

Litigating Platform Design: Digital Platform Remedy Framework

Working Draft, October 31, 2025

Background

Litigating Platform Design: The Role of Discovery and Remedy is a collaborative project between the Knight-Georgetown Institute (KGI), the Tech Justice Law Project (TJLP), and the USC Marshall Neely Center.

Methodology and Scope

This document analyzes potential non-monetary remedies relevant to digital platform litigation for discussion with experts in November 2025.

Desk Research

From May to October 2025, KGI, TJLP, and the Neely Center analyzed nearly 100 remedies and settlements relevant to digital platform and social media litigation in the United States. These include remedies from FTC consent decrees, technology, gambling, public health, and public interest litigation. Research focused on injunctive relief across a spectrum of potential remedy interventions relevant to digital platforms, including governance, harm prevention, and mitigation. Relevant cases and analysis are listed here.¹

Interviews

In addition to desk research, the project incorporates several confidential interviews with attorneys, experts, and researchers involved in select cases. Interviews are used to clarify lessons and effective practices for remedy in complex cases.

¹ Sources reviewed are available at <https://drive.google.com/file/d/1Xe7wwTNC-7k0sHZTxzj5sBJ8POWnQRNt/view>. Memos analyzing remedies across civil rights, public health, FTC, and technology litigation are available at https://drive.google.com/drive/folders/1rUI_65Mbiibpm3Z-4vrPkmkQ_yJDWAZZ?usp=share_link.

Remedy Framework

Remedies may involve a combination of monetary and injunctive relief. Monetary relief requires one party to compensate one or more parties for direct losses, indirect consequences, and other costs incurred as a result of the alleged wrongdoing. Injunctive relief, on the other hand, compels a party to either perform a specific action or, more commonly, to cease a particular action to address the alleged wrongdoing.

Monetary relief is likely to be a significant element of remedies or settlements with technology companies. Monetary relief can also require companies to make specific public interest payments.² However, monetary relief alone may not affect future harm, especially where technology companies can easily absorb such relief in light of profits and valuations. This framework focuses not on monetary relief, but on several types of injunctive relief that can effectively mitigate and prevent future harm. A holistic technology remedy could include monetary relief alongside strong injunctive relief measures focused on:

- **Governance:** Harmful product design decisions occur when the incentives of companies are not fully aligned with the safety and well-being of users. For example, consumers may prefer to use tech products less,³ which companies may wish to override using design practices that create consumer harm. Injunctive relief focused on companies' internal governance processes, including decisions over product design and development, are intended to bring companies' incentives more in line with consumer safety. The motivating idea behind such relief is that if better internal processes were mandated and external stakeholders had the necessary transparency to ensure those processes were working, companies would make fewer harmful design decisions. Better governance can ultimately improve not only the design practices at issue in the case, but disincentivize and, ideally, prevent harmful design practices overall.
- **Harm Prevention:** A wide set of upstream design decisions can result in harmful and unwanted experiences for users. Most such decisions are made to increase product usage without fully considering the desire and welfare of consumers. Companies can undo these design decisions (e.g. removing infinite scroll or engagement-based optimization) to prevent many harms in the first place. These design changes are effective at preventing harms because they treat the cause, not the symptoms: they

² The Tobacco Master Settlement Agreement (MSA), for example, required monetary support for (a) public education initiatives, (b) youth smoking prevention programs, (c) grants to states for tobacco education, and (d) research on tobacco-related diseases. Master Settlement Agreement, *Mississippi v. Philip Morris Inc.*, No. 94-1429 (Nov. 23, 1998).

³ Pew Research Center, *Teens, Social Media and Mental Health*, April 22, 2025, available at: <https://www.pewresearch.org/internet/2025/04/22/teens-social-media-and-mental-health/>.

require tech companies to change how they design their products instead of relying on users to define, identify, or seek redress for specific harms they experience at the user interface level. This bucket of remedies also does not rely on the willingness of users to customize their experience towards safer options. Such measures, however, rely on the identification and modification of harmful design practices. These practices are relatively well established for social media,⁴ and similar practices are beginning to be identified for other online products, including for AI chatbots,⁵ video games,⁶ and online gambling.⁷

- **Harm Mitigation:** Companies can create systems to report and remove harmful content on their platforms and for users to control and avoid harmful or unwanted experiences. Mitigation is limited by the imperfect identification of harm, whether by platforms or by consumers, as well as the ability or willingness of users to use provided tools. Historically, user uptake of harm mitigation tools and user controls with digital platforms has been low. Still, it is important for users to have recourse when they encounter unwanted, harmful experiences, even if we can expect only a minority of harmed users to use such options.

This framework applies these categorizations to legal remedies issued in cases that reach across sectors - including examples both within and beyond the technology industry. We specifically include examples outside of the technology industry to leverage effective practices for remedies that address complex and systemic harms. We consider each category for remediating harm within digital products, with regards to user data, and with respect to product marketing and access, including for minors. The framework maps existing legal remedies to these categorizations.

⁴ KGI, TJLP, and the Neely Center, "Taxonomy - Mapping Consumer Harm to Specific Social Media Design Elements,"

<https://docs.google.com/spreadsheets/u/1/d/1GVO7sNuCNmNwqVK64PHQI7wxd8-Gmr9PqdkW12elmus/edit?gid=941162555#gid=941162555>.

⁵ See a draft Bill to Save Human Connection From Human-Like AI Companions,

https://docs.google.com/document/d/1hdDLktOn1kSO-khMoINU00k8tNxc2-Jj9VTfgo_MdNI/edit?tab=t.be1c0eim378k and Draft 1.5: Neely Social AI Design Code,

<https://docs.google.com/document/d/1h7MixKdtUFunt0cuiJLY8ovLCw7wxWzSvRTP1dfR4t0/edit?tab=t.0>.

⁶ Yassin Qanbar, Dark Patterns in Gaming: Lawsuits Target Manipulative Monetization Tactics, Rain Intelligence, March 31, 2025,

<https://www.rainintelligence.com/blog/dark-patterns-in-gaming-lawsuits-target-manipulative-monetization-tactics>.

⁷ Campaign for Accountability, Advocating for Addiction: The Online Gambling Industry's Two-Faced Effort to Kill Consumer Protections,

<https://campaignforaccountability.org/wp-content/uploads/2025/04/Campaign-for-Accountability-Gambling-Report-4.15.25.pdf>.

