

Examining the relationship between user agency and dark patterns*

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Abstract

A semi-logical argument presenting a dichotomy between technological design decisions which promote user agency, against those decisions which promote profit. Several case studies of recent social movements are showcased to demonstrate the differing balances between the two, and explore what de-incentivizing companies' use of dark patterns may look like as a social/community movement.

Keywords

dark patterns, user agency

1. Introduction

This essay outlines an argument of how deceptive patterns, also known as dark' patterns, relate strongly to user agency, putting forward that A) The implementation of deceptive patterns in a product or system of products is a polar relationship to giving users freedom of choice; B) The use of deceptive design is not wholly detestable in the context of creating a profitable company; and C) The scope of user agency should be expanded beyond a single product and into the wider ecosystem of a user's interactions with technology.

To showcase this reasoning, case studies of recent company-user relationships are used to demonstrate points {A,B,C} *in situ*, and help hypothesize possible strategies to approach user-product-company relationships in future literature.

For this text, I assume the reader has some knowledge of dark/deceptive patterns (DPs) & their terse relationship infringing on user agency. For clarity, I advise that the primary argument of points 1. through 12. (**Arg1.** through **Arg12.**) found in Section 2 below should be read on its own, before addressing the footnotes.

2. Argument

1. Let us define a complete scope of user agency as the set of possible actions a user can take to impact their experience of a given product. This is the objective agency afforded by a given product.²
 - *i.e. a user may utilize internal features of a social media application to limit their exposure to notifications. Alternatively, they could also leave their phone physically in another room – an external approach – to achieve the same end. Both are suitable actions which affect their experience of the application.*
2. Companies benefit when users perform 'preferable' actions which are defined externally by the people creating, or companies distributing, a given product. Beneficial company

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² For this argument, I treat striving for increased user agency as a desirable metric, as I feel that it is useful for DP-related inquiries.



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decisions typically promote a greater number of users performing a greater number of ‘preferable’ actions.³

3. A successful action for a user of a product results in a satisfying and intended outcome. A precursor for a user taking an action is that the user holds a belief or perception of a general set of outcomes that are possible to achieve, and a confidence in their own agency to enact one of these possible and intended outcomes.⁴ Successful actions usually build some level of user-product trust.
 - *We could denote this separation as ‘perceived agency’. Perceived agency acts as a precursor to any action the user takes, since a user must believe they are able to achieve some end goal before making the steps to achieve it. Importantly, the user is not required to explicitly take every action which they perceive they have the agency to take.*
4. Consider a scenario where a company limits actions available to the user while avoiding a high impact to their users’ perceived agency. In this case, the user would likely still believe they have more agency than what is truly provided to them by the product itself. Keeping the scope of perceived agency intact, maintains user-product trust. (**Arg3**)
 - *A low impact on perceived user agency is still an impact, which comes in the form of identifying friction, inferring a product’s constraints from limited outcomes, or potentially blaming oneself for not achieving intended goals. I posit that this is functionally similar to being unaware in regards to powerlessness – that an unaware user and a slightly aware user both follow the same fate of not being able to identify specific problem areas to address. Hence, I treat these hypothetical users identically for this essay, while noting that this concept should be interrogated further.*
5. According to the Ontology set out by Gray et al., deceptive (‘dark’) patterns are “instances where design choices subvert, impair, or distort the ability of a user to make autonomous and informed choices in relation to digital systems regardless of the designer’s intent” [4]⁵
 - *These pathways differ from ‘nudges’, which prioritize an improved user experience, as opposed to DPs which prioritise benefits to the company. [5]*
6. So long as the user experience remains satisfying to the user in regards to their perceived-agency, the profitable pathways introduced by DPs may be increasingly taken⁶ due to the usurped non-profitable pathways.⁷

³ Of course, the definition of what constitutes ‘preferable’ changes alongside company goals – it could mean improving user satisfaction, but can also mean users adopting new features/products, converting others to join a product’s user-base, monetizing or other forms of financial gain, or also just general admiration from their userbase.

⁴ In other words, the user needs to feel that they are using a product ‘correctly’; that a ‘good’ experience of a product intuitively defines a scope of actions the user can take. (*e.g. you wouldn’t open Photoshop expecting to file invoices.*) While this is partially determined by the product’s own scope of actions, it is also defined by the user’s own knowledge base and mental model of what the product is. For example, a novice and a professional may utilize the same piece of software in very different ways, entirely based on their level of knowledge, thus leading to different beliefs/perceptions in what actions are possible.

