

Fair patterns for Online Interfaces

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Description and Aims

Dark patterns, or deceptive design practices, are present on an overwhelming majority of digital services. The inherited risk of manipulation is destined to grow in a society where AI-based digital services, as well as IoT and robotic devices, increasingly assist humans in all sorts of decision-making and domains, including in medical treatment, research and education. Dark patterns cause manifold harm, primarily on human autonomy, since they influence, and even subvert, users' decision-making in digital settings. Current legislation that regulates consumer products, personal data, AI and digital services prohibit the use of manipulation in user interfaces. Moreover, several stakeholder guidelines provide examples of the unfair design practices that businesses should abstain from. However, with the emergence of new legal instruments such as the Digital Services Act (DSA), one sees a turn towards positively framed obligations that not only require to refrain from using dark patterns, but also demand that interfaces be designed in a fair way (i.e., fair design patterns). But what do fair design patterns look like, then? How might they be implemented in digital services and be compliant at the same time, while upholding business needs? Our workshop aimed to answer such questions. Pursuant to it, we brought together legal, human-computer interaction, computer science, and economic experts coming from academia and industry.

Tangible outcomes

Thanks to a thematically organized discussion aligned with a hands-on program, interdisciplinary keynotes, and cutting-edge evidence ranging across various domains, we produced the following outcomes:

- a shared transdisciplinary vocabulary on complex concepts, such as digital fairness, fair design patterns, manipulation types, and autonomy
- building blocks for an online fair design patterns library that provide examples and take into account applicable laws, business interests, and UI/UX requirements
- a common and robust structure for fair design patterns that provides guidance on how to implement them in different contexts
- common research and practice goals for an intersectoral community concerned with manipulative design that collaborates on joint projects and other activities to spark the field and devise concrete solutions to dark patterns.
- a follow-up blog post about the workshop by privacy expert Jaap-Henk Hoepman (<https://blog.xot.nl/2024/02/07/do-fair-design-patterns-exist/index.html>)

Scientific breakthrough

We selected and examined the conceptual building blocks of digital manipulation and fairness within the community. Throughout provocative lightning talks given by the invited experts, the important concept of "bright patterns" was distinguished from that of "fair patterns", for example, in terms of autonomy-enhancing measures and paternalistic vs non-paternalistic practices. Using an interactive poll, we considered a minimalist and maximalist understanding of fairness, which enabled the reorganization of the foundational core concepts of fairness vis-a-vis concepts that are related to fairness only in certain contexts and that were too complex to systematize. We jointly realized that what matters is not just the interface, but also the context and the intention with which fair patterns are implemented in digital interactions. Such a breakthrough aligns with the building blocks of fairness and autonomy in decision-making since these notions are contextual and relational and can not

be defined universally, but only be determined within certain concrete settings. Another breakthrough concerned the identification of measures that can incentivize the adoption of fair design patterns and those that could disincentivize them, for example economic drivers such as business vertical differentiation, repeated consumer engagement, and increased consumer awareness.

The workshop organizers will elaborate on the findings of the workshop in order to prepare a white paper with policy recommendations on the issue of fair design patterns.

Format of the workshop

- 4 substantive keynote lectures by top experts in the field concluded by Q&A session
- provocative lightning talks by expert researchers that participated in the workshop
- interactive plenary sessions with audience engagement through online polls
- one interactive tutorial
- parallel breakout sessions for discussions and use case-driven group work
- open mic for asking questions and opinions, looking for collaborations and drafting project proposals
- feedback session on the workshop
- roadmap for future work within the community

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