

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FEDERAL TRADE COMMISSION, )  
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5 Plaintiff, )  
6 vs. )  
7 OMICS GROUP INC,et al, )  
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9 Defendants. )  
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1 wide variety of topics, including medicine, chemistry, nursing, engineering, and ge (14)  
2 20); (Gedela Decl. ¶¶ 14/15, ([ W R ' H I, ECF No. 89-1). In order to persuade  
3 consumers to submit articles for publication, the FTC alleges Defendants make numerous  
4 misrepresentations regarding the nature and reputation of their jou (Conspl. ¶¶ 11, 12)  
5 The FTC also alleges th Defendants fail to disclose the significant fees associated with their  
6 publishing services (Id. ¶ 13). Finally, the FTC alleges th Defendants make numerous  
7 misrepresentations in connection with the marketing of their scientific confer (14).

8 The FTC asserts that Defendants OMICS, iMedPub, and Conference Series (collectively  
9 f & RUSRUDWH ' HIHQGDQWV § KDYH RSHUDWHG DV D FRPPR  
10 therefore are jointly and severally liable. (¶ 10). The FTC further asserts that Gedela has  
11 f IRUPXODWHG GLUHFWHG FRQWUROOHG KDG WKH DXWK  
12 SUDFWLFHV RI WKH & RUSRUDWH ' HIHQGDQWV). Based on FRQV  
13 these allegations, the FTC initiated its action against Defendants on August 25, 2016 On  
14 September 29, 2017, the Court granted WKH ) 7 & ' V U H P r e l i m i n a r y I n j u n c t i o n  
15 requiring Defendants to preserve records, provide financial accounting to the FTC, and refrain  
16 from engaging in deceptive practices (Prelim. Inj. Order, ECF No. 46) The parties now  
17 submit their respective motions for summary judgment WKH ) 7 & ' V X Q I D L U D Q G G  
18 practices claim.

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86-18).<sup>3</sup> These publications are comprised of articles which typically take the form of

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1 Att. K at 367, Att. L at 667, Att. M at 945 (SJX26 Att. J at 284, 290, 296, 299, Att. K at 323,  
2 Att. L at 328, Att. M at 338 (Internet Archives at 10, 17, 96, ECF No. 84) In general, these  
3 entities operate as a group with comingled assets. See generally 7 & ' V 0610/7:27, ECF  
4 No. 86.

5 Gedela is the sole owner and founding director of the three Corporate Defendants.  
6 (SJX02 Answer ¶ 9) (SJX03 OMICS Int. Resp. 2); (SJX04 iMedPub Int. Resp. 2) (SJX05  
7 Conference Series Int. Resp. 2); HIV ' 5:3/4, ECF No. 89). Gedela first began using the  
8 ILFWLWLRXV EXVLQHVV QDPH f 20, & 6 3XEOLVKLQJ \*URXS §  
9 in 2009. (SJX23 Gedela Dep. 23:1/18, 30:1/ ' HIV ' 0/14). Until at least 2015,  
10 Gedela held revenue from the Corporate Defendants Citibank account set up in Palo Alto  
11 for OMICS Publishing Group. (See SJX23 Gedela Dep. 27:30:25). As founding director  
12 Gedela has DXWKRULW\ DQG FRQWURO RYHU 'HIHQGDQWV' FR  
13 Admission Nos. 14, 20); (See) 7 & ' V 06 - /

1 Defendants published web pages stating that OMICS had 25,000 experts serving as editorial  
2 board members and reviewers. D Q G W K D W f > D @ O O D U c a W i n F a c e s S u b j e c t s E t c L W  
3 a blind peer review. (SjX15111 182/

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1 UHYLHWKFDW WHUP LV XQGHUVWRRG LQ ~~(SIX18 Backus Decl. F S X~~  
 2 ¶¶ 29, 31).

3 In addition to consumer commentary, the FTC also submits statements from multiple of  
 4 'HIHQGDQWV' MRXUQ'DV00 6-G25) in these statements, the editors indicate  
 5 that they never received any manuscripts to review (PX01 Woods Decl. ¶¶ 3/4, 9); (PX03  
 6 Everett Decl. ¶¶ 3/4). Based on documents received through discovery, the FTC asserts that  
 7 out of 69,000 published articles, only 49% indicate that some form of review was conducted.  
 8 (See) 7 & 'V 06 - /14).