Remedy Framework

Theme	Category	Description
Governance	Internal Governance	Mandates for remedy oversight, performance and compensation, risk assessment, and training mandates.
	External Governance	Mandates for measurement and metrics (e.g. universal holdouts and user surveys), independent monitoring, external data access, and independent audits.
	Advertising & Marketing Governance	Mandates for trade association membership, marketing, warning labels, and limiting targeting.
	Transparency	Mandates for reporting, document repositories and access to company research, highly disseminated content, transparency of product team metrics and incentives, and product experiment transparency.
Harm Prevention	Platform Design	Requirements and defaults concerning deceptive patterns, extended use designs and recommender system designs, human-like AI, and rate limits.
	Data Collection & Minimization	Mandates for data collection practices and defaults, retention practices, privacy practices, data access controls, data sharing practices, and data destruction.
	Access Limits & Verification	Mandates for preventing inappropriate access and age verification.
Harm Mitigation	Product Controls	Mandated ability for users to control their experience, report and avoid negative experiences, block unwanted contact, and limit time spent.
	Data Controls & Usage	Mandated ability for users to delete their data, move their data between platforms (interoperability/portability), and control how their data is used and shared.
	Reporting & Removal	Mandates for reporting and removal of underage or otherwise prohibited accounts.
	Disgorgement	Disgorgement of benefits (monetary and data).

I. Governance Remedies

Governance remedies are oversight measures and mechanisms designed to influence how a company makes decisions, exercises controls, and/or enforces compliance specific to harms alleged. Governance mandates can advance effective remedy implementation across harm prevention and mitigation by institutionalizing effective oversight practices. Remedies across industries regularly incorporate governance requirements, and this section describes governance remedy elements relevant to technology platforms, including: (A) internal governance, (B) external governance, (C) advertising and marketing governance, and (D) transparency and monitoring.

A. Internal Governance

1. Compliance Mechanism

The remedy could (i) require the designation of a senior official as compliance officer, (ii) require the establishment of an internal oversight group, inclusive of senior leaders for product, privacy, legal and compliance, finance, and risk management, among others, and (iii) designate a specific Board committee responsible for remedial compliance. Given the complexity of technology products, a robust compliance mechanism will help ensure consistent focus across the company to advance accountability and necessary adaptation.

Examples of mandated compliance mechanisms:

- a. Designating a compliance officer
 - i. Juul - requires designation of compliance officer responsible for marketing restrictions and age verification procedures.⁸
 - ii. FTC Facebook - requires designation of compliance officer to oversee the remedy program and report annually.⁹
- b. Establishing an internal oversight committee
 - i. Opioids settlement - requires an internal Controlled Substance Monitoring Program (CSMP) committee.¹⁰
- c. Designating a board compliance committee
 - i. FTC Facebook - requires an “Independent” Internal Privacy Committee, comprising independent directors.¹¹

⁸ Consent Judgment, *Commonwealth v. JUUL Labs, Inc.*, No. 220200268, at 16–17 (Pa. Ct. Com. Pl. Apr. 12, 2023).

⁹ Decision and Order, *In re Facebook, Inc.*, FTC Docket No. C-4365 (F.T.C. Aug. 10, 2012).

¹⁰ See Wen W. Shen, *National Opioid Litigation: Settlement Agreements as of January 2025*, Cong. Res. Serv., LSB11270 (Feb. 19, 2025).

¹¹ Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief, *United States v. Facebook, Inc.*, No. 1:19-cv-2184 (D.D.C. July 24, 2019). The FTC’s majority statement said that this remedy was designed to help limit Mark Zuckerberg’s ability “to make privacy decisions unilaterally.” Statement of Chairman Joe Simons & Commissioners Noah Joshua Phillips & Christine S. Wilson, *In re Facebook, Inc.* (F.T.C. July 24, 2019),

2. Performance and Compensation

Settlement could require that company performance and compensation aligns with remedial objectives. For example, if a remedy seeks to prevent or mitigate harms from extended use and addiction, the settlement could end the use of performance metrics, financial incentives, and compensation that are tied to increased, or increasing, use among users.

Examples of change to performance and compensation:

- a. Opioid settlements (e.g., Janssen, Teva, Allergan, and Mallinckrodt) - requires manufacturers, distributors, and pharmacies to end compensation structures and incentives tied to increasing the volume of opioid sales.¹²

3. Risk Assessment

The remedy could require the establishment and implementation of risk assessment policies and procedures as well as ongoing assessment to establish risks and ensure appropriate and effective mitigations. Key themes relevant to platform litigation include assessment of risks to users with unique characteristics, heightened vulnerability, or who belong to a protected class.

Examples of remedies requiring the use of risk assessment:

- a. GoDaddy - requires cybersecurity assessment.¹³
- b. Rite Aid - requires assessment of consumer risks.¹⁴
- c. Portland Police Bureau order - establishes staff needs assessments to implement remedy.¹⁵
- d. SpinX - requires individual employees to screen for behavior disorders or addiction.¹⁶

4. Training Mandates

Training for employees, typically on an annual basis, is a ubiquitous feature of FTC privacy and information security programs. Training is sometimes required for all employees or it is mandated only for specific, relevant job functions. While training is commonly used, it is not

https://www.ftc.gov/system/files/documents/public_statements/1536946/092_3184_facebook_majority_statement_7-24-19.pdf.

¹² See Shen, *National Opioid Litigation* (CRS, Feb. 19, 2025).

¹³ Decision and Order, In re GoDaddy Inc. & GoDaddy.com, LLC, FTC File No. 2023133, at 4 (F.T.C. 2025).

¹⁴ Stipulated Order for Permanent Injunction and Other Relief, FTC v. Rite Aid Corp., No. 2:23-cv-5023, at 12 (E.D. Pa. Feb. 26, 2024).

¹⁵ Order and Further Amended Settlement Agreement, United States v. City of Portland, No. 3:12-cv-02265-SI, at 21–22 (D. Or. 2024).

¹⁶ Class Action Settlement Agreement, Heathcote v. SpinX Games Ltd., No. 2:20-cv-01310-RSM, at 18 (W.D. Wash. Feb. 15, 2022).

likely to address underlying business incentives or platform design and should be used in combination with other remedies.

Examples of internal training mandates:

- a. Regularly used in FTC consent orders -
 - i. Training for all employees included in Cerebral,¹⁷ Avast,¹⁸ and Easy Healthcare¹⁹
 - ii. Training for specific job functions included in Mobilewalla²⁰ and InMarket²¹
- b. TikTok - requires staff training and adds independent third parties to certify the effectiveness of training.²²

B. External Governance

1. Mandates for Measurement and Metrics

The remedy could require the establishment of external monitoring systems, including requirements for ongoing measurement through specific methodologies and metrics. For example, remedies could require the use of internal universal holdout experiments – where a group of users are exempted from design changes for 12 months or more to clarify long-term impacts of product design.²³ The remedy could also require the use or expansion of user surveys to confirm harms are reducing for specific populations.

