



**Ad-blocking: the dark side of consumer empowerment -
a new hope or will the empire strike back?
Clifford, D & Verdoot V, University of Leuven**

In recent months, there has been significant attention on the legitimacy of ad-blocking technologies. The competing business and associated consumer interests have been the focus of a complex socio-legal debate.¹ The continuing legitimacy of the business model of ad-blocking technology providers has been seen by some as a victory for consumers. However, it is conceivable that this victory may give rise to concerns. Personal data, as has been mentioned repeatedly by academics and policy makers, is considered as the new oil of the online world.¹ The use of such information for commercial purposes like online behavioural advertising provides important revenue for website owners. The legitimisation of ad-blocking technologies forms a threat to this marketing orientated personal data processing business model.

As a result, businesses and advertisers may begin to look towards alternative means of reaching the consumer with personalised commercial communications. This could conceivably lead to the further mixing of marketing messages with user generated, editorial or other forms of non-commercial content, thereby arguably increasing the deceptive nature of marketing campaigns and having a potentially more negative effect on consumers than current marketing methods. Indeed, consumers may experience greater difficulties in recognising the persuasive commercial messages, which undermines their ability to process the message in a critical manner.¹ Techniques such as, *inter alia* native branding, product placement and advergames represent such mechanisms as they inherently incorporate the embedding of the commercial message in the non-commercial content. Online businesses such as news websites are already adopting such qualitative advertising techniques as a means of generating revenue.¹

The consumer-business relationship is often characterised by a mismatch in knowledge and bargaining power. Asymmetry in power is problematic as it arguably devalues the legitimacy of user participation, presents a clear barrier to finding online companies accountable and also affects the consumer's bargaining power.¹ The asymmetric consumer-business relationship is potentially worsened in the context of the personalisation of advertising campaigns as online businesses know far more about their consumers than consumers know about the business models and the form and delivery of personalised marketing.¹

As such, the paper starts from the assumption that ad-blocking technologies will result in advertisers and website operators resorting to alternative methods of extracting monetary benefits from internet users. From a theoretical perspective the research will examine the concept of power asymmetries online and use this to frame the effectiveness of the protections offered by the secondary sources of EU law aimed at protecting the online consumer. Accordingly, the research will focus on a descriptive and evaluative analysis of the EU legislative framework in the areas of privacy and data protection, e-commerce and consumer protection and aims to provide normative insights into the potential legal challenges presented by a move towards more integrated commercial content. The research aims to have an impact upon the wider policy debate surrounding the use of personalisation techniques online for commercial purposes.