9 3)

10 Defendants advertise that their publications are reviewed and edited by many as  
 11 50,000 experts (SJX26 Att. Q at 576, 586); (Gedela Decl. ¶¶ 14 ([ WR 'HI^In' 06 -  
 12 VXSSRUW RI WKLV FODLP 'HIHQGDQWV' ZHEVLWHV LQFOX  
 13 biographies of scientists and researchers allegedly serving on editorial boards. (PX12 Att. L at  
 14 669/82, 734/37, 808/815). Upon the FTC contacting several listed editors, however, many  
 15 indicated that they had never agreed to be affiliated with OMICS. (PX02 Grace Decl. ¶¶ 4  
 16 (PX08 Howland Decl. ¶ 7); (PX11 Rusu Decl. ¶ 1) Furthermore, in some instances,  
 17 'HIHQGDQWV FRQWLQXHG WR XVH WKH UHVHDUF (PX08 V' Q D  
 18 Howland Decl. ¶ 7); (PX11 Rusu Decl. ¶ 1); (SJX26 Att. A at 35, 63). More generally, the  
 19 FTC notes that Defendants have only been able to produce a list of 14,598 unique editors and  
 20 evidence of an agreement to serve as an editor for only 380 individuals (SIX24 Wilson Decl. ¶  
 21 3); (SJX26 Freeman Decl. ¶ 15).

22 4) Factors

23 Defendants advertise through their websites and solicitation emails that their  
 24 SXEOLFDWLRQV KDYH ~~(SIX26 Att. Q at 741/768); (PX12 Att. V 65, 691,~~

25 <sup>8</sup> This number has increased each year, beginning with an advertised 20,000 editors in 2012 (SJX15 Admission No. 80).

1 762, 766, 768, 769, 881, 935); (SJX15 Admissions No. 196, 197). These advertisements  
2 L Q F O X G H H [ S U H V V U H S U H V H Q W D W L R Q V V X F K D V f 2 0 , & 6 ,  
3 L P S D F W I D F W R U D F D G H P L F M R X U Q D O V Z K L F K D U H S X E O L V  
4 Att. Q. 820). Defendants admit that their journals do not have Thomson Reuters impact factors.  
5 (SJX04iMedPub Int.Resp. 8); (SJX07 OMICS Int. Resp. 15). Rather, Defendants L P S D F W  
6 factors are self-calculated ratios based on the number of citations found through Google  
7 Scholar search. See PX12 Att. L at 770; (SJX14 Admission No. 103); (SJX26 Att. P at 467  
8 763).

9 ' H I H Q G D Q W V ' Z H E V L W H V F R Q W D L o w t h e Q I m p a c t F a c t o r s W e Q W G  
10 calculated. In some places, the impact factors are described as based on Journal Citation  
11 Reports which is consistent with the Thomson Reuters Impact Factors (SJX15 Admissions  
12 198-211). In other places, Defendants describe them D V D Q f X Q R I I L F L D O L P S D F W  
13 Google Scholar Citations. See, e.g. SJX14 Admission No. 103; Internet Archives at 93, ECF  
14 No. 84). Although Defendants provide their alternate definition in disclosures, such  
15 explanations often appear buried underneath their journal marketing. See PX12 Att. L at 881  
16 931); (SJX26 Att. P at 450, 467). In some instances, Defendant B V H , a 1 = i a ' ° ÷ \$ 1 0 % P S E ~ i i q ' °