⁵ This definition is long established at this point, and is an active method of business being challenged in academic discourse and in public policy, specifically in the EU. [11]

⁶ Imagine a case where the user believes the only tasks available are ones with DPs, then these paths will be taken more often. Consider the pattern of ‘sneak into cart’ – I ask the reader, how many users can confidently say that hidden fees are unnecessary, versus those users who assume it’s the only way to achieve their goals?

⁷ Maintaining user-product trust hinges on the user’s satisfaction with said product; that their intended outcomes are still met. DPs might be introduced through subtle tweaks/minor encouragements, or larger changes/‘walled garden’ approaches. In either case, so long as the user is satisfied then the trust broadly remains unharmed.

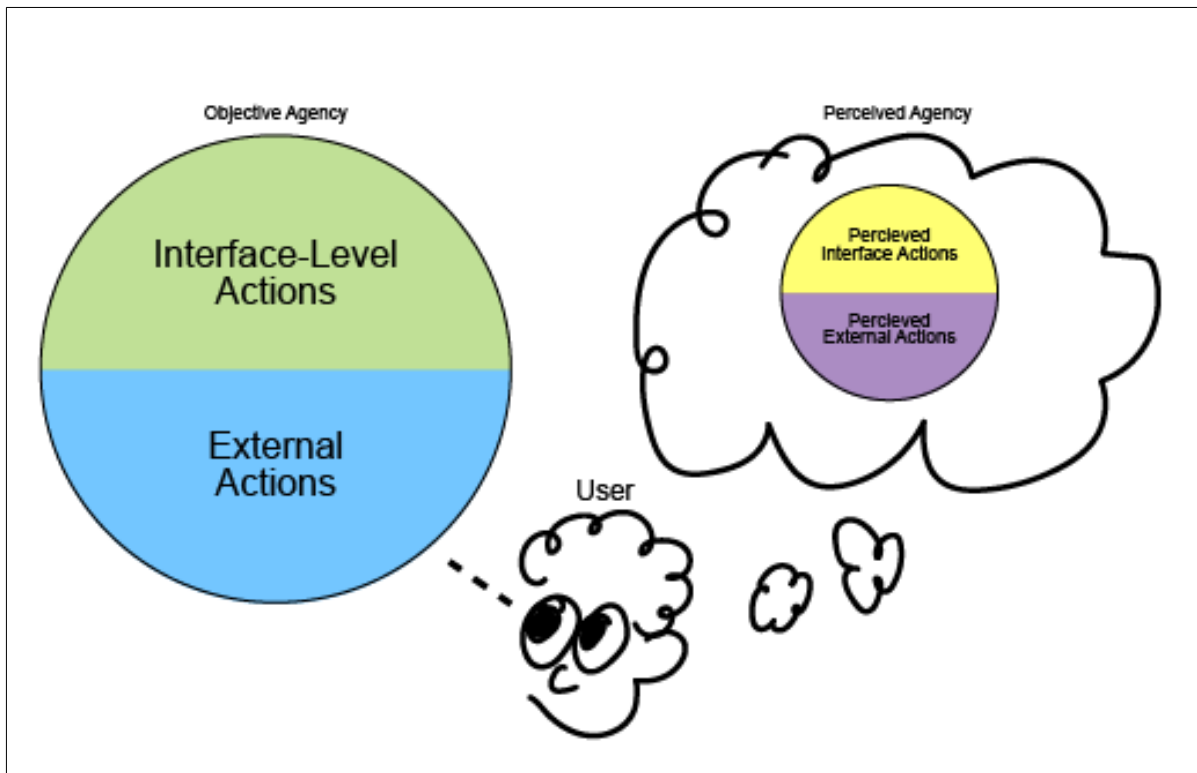


Figure 1: The relationship between objective agency and perceived agency, alongside interface and external possible actions as defined in Arg1. through Arg6.

7. A company not utilizing DPs in their product loses hypothetical profit⁸, but maintains their initial, wider scope of user agency. As such, profit-driven companies are incentivized to implement DPs to some arbitrary level as to encourage selected profitable pathways of the product.
 - *The same line of thinking reveals that there is no resulting incentive for a company to avoid DPs, as this would be a rejection of the hypothetical profit gained by utilizing DPs effectively.*
8. Sub-Conclusion: The ideal ‘most profitable’ product would utilize a high amount of DPs (**Arg7.**), but remains satisfying and successfully usable (**Arg6.**) for the majority of user intentions. (**Arg3.**)
9. For any given product, there exists a spectrum between i) providing a complete scope of user agency and ii) only providing profitable pathways.
10. Naturally, there exists some line on the spectrum from **Arg9.** where user trust is broken by the product or the company. Necessarily, this line is the moment where the company visibly⁹ prioritizes profit over user experience, where the perceived agency shrinks; where DPs become apparent to a previously trusting user.¹⁰

⁸ Given two near identical products either with or without DPs where the user experience remains satisfying + the user-product trust remains unharmed (as from Arg7). In both, the version with implemented DPs necessarily can profit more than the one without.

