

1 To,  
2 Ms. Loana Ruse,  
3 Division of Financial Practices,  
4 Federal Trade Commission,  
5 Washington DC 20580,  
6 USA.

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8 Dear Madame,  
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10 We are concerned for our clients M/s. Omics Group, addressed at 9<sup>th</sup> Floor, Building No. 20,  
11 Raheja IT Park Mind Space, HITECH City, Hyderabad to whom you have issued a notice dated  
12 29<sup>th</sup> April 2016. The same has been placed in our hands for an appropriate reply. Before  
13 adverting to the facts of the case, we wish to reiterate all the points that were mentioned to you  
14 in the Telcon we had with you on the 26<sup>th</sup> July, 2016 as well as the written communication  
15 dated \_\_\_\_\_ issued by the Legal Compliance Team of Omics.  
16

17 We wish to state at the outset that the notice has been issued under a wrong notion that  
18 Dr.Srinubabu Gedela holds a permanent residence status in USA. The fact of the matter is that  
19 Dr.Srinubabu Gedela is not a resident of US and his permanent residence is in India. On this  
20 ground alone the said notice is not maintainable and there cannot be a duty caste upon us to  
21 answer such a notice since no cause of action has arisen. We would like draw your attention to  
22 Section 5(A) of the Federal Trade Commission Act, which very clearly lays down the  
23 transactions to which the Act would apply. Taking into consideration the nature of Transactions  
24 that have been dealt with by our client the said notice does not qualify to be issued under the  
25 FTC Act and Section 5(A) is a clear prohibition against issuing such notice.  
26

27 Further there seems to have been a deliberate non-compliance of the procedural aspect that  
28 has been contemplated under Section 5 in that a physical copy of notice was never sent to us. It  
29 is submitted that the general principle of law of following procedures which is part of principles  
30 of natural justice has not been followed and hence the entire process is vitiated and smacks of  
31 deliberate circumvention of the process laid down by the law. On this count alone the entire  
32 proceedings stands vitiated.  
33

34 All the allegations levelled in your letter has been done as matter of making allegation and  
35 without any valid documentary evidence. Even if there are documentary evidence they have not  
36 been provided to us and this reply is being given without our client having advantage of going  
37 through the documents and replying to the same.  
38

39 Without prejudice to what is stated above our client wishes to give the present reply with the  
40 sole intention of clarifying the doubts and allegations leveled against it, and also would want to  
41 show that he is a law abiding citizen and has the highest respect for Law. Our Client Omics  
42 does not have any physical assets in America. On the other hand, our client had been following  
43 all the rules, regulations and guidelines and our client would wish to state that there is no  
44 illegality committed by him as alleged in your letter.  
45

46 Our client is a fast growing Indian Company who is thriving best to create more opportunities to  
47 the society and runs all the operations from India and has the Corporate Head Quarters in  
48 Hyderabad, India. Having stated so, our client wishes to deal with all the allegations thread  
49 bear as follows:  
50

1 We here with reproduce the allegation narrated in your letter and followed by our reply to the  
2 same: -  
3

4 *1. To induce consumers to submit articles to their journals, Defendants make numerous*  
5 *representations on their websites and in their email solicitations regarding the reputation and*  
6 *credibility of their journals and their publishing process. In numerous instances, Defendants*  
7 *invite scientists and other academics to submit articles to their journals via email solicitations*  
8 *that purport to be sent by noted academics in the consumers' field of study.*  
9

10 The above allegation is baseless since in the nature of the business our client always invite to  
11 serve someone on board or to submit their research articles. This invitation is not an  
12 inducement or any other form of force. The invitation is given since the contributions by the  
13 scientist do serve the Scientific Community. Further "Scientists" are not illiterates to submit the  
14 articles to non-reputed journals or amenable to the inducements. They are well qualified and  
15 have the capacity to judge journals where they wish to publish. They don't require any guidance  
16 from anyone nor they need to be told or induced to submit to our client journal the Articles  
17 authored by them.  
18

19 Our client states that the entire Scientific community knows Our client to be one of the reputed  
20 publishing company in the world which holds 700+ Journals and has organized more than  
21 3000+ conferences all over the world. Further there is nothing wrong for our client to send mails  
22 as one of the marketing activities. We are following proper guidelines and maintaining  
23 unsubscribe list and not sending non-solicited emails.  
24