1           Despite these representations, Defendants' ~~at~~ none of their journals are indexed  
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1 Some consumers R Q O \ O H D U Q R I ' H I H Q G D Q W V ' I H H V D I W H U ' P  
2 articles for publication (See, e.g. PX04 ¶ 5); (SjX26 Att. A at 20, 26, 33, 45, 59).  
3 ) X U W K H U P R U H Z K H Q F R Q V X P H U V i o l e n t l y w i t h d r a w t h e i r a r t i c l e s t o b e w V '  
4 withdrawn, Defendants have ignored the requests and continued demanding payment (See,  
5 e.g., PX04 ¶¶ 68); (PX06 ¶¶ 6, 8) (PX07 ¶¶ 5, 8). In some instances, Defendants only  
6 removed the articles after the threat of a lawsuit. See, e.g. PX07 ¶¶ 9-10). In addition to  
7 economic harm, this conduct prevents authors from submitting their work to other journals.  
8 (See SjX18 Backus Decl. ¶ 11). The Court notes, however, that at least one consumer has  
9 found the publication fees to be clearly disclosed (See Orser Decl. ¶ 14 ( [ % W R R e s p I V ' )  
10 ECF No.110-4).

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1 organizers or participants who had not agreed to serve in such capacity. (S. 125  
2 Decl. ¶ 7).

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1 on which that party will bear the burden of proof at trial. See Celotex Corp. 477 U.S. at 323  
2 24. If the moving party fails to meet its initial burden, summary judgment must be denied and  
3 WKH FRXUW QHHG QRW FRQVLGHUSW Adickes v. S.H. Kline & Co. 398 U.S. 144, 150 (1970).  
4 398 U.S. 144, 150 (1970).

5 If the moving party satisfies its initial burden, the burden then shifts to the opposing  
6 party to establish that a genuine issue of material fact exists. See Matsushita Elec. Indus. Co. v.  
7 Zenith Radio Corp 475 U.S. 574, 586 (1986). To establish the existence of a factual dispute,  
8 the opposing party need not establish a material issue of fact conclusively in its favor. It is  
9 VXIILFLHQW WKDW fWKH FODLPHG IDFWXDO GLVSXWH EH  
10 SDUWLHV' GLIIHULQJ YHU V.WRElec. Serv. v. H. Pac. Elec. Contractors U.D.  
11 , 809F.2d 626, 631 (9th Cir. 1987). In other words, the nonmoving party cannot avoid  
12 summary judgment by relying solely on conclusory allegations that are unsupported by factual  
13 data. See Taylor v. Lipscomb 880 F.2d 1040, 1045 (9th Cir. 1989). Instead, the sippo must go  
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1 issue of material fact. See Casey v. Lewis, 4 F.3d 1516, 1527 (9th Cir. 1993), T.C. v. Publ'g  
2 Clearing House, L2c L2c L3ec.

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1 the maker of the representation lacks a reasonable basis for the same. See *FTC v. Direct Mktg.*  
2 *Concepts, Inc.*, 624 F.3d 1, 8 (1st Cir. 2010). Where the maker lacks adequate substantiation  
3 evidence, they necessarily lack any reasonable basis for their claims. Furthermore, any  
4 disclaimers must be prominent and unambiguous to change the apparent meaning and leave a  
5 accurate impression. See *Kraft, Inc. v. FTC*, 970 F.2d 31, 1325 (7th Cir. 1992). The FTC Act is  
6 YLRDWHG LI D VHS contact through the Q6 Reception Web if the buyer later becomes  
7 IXOO\ LQIRUPHG EHIRUH Reason Bar Rental Sys. Inc. R. F. W. 18 F.2d 962,  
8 964 (9th Cir. 1975).

