

Dark Patterns

CCPA's Guidelines for Prevention and Regulation of Dark Patterns, 2023 & Advisory for Self-Audit

*By embracing Transparency by Design and actively rooting out the 13 specified dark patterns, your business not only ensures compliance with Indian law but also gains a critical advantage in the global digital economy: **Trust***

- A Compliance Primer by **Mihir Nigam**



Guidelines for Prevention and Regulation of Dark Patterns, 2023

01

Primary Goal: To prevent consumer manipulation through deceptive design, ensuring transparency and promoting ethical business practices in the digital economy.

02

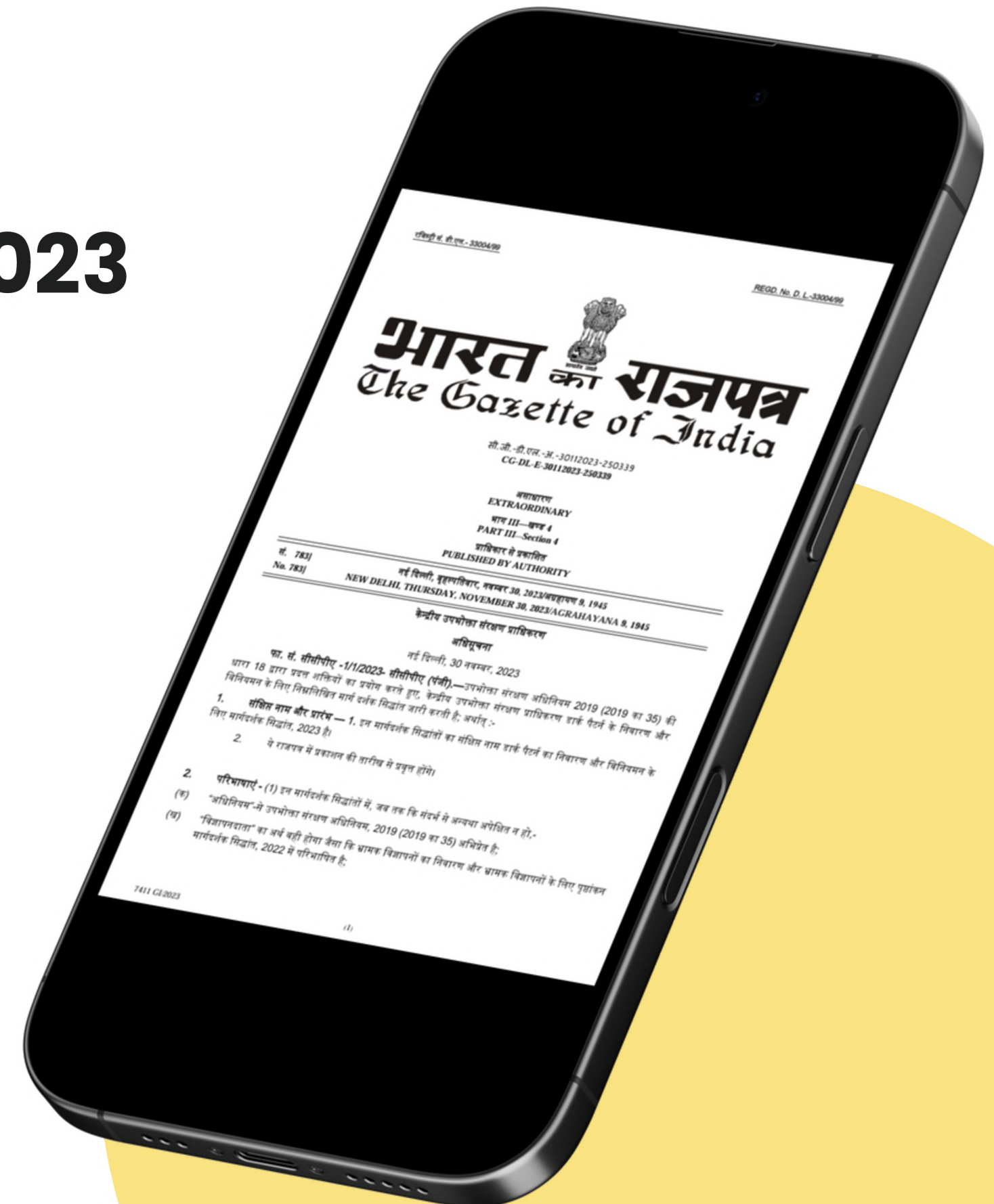
Protection Focus: Aims to protect consumers from financial losses, eroded consent, and privacy violations caused by manipulative digital tactics.

