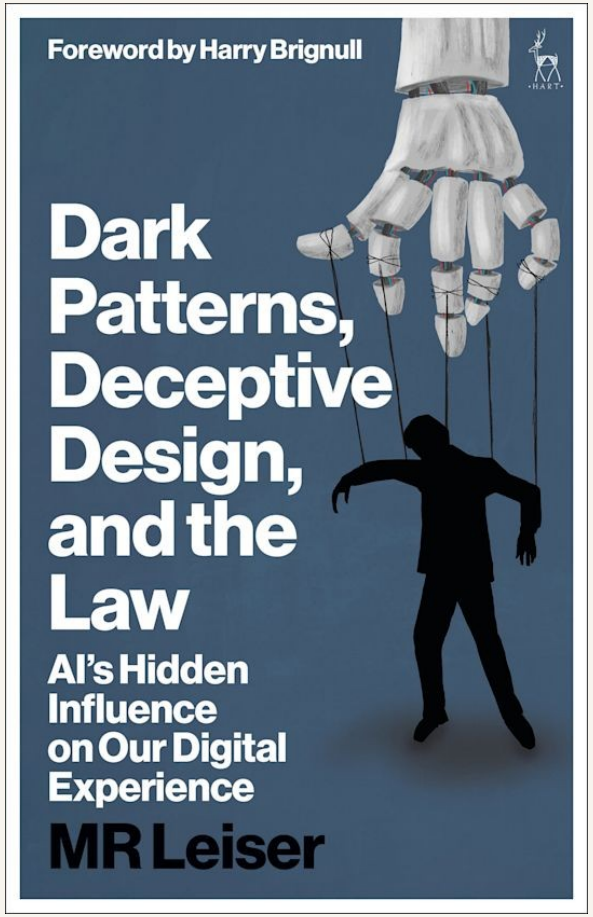
CHAPTER 3 REVISITED · HUNGARIAN CONSUMER LAW

Regulatory Responses to Deceptive Design

Fttv./UCPD proof, recent GVH decisions and the narrow role of the DFA



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Chapter 3: Three Distinct Legal Questions

The facts may overlap; the statutory predicates do not.

CONSUMER LAW	Commercial practice · consumer decision · unfairness
DATA PROTECTION	Consent · data use · profiling
COMPETITION	Lock-in · search and switching costs · market power

The Fttv./UCPD supplies the operational legal test.

Apply the Statutory Hierarchy

Act XLVII of 2008 (Fttv.) transposes the UCPD

FTTV. ANNEX / UCPD ANNEX I	Per se only when every listed element is established
FTTV. §§6–8 / UCPD ARTS 6–9	Misleading or aggressive practice · own statutory predicates
FTTV. §3(2) / UCPD ART 5(2)	Residual diligence + actual or likely material distortion

A “dark pattern” label does not establish an infringement.

Recent GVH Decisions Reach Deceptive Design

Three concluded cases show how the statutory vocabulary—and the procedural record—do the work.

01

BOOKING · 2024 FOLLOW-UP · HUF 382.5m
Urgency messages and “free cancellation” · compliance with the prior order

02

ABOUT YOU · 2025 · HUF 505m + >HUF 500m REDRESS
Discount system, campaign timer and persistent scarcity messages

03

MOBILREDFOX · 2026 · HUF 49.9m
System-level pricing and discount-display failures · infringement admitted

The Fttv. reaches interfaces—and systems—when the case is proved.

