberships. Upon review of the checkout process, we can confirm that when users opt for the instant payment option, the price is clearly listed during the checkout process. Contrary to the assertion made, there is no indication of a payment of £0 during the checkout for instant payment. The pricing information is provided transparently to users before they confirm their purchase.

Additionally, for users opting for the free trial option, there is no charge during the trial period, as clearly communicated. However, it's important to note that the trial period is limited, and users are informed about the terms and conditions associated with the trial before they proceed with the sign-up process.

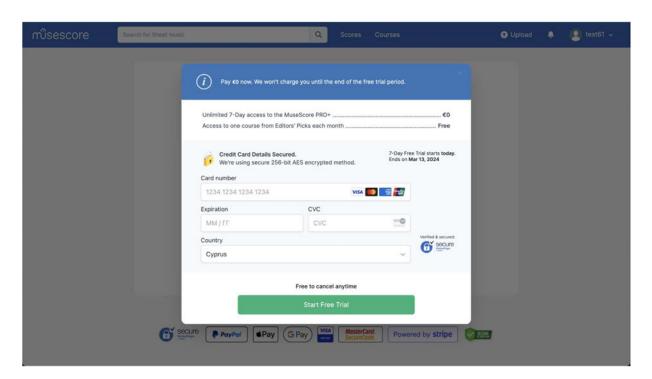
Furthermore, to enhance the value proposition for our users, we offer one course from Editors' Picks for free each month, providing additional benefits to our subscribers.

We are committed to ensuring transparency and clarity throughout the sign-up process, and we will continue to review and refine our messaging to prevent any potential misunderstandings. Our goal is to provide a seamless and rewarding experience for all our users, and we appreciate the feedback provided to help us improve.

Instant payment



Trial



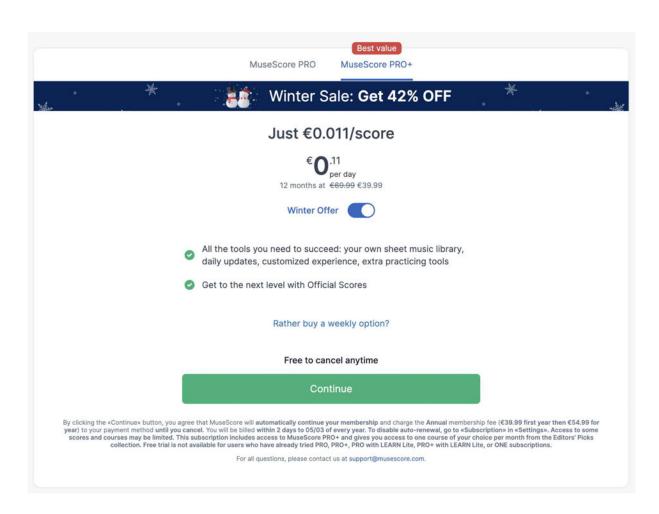
Given that we now have two complaints on the Musescore pricing approach, the fact that the 90% offer is still on the site (now renamed to Winter Sale)

We appreciate your attention to the matter regarding the Musescore pricing approach and the presence of the 90% offer, now renamed to Winter Sale, on our site. We take customer feedback seriously and strive to uphold fair marketing and advertising practices.

In response to the concerns raised, we have taken immediate action to review and update our marketing copy to ensure compliance with industry standards and regulations. Our goal is to provide clear and accurate information to our users while maintaining transparency and fairness in our pricing strategies.

We understand the importance of maintaining trust and confidence among our customers, and we are committed to addressing any issues promptly and effectively. Thank you for bringing this matter to our attention, and we will continue to monitor and improve our practices to better serve our customers.





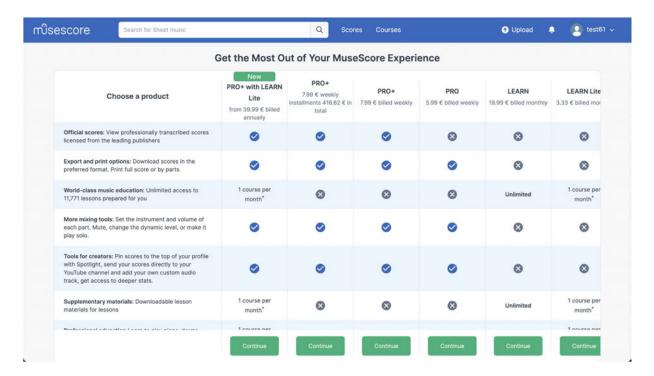
the pricing structure is unclear (https://musescore.com/pro/landing/pricing),

We appreciate your feedback regarding the clarity of our pricing structure on the Musescore website. We take user input seriously and are committed to providing a reliable source of information for our users.