03

Broad Applicability: The Guidelines apply to all platforms, sellers, advertisers, and entities engaging with consumers across digital interfaces and transactions.

04

Covered Transactions: Includes all B2C transactions (physical/digital), marketing, and user interfaces, covering both paid and free services targeting Indian consumers.



CCPA Advisory to Self-audit & eliminate Dark Patterns (June 5, 2025)

01

Self-Audit Mandate: The CCPA Advisory directs all e-commerce platforms to conduct a thorough self-audit within **three months** to eliminate all dark pattern practices.

02

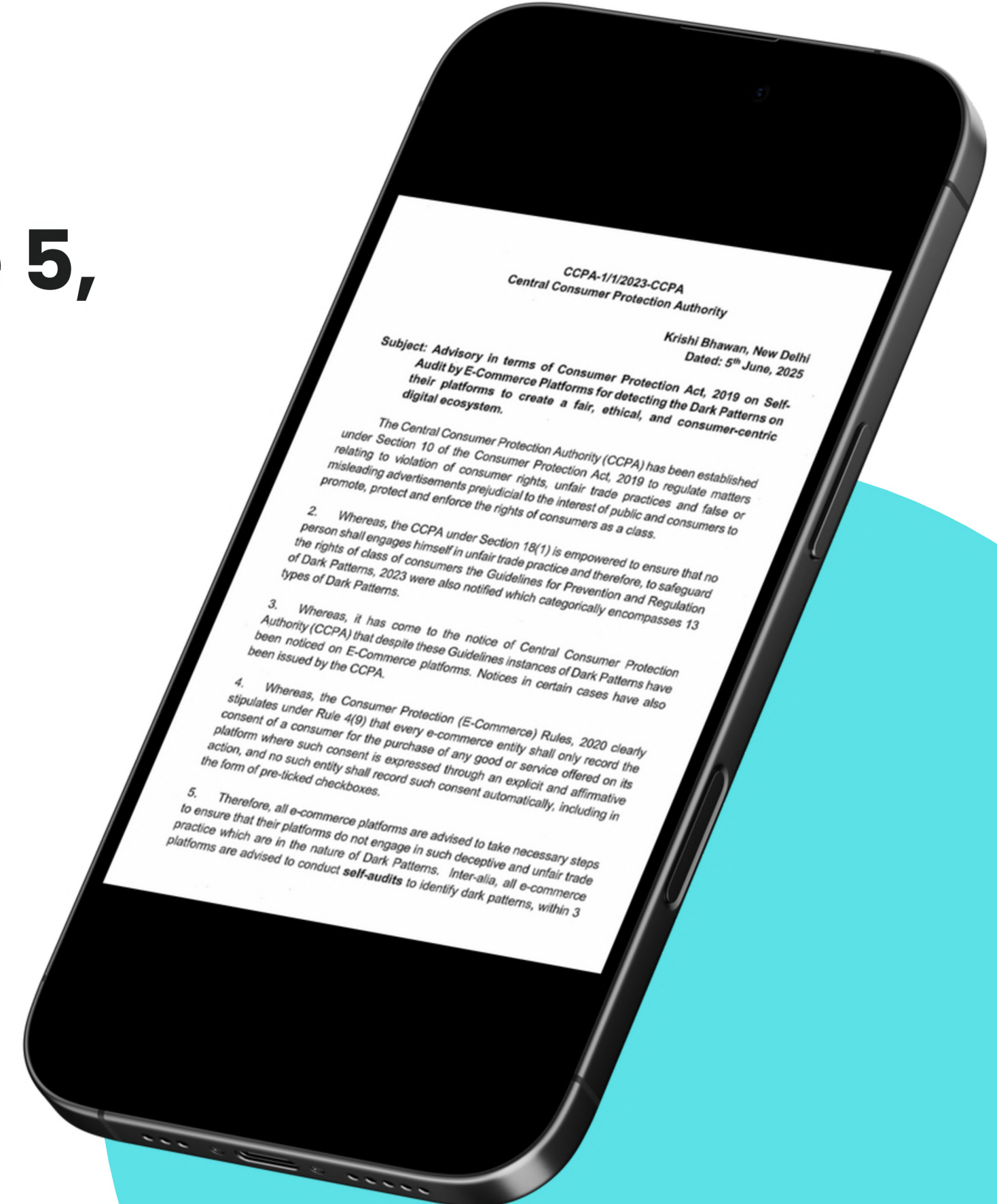
Purpose of Compliance: Platforms must identify and correct patterns of dark practices to ensure consumer interactions are **fair, ethical, and transparent**, fully aligning with existing protection guidelines.

