

Dark Patterns Are Only the Surface

What the Digital Fairness Act must regulate — and in what order

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Academic and technology law consultant

**The screen is the delivery surface.
The commercial practice is the regulatory object.**

01

ACADEMIC

Associate Professor of AI, Digital Regulation and Disruptive Technology · Riga Graduate School of Law

02

RESEARCH

Author · Dark Patterns, Deceptive Design, and the Law · AI, Neurodata and Society

03

EVIDENCE

Co-runs deceptive.design with Harry Brignull · enforcement database and taxonomy

04

POLICY + PRACTICE

Director · DigiData Consulting · final European Commission study on AI Act Article 5(1)(a) and (b)

Brussels · 9 September 2026

The dark-pattern frame is conceptually too small

The visible interface is one layer of the consumer environment.

SURFACE UI dark patterns

words · buttons · defaults · friction

JOURNEY deceptive design

sequence · timing · repetition · ranking

PRACTICE commercial practice

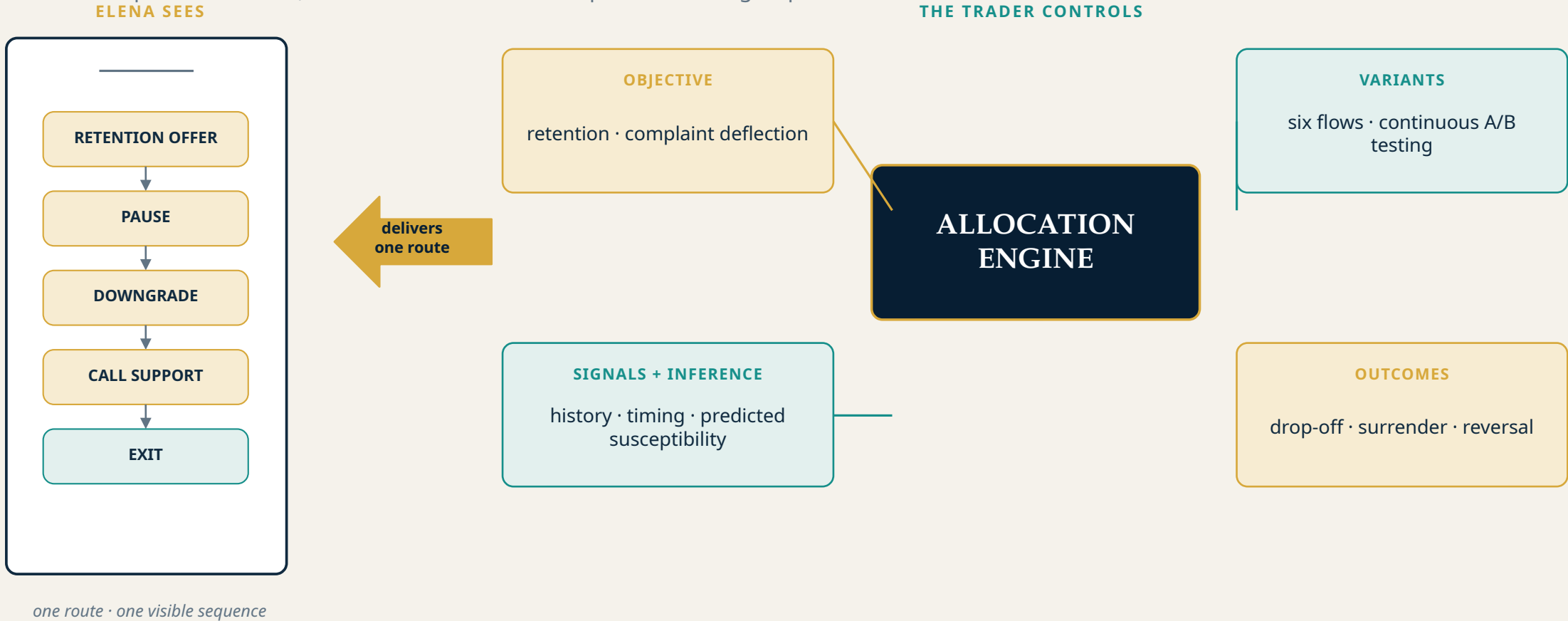
objective · experiments · allocation · outcomes

Regulate the practice that creates the choice environment — not only the visible symptom.