25 It may be a matter of revelation to you that our client publishes all its journals under open-  
26 access system there by simulating the scientific research to needy scientists and academicians.  
27

28 *2. In addition, in numerous instances, Defendants represent that their journals are*  
29 *reviewed and edited by specific scientists, researchers, and academics whose names,*  
30 *pictures, and biographies appear on Defendants' websites, or that those individuals are on the*  
31 *editorial boards or are otherwise associated with Defendants' journals. In fact, in numerous*  
32 *instances, individuals who Defendants have represented are editors, members of editorial*  
33 *boards, or otherwise associated with Defendants' journals either has not agreed to be*  
34 *associated with Defendants' journals or are unaware that their names have been used by*  
35 *Defendants.*  
36

37 We are to state that our clients list the name of the Scientist in the Editorial board only after  
38 such scientists give their consent to the same. For example, two national cancer institute  
39 scientists reported OMICS used their names as editorial board members without their consent.  
40 We reported and published their acceptance and written disclosure in an online platform 1)  
41 ([http://www.omicsonline.org/Legal-Replies/Dr.Raymond-Editor-in-Chief-](http://www.omicsonline.org/Legal-Replies/Dr.Raymond-Editor-in-Chief-Nomination.pdf)  
42 [Nomination.pdf](http://www.omicsonline.org/Legal-Replies/Acceptance-as-Editorial-Board-Member-Journal-of-Proteomics-and-Bioinformatics.pdf))([http://www.omicsonline.org/Legal-Replies/Acceptance-as-Editorial-Board-](http://www.omicsonline.org/Legal-Replies/Acceptance-as-Editorial-Board-Member-Journal-of-Proteomics-and-Bioinformatics.pdf)  
43 [Member-Journal-of-Proteomics-and-Bioinformatics.pdf](http://www.omicsonline.org/Legal-Replies/Acceptance-as-Editorial-Board-Member-Journal-of-Proteomics-and-Bioinformatics.pdf)) the same are also annexed to this letter  
44 as "Annexure I". The same scientists later accepted that they had agreed to be on the Editorial  
45 Board and forgot about giving their acceptance. We are to state that such base less allegations  
46 have created a bad name to OMICS and the subsequent realization of mistakes by the said  
47 scientist not made good the damages already occurred. Hence it is only misunderstanding  
48 about our company and not true state of affairs on the same.  
49

50 It is further represented by our client that the Editors work voluntarily and they do not appoint  
51 any editors without getting their consent. All the consent letters given by the editors to Our

1 clients are available for being produced. Thus the allegation that the editor's names and photo  
2 are published without their consent is false and baseless.

3  
4 *3. In numerous instances, Defendants represent that articles and manuscripts submitted to*  
5 *Defendants' journals are subject to peer review practices that are standard in the academic*  
6 *journal publishing industry.*

7  
8 Our client wishes to state that they follow a single blind peer review process for most of the  
9 journals where author's details are revealed to the independent peer reviews, who are experts  
10 in the particular subject. Usually the peer-review is done by the esteemed scholars from a post-  
11 doctoral to Professor Cadre, who work voluntarily and can contribute to the peer-review process  
12 based upon their subject expertise and interest. Our Client further states that all their journals  
13 are open access journal as such it is creating free scientific literature and to this noble cause the  
14 scientist community is supporting them.

15  
16 *4. In reality, many of Defendants' online publications do not adopt the rigorous peer review*  
17 *practices that are standard in the scholarly journal publishing industry. In numerous instances,*  
18 *individuals who have agreed to serve as peer reviewers for Defendants either never receive*  
19 *any manuscripts to review or discover that, when they access the online manuscript review*  
20 *system to review their assigned articles, the articles have already been approved for*  
21 *publication. In addition, in numerous instances, consumers receive no edits or, at most, only*  
22 *stylistic edits before Defendants publish the work. In numerous instances, Defendants*  
23 *represent that their publications have high impact factors. In reality, none of Defendants'*  
24 *journals are listed by Thomson Reuters in its Journal Citation Reports. Instead, Defendants*  
25 *calculate their own impact scores and do not disclose or disclose adequately that those scores*  
26 *are not the scores listed in Thomson Reuters' Journal Citation Reports.*

27  
28 Our client wishes to state that impact factors are one of the measurements for the journal  
29 reputation, there are so many other metric/measures for journal credibility even most of the  
30 journals which are not following Impact Factors. For Example Cite Factor/ Global impact factor,  
31 Index Copernicus values, H-Index, Journal Impact Factor etc., in this Journal Impact Factor  
32 (trade mark registered by us- Trade Mark registration certificate Provided in Annexure- IV ) is  
33 the one our client clearly mentioned that the journal impact factor achieved based on citation  
34 calculation which our client clearly displayed on its website on each and every journal, similar  
35 criteria or other criteria is following by the few other publishers too.

