

The Case of RealPage

How the Antitrust Case against RealPage Illustrates the Opportunities and Limitations of Legislating against Big Tech in a Technofeudalist Society

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Part Three: Theoretical Philosophy

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Introduction

During the last 5 years the level of litigative pushback on Big Tech has shown a spike in legislative sophistication from the days of the infamous quote “Senator, we run ads” (Gold 2018) by Mark Zuckerberg on Capitol Hill on April 10, 2018. The pushback has mainly consisted of coordinated attacks from bodies like the FTC (Federal Trade Commission), the DOJ (Department of Justice), state attorney generals and of course, in an international context, the European Union, partly under the leadership of former European Commissioner for Competition, Margrethe Vestager. Some of the high-profile antitrust cases run against Big Tech companies include United States (DOJ) v. Google LLC (2023), FTC v. Amazon (2023), FTC v. Meta (2020), etc. The antitrust cases have largely focused on monopolization and the impact of Big Tech on market forces and access to profits, making these cases ideal for an investigation of the transition from a capitalist world order to a technofeudalist one, as suggested by economist Yanis Varoufakis in his seminal 2023 book, *Technofeudalism: What Killed Capitalism*. In *Technofeudalism*, Varoufakis states that the main components in the transition from a capitalist to a technofeudalist state are the erosion of the open market and the triumph of (cloud) rent over profits (Varoufakis 2023, xi). In the *techlash* cases of the 2020s these components have played a large part. Taking the concept of ‘rent’ as a lens in analyzing the transition from a capitalist to a technofeudalist world order, I was interested in how Big Tech has used what Varoufakis designates as cloud rent to apply a death grip to the entire capitalist economy.

To analyze the role of cloud rent in the context of the antitrust litigations of the 2020s with the goal of finding possible avenues for fighting back against Big Tech monopolization, I thought it might be interesting to look at a case where cloud rent intersects with physical rent. This brought me to the antitrust case of United States v. RealPage, Inc. In United States v. RealPage, Inc., the cloud rent intersects with physical rent in the sense that cloud rent was offered to landlords, by RealPage, in the form of an AI-driven pricing algorithm, in exchange for a fixed commission on the service. The landlords would have an interest in this exchange due to the rental surplus they would extract, essentially pocketing the rental surplus directly from the wallet of the tenant. This practice was the subject of a joint federal and state-driven antitrust case against RealPage, citing the illicit practice of artificially price-fixing rental properties, and thereby interfering in the open market dynamics of rental prices (Breuninger 2024). In November 2025, the DOJ and RealPage reached a settlement, which restricted the

data that RealPage may use in their business model, but which didn't carry any fines or admissions of guilt from RealPage ("RealPage Reaches Settlement with U.S. Department of Justice Regarding Revenue Ma | RealPage News," 2025). As of the writing of this paper, several state- and private-led cases against RealPage remain under investigation. The RealPage case shows how the intersection of cloud rent and physical rent can lead to a level of public and judicial scrutiny, which might go under the radar in less conspicuous business practices. The case also demonstrates the limitations and possibilities of legislating cloud rent in the litigative battle against Big Tech monopolization and anti-competitive practices.

RealPage

RealPage is not your average garage startup; rather, it is part of a broader network of Big Tech companies increasing their influence on the rent market in the US and abroad. In fact, in 2024, an investigation by the US administration revealed that AI price-setting algorithms had cost renters almost 4 billion USD in just one single year ("The Cost of Anticompetitive Pricing Algorithms in Rental Housing | CEA" 2024); a phantasmatic amount going directly from renters and into the pocket of landlords and of course, RealPage. If you think RealPage's AI price-hike has only been going on for a few years, think again. Property managers have been using RealPage products since the start of the millennium, and it is estimated that the price-fixing algorithms have directly impacted 3 million apartments in the US (Robinson and Appelbaum 2025). Since the sale of YieldStar to RealPage in 2002, the technology that later became the rent-pricing algorithm known as AIRM (AI Revenue Management) has continued to increasingly raise the rental prices of properties in at least 43 US states ("Landlords Accused of Using RealPage for Rental Price Fixing. See Where. - Washington Post," 2025). Additionally, equity investor materials reveal that RealPage started implementing the AIRM software between 2005 and 2008 (Breuninger 2024). Even if you found yourself lucky enough to avoid being a customer of one of these companies, you would still see an increase in your rent, since a price hike in each area's number of properties would result in a general increase in that area's overall rent. Indeed, this ability to hike your prices alongside your competitors is one of the defining properties of rent, as opposed to profit (Varoufakis 2023, 188). In the case of RealPage, the property of both physical and cloud rent brings to attention the alignment of interests of physical landlords, rental companies and the cloud fiefs, in this case represented by RealPage. Furthermore, the case of RealPage reveals how a dynamic pricing device, like RealPage's rent-pricing algorithm, can drive up prices for

consumers and allow competitive suppliers who are not in possession of a dynamic pricing device to capitalize on the artificially hiked prices. This also means that even with the recent settlement, the inflated prices of the rent-pricing algorithms are still in place, and will have a lasting impact, even for tenants with rent control.