One journey for the consumer. A portfolio of experiments for the trader.

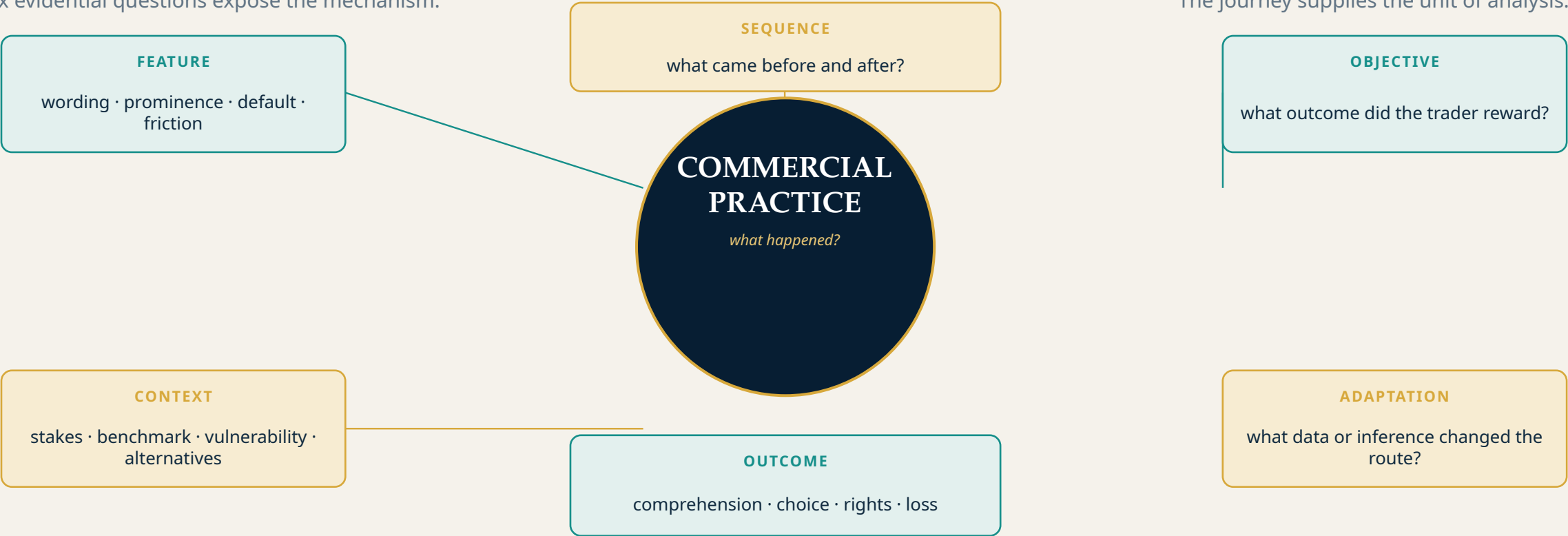
A screenshot can capture treatment; it cannot reveal selection, optimisation or group effects.



A screenshot captures the treatment. It cannot reveal why the treatment was selected.

The whole consumer environment must fall within scope

Six evidential questions expose the mechanism.



The journey supplies the unit of analysis.