⁹ This is the keyword here – a user experience cannot be broken without something disrupting their ‘flow’, and a non-subtle DP has the chance to not only break ‘flow’ but also help illuminate other DPs.

¹⁰ Similarly, there is a line where a user who is given too much choice will have a negative user experience unless they are primed for it. Consider the difference between a casual and a professional. The majority of possible users do not want complete agency, but they want enough to know that they have control within the product.

- The line changes for different products; i.e. a lot of people expect modern video games to have micro-transactions and still engage with them, despite their status as a common and well-known DP. [6]

11. Consider if a product's user trust is broken. If a different product exists which is perceived to complete a similar set of the user's intended tasks without any visible DPs¹¹, then the user may choose to switch to this new product to gain perceived agency. This is a crucial part of user agency as defined in 1. above, the decisions made by a user external to what is afforded by the product.¹²

- These external decisions, require some level of effort from the user. That is, disregarding the set of product-provided pathways is necessarily uncomfortable for a user, as it disrupts the designated flow from the product. Hence, a user's motivation to circumvent DPs, the motivation to expand their agency, must outweigh the cost of effort to do so.

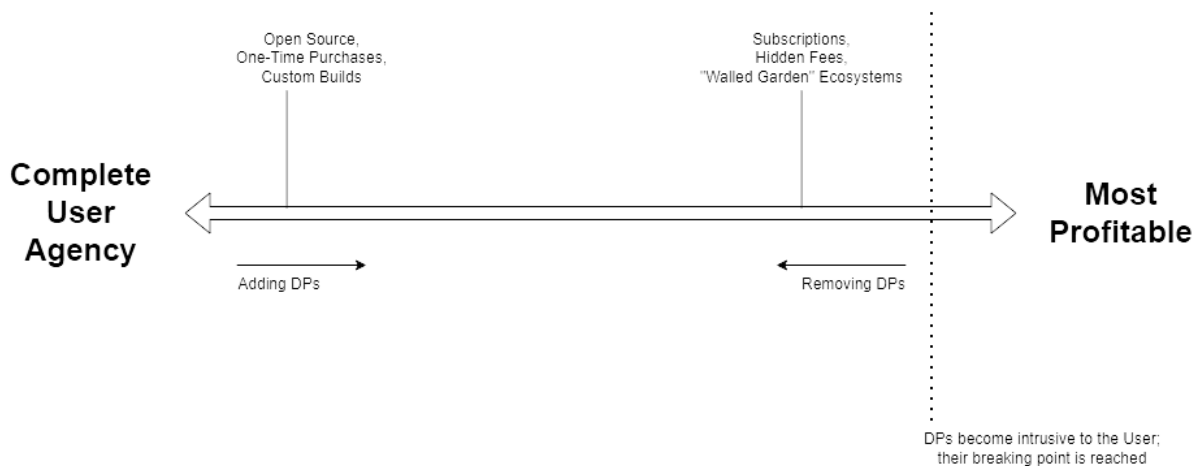


Figure 2: Visualization of the spectrum, line, and movement between the dichotomy as described in Arg9. and Arg10.

12. Therefore: incentivizing companies to intrinsically avoid dark patterns must include building a social value for broader, systemic user agency (**Arg11.**) while also encouraging users to disengage with a product when a company overprioritizes profit at the expense of their users. (**Arg10.**)

Ultimately, this establishes the goal for companies as bringing the line closer to the centre of the spectrum. (Fig 2.)

3. Discussion (Dichotomy in context)

Revisiting the statements posited in the introduction, I believe there is a convincing case that design promoting user agency stands as a polar opposite to 'profitable design', the dichotomy suggested in point A) and visualized in Fig 2. above.

Consider, if we frame "a company's goal to design a profitable product" instead as "a goal to build a product used profitably by users", the proliferation of deceptive design in consumer products makes intuitive sense. Agreeing with this statement does not excuse the existence of DPs,

¹¹ Or other signs that the user's trust might be broken.