36  
37 OMICS Journals following Index Copernicus Values (provided by Index Copernicus International  
38 <http://journals.indexcopernicus.com/page.php?page=3> )Journal Impact factor (provided by  
39 OMICS) and h-index (provided by Google Scholar, Scopus) as its journals reputation metrics.

40  
41 *5. In numerous instances, Defendants represent that their publications are included in various*  
42 *academic journal indexing services, such as PubMed or MEDLINE. For example, Defendants state*  
43 *"[m]ost of these journals are [sic] indexed in MEDLINE, PUBMED, SCOPUS, COPERNICUS,*  
44 *CAS, EBSCO and ISI." (Ex. 5.) In reality, neither PubMed nor MEDLINE index any of Defendants'*  
45 *online publications. In fact, in April 2013, the U.S. Department of Health and Human Services'*  
46 *Public Health Division sent a cease-and-desist letter to Defendants because of Defendants' claims*  
47 *that their journals are indexed in PubMed and for using quotes from and photographs of NIH*  
48 *employees on Defendants' websites without permission.*

49  
50 Our client states that PubMed Indexing service is one of the major indexing for medical journals.

1 There are so many other indexing services for other subjects like Chemical Abstracts, Scopus,  
2 EBSCO, Index Copernicus, CNKI and Ulrich etc. Our client has been following the guidelines  
3 regarding usage of PubMed logo from time to time. It is true there was an issue with regard to  
4 the usage and the same has been rectified on intimation to our client on the logos use of  
5 Pubmed. Our Client further states that it is major contributor to the PubMed Central. Pubmed  
6 has also rectified itself after realizing that certain allegations were wrong against our client and  
7 is completely satisfied now with regards to the usage of their logo now. It is false to state that  
8 our Client has used the names of NIH employees without their consent. Any name listed or  
9 associated our clients; our client has obtained the necessary consent/permission from such  
10 person in advance. Hence this allegation is unsustainable.

11  
12 ***6. In many instances, Defendants' email solicitations to consumers do not mention these***  
13 ***publishing fees. Neither do Defendants' journal websites disclose or disclose adequately that***  
14 ***consumers must pay a fee in order to be published. In many instances, consumers discover they***  
15 ***must pay a publishing fee only after Defendants advise them, via email, that their article has been***  
16 ***accepted for publication and that they owe payment. (Ex. 6.) Defendants instruct consumers to***  
17 ***submit payment by filling out a form with their credit card information, by wiring payment to***  
18 ***Defendants' bank account, or by sending a check***

19  
20 We submit that this allegation is completely wrong, baseless and invalid. Our client has never  
21 demanded payment of fee from the authors for the services which they have not performed. Our  
22 client has waived off fee in most cases even after incurring certain expenditure on peer review  
23 followed by formatting services and other works processed by our client. Further our client  
24 states that it has liberally waived off fee for several authors/students/scientist on request and  
25 claiming inability to pay such amounts. It is our client endeavor that they should encourage poor  
26 and economically backward authors and have waived off fee to the tune of 60% to complete  
27 wavier. The Intentions of our client cannot be doubted in any way since, the efforts of our client  
28 are always been genuine and had been centered around the holistic theme of sharing the  
29 knowledge as well as dissemination of knowledge from the scientific community for the benefit  
30 of society at large.

31  
32 ***7. For the first time, that they have to pay significant publishing fees, Defendants also notify***  
33 ***consumers that their article will be published. Defendants invite consumers to submit***  
34 ***typographical corrections to the article within 48 hours, after which time Defendants "assume***  
35 ***that [consumers] agreed to publish without corrections." in many instances, when Defendants***  
36 ***ignore a consumer's withdrawal request and publish their work, they prevent that consumer from***  
37 ***publishing that work in other, more reputable publications.***

38  
39 It is submitted by our client that there was never a charging of a fee that too a significant  
40 publishing fee. All publications are qualified on merit and happens only after the editorial board  
41 and author approve of it. Whenever there has been a request for withdrawal of publication our  
42 clients have always honored such a request and immediate actions were initiated. While having  
43 levelled such an allegation against us it looks like you have not gone into the aspects that if  
44 such an article is published against the wishes of the authors then the author would have  
45 initiated copyright infringement proceedings against us. Till date no such proceedings are  
46 initiated and pending against our client being the largest publisher of journals.