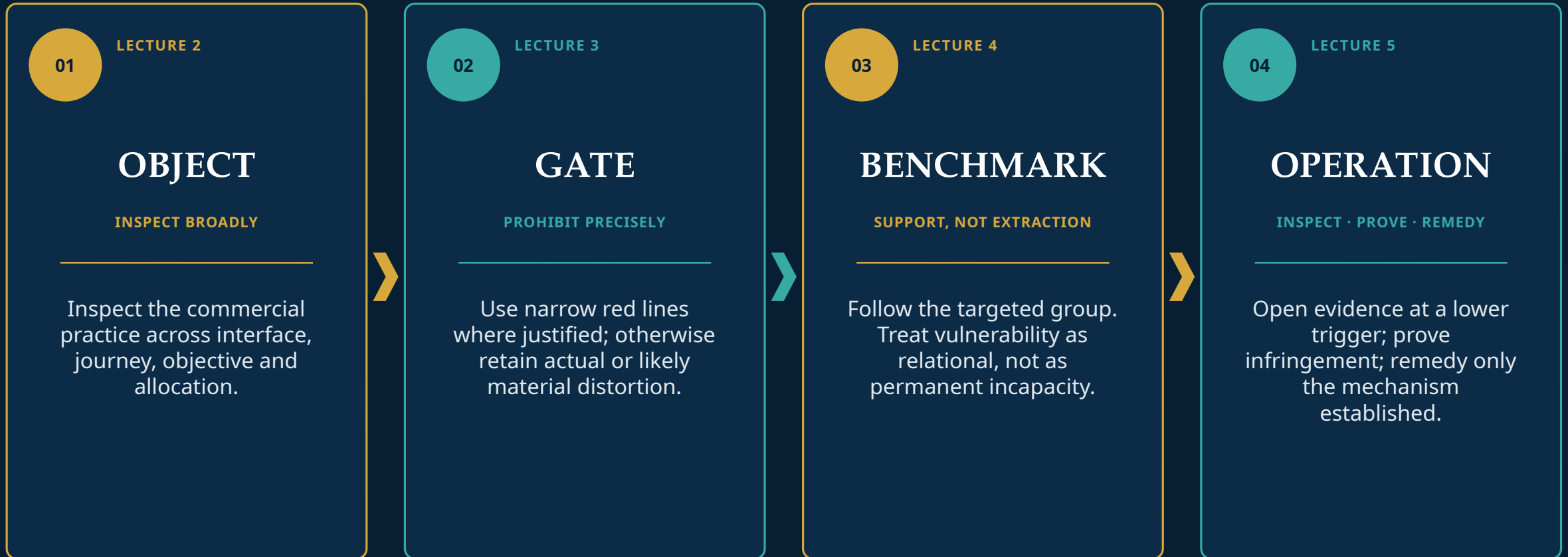
THE JOURNEY IS THE UNIT OF ANALYSIS

Evidential grammar — not six cumulative elements of a new offence.



Regulate in the right order

The lectures form one legal architecture: object, gate, benchmark and operating model.



ARCHITECTURE WIDENS THE EVIDENTIAL FIELD. MATERIAL DISTORTION CONTROLS LIABILITY.

One feature blacklist cannot do four different jobs

The DFA needs precise red lines, contestable inferences, inspectable evidence and a durable general gate.

LEVERS	WHEN TO USE THEM	LEGAL JOB
1	NARROW RED LINES Observable conduct, objectively defined, with negligible legitimate use.	PROHIBIT
2	REBUTTABLE PRESUMPTIONS Specified facts, a defined inference and a genuine opportunity to rebut.	INFER
3	EVIDENCE + GOVERNANCE DUTIES Purpose, objectives, variants, allocation criteria, journey logs, outcomes and change history.	INSPECT
4	GENERAL UNFAIRNESS GATE Professional diligence plus actual or likely material distortion for novel or context-dependent practices.	DECIDE
PROPORTIONALITY · Bounded, consumer-supportive and inspectable systems may earn a conditional, revocable safe harbour.		

A two-threshold operating model — with remedies that track the mechanism

Preserve the legal line. Remove the evidential blind spot.



The full argument, in order

Five expert lectures on what the Digital Fairness Act must regulate and how the system should work.

DESIGNING DIGITAL FAIRNESS
THE DIGITAL FAIRNESS ACT LECTURE SERIES

LECTURE 1 OF 5

The DFA at the Fork in the Road

What Europe Is Actually Deciding



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Associate Professor at the RQSL
Director at Digital Fairness Consulting

1 STATUS

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THE DIGITAL FAIRNESS ACT LECTURE SERIES

LECTURE 2 OF 5

Below the Interface

Where Deceptive Design Lives



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2 OBJECT

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LECTURE 3 OF 5

Material Distortion

What Legal Test Should Control?



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3 LEGAL GATE

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LECTURE 4 OF 5

Vulnerability Without Paternalism

When Should Protection Intensify?



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4 VULNERABILITY

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LECTURE 5 OF 5

Evidence, Enforcement + Settlement

How Should the System Operate?



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5 ENFORCEMENT



THE DIGITAL FAIRNESS ACT

What Europe Must Get Right

Status · deceptive design below the interface · material distortion · vulnerability without paternalism · evidence and enforcement

<https://www.youtube.com/playlist?list=PLJ-Hkr2cMyUs>



SCAN TO WATCH
FULL FIVE-PART PLAYLIST