

# PREDATORY JOURNALS

Protection Against  
Journal Hijacking & Journal Phishing

# ARTICLE

Park S, Lee E, Suh J, *Arbital Action and Preventive Methods Against Predatory Journal Practice*, Sci Ed (Feb. 2018) (<https://doi.org/10.6087/kcse.118>)

science  
editing

pISSN 2288-8063  
eISSN 2288-7474



Sci Ed 2018;5(1):49-52  
<https://doi.org/10.6087/kcse.118>

## Case Study

### Arbital action and preventive methods against predatory journal practice

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#### Abstract

As open access model of journal publication increases, predatory journals, which deceive scholars to publish journals in fake database websites and exploit them for publishing fee, is also increasing. There are two types of predatory journals. First, journal hijacking and cybersquatting generally create fake database website by mimicking authentic database website, thereby defrauding scholars for publication fee. Second, journal phishing use scam emails to steal scholars' personal information. If scholars suffered damage from predatory journals, scholars can take either arbitral or judicial actions. Arbitral action follows arbitral resolution process termed Uniform Domain-Name Dispute-Resolution Policy. Scholars can join Uniform Domain-Name Dispute-Resolution Policy proceeding with legal entity that has right to authentic database website, which will result in cancellation or transfer of fake database website. In contrast, scholars can take judicial action under Anti-cybersquatting Consumer Protection Act, which may help scholars to recover an actual monetary damage from predatory journals. Nonetheless, taking precaution to avoid predatory journals is the best course of action, rather than going through arduous cure procedures. Scholars may prevent predatory journals by carefully examining fake database website names or email addresses, or observing unreasonable number of published article issues in predatory journal websites.

# PREDATORY JOURNALS?



# CASE STUDY I

- ◉ In 2016, a scholar sent an email to phishing email address, jeet@jeet.us, by following the instructions on the phishing website www.jee t.us
- ◉ In fact, www.jeet.us was a phishing website, posing as an authentic journal database JEET (Journal of Electrical Engineering and Technology)

# CASE STUDY II

- ◉ *Kouassi v. W. Ill. Univ.*, 2015 U.S. Dist. (May. 19. 2015)
- ◉ Dr. Koussai, an Assistant Professor in Western Illinois University, was denied of promotion to Associate Professor partly due to his publication in predatory journals
  - “University became increasingly aware of the problem of predatory journals... articles published in predatory journals will not count toward promotion or tenure, or be accepted for PAA points”

# PREDATORY JOURNALS?

- ◆ 2012: Jeffery Beall, University of Colorado
- ◆ Predatory publishers invoicing authors for the fees, by exploiting the open-access model of journal publication
- ◆ Beall's List of Predatory publishers
  - ◆ <https://bealllist.weebly.com/>

# PREDATORY JOURNALS?

◆ 2 types of predatory journals, which infringe rights of a third party:

- JOURNAL HIJACKING (Cybersquatting) &
- JOURNAL PHISHING

# JOURNAL HIJACKING

## ◆ A journal hijacker registers:

- 1) Similar domain name compared to the authentic database domain name (i.e. Typosquatting); OR
- 2) A domain name for an authentic “print-only” journal

## ◆ Results?

- 1) Exploit publication charge
- 2) Tarnish good reputation of authentic journal database



# CYBERSQUATTING

- ◆ Registration of domain name similar to third party's trademark, in an attempt to:
  - 1) Sell domain name back to the trademark owner
  - 2) Divert business from the trademark holder to the domain name holder
- ◆ Becomes journal hijacking, if cybersquatter registers an authentic “print-only” journal for domain name
- ◆ Results?
  - 1) Trademark infringement

# JOURNAL PHISHING

- ◆ Use scam emails to lure authors for publication fee or personal information
- ◆ Result?
  - 1) Steal money OR personal information



# DAMAGES

- ◆ Exploit publication fee
  - ◆ Tarnish reputation of authors and authentic journal database
  - ◆ Infringe possible trademark
  - ◆ Steal personal information
  - ◆ Threaten well-being of patients
- ◆ So the question is...
- How can authors protect themselves?

