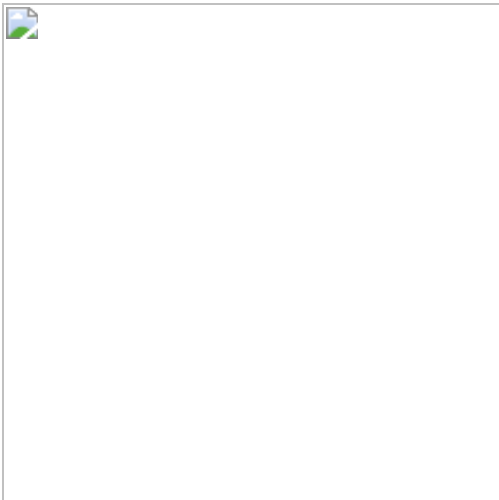# Tech Tyranny: One Dark Pattern Too Many?

Dark patterns, Google's tricky advertising, and Facebook's competition complaints.

By: [Laura Valkovic](#)

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*Editor's Note – As the technological realm becomes more pervasive, whom can we trust? Each week, **Liberty Nation** brings new [insight](#) into the fraudulent use of personal data, breaches of privacy, and attempts to filter our perception.*

A Dark Pattern from Google

"I love being awesome, Accept!" or "No thanks, I don't like cool things" – have you ever been presented such a choice upon visiting a website that wants you to sign up for a newsletter or other service? According to the website Darkpatterns.org, this is an example of "confirmshaming," a strategy that online companies use for "guilting the user into opting into something. The option to decline is worded in such a way as to shame the user into compliance." Dark Patterns, a term coined by cognitive scientist and user experience consultant Harry Brignull, are tactics employed online to manipulate users into acting a certain way – from techniques like "Roach Motel" to "Privacy Zuckering," tech companies may be engineering behavior in ever more subtle ways.

Google is coming under fire for its new search result design, and its apparent usage of the dark pattern of disguised ads –

"Adverts that are disguised as other kinds of content or navigation, in order to get you to click on them."

Natasha Lomas at TechCrunch recently complained that she accidentally [clicked](#) on what turned out to be an advertisement rather than a genuine search result on the world's most used search engine. This was apparently due to new formatting, which has made organic search results look more similar to paid-for search results – a move being billed as an attempt to trick users into clicking advertising links that will generate profit for Google.

The change was released on mobile in May of 2019 and is now set to be rolled out on desktop. It appears the only way to tell which links are advertisements is a small icon (favicon) next to the URL, which will display either a website's logo if it is an organic search result, or say "Ad" for paid results.

Twitter user Craig Mod suggested that all results had been made to look similar to ads:

> There's something strange about the recent design change to google search results, favicons and extra header text: they all look like ads, which is perhaps the point? [pic.twitter.com/TlIvegRct1](#)
>
> — Craig Mod (@craigmod) [January 21, 2020](#)

Searchengineland.com has [tracked](#) the "evolution" of paid-for Google search results, which have gradually been altered to stand out less. In the beginning, paid-for search results were placed in colored boxes; these boxes disappeared in 2013, but

the word "ad" still appeared in bright orange; that was replaced by green in 2016 and all color variation was removed in 2019.

Sneaky retail strategies are nothing new – from merchandise placement to the fragrance of shops, sellers are always trying to get us to buy more stuff on- and offline, but how could these strategies be employed to change user behavior outside the retail sector?

Class Action Lawsuit Against "Anticompetitive" Facebook

"[Monopoly](#)" is becoming a popular [buzzword](#) surrounding the tech world today – no, people aren't excited about a digital version of the classic board game, but they are concerned by the apparent conglomeration of online suppliers into just a few hands. With lawmakers in the U.S. and Europe increasingly discussing anti-trust action against Silicon Valley, Facebook is being sued by four tech companies, which call it "the most brazen, willful, anticompetitive scheme in a generation." They also demand that CEO Mark Zuckerberg give up his shares – currently making up about 60% of the social network. "There is no adequate remedy

of law to prevent the irreparable harm that has [resulted] – and will continue – to result from Zuckerberg's continued control of Facebook," suggest the complainants.

The class-action [lawsuit](#) was filed in San Francisco and primarily targets Facebook's plans to join its WhatsApp and Instagram platforms in one entity. According to the plaintiffs, "The integration, if completed, will not only substantially lessen competition, it may allow Facebook to destroy it — for a very long time." That is because it "would increase the cost of switching to a rival social network" and may involve surveillance of users – a way in which the company could better identify user patterns and thereby gain an edge over other businesses.

The four companies behind the legal action are:

- Beehive Biometric – a former identity verification company based on facial recognition.
- Cir.cl – a former online marketplace and social media site.
- Reveal Chat – a messaging service acquired in 2015 by music streaming company Rhapsody (now Napster).
- Lenddo – a Singaporean software company that uses social media and smartphone records to evaluate peoples' financial stability.

"Facebook faced an existential threat from mobile apps, and while it could have responded by competing on the merits, it instead chose to use its might to intentionally eliminate its competition," said Yavar Bathaee, co-lead counsel for the case. "Facebook deliberately leveraged its developer platform, an infrastructure of spyware and surveillance, and its economic power to destroy or acquire anyone that competed with them."

Facebook responded by telling Business Insider, "We operate in a competitive environment where people and advertisers have many choices. In the current environment, where plaintiffs' attorneys see financial opportunities, claims like this aren't unexpected but they are without merit."

Is this case just sour grapes from failed or struggling competitors, or do these companies have a valid complaint? This is not the first time that suspicions have been raised about the controversial Facebook merger, and the Silicon Valley giant is currently subject to investigations by the Justice Department, the Federal Trade Commission, and a group of state attorneys general.

Leak Supports FB Anticompetitive Claims

In November 2019, thousands of pages of [documents were leaked](#) showing evidence of Facebook acting to shut down services that may compete with itself, and which used Facebook data. The tech behemoth was worried about start-ups piggybacking on Facebook's own data to compete with it.

The documents originated from a 2015 lawsuit against Facebook from Six4Three, a defunct tech company the developed the Pikini app, which essentially scraped Facebook for pictures of women

in swimsuits, and which was later denied access to the necessary data. Six4Three founder Ted Kramer sued, and the sealed court documents eventually found their way to the press.

Just a few of the revelations were:

- Mark Zuckerberg repeatedly broke explicit promises to competitors such as music sharing app iLike, which significantly harmed the other app's business.
- Facebook categorized companies into three categories of PR risk to itself: "strategic value, competitive/not useful to Facebook, major business disruption/kill."
- Facebook restricted access to friends lists, friends permissions, and newsfeeds to stymie competitors.
- Facebook shut down entire categories of apps because they were competitive with Facebook itself.
- Facebook conducted audits of competitive apps.
- Facebook maintained a blacklist of competitors that Zuckerberg "personally reviewed."
- Doug Purdy, Director of Engineering for Facebook Platform, wrote to Facebook employees in August 2013 that "the truth is that we are going to be under pressure to pull more and more user data from competitors over time," and that ultimately Facebook will decide that "no user data [is] given to competitors."
- A "switcheroo" plan surrounding one change; the company tried to convince the public that data protection was being boosted, when in fact the aim was to reduce competition.

And so on.

Facebook responded that "These old documents have been taken out of context by someone with an agenda against" the

company.

While some might consider it reasonable for Facebook to resent other companies "stealing" its hard work, Kramer argues that if Facebook had been honest about its approach, "then Six4Three never would have started its business" in the first place.

That's all for this week from *Tech Tyranny*. Check back in next Monday to find out what's happening in the digital realm and how it impacts you.