¹² Knowing alternatives is one thing, but knowing how to use alternatives is an additional task. The range of alternatives is widened if a user understands how to approach unfamiliar options. The design of and information around products themselves can make it easier for users to learn new systems, but users can also make this easier for themselves through external actions

as they are still an infringement on users and their agency. But there remains, as pointed out in *Arg7*, above, that when the goal of a company is to profit, there exists no internal incentive for that company to avoid implementing DPs. Recent work in DP circles has focused on policy, which has led to changes in government decisions around DPs such as in the EU [11, 12], and overall this focus is effective in the ways that policy can be effective. But one can't help wonder if the fine that Epic Games is paying [13] is truly a deterrent, especially compared to the company's lifetime profits from utilizing these patterns on its users (predominantly children) in the first place. That is, does legislation resulting in penalty fines simply get absorbed by these companies as a cost-of-doing-business?

Instead, let's consider the users in their own world; the wider system of daily decisions, personal preferences, internal biases, education levels, cultural backgrounds – the Person that researchers have traditionally called the User. In the same way that a person buys new shoes when their favourite pair wears out, breaks, or they might simply see a new pair that they like – technology is much the same, one looks for the new products when the old causes problems, breaks, or when a different product looks appealing.

3.1. Case Study 1 – Netflix

In 2023, Netflix introduced a household-based system to prevent password sharing, allowing only devices that have been recently connected to the same Wi-Fi network to use the same account, pushing those with shared accounts to create new subscriptions, or alternatively, limited account sharing provided for up to two extra households for an additional fee. [14] A possible work-around includes setting additional households as 'travel' locations, requiring email verification from the primary account holder within 15 minutes of logging in. This option is only available a limited number of times per non-household device¹³.

Prior to this change, Netflix users were freely able to share their subscription with whomever they chose. Now, a limited version of that goal can only be easily achieved by a user taking a profitable pathway. (*Arg6*, *Arg7*.) This new pathway is a case of the high-level pattern *Obstruction*, and the travel feature work-around roughly fits into the meso-level pattern of *Adding Steps*. [4] In both cases, Netflix's service is encouraging profitable pathways to be taken alongside implementing a direct obstruction of a previously accessible user pathway, harming user agency.

For the majority of users, the cost can be swallowed in order to maintain multi-household access, or new accounts can be made for each individual household previously utilizing the single account. The perceived agency – "*Well, I can still share my account!*" – remains unchanged. According to The Guardian, 5.9M new subscriptions were made in the months after this decision [7], a greater number of users taking a greater number of 'preferable' actions. (*Arg2*.)

Since this change from Netflix's end, we have seen other streaming services (i.e. HBO Max, Disney+, Hulu) to follow suit with similar password-sharing restrictions. [8] In effect, this decision from Netflix provides social permission to limit user agency within the wider system – a newly accepted standard by the public as a given part of the streaming business model.¹⁴ Not only does Netflix profit at expense of user agency, but gives other companies justification to do the same. This leads to problems with perceived agency: how would a new user approach account sharing,

¹³ I was unable to identify the specific limitations, as the information available on Netflix's site [15] is vaguely written, a case of the meso-level pattern *Language Inaccessibility*. [1]

¹⁴ Competition Law and its relation to Big Tech is a pressing topic of the time, and I feel that this emotional quality of a frustrating user experience and near-needless expense provides a basis on which to build public awareness.

when they have never seen the unprofitable version? Perceived agency by new users is never shrunk, because it was never broader in the first place; the new limitations become systemic.

3.2. Case Study 2 – Adobe

Adobe ended perpetual licenses in 2013 with the introduction of the Creative Cloud. Instead of a one-time fee of USD\$2599 [16], Users are able to rent-via-subscription for the cost of USD\$69.99/month [17], or \$839.88/year. But though an activated, licensed installation of CS6 Master Suite is still usable a decade later (though officially unsupported), if a user cancels their CC subscription they are prevented access to the software entirely. Further, a decade of monthly CC payments would cost ~USD\$8400, equivalent to purchasing roughly 3x perpetual licenses of CS6.¹⁵