The Next Hard Case Is Adaptive

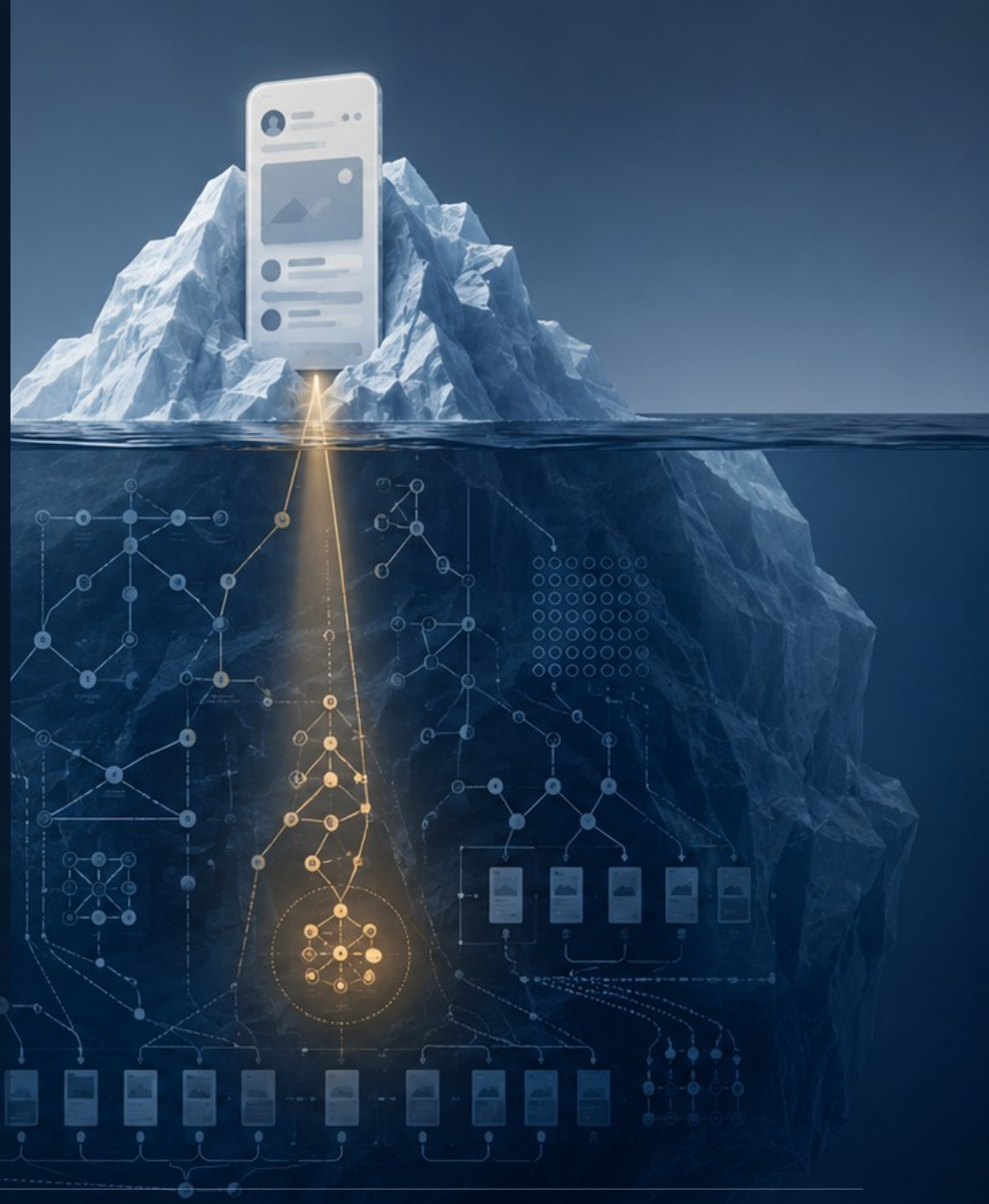
VISIBLE TREATMENT

Offer · ranking · message · friction

DECISIVE EVIDENCE

Objective · eligibility · variant
Timing · repetition · outcome

The commercial practice is the legal object. The journey is the evidential unit.



Define the Practice, Consumer and Decision

The breadth of the statute does not excuse vagueness in the allegation.

01 Specify the act, omission or course of conduct—and the relevant period

02 Identify the consumer, production version, channel and responsible trader

03 Name the transactional decision and the counterfactual

The decision may precede purchase—or concern renewal, switching or cancellation.

Vulnerability Requires a Statutory Finding

Vulnerability is relational in fact; the legal benchmark remains statutory.

Signal or inference

A pattern associated with susceptibility

→

Changed treatment

Ranking · timing
salience · friction

→

Required legal effect

The relevant decision changes or likely changes

Targeting is not enough. Prove the chosen statutory test.

Build the Proof File

Open the evidential field without lowering the legal threshold.

EXPOSURE	Journey, wording, prominence, price sequence and exits
SELECTION	Variants, eligibility, signals, timing and frequency
EFFECT	Counterfactual, outcome data, complaints and safeguards

Substantiation first. Decision trail next. Source code only when necessary.

Test the Legal Chain

The strongest response is precise, evidential and reproducible.

ATTRIBUTION	Who controlled, supplied or benefited from the practice?
COMPARATOR	What did an otherwise similar consumer see or decide?
SEPARATION	Liability first; gravity, remediation and penalty second

No intent requirement. No liability by label.

Chapter 3 and Regulatory Overlap

The same facts can trigger several regimes; the legal thresholds remain distinct.

FTTV. / UCPD	Commercial practice · transactional effect
GDPR / EPRIVACY	Consent, personal data, profiling and inferences
COMPETITION	Lock-in, search costs, switching costs and market power

Coordinate evidence and remedies. Do not merge the tests.

A Legal Toolkit for the DFA

Widen the evidential field; preserve the statutory line.

01 Narrow red lines: precise conduct with negligible legitimate use

02 Rebuttable presumptions: defined facts, defined inference, genuine rebuttal

03 Evidence and governance: purpose, variants, allocation, journey logs and outcomes

04 General unfairness gate: professional diligence and actual or likely material distortion

Same legal line. Better evidence. Remedies with a causal spine.

Five Questions for Every GVH File

A dark-pattern label starts the inquiry. The Fttv./UCPD analysis decides it.

01 What exactly is the commercial practice, and who is responsible?

02 Which Fttv./UCPD route supplies the legal test?

03 Which consumer or clearly identifiable group supplies the benchmark?

04 Which transactional decision—or other statutory effect—was caused or likely to be caused?

05 What evidence connects the delivered treatment to that effect?

Keep the legal thresholds. Improve the evidential sight-lines.