To address your concerns effectively, we kindly request further details on the specific aspects of the pricing page that you find unclear. Understanding the areas that may be causing confusion will enable us to make targeted improvements to enhance the overall user experience and ensure that our pricing information is presented in a clear and transparent manner.

Please feel free to provide any specific feedback or suggestions you may have regarding the pricing page, and we will promptly review and address them to improve the reliability and usability of our pricing information.

Thank you for bringing this matter to our attention, and we look forward to working with you to resolve any issues and provide a better experience for our users.



and the View Offer link does not show any details unless one creates an account or logs in with an account, the case should be reviewed by a jury.

Please note that under Cyprus and European consumer protection law, the details of an offer should be clear to the consumer before they make any transactional decision. The Courts have held that 'transactional decision' covers not only the decision whether or not to purchase a product, but also decisions directly related to that decision. In that sense, the notion of transactional decision also encompasses pre-purchase and post-purchase decisions.

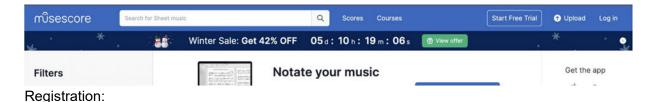
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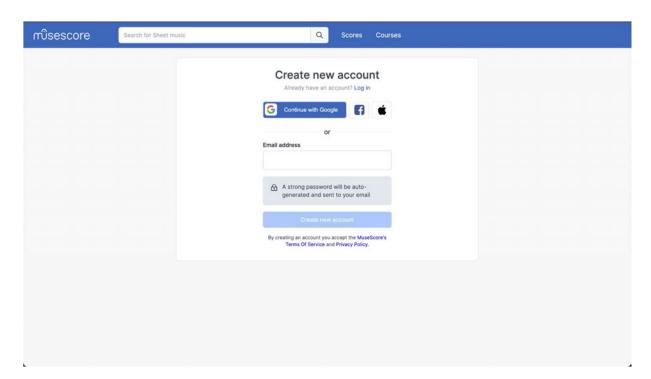
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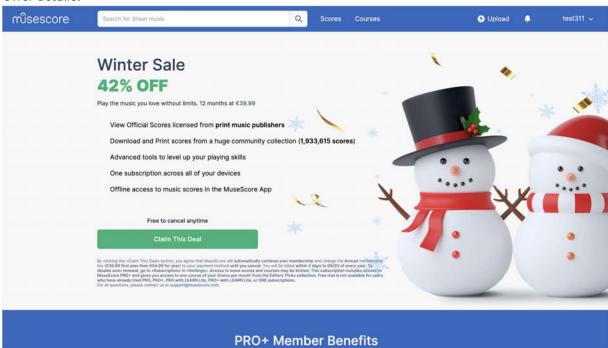
We appreciate your feedback and will continue to evaluate and improve our processes to better meet the needs of our users and comply with consumer protection laws. If you have any further concerns or suggestions for improvement, please feel free to share them with us.

Button:

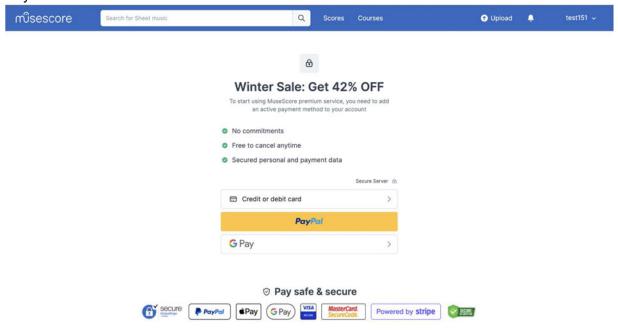




Offer details:



Payment method:



Checkout:

