

Enhance player protection by preventing dark patterns

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What are dark patterns?

Dark patterns are **digital interface design practices** that materially impair or hinder users' ability to make **free, autonomous** and **informed decisions**, notably through **manipulation**, deception, obstruction, or the exploitation of cognitive biases.*

** Adapted from Article 25 and Recital 67 of the Digital Services Act, Brenncke (2024) and Ahuja et al. (2025)*

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From digital regulation to responsible gaming

Originally rooted in digital services, ecommerce and online platforms, dark patterns have moved from UX and academic discussions to regulation, guidance and enforcement, and have become a **cross-industry regulatory concern**.

A European digital framework that is applicable to digital lottery experiences

Key EU lenses include digital services, consumer protection and data protection.

EU digital framework: Digital Services Act (DSA), Unfair Commercial Practices Directive (UCPD), General Data Protection Regulation (GDPR), Digital Markets Act (DMA), Digital Fairness Act (DFA).



Regulation is moving, design is scrutinized

Regulators increasingly look beyond the product itself and examine choice architecture: defaults, friction, visibility, timing, information salience, etc.

For lotteries, the question becomes whether digital journeys support players in making free and informed choices, particularly around deposits, bonuses, limits, withdrawals and protection tools, in a context of increasing regulatory scrutiny and growing consumer expectations for transparency.

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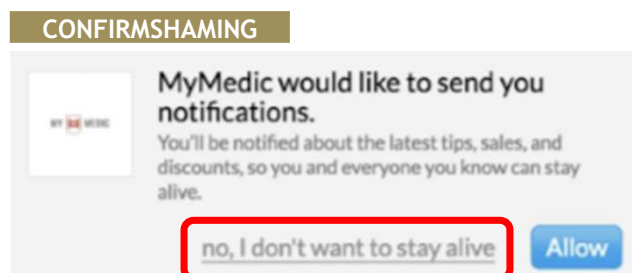


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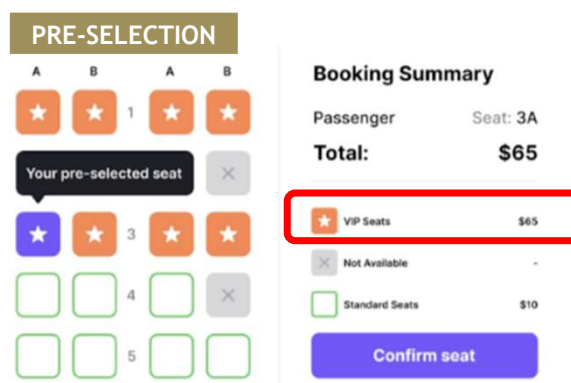
Examples of dark patterns

From digital services to gambling, the behavioural mechanisms are similar.



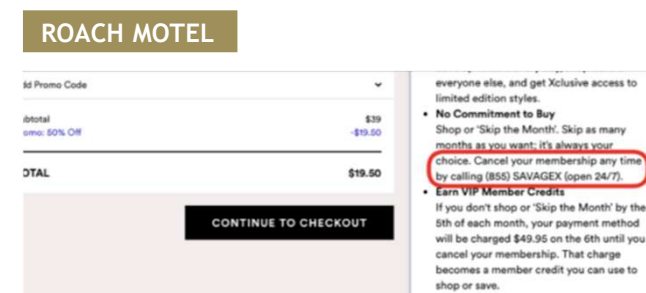
Social pressure, anticipated regret

« Are you sure you want to decline this free bet? »



Default effect, status quo bias

Pre-selected promotional options



Asymmetric friction costs, inertia

Complex limit changes, hidden self-exclusion pathways

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* Adapted from <https://www.eleken.co/blog-posts/dark-patterns-examples#18-dark-patterns-examples>, <https://arxiv.org/html/2412.09147v1>, and <http://medium.com/@arounda.agency/dark-patterns-in-ux-ui-design-and-how-to-avoid-them-22-examples-964e5cb0eb86>

Dark patterns: a cross-industry enforcement trend

Shein hit with €40 million fine in France over 'deceptive commercial practices'

The French competition and anti-fraud office said the Chinese fast-fashion giant misled customers on price deals and on its environmental impact.

Le Monde with AFP

French Trading Standards (DGCCRF) - Artificial savings claims and deceptive price comparisons

FTC Secures Historic \$2.5 Billion Settlement Against Amazon

Agency alleged that Amazon used deceptive methods to sign up consumers for Prime subscriptions and made it exceedingly difficult to cancel

Federal Trade Commission-FTC (US) - Making subscriptions easy to join but difficult to cancel

The 'dark patterns' used by Epic Games that led to the largest FTC penalties ever

The agency alleged the company employed deceptive tactics to trick young gamers into spending more than they realized. Other companies use them, too.

By Shoshana Wodinsky

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FTC (US) - Inducing unintended and accidental purchase (\$245M)

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A new lens for RG: unbiased & informed choice by design

> The emerging question is not only what players choose, but whether they can make a free and informed choice.

WHY AUTONOMY MATTERS FOR LOTTERIES

- Digital journeys shape attention, understanding and access to protection tools.
- Responsible gaming extends beyond gambling mechanics to the design of player choices.



From principle
to practice

FDJ UNITED RESPONSIBLE DESIGN APPROACH

- Assess player journeys beyond compliance alone.
- Design attractive experiences while preserving players' genuine control.
- Redesign where autonomy, fair choice & transparency are weakened.

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Navigating the grey zone: responsible design for digital lotteries

> The boundary between persuasion and manipulation is thin & context-dependent

> The same mechanism may be acceptable or problematic depending on its audience, implementation and safeguards.

RESPONSIBLE INFLUENCE

Influence remains fair and understandable

- Clear information
- Visible alternatives
- Easy access to protection
- Symmetry between commercial and protective choices
- ...

GREY ZONE

This is where judgment matters the most

- Personalized marketing
- Bonus presentation
- Near-miss feedback
- Urgency or salience cues
- ...

MANIPULATION RISK / DARK PATTERNS

Autonomy is weakened

- Hidden or complex conditions
- Excessive pressure
- Asymmetric paths
- Protection made harder
- ...

> Lotteries need a flexible, principle-based framework to guide design decisions, rather than relying solely on prescriptive rules or future regulatory intervention.

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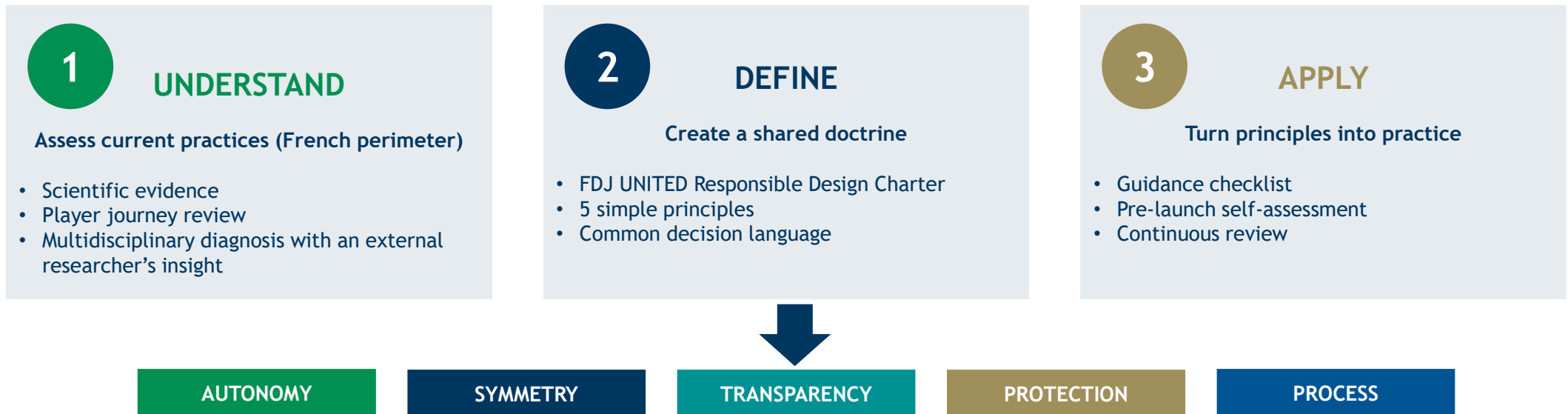


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From awareness to implementation : a responsible design framework

A 3-step approach



MOVE FROM AWARENESS TO A SHARED, EVOLVING AND SELF-REGULATED APPROACH TO RESPONSIBLE DIGITAL DESIGN

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Strengthening Player autonomy to Support Sustainability

A new digital challenge for lotteries : player protection now also depends on how the customer experience is designed.

From legal & compliance only to driving meaningful change by enabling autonomous choice

ENHANCED RG POLICY

Embed autonomy-by-design into lottery game design, UX/UI & promotional marketing

TRUST LEVER

Trust supports player loyalty and a sustainable business

> The need for a shared commitment, collaboration and continuous improvement.

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