03

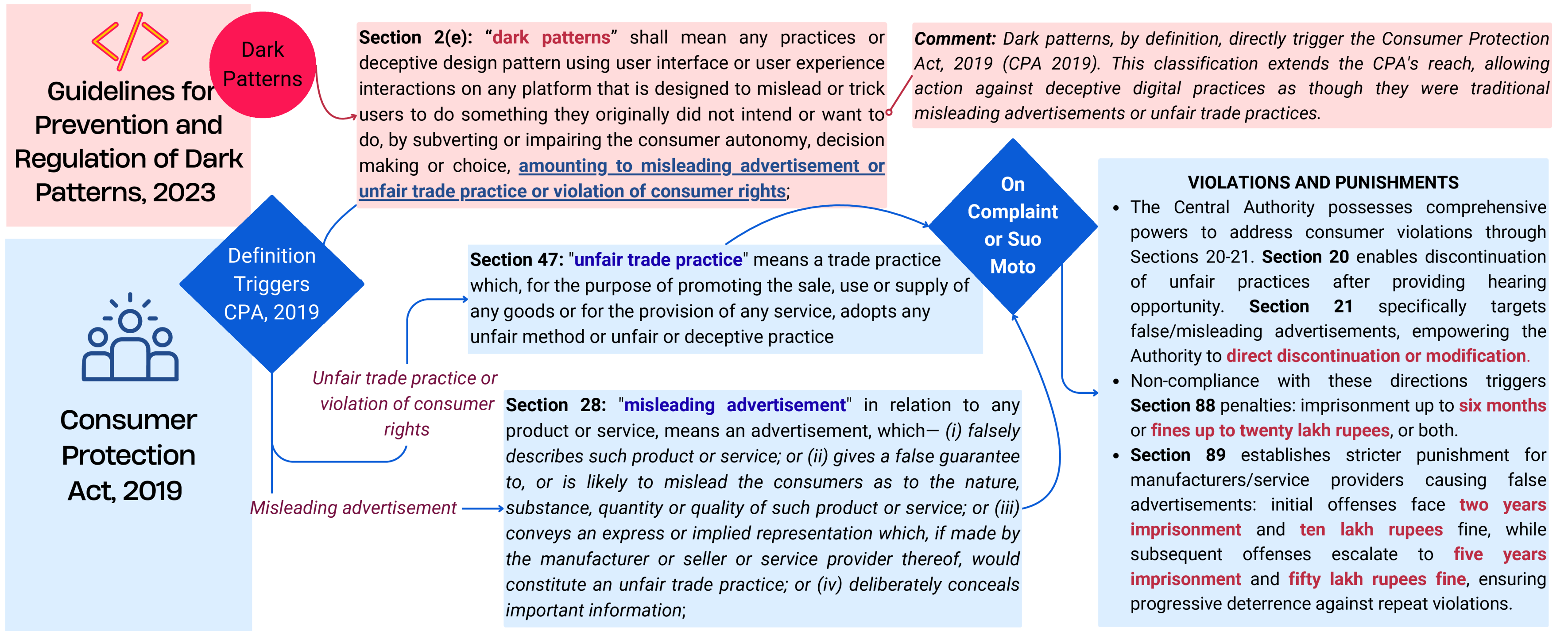
Reinforced Legal Framework: The Advisory specifically reinforces the 2023 Dark Patterns Guidelines and highlights the E-Commerce Rule requiring **clear, affirmative action for obtaining user consent**.

04

Elimination of Deceptive Practices: Dark patterns are interface tricks—such as hidden fees and false urgency—that manipulate user choice. Platforms are encouraged to submit **compliance self-declarations**.



Dark Patterns: Consumer Protection Enforcement Framework



Sector-Specific Analysis: Dark Patterns in the Indian Context

01

E-commerce: This sector is a hotbed for point-of-sale dark patterns. False Urgency ("Only 1 item left!"), Basket Sneaking (pre-checked add-ons), and Drip Pricing (hidden fees) are particularly common as they directly drive up transaction values and create pressure to purchase immediately.¹

02

Ed-Tech: The education technology sector, which often relies on high-value, long-term subscriptions, has been associated with Subscription Traps and Forced Continuity. Parents and students report finding it easy to sign up for courses or trials but face significant hurdles when trying to cancel services, leading to unwanted recurring charges.²

03

Fintech: Financial technology platforms, including digital lending and investment apps, often engage in Forced Action by requiring users to grant access to extensive personal data (like contacts or SMS logs) that is not essential for the primary service.³ Interface Interference is also used to nudge users towards higher-risk investment products or loans with less favorable terms.⁴