## 9 2) Misrepresentations Regarding Journal Publishing

10 The FTC moves for summary judgment on the basis that no genuine dispute exists as to  
11 'HIHQGDQWV' GHFHSWLYH MRXUQDO 437410. The Courts UDFWL  
12 agrees. In their websites and email solicitations, Defendants represent that their journals follow  
13 standard peer review processes in the academic journal industry. (See SJX11 Admission No.  
14 60); (SJX12 Admission Nos. 664); (SJX13 at 614); (SJX 15 at 48, 11/14); (See SJX1  
15 Solicitation Email at 8); (SJX26 Att. Q at 576, 585, 588, 630, 636); (See SJX12 Att. L at 657).  
16 Under standard industry practice, however, the review process takes several weeks/months  
17 and involves multiple rounds of substantive feedback from experts in that field. (See SJX18 Backus  
18 Decl. ¶¶ 14/15). In this case, the FTC has submitted uncontroverted evidence showing that  
19 'HIHQGDQWV' SHHU UHYL a rate of days and contained no comments or  
20 substantive feedback. (See SJX 26 Att. A at 20, 53, 69, 84, 86, 114). Although Defendants  
21 challenge the length of time required for peer review, Defendants fail to provide any evidence  
22 to support such a short review time. Furthermore, the FTC has submitted uncontroverted  
23 VWDWHPHQWV IURP indicating that they have received manuscripts to  
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1 Defendants also expressly represent that their publications have high impact factors  
2 (SJX26 Att. Q at 741768); (PX12 Att. L 657, 691, 762, 766, 778, 881/935); (SJX15  
3 Admissions Nos. 196, 197).  
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3) Misrepresentations Regarding Scientific Conferences

The FTC moves for summary judgment on the basis that no genuine dispute exists as to whether Defendants have misrepresented the attendance and participation of prominent academics and researchers without their permission or actual affiliation. (See PX05 ¶¶ 3, 5; PX12 Att. U at 1045); (SJX26 Att. A at 22, 56, 170). The fact that some consumers have attended conferences, approximately 60% advertised organizers or participants who had not agreed to serve in such capacity. (SJX25 McAlvanah Decl. ¶ 7). Defendants' failure to disclose this fact, based on a sampling of 100 conferences, is likely they would not have agreed to attend, participate in, or be associated with the conferences. (See PX12 Att. U at 1045); (SJX25 McAlvanah Decl. ¶ 7). Accordingly, as Defendants have failed to raise any genuine issues of material fact, the Court grants the FTC summary judgment on this claim.

4) Misrepresentations Regarding Publishing Fees

The FTC moves for summary judgment on the basis that no genuine dispute exists as to whether Defendants have misrepresented publishing fees. (See PX04 Att. A ¶ 6; PX09 Att. A at 4); (PX10 Att. D at 16, Att. G at 37) (PX11 Att. D at 11). As noted above, Defendants frequently send out solicitations inviting authors to submit articles for publication by responding directly to the email. (Id.). Industry practices require publishers to clearly disclose the fees before authors submit their articles. (See PX13 ¶¶ 4, 6). A consumer submitting an article through email should be aware of the associated fees. (Id.). Defendants' failure to disclose these fees in their solicitations is a material misrepresentation. (See PX04 Att. A ¶ 6; PX09 Att. A at 4); (PX10 Att. D at 16, Att. G at 37) (PX11 Att. D at 11). In numerous instances, these email solicitations contain no mention of associated fees. (Id.). Despite these omissions, Defendants invite consumers to submit articles for publication by responding directly to the email. (Id.). Industry practices require publishers to clearly disclose the fees before authors submit their articles. (See PX13 ¶¶ 4, 6). A consumer submitting an article through email should be aware of the associated fees. (Id.). Defendants' failure to disclose these fees in their solicitations is a material misrepresentation.

1 therefore reasonably and mistakenly assume that there is no charge for publishing in  
2 Defendants' MRXUSE (e.g., PX04 ¶ 5).

3 Defendants also solicit article submissions through their online portals (PX15 at  
4 25/ , Q PDQ\ LQVWDQFHV KRZHYHU 'HIHQGDQWV' DUWL  
5 reference to fees. See, e.g., PX12 Att. L at 652/654, 734/738); (SJX26 Att. Q at 63/640).

6 , Q RWKHU LQVWDQFHV 'HIHQGDQWV' IHH GLVFORVEXUHV I  
7 difficult to find and lack specificity. (PX12 Att. K at 375/381). While Defendants assert that  
8 fees are clearly disclosed on their general home page, multiple avenues exist to submit an  
9 article without navigating through this page. Additionally, Defendants have provided no  
10 evidence to support the assertion that reasonable consumers checked their home page for  
11 specific fee disclosures, rather than the actual article submission pages. HHG 'HIHQGD