Examples of measurement and metrics mandates:

- a. Meta FHA settlement - requires third party Variance Reduction System (VRS) Metrics to promote fair and nondiscriminatory ad delivery.²⁴
- b. FTC Rite Aid Order - requires annual testing to evaluate accuracy.²⁵
- c. TikTok BIPA settlement - requires privacy training effectiveness.²⁶
- d. Opioids settlements - require specific screening processes for suspicious orders.²⁷

¹⁷ E.g., Cerebral, Inc., No. 1:24-cv-21376-JLK, at 12; Rite Aid, No. 2:23-cv-5023.

¹⁸ Decision and Order, In re Avast Ltd., Avast Software s.r.o. & Jumpshot, Inc., Docket No. C-4805, File No. 202-3033, at 11 (F.T.C. June 26, 2024).

¹⁹ Easy Healthcare, No. 1:23-cv-3107; Facebook, No. 1:19-cv-2184.

²⁰ Decision and Order, In re Mobilewalla, Inc., FTC Docket No. C-4811, File No. 202-3196, at 12 (F.T.C. Jan. 13, 2025).

²¹ Decision and Order, In re InMarket Media, LLC, Docket No. C-4803, File No. 202-3088, at 10 (F.T.C. April 29, 2025).

²² Settlement Agreement, In re TikTok, Inc., Consumer Priv. Litig., No. 1:2020cv04699 (N.D. Ill. 2024).

²³ Knight-Georgetown Inst., *Better Feeds: Algorithms That Put People First* (Mar. 2025).

²⁴ See VRS Compliance Metrics Verification Report v3, Guidehouse Inc. (Mar. 1, 2024); Roy L. Austin Jr., *An Update on Our Ads Fairness Efforts*, Meta Newsroom (Jan. 9, 2023).

²⁵ Rite Aid, No. 2:23-cv-5023, at 12 (E.D. Pa. Feb. 26, 2024).

²⁶ Settlement Agreement and Release, In re TikTok, Inc., Consumer Privacy Litig., MDL No. 2948, No. 1:20-cv-04699 (N.D. Ill. July 28, 2022).

²⁷ See Shen, *National Opioid Litigation* (CRS, Feb. 19, 2025).

2. Independent Monitoring Mechanism

The remedy could require an independent monitoring mechanism to ensure compliance with remedy terms. The mechanism should have the ability to conduct investigations, require specific measurement strategies, inspect relevant internal records, audit documents and relevant internal systems, and interview employees, among other necessary oversight activities. Given the complexity of technology companies, the remedy may take inspiration from tobacco, law enforcement and policing, and public health remedies to establish a robust external mechanism.

Examples of required independent monitoring mechanisms:

- a. Tobacco MSA - allocates \$52 million to NAAG for MSA oversight.²⁸
- b. Law enforcement and policing remedies (e.g., NOPD,²⁹ Cincinnati,³⁰ Cumberland County,³¹ and New Jersey³²) - establish interdisciplinary monitoring teams with broad authority.
- c. Recent FTC technology orders - require recordkeeping and allow FTC to request additional information without further court intervention.³³
- d. Juul and opioids cases - allow attorneys general to inspect documents to ascertain compliance.³⁴

3. Audit

The remedy could require companies to regularly audit their compliance with the remedy terms. Audit reports should describe the methodology, and results of internal audits, external audits, and/or inspections to confirm remedy compliance. Audit results should be shared with the independent monitoring mechanism and/or attorneys general.

²⁸ Master Settlement Agreement, *Mississippi v. Philip Morris Inc.*, No. 94-1429, (Nov. 23, 1998) <https://www.naag.org/wp-content/uploads/2020/09/2019-01-MSA-and-Exhibits-Final.pdf>.

²⁹ See Consent Decree Monitor, *The Consent Decree*, NOPD Consent Decree, <https://nopdconsent.azurewebsites.net/the-consent-decree> (last visited Sept. 17, 2025).

³⁰ See Collaborative Agreement, *In re Cincinnati Policing*, No. C-1-99-317 (S.D. Ohio Apr. 11, 2002).

³¹ Press Release, U.S. Dep't of Just., *Justice Department Secures Agreement with Cumberland County Addressing Mental Health Care, Suicide Prevention and Medication-Assisted Treatment for Opiate Withdrawal at the Cumberland County Jail* (May 17, 2023).

³² Press Release, U.S. Dep't of Just., *New Jersey Settles Allegations of Discrimination by State Police Under Justice Department Agreement* (Dec. 22, 1999).

³³ See, e.g., *Voyager Digital*, No. 1:23-cv-08960 (S.D.N.Y. June 27, 2025); *Ascend CapVentures*, No. 2:24-cv-07660-SPG-JPR (C.D. Cal. June 23, 2025); *Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief, FTC v. Empire Holdings Grp. LLC*, No. 2:24-cv-04949-WB (E.D. Pa. May 8, 2025).

³⁴ See Shen, *National Opioid Litigation* (CRS, Feb. 19, 2025); *Consent Judgment, Commonwealth v. JUUL Labs, Inc.*, No. 220200268, at 16–17 (Pa. Ct. Com. Pl. Apr. 12, 2023).

Examples of mandatory audits:

- a. FTC remedies (e.g., BetterHelp³⁵ or Easy Healthcare³⁶) - impose biannual audits.
- b. TR/CLEAR settlement - require auditing of product use.³⁷
- c. Juul - requires retailer inspections and internal audits.³⁸
- d. Tobacco MSA - assigns independent auditor to determine state payments.³⁹
- e. Policing remedies - can require random reviews and integrity audits.⁴⁰

C. Advertising & Marketing Governance

1. Restrictions on Trade Association Membership

The remedy could require companies to reform and/or terminate their membership in trade associations that misrepresent research or undermine technology regulation. Where trade association membership is at issue in litigation, the remedy terms could prohibit certain forms of engagement and require document retention.

Examples of restrictions governing trade association membership:

- a. Tobacco MSA targeted trade association membership, including ending two trade associations and requirements for trade association records retention.⁴¹

2. Marketing

The remedy could introduce restrictions on product marketing, particularly for at-risk groups and regarding specific products (e.g. minors or financial assets such as cryptocurrency).

Examples of mandated restrictions on product marketing:

- a. FTC deceptive claims cases (e.g., Frontier⁴² and Voyager⁴³) - include prohibitions on misleading advertising regarding performance or safety of the product.

³⁵ Decision and Order, In re BetterHelp, Inc., FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023).

³⁶ Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, United States v. Easy Healthcare Corp., No. 1:23-cv-3107 (N.D. Ill. June 22, 2023).

³⁷ Class Action Settlement Agreement, Brooks v. Thomson Reuters Corp., No. 3:21-cv-01418-EMC, at 13 (N.D. Cal. Aug. 29, 2024).

