Dark Patterns

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.

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