12 Response WR WKH )7 & 'V ORWLRQ IRU 6 Xaserts Broad Concl Base UH  
13 on inadmissible hyperlinks WR 'HIHQGDQWV' sites. See 'HI V Resp.32:1/33:17,

14 ECF No. 110). Regardless, IDFW WKDW VRPH FRQVXPHUV PD\ KD YH  
15 information prior to submitting an article does not negate the overall deceptive nature of  
16 'HIHQGDQWV' IHS. See *Slit-A-Fide, Inc.*, 77 FV Supp. 2d at 1275;  
17 994 F.2d at 6

1 HPSOR\HHV DQG HPDLO V\VWHPV DQG ZKHWKHU WKH\ MR  
2 which they benefited from a shared business scheme or referred customers to one another.  
3 1243. Where the same individuals transact business through f PD]H RI LQWHUHO  
4 FRPSDQLHV § WKH ZKROH HQWHUSULVH FTC v. Honk Back OLDI  
5 Amazing Profits, LLC 865 F. Supp. 2d 1052, 1082 (C.D. Cal. 2012).

6 Here, the undisputed evidence demonstrates that a distinction exists between the  
7 Corporate Defendants. Notably, each Corporate Defendant shares the same principal place of  
8 business in India and has at various points utilized common addresses in the United States  
9 (SJX02 Answer ¶¶ 6); (Gedela Decl. ¶ 6). Furthermore, Defendants do not dispute that  
10 Gedela is the sole owner and founding director of the three Corporate Defendants and has  
11 maintained control over their business practices and financial accounts. (Sjx0 Admission  
12 Nos. 1/4, 20); (Sjx02 Answer ¶); (Sjx03 OMICS Int. Resp. 2); (Sjx04 iMedPub Int. Resp.

13 6 - ; & RQIHUHQFH 6HULHV , QW/4, ECF No. 89). With respect to  
14 pooled resources, the FTC has submitted undisputed HYLGHQFH RI 'HIHQGDQWV'  
15 such as the bank account in Palo Alto (See generally) 7 & 'V 06 - /7:27). Lastly, each  
16 HQWLW\ ZDV DEHQHILFLDU\ DQG SDUWLFLSDQW LQ 'HIHQ  
17 conference scheme. The Court therefore finds that the Corporate Defendants operated as a  
18 common enterprise.

19 6) Liability for Injunctive and Monetary Relief

20 Personal liability for violations of the FTC Act fall into two categories: liability for  
21 injunctive relief and liability for monetary relief. Individuals are liable for injunctive relief if  
22 they directly participate in the deceptive acts or have the ability to control them. F.T.C. v.  
23 , 104 F.3d 1168, 1170 (9th Cir. 1997); T.C. v. Stefanchik, 559  
24 F.3d 924, 931 (9th Cir. 2009). To subject an individual to monetary liability, the FTC must  
25 show that the individual had knowledge of the misrepresentations, was recklessly indifferent to

1 the truth or falsity of the misrepresentation, or was aware of a high probability of fraud and  
2 intentionally avoided the truth. , 104 F.3d at 1171; *Stefanchik*, 559 F.3d

3 at 931. *f > 7 @ KH H [WHQW RI DQ LQGLYLGXDO'V LQYROYHPHQW*  
4 *WR HVWDEOLVK WKH UHTXLVLWH NQRZOHGJH. Affordale* *SHUVRQ*  
5 *Media*, 179 F.3d 1228, 1235 (9th Cir. 1999).

6 The undisputed evidence in this case clearly demonstrates *W K D W \* H G H O D ' V S D U*

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1) Permanent Injunction

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United States v. W.T. Grant Co. 86 F.2d 1008 (9th Cir. 1944) RU fVRPH UH

SEC v. Co Petro Mktg. Grp., 502 F. Supp. 806, 818

(C.D. Cal. 1980), 680 F.2d 573 (9th Cir. 1982) The Court examines the totality of the

circumstances involved and a variety of factors in determining the likelihood of future

misconduct Co Petro Mktg. Grp., 502 F. Supp. at 818 SEC v. Murphy 626 F.2d 633, 655 (9th

Cir. 1980). Nonexhaustive factors include the degree of scienter involved, whether the

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him to commit future violations, the degree of harm consumers suffered from the unlawful

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if any, against-6.003 <00n02 (m)iof har82T2.96 Tf 3q 0 0 6121cM95a8.9997 (y)18.1fromrp2 79

1 injunction on the basis that it is overbroad but fail to provide any actual arguments to support  
2 this assertion (See Defs. ' 5 H V S /19). Defendants have therefore failed to present a basis  
3 to depart from the proposed injunction.