04

Online Travel & Ticketing: This industry is notorious for its use of Drip Pricing and False Urgency. The final price of a flight or hotel room is often significantly higher than the advertised price after mandatory taxes and opaque "convenience fees" are added at the end of the booking process. Furthermore, claims like "Only 1 room left at this price" are used to create artificial scarcity and pressure users into booking quickly.⁵

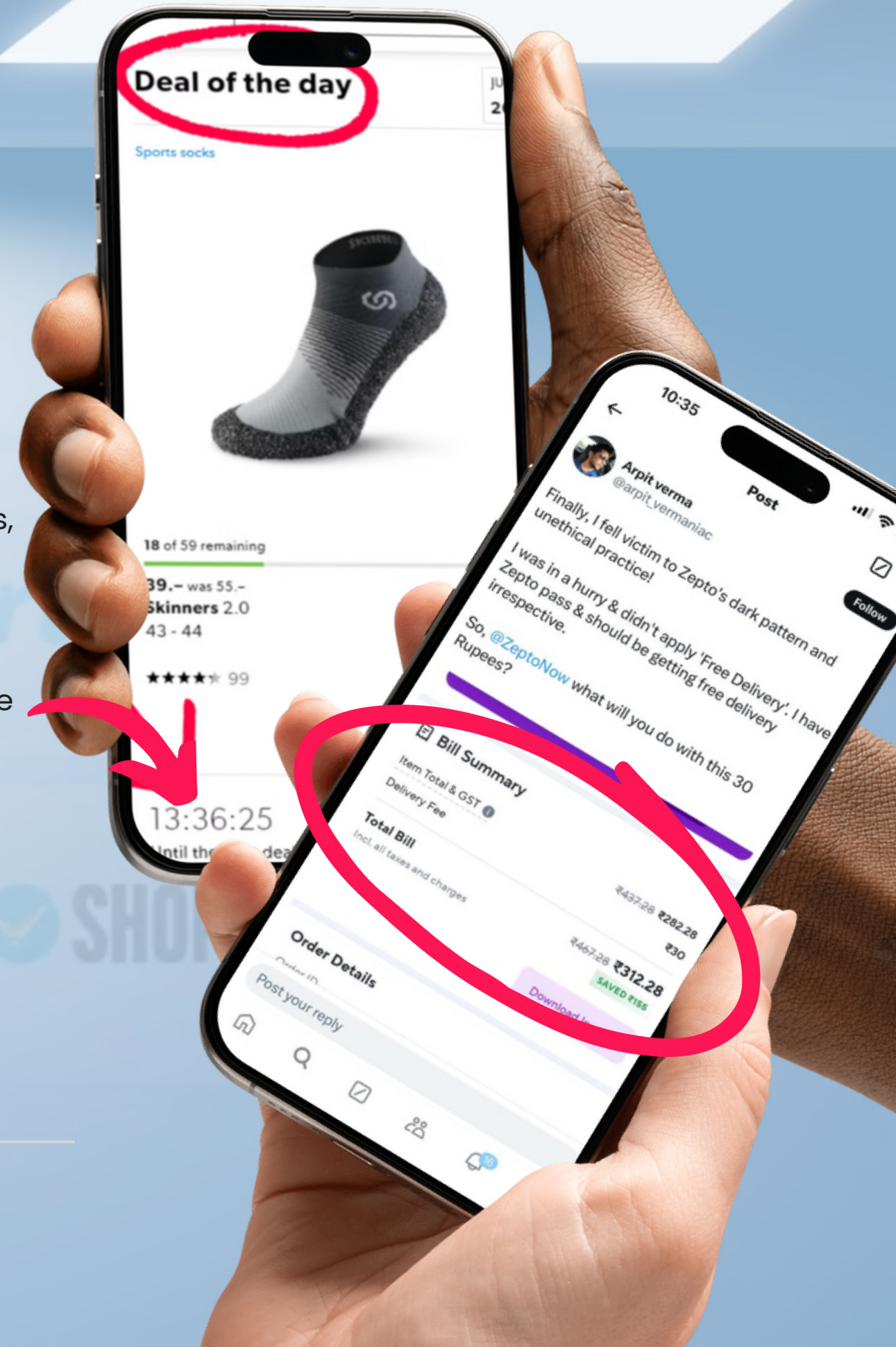
1. Digital lending, edtech, ecommerce among worst dark pattern users: Survey | Tech News, [Business Standard](#) (September 24, 2025).

2. These 53 popular apps across nine biggest industries are using deceptive patterns: Advertising Standards Council of India, [Times of India](#) (Aug 2, 2024).

