

**Dark Patterns in the Digital Environment  
and the Regulatory Frameworks Adopted by Various Countries**

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**Abstract**

This study examines foreign research on dark patterns by analyzing official reports from various countries (the EU, UK, US, and South Korea), including both the existing legal frameworks applicable to dark patterns and newly-enacted legislation or other legal documents. The research focuses on representative enforcement cases from the EU and the US. The findings reveal that enforcement in the EU against various dark patterns primarily relies on the Unfair Commercial Practices Directive. By contrast, the US Federal Trade Commission (FTC) addresses dark patterns under Section 5(a)(1) of the FTC Act, which prohibits unfair or deceptive commercial practices. Additionally, the EU explicitly prohibits manipulative dark pattern designs on major commercial websites under the Digital Markets Act and Digital Services Act. In the US, the FTC has proposed several regulatory drafts, including the Negative Option Rule and the Junk Fees Rule. In South Korea, beyond penalizing the Coupang case under the Monopoly Regulation and Fair Trade Act, most dark patterns are addressed under provisions of the Act on the Consumer Protection in Electronic Commerce, etc. To provide clearer regulation, South Korea amended the Act in 2024, introducing Article 21-2, which explicitly prohibits five types of dark patterns.

Overall, most countries rely on consumer protection legislation to impose administrative penalties for the use of dark patterns. However, under Taiwan's current legal framework, the Consumer Protection Committee lacks both a general clause covering

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unfair commercial practices and administrative sanctioning power. By contrast, the Fair Trade Commission possesses a general clause—Article 25 of the Fair Trade Act—and the authority to impose sanctions, making it the more appropriate agency for addressing dark patterns. The study also compares similar cases in Taiwan, finding that out of the 19 types of dark patterns identified by Luguri et al. (2019), Taiwan’s Fair Trade Commission has penalized seven comparable practices. However, six of these penalties involved similar practices in the physical world, with only one case involving online manipulative practices—specifically, bait and switch. The study concludes with recommendations for Taiwan’s enforcement and legislative amendments.

**Keywords:** Dark Patterns, Consumer Manipulation, Website Design, EU Unfair Commercial Practices Directive, Section 5 of the US FTC Act, Act on the Consumer Protection in Electronic Commerce, etc. (South Korea).