

Dark Patterns

“Dark Patterns” are considered “manipulative” design techniques that distort or impair autonomous and informed choices of the consumer (cf. recital 67 DSA, recital 38 DA).

- Digital Services Act (DSA, Reg. 2022/2065)
- Digital Markets Act (DMA, Reg. 2022/1925)
- Data Act (DA, Reg. 2023/2854)
- Artificial Intelligence Act (AIA, adopted but not yet published in OJ)

Examples:

- Sneak into Basket
- Countdown Timer
- Confirmshaming
- Preselection
- Low-stock or High-demand Message
- Click Fatigue

=> Not only aggressive or misleading practices, but also **manipulative** practices, which impair the **autonomy** of the consumer.

Problem: Change of consumer model?