³⁸ Consent Judgment, Commonwealth v. JUUL Labs, Inc., No. 220200268, at 20 (Mass. Super. Ct. Apr. 12, 2023).

³⁹ MSA, Mississippi v. Philip Morris Inc., No. 94-1429 (Nov. 23, 1998).

⁴⁰ See Consent Decree, United States v. City of Los Angeles, No. CV 00-11769 GAF (C.D. Cal. June 15, 2001), https://library.csun.edu/virtual-exhibit/LAFR/documents/Part3_Training_1.pdf.

⁴¹ MSA, Mississippi v. Philip Morris Inc., No. 94-1429 (Nov. 23, 1998).

⁴² See Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief, FTC v. Frontier Commc'ns Corp., No. 2:21-cv-4155-RGK-MAA (C.D. Cal. May 5, 2022).

⁴³ Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief, FTC v. Voyager Digital, LLC, No. 1:23-cv-08960 (S.D.N.Y. June 27, 2025).

- b. Tobacco MSA - introduces significant marketing restrictions on tobacco companies, including in relation to packaging and branding.⁴⁴
- c. Juul - restricts advertising targeting youth; prohibits colorful or cartoonish packaging and youth-appealing flavors, except in adult-only retailers.⁴⁵

3. Warning Labels

The remedy could require the introduction of warning labels, especially for certain groups such as minors.⁴⁶ Platform warning labels are designed to alert users about potential negative effects, particularly for adolescents. Warning labels may specifically target harms associated with extended use of platforms.

Examples of required warning labels:

- a. Tobacco MSA - imposes advertising restrictions.⁴⁷
- b. SpinX - requires notices and links to resources relating to video game behavior disorders.⁴⁸

4. Targeted Advertising

The remedy could require consent for third party advertising and/or restrict targeted advertising for certain categories of advertisements (e.g., housing). The remedy could also prohibit targeted advertising based on relevant protected classes or to minors.

Examples of restrictions on targeted advertising:

- a. Protected Class
 - i. Meta FHA settlement - prohibits targeting options that directly describe or relate to protected characteristics and requires notification to DoJ of plans to add targeting options.⁴⁹
- b. Youth-targeted marketing
 - i. Juul - requires Juul to refrain from advertising directly or indirectly targeting youth.⁵⁰
- c. Consent to targeted data use

⁴⁴ MSA, *Mississippi v. Philip Morris Inc.*, No. 94-1429, at 29–32 (Nov. 23, 1998).

⁴⁵ See, e.g., Consent Judgment, *State of Minnesota v. JUUL Labs, Inc.*, Court File No. 27-CV-19-19888, at 15 (Minn. Dist. Ct. Hennepin Cnty. Apr. 16, 2023).

⁴⁶ U.S. Dep't of Health & Hum. Servs., Office of the Surgeon Gen., *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (2023).

⁴⁷ See MSA, *Mississippi v. Philip Morris Inc.*, No. 94-1429, at 18–19 (Nov. 23, 1998).

⁴⁸ SpinX Games, No. 2:20-cv-01310-RSM, at 18 (W.D. Wash. Feb. 15, 2022).

⁴⁹ See U.S. Dep't of Justice, *Justice Department Secures Groundbreaking Settlement Agreement with Meta Platforms, Formerly Known as Facebook, to Resolve Allegations of Discriminatory Advertising* (June 21, 2022).

⁵⁰ Consent Judgment, *Commonwealth v. JUUL Labs, Inc.*, No. 220200268, at 16–17 (Pa. Ct. Com. Pl. Apr. 12, 2023).

- i. InMarket,⁵¹ Twitter,⁵² BetterHelp⁵³ - require companies to obtain express consent before using or disclosing user data to third parties for advertising.

D. Transparency

1. Reporting

The remedy could require mandatory compliance reporting to an independent monitoring mechanism and/or attorneys general as well as to the broader public. Reporting to attorneys general and/or the independent monitoring mechanism will allow for reporting on confidential information as necessary. Reporting could also include non-confidential reporting to the public.

Examples of mandated reporting:

- a. Meta FHA settlement - requires quarterly reporting.⁵⁴
- b. FTC orders (e.g., Next-Gen or IntelliVision) - require a compliance report after one year.⁵⁵
- c. Juul - requires regular compliance reporting to AGs.⁵⁶
- d. Civil rights settlements - can require quarterly public reports on agreed indicators⁵⁷ and metrics dashboards.⁵⁸

2. Document Repository

The remedy could require platforms to fund and establish an independent document repository to host key industry documents. The remedy could define the scope of documents for inclusion (e.g., documents under protective orders in the lawsuit⁵⁹) as well as a mechanism to efficiently resolve disputes around the inclusion of specific documents.⁶⁰ The remedy could also spell out specific access mechanisms, including in relation to search and index capabilities.

⁵¹ InMarket Media, FTC Docket No. C-4803 (F.T.C. Apr. 29, 2024).

⁵² Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief, *United States v. Twitter, Inc.*, No. 3:22-cv-03070-TSH, at 7 (N.D. Cal. May 26, 2022).

⁵³ BetterHelp, FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023).

⁵⁴ See VRS Compliance Metrics Verification Report v3, Guidehouse Inc. (Mar. 1, 2024); Roy L. Austin Jr, *An Update on Our Ads Fairness Efforts*, Meta Newsroom (Jan. 9, 2023).

⁵⁵ Stipulated Order for Permanent Injunction and Monetary Judgment, Next-Gen, Inc, FTC Docket No. No. 4:180CV-0128-DGK (Mar. 13, 2019); E.g. Decision and Order, *In re Intellivision Techs. Corp.*, FTC Docket No. C-4809 (F.T.C. Jan. 8, 2025).

⁵⁶ Final Stipulated Consent Judgment, State ex rel. Weiser v. JUUL Labs, Inc., No. 2020CV32283 (Colo. Denv. Cnty. Dist. Ct. Apr. 12, 2023).

⁵⁷ See "Civil Rights" section of the chart of cases reviewed, linked in the introduction.

⁵⁸ See Portland Police Bureau, Office of the Inspector General, *Force Data Summary Report* (Aug. 2025).

⁵⁹ See Richard D. Hurt et al., *The Open Doorway to Truth: Legacy of the Minnesota Tobacco Trial*, 84 *Mayo Clin. Proc.* 446 (May 2009).

⁶⁰ Final Stipulated Consent Judgment, State ex rel. Weiser v. JUUL Labs, Inc., No. 2020CV32283 (Colo. Denv. Cnty. Dist. Ct. Apr. 12, 2023).