Crucially, Adobe’s Creative Suite of applications is widely adopted as the industry standard for creative work – their products and design decisions are systemically integrated much more than most other offerings available to users. There is a strong dependency from the professional userbase on the continued use of these applications, particularly as the software has been in use for decades. In addition, the subscription cancellation process is arduous, requiring multiple steps and containing pressures such as high-level pattern *Personalization* and in some cases the low-level pattern of *Hidden Costs*.¹⁶ Their systemic strength, their long standing within industry, already allows Adobe to lock users into their product’s ecosystem. But the design decisions to do so tightly through the use of DP tactics are ultimately profit-driven choices which hurt objective agency, and can be placed on the spectrum accordingly. (**Arg7.**)

For a professional user with the goal to leave Adobe behind, there are two key barriers. Firstly, due to the far reach of Adobe within industry, any incongruencies with items such as file formats, plugins, workflows, etc., cause issues which are easily circumvented through simply continuing to engage with Adobe’s offerings. Secondly, work environments, employer restrictions, or other industry-based social pressures formed through the widespread adoption of Adobe may lead a user to feel that acquiring skills with alternative tools will wind up professionally useless to them over time. In both cases, any gain in the user’s perceived agency is directly undermined by an possibly effortful decision. (**Arg11.**)

Conversely, community-based social pressures may have the opposite effect, broadening users’ perceived agency through external means.

3.3. Case Study 3 – Spotify

It was recently published that Daniel Ek, CEO of Spotify, became the chairman of military company Helsing, and had previously invested €600M in the AI drone startup. This, combined with the music streaming platform’s acceptance of AI-generated musicians alongside their long-term unaddressed problems with undervaluing and underpaying artists on the platform, has led a growing number of consumers and artists to leave and/or boycott the platform entirely. As such, this formed an online community movement, with artists calling for pressure on ‘tech bros to do better’ [2], bloggers making guides on how/why to leave Spotify [3, 9], journalists writing think-pieces [1], Apple implementing the ability to easily switch to their own Apple Music [19], independent platform Bandcamp being loud about their anti-AI stance [10], and many more examples in smaller circles unseen online. At least for a subset of its users, Spotify’s ubiquity and public trust is broken. (**Arg10.**)

¹⁵ Not adjusted for inflation.

¹⁶If a user is on an annual subscription, the payment fee totalling 50% of the the remaining cost is hidden until the last stages of the cancellation process. [18]

The commonality with these decisions is that the advocacy work is providing external pathways to make an educated decision about their use of Spotify. (**Arg12.**) The pathways being identifiable, available, and publicly shared ultimately expands user agency through external means, in this case within the context of music streaming services. The Spotify platform itself does not offer interface-level decisions to filter out AI generated artists, to move data between platforms, to support artists directly. Hence, community platforming of available tools or products which provide some/all of these options is the primary method of expanding a Spotify user's perceived agency.

On a different level, it affects how much Spotify can hypothetically profit when artists/friends/community figures leave and boycott the platform while encouraging others to migrate with them. The public, community-driven undermining of Spotify as a ubiquitous platform provides users with more perceived agency over their music streaming decisions, so long as they're privy to this dialogue taking place. More importantly – the communal user decisions/discourse extend to influencing company decisions and their public statements, such as with Apple and Bandcamp above. The boycott and social movements gives users the confidence to make changes on how they engage with music streaming platforms at large. Spotify's decisions to lock-in users is negated through the social-led expansion of perceived agency, achieved through the widespread sharing of information, community decisions to switch platforms and the implementation of external pathways from competitors. (**Arg9., Arg12.,** Fig. 2)

3.4. Case Study 4 – Counter-Cultural Movements

There always exist counter-cultural movements, and the ones which counter the business models of Big Tech have a priority to dismantle the chokehold that DPs have over the modern user. Ultimately, these movements all prioritize the user's own reclamation of their time, money, data, etc. Many of them overlap with worries of mental health/wellness, climate change, and other social concerns. Proponents of ideas like digital minimalism, screen-time reducers, application blockers, 'dumb-phones', "digital detoxing", or "going analogue" are all similarly motivated, following the same idea of paring back one's own digital usage to reduce screen-based life experiences. Arguably, this is relevant particularly to the hyper-presence of social media in everyday life; a social stand against community and information sharing being shaped and dependent on corporate decision-making. In effect, the goal to take control of one's digital experience essentially sidesteps the profitability of DPs by simply refusing to engage with them. (**Arg5.**) However, these trends are also at odds with the social value of the internet; with the main drive of why so many people use social media on a regular basis. The reclamation of agency ends up feeling alienating and self-ostracizing in a world dependent on the digital.