4 2) Monetary Relief

5 Section 13(b) permits a panoply of equitable remedies, including monetary equitable  
6 relief in the form of restitution and disgorgement, as well as miscellaneous reliefs such as asset  
7 freezing, accounting, and discovery to aid in providing redress to injured consumers. *Pantron I*  
8 Corp., 33 F.3d at 1103 n. 34 (9th Cir. 1994); *Stefanchik*, 994 F.2d 595, 600  
9 (9th Cir. 1993); *H.N. Singer*, 668 F.2d at 1113. The FTC Act is designed to protect consumers  
10 from economic injuries. *Stefanchik*, 559 F.3d at 931. To effect that purpose, courts may award  
11 restitution to redress consumer injury. *T.C. v. Gill*, 265 F.3d at 958; *W.K. & L.U.*  
12 have held that restitution is a form of ancillary relief available to the court in these  
13 circumstances. *Stefanchik*, 559 F.3d at 931 (affirming restitution of over \$17 million for the full amount of consumer  
14 loss); see also *FTC v. Febr*, 428 F.3d 530, 536 (7th Cir. 1997) (affirming restitution for more than  
15 \$16 million against company and officer as consumer loss under section 13(b)). *Stefanchik*,  
16 559 F.3d at 931; *Direct Mktg. Concepts, Inc.*, 648 F. Supp. 2d 202, 214 (D. Mass. 2009), *aff'd*, 624 F.3d 1  
17 (1st Cir. 2010); see also *Stefanchik*, 559 F.3d at 931; *Figgie*, 994 F.2d at 606; *Gill*, 265 F.3d at  
18 958.

19 Irrespective of the measure used to calculate monetary equitable relief, courts apply a  
20 burdenshifting framework to determine the specific amount to award. *Direct Mktg. Concepts*,  
21 624 F.3d at 15. First, the FTC bears the initial burden of providing the Court with a reasonable  
22 approximation of the monetary relief to award. *Commerce Plan*, 815 F.3d at 603A







1 affirmative defense for failure to state a claim, the Court denied this argument in its prior

2 OUGHU R Q ' H M b i o n G o D s M i s s . ( O r d e r , E C F N o . 4 6 ) . : L W K U H V S H F W W R ' H

3 statute of limitations, laches, first amendment, and due process defenses, these are legally

4 erroneous. See F.T.C. v. Ivy Capital, Inc. No. 2:11CV-283 JCM GWF, 2011 WL 2470584, at

5 \*2 (D. Nev. June 6 H F W L R Q E R I W K H ) H G H U D O 7 U D G H

6 statute of limitations. See F.T.C. v. Am. Microtel, Inc. No. CV-S-92-178-LDG(RJJ),

7 : / D W ' 1 H Y - X Q H f > 7 @ K H O D z i p l e s V Z H C

8 of laches and equitable estoppel are not available as defenses in a suit brought by the

9 J R Y H U Q P H Q W W R H Q I R U F H D S X E , S e e U n i t e d S t a t e s v . U S D i f f . 9 X E O L F I

10 F.3d 621, 6290 (9th Cir. 2004) (government may prevent dissemination of false or

11 misleading commercial speech). To the extent any affirmative defenses remain, Defendants

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1 1) DEFINITIONS

2 For the purpose of this Order, the following definitions apply:

3 Clear(ly) and conspicuous(ly)§ PHDQV WKDW D UHTXLUHG GLVFOE  
4 (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the  
5 following ways:

6 1. In any communication that is solely visual or solely audible, the disclosure must  
7 be made through the same means through which the communication is presented. In any  
8 communication made through both visual and audible means, such as a television  
9 advertisement, the disclosure must be presented simultaneously in both the visual and audib  
10 portions of the communication even if the representation requiring the disclosure is made in  
11 only one means.

