



Bringing **Dark Patterns** to **Light**

April 29, 2021 | AN FTC WORKSHOP

10:30 am

Welcome and Opening Remarks

Rebecca Kelly Slaughter

Acting Chairwoman, Federal Trade Commission

The Honorable Mark R. Warner

United States Senator from the Commonwealth of Virginia

The Honorable Lisa Blunt Rochester

United States Representative from the State of Delaware

10:50 am

Panel 1: What Are Dark Patterns, and Why Are They Employed?

The FTC has confronted dark patterns in its enforcement work for years, including in recent cases such as [ABCMouse](#) and [Progressive Leasing](#). This panel will discuss the characteristics of dark patterns, different types of dark patterns, the factors and incentives that give rise to dark patterns, and similarities and differences among dark patterns and between dark patterns and analogous sales tactics in the brick-and-mortar environment.

Moderators:

Min Hee Kim

Investigator, Office of Technology Research and Investigation, Federal Trade Commission

Miry Kim

Attorney, Division of Marketing Practices, Federal Trade Commission

Panelists:

Harry Brignull

Founder, [darkpatterns.org](#)

Johanna T. Gunawan

Doctoral Student, Northeastern University

Katharina Kopp

Deputy Director, Center for Digital Democracy

Arunesh Mathur

Postdoctoral Research Fellow at the Center for Information Technology Policy, Princeton University

Kat Zhou

Product designer, Spotify

Creator of <Design Ethically>

11:45 am

Presentation: Shining a Light on Dark Patterns

Professor Lior Strahilevitz will present findings from his paper with Jamie Luguri, "Shining a Light on Dark Patterns," based on empirical research involving

consumers' reactions to graduated levels of dark patterns aimed at manipulating them into paying for unwanted identity theft protection services.

Presenter:

Lior J. Strahilevitz

Sidley Austin Professor of Law, University of Chicago Law School

12:00 pm

Lunch Break

12:30 pm

Panel 2: How Do Dark Patterns Affect Consumers?

We'll hear from consumer advocates, user experience design experts, and researchers about the effects that dark patterns have on consumer choices and behavior regarding privacy, purchasing, and content selection, the potential harms of dark patterns, and what can make a dark pattern deceptive or unfair.

Moderators:

Andrea Arias

Attorney, Division of Privacy and Identity Protection, Federal Trade Commission

Evan Rose

Attorney, Western Region San Francisco, Federal Trade Commission

Panelists:

Ryan Calo

Lane Powell and D. Wayne Gittinger Professor, University of Washington School of Law

Founding Co-Director, UW Tech Policy Lab

Jennifer King

Privacy and Data Policy Fellow, Stanford Institute for Human-Centered Artificial Intelligence

Jonathan Mayer

Assistant Professor of Computer Science and Public Affairs, Princeton University

Finn Lützow-Holm Myrstad

Director of Digital Policy, Norwegian Consumer Council

1:15 pm

Panel 3: How Do Dark Patterns Specifically Affect Communities of Color?

Communities of color have historically been disadvantaged in the marketplace, and those systemic biases have carried over into the online world. In this panel, advocates and experts will discuss the especially pernicious effects of dark patterns on communities of color, drawing on research and real-life case studies.

Moderator:

Rosario Mendez

Division of Consumer and Business Education, Federal Trade Commission

Panelists:

Jasmine McNealy

Associate Professor of Telecommunication, University of Florida

Stephanie Nguyen

Research Scientist, Civic Science Fellow, Rita Allen Foundation

Mutale Nkonde

Chief Executive Officer, AI for the People
Fellow, Stanford University

Kelly Quinn

Clinical Associate Professor, Department of Communication, University of Illinois at Chicago

2:00 pm

Panel 4: How Do Dark Patterns Target Kids and Teens?

Using visuals, survey data, and real-life examples, this panel will discuss how dark patterns are targeted at children and teens, why kids are especially susceptible to these tactics, and the effects of this targeting on kids, teens, and their families.

Moderator:

Sam Jacobson

Attorney, Division of Financial Practices, Federal Trade Commission

Panelists:

Criscillia Benford

Board Member, Campaign for a Commercial-Free Childhood
Advisory Board Member, Children's Screen Time Action Network

Dona Fraser

Senior Vice President, Privacy Initiatives, BBB National Programs

Josh Nelson

Campaign Director, ParentsTogether

Jenny Radesky

Assistant Professor of Pediatrics, University of Michigan Medical School

2:45 pm

Break

3:00 pm

Panel 5: How Can We Best Continue to Address Dark Patterns? Potential Strategies for Dealing with Dark Patterns

The panel will discuss the current legal regime and enforcement challenges, how to prioritize efforts to combat dark patterns, as well as potential regulatory, educational, technological, and self-regulatory solutions for mitigating the harmful effects of dark patterns on consumers.

Moderator:

Reid Tepfer

Attorney, Southwest Region, Federal Trade Commission

Panelists:

Brigitte Acoca

Head, Consumer Policy Unit, Organisation for Economic Co-operation and Development

Laura Brett

Vice President, National Advertising Division and New York Office Leader, BBB National Programs

Maureen Mahoney

Senior Policy Analyst, Consumer Reports

Jennifer Rimm

Assistant Attorney General, Office of Consumer Protection, Public Advocacy Division
Office of the Attorney General for the District of Columbia

Lior J. Strahilevitz

Sidley Austin Professor of Law, University of Chicago Law School

Lauren E. Willis

Associate Dean for Research & Professor of Law, LMU Loyola Law School
Co-founder, Consumer Law Scholars Conference

4:15 pm

Closing Remarks

Daniel Kaufman

Acting Director, Bureau of Consumer Protection, Federal Trade Commission