Examples of mandated document repositories:

- a. Tobacco MSA - requires extensive public data disclosure.⁶¹
- b. Juul - requires document repository maintained and operated by public universities or research entity⁶² and requires a special master to review disputed documents.⁶³
- c. Opioid Consulting/Advertising Firms - requires continuous disclosure and updating of internal, non-privileged opioid-related documents.⁶⁴

3. Product Decision-Making Metrics and Testing Transparency

The remedy could require design and decision-making transparency, including (a) product team goals,⁶⁵ (b) the requirement that the platform retains records of testing that substantiate relevant product safety statements, (c) reasons for not implementing alternative product designs or safeguards,⁶⁶ and (d) the names of the employees responsible for specific product decisions.⁶⁷

Examples of transparency in product design and testing:

- a. FTC IntelliVision - imposes detailed requirements for documenting internal testing parameters.⁶⁸
- b. FTC BetterHelp - requires documentation for all decisions to collect, use, or disclose consumer information, including the names of decisionmakers and relevant controls and safeguards.⁶⁹

⁶¹ See Truth Tobacco Industry Documents, UCSF Industry Documents Library, <https://www.industrydocuments.ucsf.edu/tobacco/>.

⁶² Final Stipulated Consent Judgment, State ex rel. Weiser v. JUUL Labs, Inc., No. 2020CV32283 (Colo. Denv. Cnty. Dist. Ct. Apr. 12, 2023).

⁶³ *Id.*

⁶⁴ Final Judgment, People v. McKinsey & Co., Inc., No. RG21087649 (Cal. Super. Ct. Alameda Cnty. Feb. 4, 2021); Consent Judgment, Commonwealth v. Publicis Health, LLC, No. 2184-CV-01055-BLS1 (Mass. Super. Ct. Suffolk Cnty. Jan. 31, 2024); Kroger Settlement Agreement, In re National Prescription Opioid Litigation, MDL No. 2804 (Mar. 22, 2024).

⁶⁵ See Nathaniel Lubin et al., *Social Media Harm Abatement: Mechanisms for Transparent Public Health Assessment*, 1549 Ann. N.Y. Acad. Sci. 171 (2025).

⁶⁶ *E.g.*, Amazon Alexa 2023, p. 12-13 (requiring a “Privacy Review Statement” that contains such information); Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief, United States v. Facebook, Inc., No. 1:19-cv-0218, at 8 (D.D.C. July 24, 2019).

⁶⁷ *E.g.*, BetterHelp, FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023) (documenting all decisions to collect, use, or disclose consumer information, including the names of decisionmakers and relevant controls and safeguards); In re Avast Ltd., Docket No. C-4805, at 11 (F.T.C. June 26, 2024); Joint Stipulation for Order for Permanent Injunction, Monetary Judgment, Civil Penalty Judgment, and Other Relief, United States v. Cerebral, Inc., No. 1:24-cv-21376-JLK (S.D. Fla. Apr. 15, 2024). See also, Twitter, No. 3:22-cv-03070-TSH, at 7 (N.D. Cal. May 26, 2022) (requiring “[d]esignation of a senior officer, or senior level team composed of no more than five (5) persons, to be responsible for any decision to collect, maintain, use, disclose, or provide access” to consumer personal information).

⁶⁸ *E.g.*, Decision and Order, In re Intellivision Techs. Corp., FTC Docket No. C-4809 (F.T.C. Jan. 8, 2025).

⁶⁹ BetterHelp, FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023) (documenting all decisions to collect, use, or disclose consumer information, including the names of decisionmakers and relevant controls and safeguards).

- c. FTC Workado - requires documentation and retention of product testing upon which Workado hopes to base future efficacy claims.⁷⁰
- d. Tobacco,⁷¹ Juul,⁷² and opioid settlements⁷³ - require disclosure of internal studies and corporate decision making data.

4. Highly Disseminated Public Content

The remedy could require platforms to either finance a third party platform or maintain a public-facing platform interface that enables users, journalists, and researchers to track, analyze, and report on highly disseminated public content across the platform.

Examples requiring the facilitation of research into highly disseminated public content:

- a. Civil rights settlements (e.g., Cleveland, Ohio PD,⁷⁴ Ferguson, Missouri PD,⁷⁵ and Portland, Oregon Police Bureau⁷⁶) - require ongoing public data disclosure through reporting dashboards.

5. Independent Researcher Access

The remedy could require changes to platform terms of service that explicitly enable public interest research with public (and, potentially, categories of private) platform data.

Examples requiring independent researcher access:

- a. Tobacco, Juul, and opioid settlements - require disclosure of data through a document repository (described above) and the MSA enabled funding for independent research.⁷⁷
- b. Newark Police - require proactive data access via API, public stop data.⁷⁸
- c. Tobacco MSA - prohibits industry agreements to suppress research.⁷⁹

II. Harm Prevention Remedies

A wide set of upstream design decisions have been linked to users' harmful and unwanted experiences.⁸⁰ Remedy terms related to upstream platform design practices can serve to stop

⁷⁰ Decision and Order, In re Workado, LLC, FTC Docket No. C-4822 (F.T.C. Aug. 22, 2025).

⁷¹ MSA, *Mississippi v. Philip Morris Inc.*, No. 94-1429 (Nov. 23, 1998).

⁷² Consent Judgment, *Commonwealth v. JUUL Labs, Inc.*, No. 220200268, at 16–17 (Pa. Ct. Com. Pl. Apr. 12, 2023)/

⁷³ See Wen W. Shen, *National Opioid Litigation: Settlement Agreements as of January 2025*, at 3 (2025).

⁷⁴ Settlement Agreement, *United States v. City of Cleveland*, No. 1:15-cv-01046-SO (N.D. Ohio May 26, 2015).

⁷⁵ Consent Decree, *United States v. City of Ferguson*, No. 4:16-cv-00180-CDP (E.D. Mo. Apr. 19, 2016).

⁷⁶ Order, *United States v. City of Portland*, No. 3:12-cv-02265-SI (D. Or. Jan. 26, 2024).

⁷⁷ *Mississippi v. Philip Morris Inc.*, No. 94-1429 (Nov. 23, 1998).

⁷⁸ Consent Decree, *United States v. City of Newark*, No. 2:16-cv-01731-MCA-MAH (D.N.J. Oct. 6, 2017).

⁷⁹ MSA, *Mississippi v. Philip Morris Inc.*, No. 94-1429 (Nov. 23, 1998).

⁸⁰ See Extended Taxonomy materials provided in the pre read for categorization of potential design elements.

and prevent relevant risks and harms. Remedies across industries regularly incorporate a range of upstream remedies, and this section describes elements that can be relevant to digital platforms, including: (A) platform design, (B) data collection and minimization, (C) access limits, and (D) addressing discriminatory impacts.