12 2. A visual disclosure, by its size, contrast, location, the length of time it appears,  
13 and other characteristics, must stand out from any accompanying text or other visual elements  
14 so that it is easily noticed, read, and understood.

15 3. An audible disclosure, including by telephone or streaming video, must be  
16 delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily  
17 understand it.

18 4. In any communication using an interactive electronic medium, such as the  
19 Internet or software, the disclosure must be unavoidable.

20 5. The disclosure must use diction and syntax understandable to ordinary consumers  
21 and must appear in each language in which the representation that requires the disclosure  
22 appears.

23 6. The disclosure must comply with these requirements in each medium through  
24 which it is received, including all electronic devices and face-to-face communications.

1           7.     The disclosure must not be contradicted or mitigated by, or inconsistent with,  
2 anything else in the communication.

3     B.                       means any activity related to promoting, marketing,  
4 advertising, registering, hosting, acquiring or providing venue space for, or soliciting, charging,  
5 or accepting fees for, any conference, symposium, forum, workshop, or other meeting of  
6 professionals for

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1 Person§ PHDQV D QDWXUDO SHUVRQ RUJDQLJDWLRQ RU  
2 corporation, partnership, proprietorship, association, cooperative, or any other group or  
3 combination acting as an entity.

4 F. means any activity related to publishing written work of another  
5 for a fee (however such fee is denominated and whoever is charged the fee), including  
6 promoting, marketing, or advertising any journal or other publication; soliciting written work  
7 for any journal or other publication, demanding payment or accepting subscriptions for any  
8 journal or other publication; promoting, registering, hosting, acquiring or providing venue  
9 space for, or soliciting, charging, or accepting fees for, any conference associated with an  
10 existing or promised publication and for which consumers pay a fee (however such fee is  
11 denominated).

12 2) ORDER

13 PROHIBITED MISREPRESENTATIONS REGARDING PUBLISHING SERVICES

14 I. IT IS THEREFORE ORDERED WKDW 'HIHQGDQWV 'HIHQGDQWV  
15 employees, and attorneys, and all other Persons in active concert or participation with any of  
16 them, who receive actual notice of this Order, whether acting directly or indirectly, in  
17 connection with any Publishing Activities, are hereby permanently restrained and enjoined  
18 from:

19 A. misrepresenting or assisting others in misrepresenting, expressly or by implication:

- 20 1. the nature, credibility, legitimacy, or reputation of any journal or other
- 21 publication;
- 22 2. that any journal or other publication follows or otherwise engages in
- 23 review or any other process by which work submitted to that journal or
- 24 publication is reviewed;

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1 PROHIBITED MISREPRESENTATIONS REGARDING SCIENTIFIC  
2 CONFERENCES

3 II. IT IS FURTHER ORDERED  
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1 such representation is made, Defendants possess and rely upon competent and reliable  
2 evidence that is sufficient to substantiate that the representation is true.

3 REQUIRED DISCLOSURES REGARDING PUBLISHING PRACTICES

4 III. IT IS FURTHER ORDERED WKDW 'HIHQGDQWV' 'HIHQGDQWV' R  
5 employees, and attorneys, and all other Persons in active concert or participation with any of  
6 them, who receive actual notice of this Order, in connection with any Publishing Activities,  
7 whether acting directly or indirectly, are hereby permanently restrained and enjoined from  
8 soliciting from a consumer or publishing articles, manuscripts, or other works solicited from a  
9 consumer, without disclosing Clearly and Conspicuously:

10 A. all costs to the consumer associated with submission or publication of work

11 B. if Defendants will not have such work reviewed by peers who are subject matter  
12 experts, who are not journal employees, and who evaluate the quality and credibility of  
13 the work, a statement informing consumers of such fact; and

14 C. if Defendants will not allow consumers to withdraw such work from publication after  
15 it has been submitted or will require consumers to pay a fee (however such fee is  
16 denominated) to withdraw such work from publication, a statement informing  
17 consumers of such fact and any costs to withdraw.