47  
48  
49 **With regards to the misrepresentation of speakers in the conference:** We are surprised by  
50 the nature of such an allegation since, it has not been a case where the members have not

1 attended the conferences. In most of our conference the speakers and member have attended  
2 the same and to secure their attendance it is not a onetime process and it takes few weeks  
3 before the member confirm their attendance. It goes without saying that a member attend such  
4 a conference it is his own decision and as alleged if he has been induced to attend under a  
5 representation that certain other eminent scientists are attending there is nothing that prevents  
6 the member from withdrawing in attending the conference since to arrive at registration it is a  
7 long process. It is submitted by our client that they have never misrepresented their  
8 conferences OCM members. It's a complete false claim. Our client has organizing  
9 committee members who host the events that are held at different places all over the world. All  
10 the OCM's who are on the board are working on volunteer basis. They have joined and  
11 accepted to be on board with their full consent. Out client has enough documentary proof for  
12 the same.

13

14 **With regards to the allegation of Deceptive Failure to Disclose Publishing Fees:**

15

16 It is invalid comment as our client clearly mentioned publication fee in our  
17 website.<http://www.omicsonline.org/article-processing-charges.php>

18

19 APC withdrawal- Withdrawal related APCs are only requested when an article passes through  
20 the processing. Since the publisher has certain expenditure to process the articles, authors are  
21 requested to pay to cover the expenses that are incurred by Publisher. Processing charges for  
22 withdrawals have been displayed very clearly on our website.  
23 (<http://www.omicsonline.org/article-processing-charges.php>)

24

25 Further our client are providing 40% waivers and 30% discounts from total published/processed  
26 articles on the mentioned rates at our websites. This is the precise reason our clients are getting  
27 repeated and more number of article submissions from authors.

28

29 **Defendants organize purported scientific conferences in the United States and abroad. To promote  
30 their conferences, Defendants send emails to consumers and advertise on their websites. Defendants  
31 charge consumers fees ranging from several hundreds to over \$1,000 to register for these  
32 conferences.**

33

34

35 Defendants' Deceptive Conference Practices: We are bringing all the scientists under one  
36 platform to promote science, technology and medicine innovation. Again scientists  
37 or participants are not uneducated people to attend our conferences without return  
38 on knowledge or innovation.

39

40 Conferences- All the scientific conferences are doing great contribution for the  
41 society. Our clients are conducting conferences to disseminate knowledge to the  
42 scientific community. Our International Conferences work with the slogan: Meet,  
43 learn and explore. The expenses incurred for organizing conferences are very high  
44 there are certain basic requirements our follow to provide quality services. Our  
45 client also provides discounts to many participants on requests. This in itself is  
46 classic demonstration as to how our client encourages academic interests amongst  
47 students, scientists and academic community.

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*In numerous instances, to induce consumers to register for these conferences, Defendants represent that various academic experts have agreed to participate in the conferences. In fact, in numerous instances, individuals who Defendants have represented will be participating in Defendants' conferences either has not agreed to participate in those conferences or are unaware that their names have been used by Defendants.*

*Our client states and submit that it has never induced any person to attend any or their conferences*

On the other note our client wants you to understand that our clients are very strong and confident to prove our client's trustworthiness against the allegations made on our client. We request you to understand the actual facts rather than questioning us based on frivolous and baseless complaints.

**Based on the facts all of your FTC allegations are baseless. Further we understand that FTC working towards favoring some subscription based journals publishers who are earning Billions of dollars from scientists literature.**

**Based on the documentation those are provided. Our client hopes you understand the transparent business of our client and their services and contributions to make the scientific and health care information open access.**

**It is submitted and we believe that we have answered all the allegations as well as provided further information which we think will help you in arriving at a just conclusion against our client. We earnestly demand you to drop all the proceedings against our client as otherwise we may be constrained to effectively defend our client as well as in the event of the case of FTC being struck down Our client may be constrained to seek for damages for loss of repute and malicious prosecution.**