



LexCognito

This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.

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India's move against Dark Patterns - a dark side of digital market

Whether it is pre-ticked donations, false timer showing offer expiring, being forced to tick 'I want to risk my trip' or asking email or mobile number for availing discounts, we all can relate to the experience of being tricked into buying goods or services online which we did not intend to.

The online platforms, advertisers and sellers often indulge in such practices without even realising that only what is fair will last long and strong and all they need is to build trust with customers to have them at the first place.

The Department of Consumer Affairs, Ministry of consumer affairs has released draft guidelines to combat dark patterns for public comments.

Dark Patterns are such practices or deceptive design patterns using user interface or user experience interactions on any platform to mislead or trick users to do something they originally did not intend or want to do; by impairing the consumer autonomy and decision making or choice; amounting to misleading advertisement or unfair trade practice or violation of consumer rights.

The guidelines in its current form will apply to all platforms systematically goods or services in India, advertisers and sellers. It seeks to prohibit dark patterns specified in the guidelines as they intend to trick users to make purchases.

- False Urgency - It seeks to prompt you to take instant decision.
- Basket Sneaking - It seeks to sell additional items without your consent.
- Confirm Shaming - It seeks to shame your behaviour.
- Forced Action - It seeks to force you to buy something before you buy your intended item.
- Subscription Trap - It seeks to make it difficult to opt out.
- Interface Interference - It seeks to hide critical and relevant.
- Bait and Switch - It seeks to lure you.
- Drip Pricing - It seeks to not reveal correct price until the time you decide to buy.
- Disguised Advertisement - It seeks to deceive you.

- Nagging - it seeks to persuade you in annoying ways.

It is indeed a very good step by the Government of India as it is already banned in many countries like United States, United Kingdom, etc. It should be implemented fast and should be continuously updated to combat new and evolving tricks of the online marketers to play with minds of users for augmenting sales.

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Significant Judgments of our team

Delhi High Court upheld appointment of independent arbitrator - found appointment procedure under GCC (un-amended Clause 64) not sustainable

Company Court clears Insolvency Resolution Plan framed by Creditors themselves

Delhi High Court on Disqualification of Directors U/S 164(2) of the Companies Act 2013

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