18 REQUIRED DISCLOSURES REGARDING JOURNAL IMPACT FACTORS

19 IV. IT IS FURTHER ORDERED WKDW 'HIHQGDQWV' 'HIHQGDQWV' R  
20 employees, and attorneys, and all other Persons in active concert or participation with any of  
21 them, who receive actual notice of this Order, in connection with any Publishing Activities,  
22 whether acting directly or indirectly, are hereby permanently restrained and enjoined from  
23 making any representation, expressly or by implication, regarding the Impact Factor or Impact  
24 Score of any journal or publication, unless the representation is (a) not misleading and (b)  
25 Clearly and Conspicuously discloses (1) whether the Impact Factor or Impact Score is

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1 expressly or by implication, about the benefits, performance, or efficacy of any product or  
2 service, unless the representation is non-

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1 within 7 days of entry of this Order for current personnel. For all others, delivery must  
2 occur before they assume their responsibilities.

3 C. From each individual or entity to which a Defendant delivered a copy of this Order,  
4 that Defendant must obtain, within 30 days, a signed and dated acknowledgment of  
5 receipt of this Order.

6 6) COMPLIANCE REPORTING

7 X. IT IS FURTHER ORDERED that Defendants make timely submissions to the FTC:

8 A. One year after entry of this Order, each Defendant must submit a compliance report,  
9 sworn under penalty of perjury:

10 1. Each Defendant must: (a) identify the primary physical, postal, and email  
11 address and telephone number, as designated points of contact, which  
12 representatives of the FTC may use to communicate with Defendant; (b) identify  
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14 physical, postal, email, and Internet addresses; (c) describe the activities of each  
15 business, including the goods and services offered, the means of advertising,  
16 marketing, and sales, and the involvement of any other Defendant (which the  
17 Individual Defendants must describe if he knows or should know due to his own  
18 involvement); (d) describe in detail whether and how that Defendant is in  
19 compliance with each Section of this Order; and (e) provide a copy of each Order  
20 Acknowledgment obtained pursuant to this Order, unless previously submitted  
21 to the FTC.

22 2. Additionally, the Individual Defendant must: (a) identify all telephone numbers  
23 and all physical, postal, email and Internet addresses, including all residences; (b)  
24 identify all business activities, including any business for which Defendant  
25 performs services whether as an employee or otherwise and any entity in which

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1 E. Unless otherwise directed by a FTC representative in writing, all submissions to the  
2 FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight  
3 courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of  
4 Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue,  
5 Washington, DC 20580. The subject line must begin: FTC v. OMICS Group, X160049.

6 7) RECORDKEEPING

7 XI. IT IS FURTHER ORDERED that Defendants must create certain records for 20 years  
8 after entry of the Order, and retain each such record for 5 years. Specifically, each Corporate  
9 Defendant and the Individual Defendant for any business that such Defendant, individually or  
10 collectively with any other Defendants, is a majority owner or controls directly or indirectly,  
11 must create and retain the following records:

12 A. accounting records showing the revenues from all Publishing Activities and  
13 Conference Activities sold;

14 B. personnel records showing, for each Person providing services, whether as an  
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16 position; dates of service; and (if applicable) the reason for termination;

17 C. records of all consumer complaints and refund requests, whether received directly or  
18 indirectly, such as through a third party, and any response;

19 D. all records necessary to demonstrate full compliance with each provision of this  
20 Order, including all submissions to the FTC; and

21 E. a copy of each unique advertisement or other marketing material.

22 8) COMPLIANCE MONITORING

23 XII. IT IS FURTHER ORDERED WKDW IRU WKH SXUSRVH RI PRQLW  
24 compliance with this Order and any failure to transfer any assets as required by this Order:  
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A. Within 14 days of receipt of a written request from a representative of the FTC, each Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear in person; and produce documents for inspection and copying. The FTC is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the FTC is authorized to communicate directly with each Defendant. Defendants must permit representatives of the FTC to interview any employee or other Person affiliated with any representative in B W\* n BT 0 g /t wh. Tan

9) RETENTION OF JURISDICTION

XIII. IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

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