3. Dasgupta, M., Gopalakrishnan, R., Kurian, V. Fintech 'App'rehensions: An Assessment of Deceptive Design in Indian Fintech (2023) .

4. 52 of 53 top apps in India use 'dark patterns', says ASCI study - [Business Standard](#), (August 1, 2024).

5. Most online platforms in India refrain from resolving dark patterns - [LocalCircles](#), (September 24, 2025).



Deep Dive into the 13 “Specified Dark Patterns”

Avoiding dark patterns is not merely about refraining from prohibited practices; it is about actively embracing ethical design alternatives that empower users and build trust.

The following is a detailed deconstruction of each of the 13 dark patterns specified in **Annexure 1** of the Guidelines.



For every manipulative "dark pattern," there is a transparent and user-friendly "light pattern."

DARK PATTERNS	MANIPULATIVE EXAMPLE	ETHICAL ALTERNATIVE ("GOOD PATTERN")
FALSE URGENCY	"Hurry! Sale ends in 10:00 minutes!" (Timer resets on page refresh).	"Our seasonal sale ends this Friday. You can also sign up for notifications about future sales." (Provides clear, truthful information and a helpful option).
BASKET SNEAKING	Travel insurance is pre-selected and added to the cart by default.	"Would you like to add travel insurance for ₹299?" with clear "Yes" and "No" buttons, both unselected by default. (Requires explicit, opt-in consent).
CONFIRM SHAMING	Decline button reads: "No, I don't care about my pet's health."	Decline button reads: "No, thank you." (Uses neutral, non-judgmental language).
FORCED ACTION	Requiring a user to create an account to browse products.	Allowing full product browsing and offering an optional account creation at checkout for benefits like order tracking. (Makes the value proposition clear without forcing action).

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DARK PATTERNS	MANIPULATIVE EXAMPLE	ETHICAL ALTERNATIVE ("GOOD PATTERN")
SUBSCRIPTION TRAP	Cancellation requires calling a support number that is only open on weekdays.	A clear "Cancel Subscription" button in the user's account dashboard that completes the cancellation in two clicks. (Provides a simple, symmetric process).
INTERFACE INTERFERENCE	A large, bright green "Accept All Cookies" button next to a tiny, grey "Manage Settings" link.	Two buttons of equal size and visual prominence: "Accept All" and "Reject All." (Offers a balanced and fair choice).
BAIT AND SWITCH	Advertising a free mobile game that requires a mandatory purchase to play past the first level.	Offering a "Freemium" model: the game is free to play, with optional in-app purchases for cosmetic items or extra lives, clearly labeled as such.
DRIP PRICING	A hotel room is listed at ₹4,000/night, but the final price is ₹4,950 after mandatory "resort fees" and taxes are added at checkout.	The hotel room is listed at "₹4,950/night (₹4,000 base + ₹950 taxes & fees)." (Provides all-inclusive pricing upfront).
DISGUISED ADS	A paid article promoting a supplement is formatted to look exactly like a news report on the same site.	The article is clearly marked with a large, visible "Sponsored Content" or "Advertisement" label at the top. (Ensures clear and unambiguous disclosure).

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 DARK PATTERNS	 MANIPULATIVE EXAMPLE	 ETHICAL ALTERNATIVE ("GOOD PATTERN")
NAGGING	A pop-up asking the user to download the app appears on every page load.	A single, dismissible banner at the top of the page suggests downloading the app. Once dismissed, it does not reappear for the remainder of the session.
TRICK QUESTION	A checkbox with the label: "Do not uncheck this box if you wish to opt-out of our newsletter."	A clear, unchecked checkbox with the label: "Sign me up for the newsletter." (Uses direct, affirmative, and unambiguous language).
SAAS BILLING	A free trial automatically converts to a paid annual plan without any prior notification.	An email is sent to the user 7 days and 3 days before the trial ends, clearly stating the date and amount of the upcoming charge, with a direct link to cancel.
ROGUE MALWARES	A pop-up that looks like a system alert screams "VIRUS DETECTED!" and pushes a download of a fake security tool.	Legitimate security software providers use professional, calm language and never use scare tactics in advertising. They rely on brand reputation and clear value propositions.

Risk Mitigation Strategies



Compliance Monitoring and Documentation

Effective risk management requires comprehensive documentation systems that track compliance efforts and provide evidence of good faith regulatory compliance attempts. Audit trails should document all design decisions, legal reviews, and compliance assessments, creating defensible records in the event of regulatory investigation.



