



Dark Patterns

For Prelims: [Dark Pattern](#), [Deceptive Patterns](#), [Consumer Protection Act, 2019](#).

For Mains: Dark Pattern, Use of Dark Pattern by Companies, Harm of Dark Pattern to Users

Why in News?

Recently, the Ministry of Consumer Affairs, Food and Public Distribution, Government of India, has established a 17-member task force to develop guidelines for consumer protection to address the issue of [Dark Patterns](#).

- The Ministry has started classifying complaints received on the **National Consumer Helpline** to compile information on Dark Patterns, which can be used by the **Central Consumer Protection Authority** to initiate action under the [Consumer Protection Act, 2019](#).

What are the Dark Patterns?

▪ About:

- Dark patterns, also known as deceptive patterns, refer to strategies employed by websites and apps to **make users perform actions they did not intend** to or discourage behaviors that are not advantageous for the companies.
- The term was coined by Harry Brignull, a user experience (UX) designer, in 2010.
- These patterns often **exploit cognitive biases and employ tactics** such as false urgency, forced actions, hidden costs etc.
- They can range from overtly noticeable tricks to more subtle methods that users may not immediately recognize.

▪ Types of Dark Patterns: The **Consumer Affairs Ministry has identified nine types** of dark patterns being used by e-commerce companies:

- **False Urgency:** Creates a sense of urgency or scarcity to pressure consumers into making a purchase or taking an action;
- **Basket Sneaking:** Dark patterns are used to **add additional products or services** to the shopping cart without the user's consent;
- **Confirm Shaming:** Uses guilt to make **consumers adhere**; criticises or attacks consumers for not **conforming to a particular belief** or viewpoint;
- **Forced Action:** Pushes consumers **into taking an action they may not want to take**, such as signing up for a service in order to access content;
- **Nagging:** Persistent **criticism, complaints**, and requests for action;
- **Subscription traps:** Easy to sign up for a **service but difficult to quit** or cancel; option is hidden or requires multiple steps;
- **Bait & Switch:** Advertising a **certain product/ service but delivering another**, often of lower quality;
- **Hidden costs:** Hiding additional costs **until consumers are already committed** to making a purchase;
- **Disguised ads:** Designed to **look like content**, such as news articles or user-generated

content.

▪ **Consequences:**

- Dark patterns **endanger the experience of Internet users** and make them more **susceptible to financial and data exploitation** by Big Tech firms.
- Dark patterns confuse **users, introduce online obstacles**, make simple tasks time-consuming, have users sign up for unwanted services/products, and force them to pay more money or share more personal information than they intended.

How do Companies Use Dark Patterns?

- Social media companies and Big Tech firms such as **Apple, Amazon, Skype, Facebook, LinkedIn, Microsoft, and Google** use dark or deceptive patterns to downgrade the user experience to their advantage.
 - Amazon came under fire in the **European Union** for its confusing, multi-step cancelling process in Amazon Prime subscription. Amazon, in 2022, made its cancellation process easier for online customers in European countries.
- **LinkedIn users often receive unsolicited, sponsored messages** from influencers.
 - Disabling this option is a difficult process with multiple steps that requires users to be familiar with the platform controls.
- Google-owned **YouTube nags users to sign up for YouTube Premium with pop-ups**, obscuring final seconds of a video with thumbnails of other videos.

What are the Global Efforts to Combat Dark Patterns?

- In March 2021, California in the US passed amendments to the **California Consumer Privacy Act**, prohibiting dark patterns that hindered consumers from exercising their privacy rights.
- The UK issued guidelines in April 2019, which were **later enforceable under the Data Protection Act, 2018**, restricting companies from using manipulative tactics to lure underage users into low privacy settings.

Way Forward

- By establishing a task force and working towards developing guidelines, the government aims to prevent deceptive practices and safeguard user interests. This move aligns with **similar efforts undertaken by countries like the US and the UK**.
- It is crucial to raise awareness among users about dark patterns and empower them to recognize and avoid manipulative tactics employed by websites and apps.

Source: IE

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