To that end, fringe social media platforms such as online website-builder communities Neocities or Nekoweb aim to reclaim an older (typically 2000's inspired) version of online third spaces, with content intended to be shared on a smaller scale as opposed to going viral. The independent social media Perfectly Imperfect, which displays the tagline "THE INTERNET WE WERE PROMISED..." proudly on its homepage, claiming to be "100% Slop Free" and "Grass Fed". [20] These platforms encourage personalization and customizability – features missing from the streamlined and algorithmically dependent mainstream social media platforms – and are intentional affordances of objective agency provided to their users, prioritized over profitability. (**Arg.12.**)

And ultimately, the question of agency remains one of effort (**Arg11.**), that consumer products are carefully designed and focus tested to be easy to adopt, to learn, and to use regularly. For a user to reclaim personal agency is to uncomfortably sacrifice time and energy, to invest those things into new skills or new methods of thinking, of remaining steadfast despite external pressures. (as explored in Case Study 2, above)

Effort is most obvious in Open Source/Libre platforms, Permacomputing, and the Right-to-Repair movements – to engage with these communities a user must necessarily have some technical knowledge, or be willing to gain the missing skill. For example, Linux is an open source operating system, but the technical skill wall of seeking and installing Linux is too high for a majority of users, who instead find their homes on the OS's provided to them pre-installed. Knowing how to research/construct unique solutions, to compile projects from GitHub, to patch buggy software, to fix broken hardware, to build a personal ecosystem of Products tailored to one's own needs; these are all tasks that the general public will not likely be willing to undergo if there are easier alternatives – even if this comes at the cost of giving up time/money/data.¹⁷

Niche social movements (and the community which accompanies them) help to expand perceived agency, revealing that users are often not as walled in as they may assume. However, the necessary effort or discomfort of exploring alternative pathways limits widespread adoption. For companies, the balance remains between providing the user with freedoms to do what they please (user agency), and implementing those beneficial pathways at expense of those freedoms (DPs).

4. Conclusion

Overall, this paper presents a dichotomy between design decisions which promote user agency against those which promote corporate profit. It achieves this through a series of logical steps pairing various definitions together. This is visually presented as a spectrum, and posits the diagram as a base to discuss other concepts related to dark/deceptive pattern discourse.

Through an examination of case studies considering this relationship in a wider social context, I come to the following conclusions:

- A) The implementation of DPs in a product or system of products is a polar relationship to giving users freedom of choice; ***DPs may then conversely be fought by providing alternative options for users to choose from.***
- B) The use of DPs is not wholly detestable in context of creating a profitable company; ***but is problematic enough to be apparent, and is something to advocate against.***
- C) The scope of user agency should be expanded beyond a single product and into the wider ecosystem of a user's interactions with technology; ***that people (users) have the ability to create both individual and communal solutions to product infringements on agency, though doing so may not be widely adopted due to limitations of technical skill, and unwillingness to exert effort.***

We pick what shoes we buy based on marketing we encounter, on the clerks at the shop, of podiatrists, of recommendations from friends/family/coworkers, on scarcity, on necessity. People in the everyday always have the ability – the agency – to choose and evaluate decisions circumstantially. Deceptive patterns reduce this agency, but are entirely limited to the bounds of a product. Hence, focusing on areas beyond the product and instead on people and the systems, the networks, the communities around them is what ultimately provides users more agency than any single product could on an interface level. Determining whether the priority is toward knowledge, awareness, or advocacy is for future work, especially if that work can be created alongside communities of users.

It is dismissive to say that pressure on companies will simply come from an educated public, or from strong competition. Equally, it is too heavy handed to believe that all infringements on user agency and all company goals toward profit are detestable - some design choices which limit user

¹⁷ At an extreme end of things, digital piracy typically requires a certain level of technical knowledge and prowess but reclaims an enormous amount of user agency at expense of company profit! Perhaps this reversed 'at expense of' relationship could be considered an inverted 'dark pattern'?

agency are not inherently deceptive (such as nudging), and company profit occasionally winds up as directly beneficial to the users. My defined spectrum above provides the basis to imagine an ideal harmony between both sides for any given product, rather than a practical guide.

This discussion ultimately concludes that: 1) an educated public does not automatically lead to better decision making, yet community movements have a better chance of influencing users; 2) that competition only works insofar as competing products remain similar enough, and 3) that expansive user agency requires some level of user effort, internal or external to a given product. These ideas all exist as critiques to a naive view of the presented dichotomy, and help illustrate the complexity of the deceptive design conversation in practice.

Declaration on Generative AI

The author has not employed any Generative AI tools.

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