A. Platform Design

1. Defaults

The remedy could require platforms to default users into higher levels of safety, including in relation to user privacy and extended use designs. Where litigation relates to minors, the remedy could require that minors are defaulted into the highest levels of safety. If minors change defaults, the platform could provide regular, conspicuous reminders of their ability to change back to default settings for privacy and extended use.

Examples of mandated defaults:

- a. CLEAR - requires change of default user settings to provide greater privacy by default.⁸¹
- b. FTC InMarket - requires regular, conspicuous push-notification reminders about disclosure of user location data.⁸²

2. Harmful Product Features

The remedy could prohibit specific product features found in the litigation to be harmful, for example features that encourage greater usage (e.g., optimizing for time spent, infinite scroll, auto-play) or unwanted contact (e.g., recommending connections with untrusted other users) or human-like features (e.g., anthropomorphic designs, sycophancy).

Examples of prohibitions of harmful product features:

- a. GM ignition switch settlement - includes changes to ignition switch on new and pre-owned vehicles.⁸³
- b. Honda airbag settlement - requires new design features to protect consumers.⁸⁴

⁸¹ Thomson Reuters, No. 3:21-cv-01418-EMC, at 13 (N.D. Cal. Aug. 29, 2024).

⁸² InMarket Media, FTC Docket No. C-4803 (F.T.C. Apr. 29, 2024).

⁸³ Office of the Attorney General for the District of Columbia, Attorney General Racine Reaches \$120 Million Settlement with General Motors Company Over Defective Ignition Switches: Consent Judgment, District of Columbia v. General Motors Co. (D.C. Super. Ct. Oct. 9, 2017), <https://oag.dc.gov/release/attorney-general-racine-reaches-120-million>.

⁸⁴ Office of the New York State Attorney General, Attorney General James Announces \$85 Million Multistate Settlement with Honda Over Airbag Failures (Aug. 25, 2020), <https://ag.ny.gov/press-release/2020/attorney-general-james-announces-85-million-multistate-settlement-honda-over>.

3. Deceptive Patterns

The remedy could prohibit the use of specific deceptive design patterns that connect to harms alleged in litigation. Remedies could focus on restriction of design patterns for particular groups of users, including minors, or all users.

Examples of prohibitions of deceptive patterns:

- a. FTC Amazon - requires conspicuous display of geolocation disclosure when users are asked to enable location access.⁸⁵
- b. FTC Epic Games - requires the company to obtain express, informed consent before billing users for any charges (and to provide simple mechanisms to revoke consent for future charges).⁸⁶

4. Algorithmic Designs

The remedy could require platforms to modify algorithm design to address alleged harms. Algorithms play a role in multiple design practices targeted in litigation, including social media recommender systems, development and deployment of large language models, and automated solicitations.

Examples of modifications to AI-powered design:

- a. Meta FHA settlement - requires changes necessary to reduce variances in ads served to protected classes.⁸⁷
- b. Greystar settlement - prohibits use of anticompetitive algorithms that generate pricing recommendations.⁸⁸

5. Rate Limits

The remedy could establish rate limits for new or untrusted users who have access to functionalities that can be used to target others.

Examples of mandated rate limits:

- a. CLEAR - reduced the default maximum number of results for the CLEAR person search tool.⁸⁹

⁸⁵ Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, *United States v. Amazon.com, Inc.*, No. 2:23-cv-00811-TL (W.D. Wash. July 19, 2023).

⁸⁶ Decision and Order, *In re Epic Games, Inc.*, FTC Docket No. C-4790 (Mar. 13, 2023).

⁸⁷ See VRS Compliance Metrics Verification Report v3, Guidehouse Inc. (Mar. 1, 2024); Roy L. Austin Jr, *An Update on Our Ads Fairness Efforts*, Meta Newsroom (Jan. 9, 2023).

⁸⁸ U.S. Department of Justice, *Justice Department Reaches Proposed Settlement with Greystar, the Largest U.S. Landlord, to End Its Participation in Algorithmic Pricing Scheme* (Aug. 8, 2025).

⁸⁹ Thomson Reuters, No. 3:21-cv-01418-EMC, at 13 (N.D. Cal. Aug. 29, 2024).

- b. Juul - requires limits on retail and online purchase volumes.⁹⁰

B. Data Collection and Minimization

1. Limits on Data Collection

Remedies could establish limits on data collection, including requirements for express user (or parental) consent when data is collected about minors.

Examples of limits on data collection:

- a. FTC InMarket - requires express consent before collecting, using, or maintaining consumer location data.⁹¹

2. Limits on Data Retention and Use

Remedies could establish limits on permissible forms of data retention and use by platforms. Remedies could also enable opt-out mechanisms to increase user control over data use.

Examples of limits on data retention:

- a. Retention schedules: CLEAR - Introduces retention schedule that deletes customer report history after 7 days, unless the customer consents to a longer data-retention period.⁹²
- b. Opt-out programs: Clearview AI - Creates an opt-out program for Illinois residents to block their faces from Clearview's search results, which Clearview must pay to advertise.⁹³

3. Data Access Controls

Remedies could spell out permissible uses of data and include internal data access controls for specific internal platform use cases.

⁹⁰ Consent Judgment, *State of Minnesota v. JUUL Labs, Inc.*, Court File No. 27-CV-19-19888, at 15 (Minn. Dist. Ct. Hennepin Cnty. Apr. 16, 2023).

⁹¹ InMarket Media, FTC Docket No. C-4803 (F.T.C. Apr. 29, 2024).

⁹² See Thomson Reuters, No. 3:21-cv-01418-EMC, at 13 (N.D. Cal. Aug. 29, 2024).

⁹³ See ACLU, *In Big Win, Settlement Ensures Clearview AI Complies With Groundbreaking Illinois Biometric Privacy Law* (May 9, 2022),

<https://live-aclu-wp.pantheonsite.io/press-releases/big-win-settlement-ensures-clearview-ai-complies-with-groundbreaking-illinois>.

Examples of data access controls:

- a. GoDaddy - requires multi-factor authentication for employee (and user) access to hosting tools, authentication for employee and third-party SSH access, and secure APIs with rate-limiting, encrypted connections, and authenticated requests.⁹⁴

4. Limits on Data Sharing or Selling

The remedy could spell out permissible uses for sharing or selling data with third parties.⁹⁵ The remedy could default users into a high degree of privacy protection when it comes to permissible third party use or sale.

Examples of limits on data sharing:

- a. Facebook - restricts sharing of third party data.⁹⁶
- b. FTC BetterHelp - requires express consent before disclosing consumer information to third parties.⁹⁷
- c. FTC Cerebral - requires express consent before disclosing consumer data to third parties.⁹⁸
- d. FTC Voyager - requires express informed consent before disclosing a consumer's nonpublic personal information.⁹⁹

5. Data Destruction

Remedies could require deletion of user data, including for minors.