Regular compliance training programs

Establish and maintain comprehensive Regulatory Compliance Programs that continuously update all relevant personnel on evolving legal requirements and enforcement trends. These programs must integrate mandatory, practical exercises in dark pattern identification and remediation to ensure teams can proactively prevent and address potential violations.



Incident response procedures

Incident response procedures should establish clear protocols for addressing potential dark pattern violations, including immediate remediation steps, consumer notification processes, and regulatory reporting requirements. These procedures should include coordination mechanisms between Legal, Product, and Customer Support teams to ensure comprehensive violation response.

Major Dark Patterns in UI

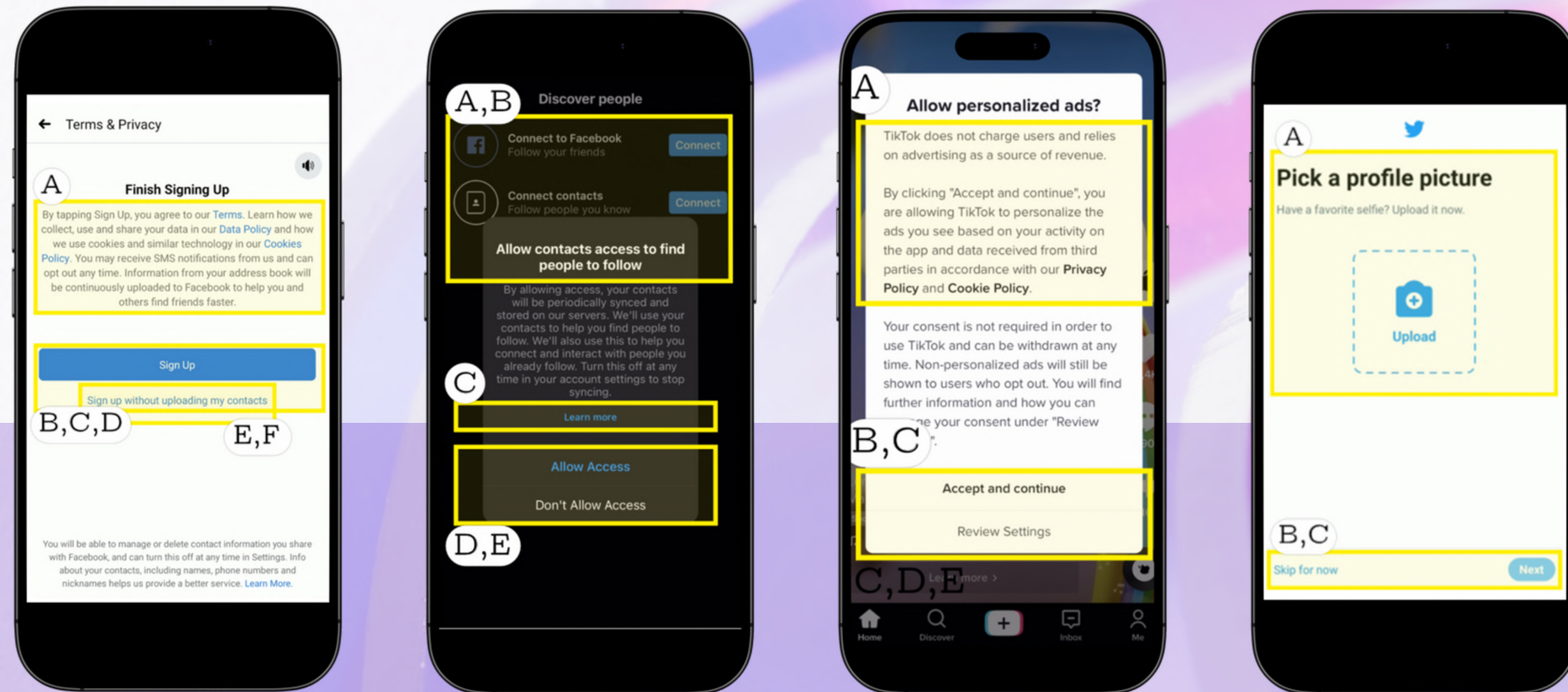


Figure 1:

(a) Screenshot from Facebook

(b) Screenshot from Instagram

(c) Screenshot from TikTok

(d) Screenshot from Twitter

Figure 1: Example screenshots from Study 1. Figure 1a contains the dark patterns Hidden-Legalese Stipulations (A), Misdirection (B), Interface Interference (C), Visual Interference (D), Privacy Zuckering (E), and Address Book Leeching (F). Figure 1b contains the dark patterns Privacy Zuckering (A), Address Book Leeching (B), Hidden-Legalese Stipulation (C), Interface Interference (D), and Visual Interference (E). Figure 1c contains the dark patterns Hidden-Legalese Stipulation (A), Interface Interference (B) and Visual Interference (C). Figure 1d contains Privacy Zuckering (A), Interface Interference (B), and Visual Interference (C).

