



# Stricter regulation of online dark patterns, Increased oversight of foreign online platforms

2024.04.15

## 1. Stricter regulation of online dark patterns

To address the rise of online dark patterns, the Act on Consumer Protection in Electronic Commerce, etc. (hereinafter referred to as the “E-Commerce Act”) has undergone revisions, which will take effect on February 14, 2025. The dark patterns are marketing tactics which may mislead consumers into irrational spending, prompting concerns for consumer protection.

In April 2023, the FTC outlined a policy direction to regulate these patterns, identifying 13 high-risk categories. Subsequently, in July 2023, the FTC introduced "Online Dark Pattern Self-Management Guidelines" to specify types within each category and provide guidance for businesses and consumers. As part of these efforts, the E-Commerce Act has been amended to address six previously unregulated types of dark patterns.

Online dark patterns regulated under the E-Commerce Act
① <b>Hidden renewal:</b> Require prior consent of the consumer when increasing the regular payment amount or converting a free service to a paid service.
② <b>Sequential pricing:</b> Prohibit displaying or advertising only a partial amount rather than the total cost of purchasing goods, etc., without justifiable reasons.
③ <b>Pre-selection of specific options:</b> During the purchase process of a specific product, prohibit the act of pre-selecting an option before the consumer makes his/her choice by asking whether to purchase another product.
④ <b>Wrong hierarchy:</b> Prohibit attracting consumers to buy certain items that are advantageous to business operators by making significant differences in the size, shape, color, etc. of the selected items.
⑤ <b>Interference with cancellation/withdrawal:</b> Prohibit acts that interfere with consumer cancellation/withdrawal.
⑥ <b>Repeated interference:</b> Prohibit making repeated request to change the consumer choices through pop-up windows, etc.

Businesses are urged to review their marketing practices to ensure compliance with these new regulations.

## 2. Increased oversight of foreign online platforms

Amidst growing complaints about foreign online platforms, concerns over bias against domestic platforms have surged, prompting calls for government action. On March 13, 2024, the FTC introduced the "Consumer Protection Measures Related to Foreign Online Platforms" (the "FTC Consumer Protection Measures") to address this issue. The aim is to tackle bias against domestic platforms and ensure compliance by foreign businesses with local regulations.

One significant aspect involves amendments to the E-Commerce Act, requiring overseas businesses of a certain size to appoint a domestic agent, regardless of their physical presence in Korea. In addition, relevant government authorities will continuously monitor compliance with applicable laws. One example is FTC's monitoring of potential violation of the Fair Trade Act, such as anti-competitive practice or unfair practices against suppliers. The FTC Consumer Protection Measures also targets 4 major areas of consumer damage, which include (i) hazardous goods and drugs, (ii) counterfeit products, (iii) harmful media targeted at youth, and (iv) infringement of personal information.

Given the government's tendency to further regulate foreign online platforms, it is crucial to monitor the direction of its regulatory policies regarding foreign platforms closely.

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