Examples of mandated data destruction:

- a. Data destruction
 - i. FTC Empire Holdings - requires destruction of data on FTC request.¹⁰⁰
 - ii. FTC InMarket - requires deletion or destruction of specific user location data.¹⁰¹
 - iii. FTC Kurbo - requires data deletion or destruction of specific personal information.¹⁰²

⁹⁴ Decision and Order, In re GoDaddy Inc. & GoDaddy.com, LLC, FTC File No. 2023133 (F.T.C. 2025).

⁹⁵ See Stephanie Nguyen, et al, Remedies for Tech-Related Harms Chapter 2: Bans on Sharing & Selling Data, <https://www.law.georgetown.edu/tech-institute/insights/remedies-for-tech-related-harms-chapter-2/>.

⁹⁶ Order Granting Final Approval to Class Action Settlement as Modified, Campbell v. Facebook, Inc., No. 4:13-cv-05996-PJH (N.D. Cal. Aug. 18, 2017).

⁹⁷ Decision and Order, In re BetterHelp, Inc., FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023).

⁹⁸ Other Relief, United States v. Cerebral, Inc., No. 1:24-cv-21376-JLK (S.D. Fla. Apr. 15, 2024).

⁹⁹ See, e.g., Voyager Digital, No. 1:23-cv-08960 (S.D.N.Y. June 27, 2025).

¹⁰⁰ See, e.g., Empire Holdings, No. 2:24-cv-04949-WB (E.D. Pa. May 8, 2025); Stipulated Order for Permanent Injunction and Monetary Judgment, FTC v. Ascend CapVentures Inc., No. 2:24-cv-07660-SPG-JPR (C.D. Cal. June 23, 2025).

¹⁰¹ InMarket Media, FTC Docket No. C-4803 (F.T.C. Apr. 29, 2024).

¹⁰² United States v. Kurbo, Inc. & WW Int'l, Inc., Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, No. 3:22-cv-00946-TSH (N.D. Cal. Mar. 3, 2022).

- b. Cookie and tracking data
 - i. Facebook internet tracking - requires platform to delete all cookie data that was collected from/about Facebook users in the U.S. who visited non-Facebook websites that displayed the Facebook like button.¹⁰³
- c. User-requested deletion
 - i. CLEAR - Requires destruction of locally hosted data of California residents, with verified identity and residence, who request deletion.¹⁰⁴

C. Access Limits and Verification

1. Age Assurance and Verification

The remedy could require platforms to implement privacy-preserving, mandatory age assurance mechanisms.

Examples of mandated age assurance and verification:

- a. Verification defaults
 - i. FTC Orders in Musical.ly,¹⁰⁵ NGL Labs,¹⁰⁶ Kuuhuub¹⁰⁷ - require age verification (or parental consent) for consent to retain previously collected data.¹⁰⁸
 - ii. EPIC Games¹⁰⁹ - requires default settings that block disclosure of minors' personal information unless parent or user affirmatively consents.
- b. Age verification
 - i. Juul¹¹⁰ - requires age verification on websites and for all sales transactions.

III. Harm Mitigation Remedies

Harm mitigation occurs “downstream” from product design. Downstream remedies include product controls, data controls, and reporting. In the digital platform context, these remedies

¹⁰³ In re Facebook Internet Tracking Litig., No. 5:12-md-02314-EJD (N.D. Cal. Feb. 14, 2022).

¹⁰⁴ Thomson Reuters, No. 3:21-cv-01418-EMC (N.D. Cal. Aug. 29, 2024).

¹⁰⁵ Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief, United States v. Musical.ly, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019).

¹⁰⁶ Stipulated Order for Permanent Injunction, Monetary Judgment, Civil Penalty Judgment, and Other Relief, FTC v. NGL Labs, LLC, No. 2:24-cv-5753 (C.D. Cal. July 9, 2024).

¹⁰⁷ Stipulated Order for Permanent Injunction and Civil Penalty Judgment, United States v. Kuuhuub Inc., No. 21-cv-01758 (D.D.C. Jul. 21, 2021).

¹⁰⁸ See, e.g., NGL Labs, No. 2:24-cv-5753 (C.D. Cal. July 9, 2024); Stipulated Order for Permanent Injunction and Civil Penalty Judgment, United States v. Epic Games, Inc., No. 5:22-cv-00518-BO (E.D.N.C. Dec. 19, 2022); Kuuhuub, No. 21-cv-01758 (D.D.C. Jul. 21, 2021).

¹⁰⁹ Musical.ly, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019).

¹¹⁰ See Consent Judgment, State ex rel. Jennings v. JUUL Labs, Inc., C.A. No. 2022-1137 (Del. Ch. Dec. 8, 2022).

can help address ongoing harms and establish conditions to prevent recurrence. This section describes relevant elements of remedy including: (A) product controls, (B) data controls and usage, and (C) reporting and removal of inappropriate access, (D) and disgorgement.

A. Product Controls

1. User Controls

The remedy could require platforms to provide users options to easily and explicitly indicate experiences they do or do not want. Platforms could respect users' explicit preferences even if contradicted by users' engagement.¹¹¹ The remedy could also require time management tools.

Examples of mandated user controls:

- a. Authentication and security:
 - i. Twitter/X - requires platform to offer multi-factor authentication, or equivalent measure, that does not require a phone number.¹¹²
 - ii. Zoom - requires extensive design changes, including user controls and security.¹¹³
- b. Cancellation processes:
 - i. Vonage - requires implementation of a simple cancellation process.¹¹⁴
 - ii. Amazon cancellation - requires platform to provide mechanisms for user or parental deletion requests.¹¹⁵

2. Parental Controls

The remedy could require platforms to provide effective parental management tools.

Examples of mandated parental controls:

¹¹¹ Neely Ctr. for Ethical Leadership & Decision Making, *Neely Center Design Code for Social Media*, <https://docs.google.com/document/d/1RkyeT8m94uHnftuahdctrmn6vF-AeCXUj7YbxB5mU4g/edit?tab=t.0#heading=h.3pgrdj2eu5wd>.

¹¹² Twitter, No. 3:22-cv-03070-TSH (N.D. Cal. May 26, 2022).

¹¹³ Class Action Settlement Agreement and Release, In re Zoom Video Commc'ns, Inc. Privacy Litig., No. 5:20-cv-02155-LHK (N.D. Cal. July 31, 2021).

¹¹⁴ See Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief, Fed. Trade Comm'n v. Vonage Holdings Corp., No. 3:22-cv-6435 (D.N.J. Nov. 3, 2022); FTC, *FTC Action Against Vonage Results in \$100 Million to Customers Trapped by Illegal Dark Patterns and Junk Fees When Trying to Cancel Service* (Nov. 3, 2022).