SOURCE: <https://arxiv.org/pdf/2305.13154>

Defending Against the Dark Arts: Recognising Dark Patterns in Social Media

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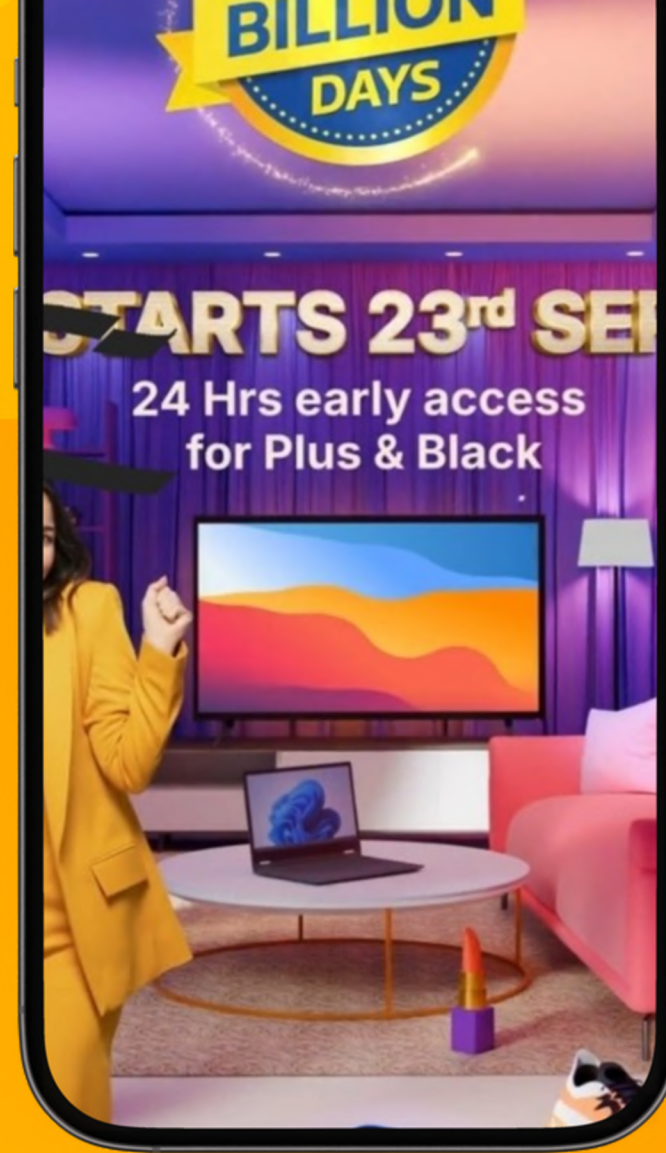
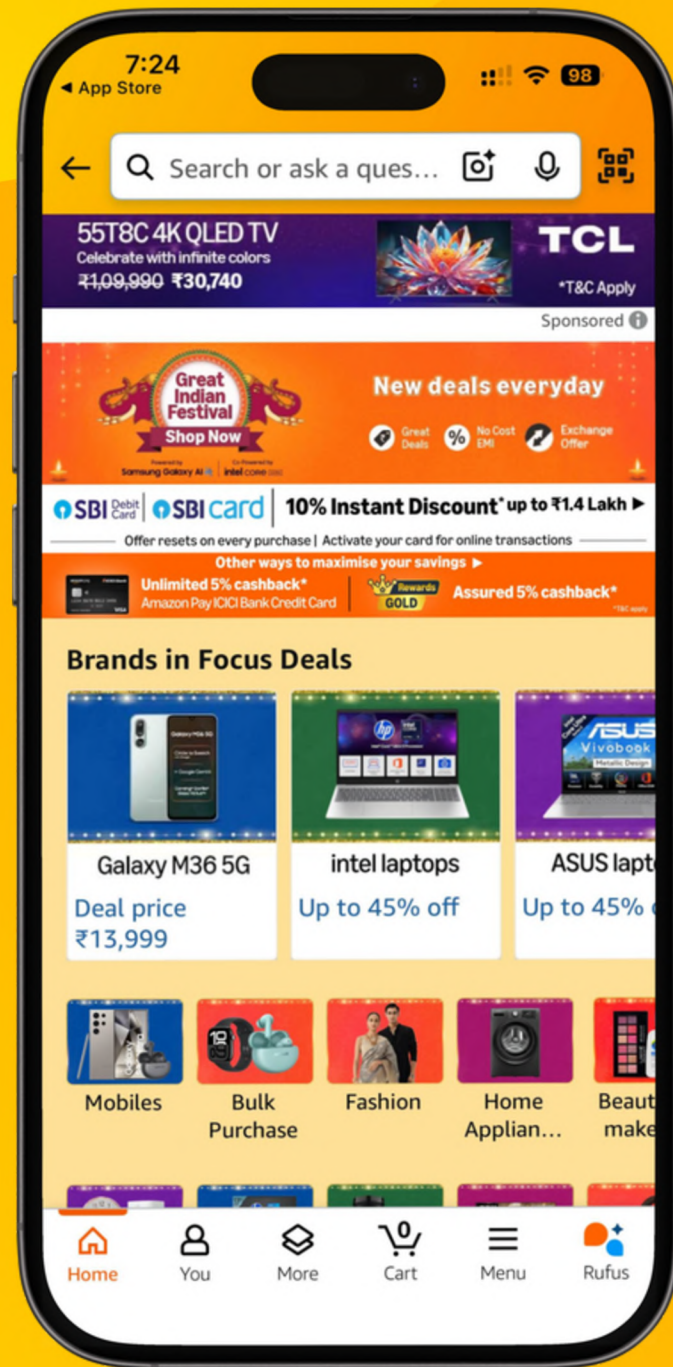
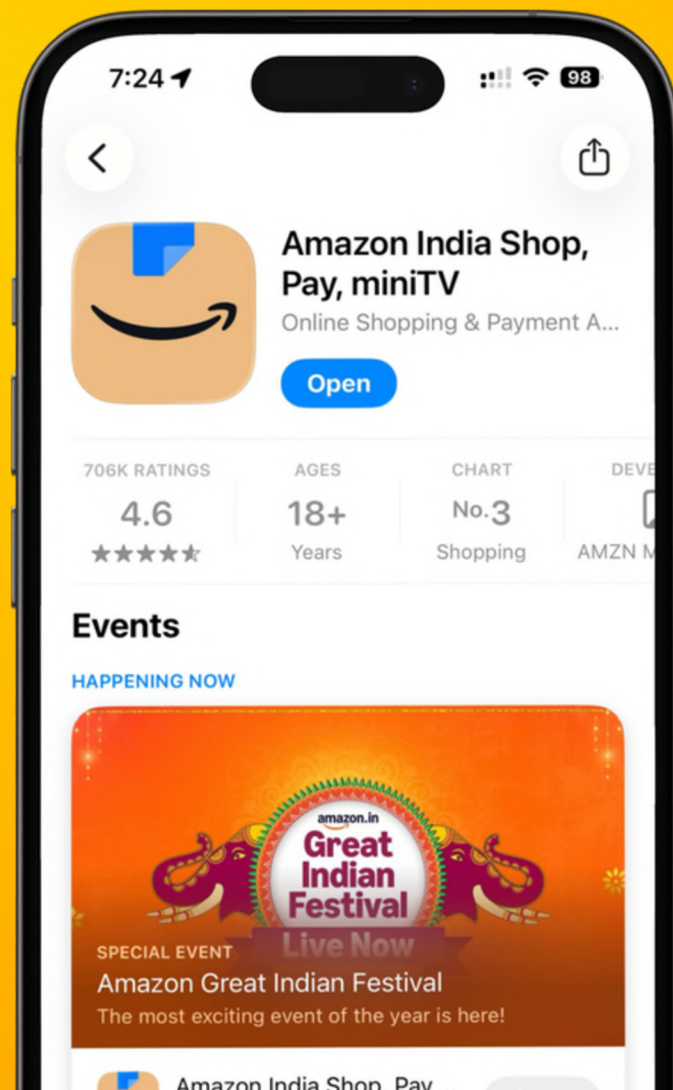
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ABSTRACT

Interest in unethical user interfaces has grown in HCI over recent years. This paper discusses the design strategies

1 INTRODUCTION

Among HCI researchers, interest in the ethical implications of how technology is designed has seen a noticeable increase over recent



Conclusion

As India's digital economy continues its rapid expansion, the regulatory landscape will only become more complex. The impending operationalization of the Digital Personal Data Protection Act will create a dual-risk environment, where deceptive designs can trigger scrutiny from both consumer and data protection authorities. By taking decisive action now—**auditing their platforms, redesigning manipulative interfaces, and embedding ethical principles into their organizational DNA**—businesses can not only navigate the immediate challenges posed by the Dark Patterns Guidelines but also position themselves as trusted leaders in the future of India's digital ecosystem.

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