Dynamic Pricing

In a New York Times opinion piece named “Goodbye, Price Tags. Hello Dynamic Pricing” (2025), the antitrust case against RealPage is highlighted and contextualized in relation to a growing tendency and trend of dynamic pricing¹. The opinion piece explains how prior to the modern capitalist model of selling a specific item for a specific price regardless of the buyer, a seller would gauge the status of a given buyer and suggest a price to them. If the buyer was unhappy with the price, bargaining would follow, but the seller would always estimate the price for their product in relation to the perceived economic status of the purchasing power of the buyer. The opinion piece essentially argues that with dynamic pricing, we are returning to a state of personalized merchandising, and that prices are increasingly estimated on the perceived status of the individual; of course, sellers today have much more data to assist them in this evaluation than the pre-uniform pricing days. In the opinion piece, NYT lead writer on economics, Binyamin Appelbaum, extinguishes between three modes of dynamic pricing: “1. The Illegal Way, 2. The Legal Way, and 3. The Definitely-should-be Illegal Way” (Robinson and Appelbaum 2025). Appelbaum places RealPage in the first section (“The Illegal Way”), and with the recent settlement, this seems appropriate. However, the differing legal viewpoints on the case could make an argument that it should belong in “The Definitely-should-be Illegal Way” or even “The Legal Way”. These two categories are defined by companies using dynamic pricing (essentially cloud rent) to maximize their profits, or in this case, their rental surplus. Be it as it may, Appelbaum defines the difference between the “Illegal” and “Legal Way” of setting a dynamic price, by the fact that in the “Illegal Way”, different actors (in this case landlords) share the same algorithm, whereas in the “Legal Way”, different actors all have their own individual algorithm. Appelbaum argues that the result is likely the same between these two models, that is, the prices go up for the consumers.

¹ Dynamic pricing means setting an individual price for an individual customer based on data, usually (and in the case of RealPage) based on sensitive, or personal data.

Technofeudalism

There is no doubt that dynamic pricing, with its emphasis on cloud rent, and risk of unnatural price-fixing carries grave risks for open market capitalism. Just like the RealPage antitrust case can be seen in the broader perspective of dynamic pricing, so can dynamic pricing be seen in a broader shift from a capitalist society to a society dominated by technofeudalism. In *Technofeudalism*, Varoufakis makes the argument that capitalism, like a virus, has mutated, through the triumph of capital, into a structure which he calls technofeudalism. Varoufakis defines the transition from capitalism to technofeudalism in the erosion of two main pillars of capitalism: markets and profit (Varoufakis 2023, 9). Markets, or open markets, have been replaced with cloud fiefs who essentially control, or own, the market, and profit has been replaced by rent, or more specifically, cloud rent (Varoufakis 2023, 188), that is, the paid access to platforms, either via money, or another currency, like attention or data/privacy (Varoufakis 2023, 175). In the case of RealPage, the cloud rent is the commission that RealPage charges the landlords for each transaction through the sale of the AIRM algorithm. As rent increasingly invades the technofeudalist framework of the digital age, it also contributes to the erosion of the open market. An essential component of rent contra profit, is that competition, in an open market, drives prices down for the customer, whereas rent raises the prices for services, in a rental framework (Varoufakis 2023, 188). In the case of RealPage, the result of the landlords raising the rental prices, therefore also influences the landlords who don't utilize RealPage's services, giving them an opportunity to also raise the prices. This also happens at a cloud-rental level: As RealPage's AIRM algorithm spreads as a popular option for landlords, and starts to implement itself into the infrastructure, this raises the possibility for other cloud fiefs to enter the market and raise the prices for the cloud rent. In this way, the cloud fiefs don't need to turn a profit. They just need to implement themselves into the infrastructure, wherefrom they can later gain a rental surplus, once they have made the vassals, or in the case of RealPage, the landlords, dependent on their cloud rent.

Conclusion

In the case of RealPage, there has been some pushback highlighting the use of sensitive data for commercial purposes. However, one may wonder where this level of pushback is when it comes to the tech giants, the modern-day fiefs of the technofeudalist infrastructure, whose

business models, despite the official tag line of “We never sell your personal information to anyone” (“Ads That Respect Your Privacy - Google Safety Centre,” 2025.) clearly capitalize on sensitive user data, to sell certain brackets of user information to advertisers. What is the difference in gauging how much a tenant is willing to pay for rent through sensitive data, and gauging what type of advertisement a customer is willing to spend more than 5 seconds on in the Attention Economy (Hendricks and Vestergaard 2019, xiv)? A further cause of worry is warranted for the protectors of antitrust laws as the inventor of the YieldStar software, which later became the AIRM system at the heart of the case against RealPage, is now developing revenue management software for the E-commerce industry, and it has also been found that similar products are used in the hotel industry, in grocery stores and in toll roads (Breuninger 2024). As cloud rent is increasingly taking over the infrastructure of society, it is clear that although antitrust cases can push back on conspicuous examples, like the one of RealPage, the scale at which the cloudalist takeover is happening is possibly too great to be fought through legislation alone, and requires all of us to rethink our choice next time we are met with an icon asking us *if it is okay that this sites uses cookies*.

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