¹¹⁵ Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, United States v. Amazon.com, Inc., No. 2:23-cv-00811-TL (W.D. Wash. July 19, 2023).

- a. FTC orders in Musical.ly,¹¹⁶ NGL Labs,¹¹⁷ Kuuhuub¹¹⁸ - all require COPPA compliance, including parental consent (or age verification).¹¹⁹

B. Data Controls and Usage

1. Account and Data Deletion

Remedy could require streamlined user account deletion or deactivation. It could also offer tools for users who wish to stop their social media use but cannot do so on their own (termed self-exclusion in gambling).¹²⁰

Examples of account and data deletion remedies:

- a. Vonage - requires implementation of a simple cancellation process.¹²¹
- b. Amazon cancellation - requires platform to provide mechanisms for user or parental deletion requests.¹²²
- c. SpinX - requires platform to provide self-exclusion option that disables the player's account(s) upon user request.¹²³

2. Interoperability and Data Portability

The remedy could require platforms to enable interoperability and data portability.

Antitrust remedies have incorporated interoperability.¹²⁴

¹¹⁶ Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief, *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019).

¹¹⁷ Stipulated Order for Permanent Injunction, Monetary Judgment, Civil Penalty Judgment, and Other Relief, *FTC v. NGL Labs, LLC*, No. 2:24-cv-5753 (C.D. Cal. July 9, 2024).

¹¹⁸ Stipulated Order for Permanent Injunction and Civil Penalty Judgment, *United States v. Kuuhuub Inc.*, No. 21-cv-01758 (D.D.C. Jul. 21, 2021).

¹¹⁹ See, e.g., *NGL Labs*, No. 2:24-cv-5753 (C.D. Cal. July 9, 2024); Stipulated Order for Permanent Injunction and Civil Penalty Judgment, *United States v. Epic Games, Inc.*, No. 5:22-cv-00518-BO (E.D.N.C. Dec. 19, 2022); *Kuuhuub*, No. 21-cv-01758 (D.D.C. Jul. 21, 2021).

¹²⁰ See Responsible Gambling Council, *Self-Exclusion*, Responsible Gambling Council (last visited Sept. 17, 2025), <https://responsiblegambling.org/for-the-public/problem-gambling-help/self-exclusion/>.

¹²¹ See *Vonage*, No. 3:22-cv-6435 (D.N.J. Nov. 3, 2022); FTC, *FTC Action Against Vonage Results in \$100 Million to Customers Trapped by Illegal Dark Patterns and Junk Fees When Trying to Cancel Service* (Nov. 3, 2022).

¹²² Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, *United States v. Amazon.com, Inc.*, No. 2:23-cv-00811-TL (W.D. Wash. July 19, 2023).

¹²³ *SpinX Games*, No. 2:20-cv-01310-RSM, at 18–19 (W.D. Wash. Feb. 15, 2022).

¹²⁴ Herbert J. Hovenkamp, *Antitrust Interoperability Remedies*, 123 *Colum. L. Rev. Forum* 1 (2023), https://scholarship.law.upenn.edu/faculty_scholarship/2814/.

3. User Controls for Data Sharing

The remedy could provide users with the ability to control how their personal data is used and shared with third parties.

Examples of mandated user controls for data sharing:

- a. FTC BetterHelp - requires express consent before disclosing consumer information to third parties.¹²⁵
- b. FTC Cerebral - requires express consent before disclosing consumer data to third parties.¹²⁶
- c. FTC Voyager - requires express informed consent before disclosing a consumer's nonpublic personal information.¹²⁷

C. Reporting and Removal of Inappropriate Access

1. User Reporting

The remedy could require that users are able to effectively report problematic accounts, content, or features. The remedy could include expectations for the platform to respond promptly and effectively.

Examples of mandated user reporting:

- a. Zoom remedy requires a user-support ticket system for reports of meeting disruptions.¹²⁸

D. Disgorgement of Benefits

1. Disgorgement

The remedy could require data and/or algorithmic disgorgement (*i.e.*, removal of offending data), including in AI models, of data that was inappropriately collected.

Examples of required data and/or algorithmic disgorgement:

- a. Data destruction
 - i. FTC Empire Holdings - mandates destruction of data on FTC request¹²⁹

¹²⁵ Decision and Order, In re BetterHelp, Inc., FTC Docket No. C-4796 (F.T.C. Mar. 2, 2023).

¹²⁶ Other Relief, United States v. Cerebral, Inc., No. 1:24-cv-21376-JLK (S.D. Fla. Apr. 15, 2024).

¹²⁷ See, e.g., Voyager Digital, No. 1:23-cv-08960 (S.D.N.Y. June 27, 2025).

¹²⁸ Zoom Privacy Litig., No. 5:20-cv-02155-LHK (N.D. Cal. July 31, 2021).

¹²⁹ See, e.g., Empire Holdings, No. 2:24-cv-04949-WB (E.D. Pa. May 8, 2025); Stipulated Order for Permanent Injunction and Monetary Judgment, FTC v. Ascend CapVentures Inc., No. 2:24-cv-07660-SPG-JPR (C.D. Cal. June 23, 2025).

- b. Cookie and tracking data
 - i. Facebook internet tracking - requires platform to delete all cookie data that was collected from/about Facebook users in the US who visited non-Facebook websites that displayed the Facebook like button.¹³⁰
- c. User-requested deletion
 - i. CLEAR - requires destruction of locally hosted data of CA residents with verified identity and residence who request deletion.¹³¹
- d. Algorithmic disgorgement
 - i. FTC Rite Aid - requires Rite Aid to delete any images or photos they collected through Rite Aid's facial recognition system as well as any algorithms or other products that were developed using those images and photos.¹³²

2. Prohibitions

The remedy could ban a company or its executives from engaging in specific conduct or operating in specific sectors.

Examples of broad prohibitions:

- a. The FTC has incorporated prohibitions on executives and businesses operating in specific markets in technology cases, including for spyware, facial recognition, and anonymous messaging.¹³³

¹³⁰ In re Facebook Internet Tracking Litig., No. 5:12-md-02314-EJD (N.D. Cal. Feb. 14, 2022).

¹³¹ Thomson Reuters, No. 3:21-cv-01418-EMC (N.D. Cal. Aug. 29, 2024).

¹³² See Stipulated Order for Permanent Injunction and Other Relief, FTC v. Rite Aid Corporation, No. 2:23-cv-5023 (E.D. Pa. December 19, 2023).

¹³³ See Stephanie Nguyen, et al, Remedies for Tech-Related Harms Chapter 1: Bans, <https://www.law.georgetown.edu/tech-institute/insights/remedies-for-tech-related-harms-chapter-1/>.