# POSSIBLE RESOLUTIONS

## ◆ Alternative Dispute Resolution

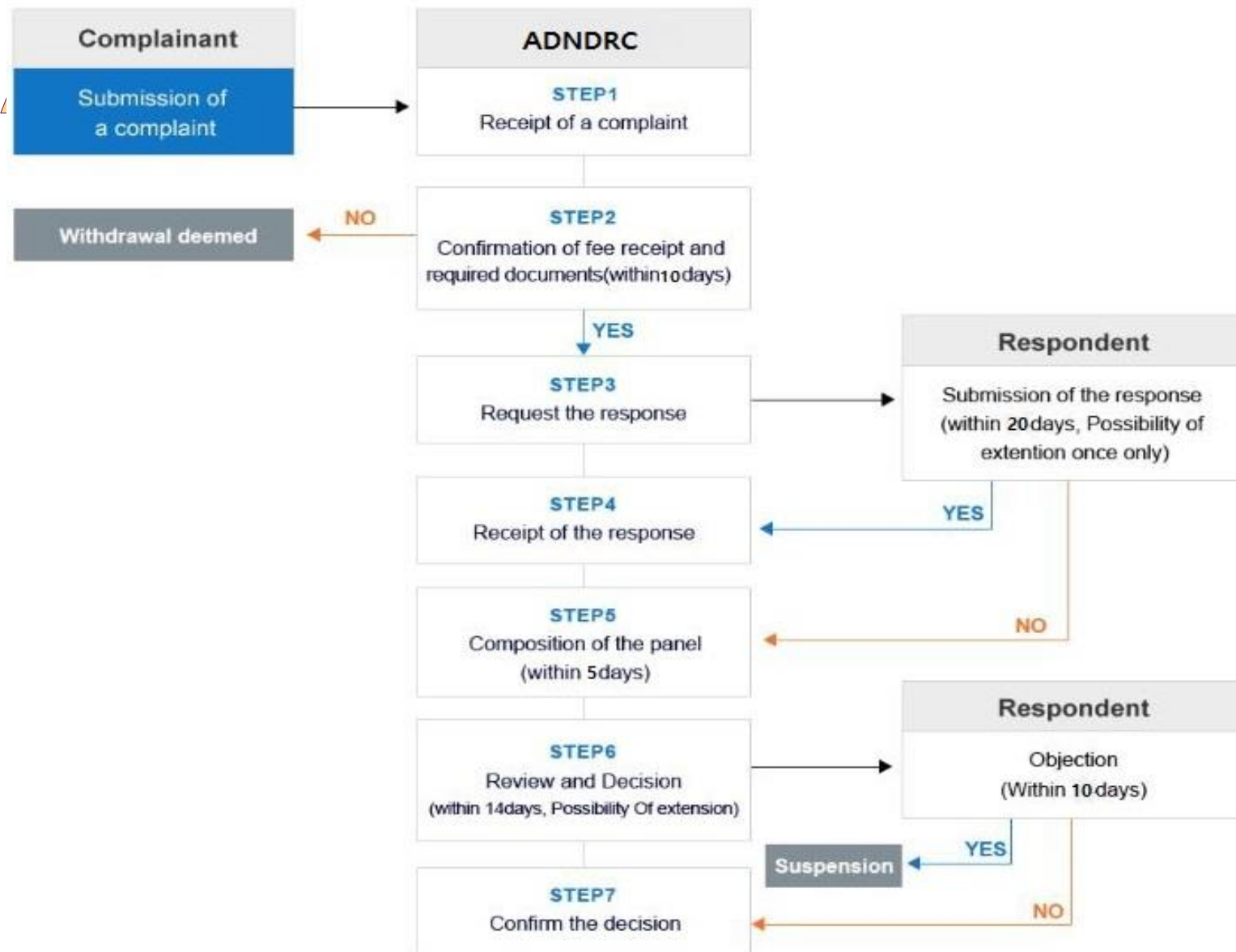
- 1) International:  
ICANN's UDRP  
Procedure
- 2) Korea: ADNDRC  
Seoul Office

## ◆ Judicial Resolution

- 1) USA:  
Anticybersquatting  
Consumer  
Protection act  
("ACPA")

# ALTERNATIVE DISPUTE RESOLUTION

- ◆ ICANN established Uniform Domain Name Dispute (UDRP) procedure
  - 1) Fraudulent domain name should be identical or confusingly similar to complainant's trademark
  - 2) Respondent does not have right in the domain name
  - 3) Domain name is registered and used in bad faith (i.e. Caesar World Inc v. Stephens)
- Journal Hijacking & Phishing satisfies 3 requirements
- Korea? Asian Domain Name Dispute Resolution Center (ADNDRC) Seoul Office manages UDRP proceeding



# ADVANTAGE / DISADVANTAGE

## ◆ Advantage

- 1) Efficient and fast procedure
- 2) Relatively cheap compared to judicial resolution

## ◆ Disadvantage

- 1) Only transfer or cancellation of fraudulent domain... NO monetary reward \$\$\$

# JUDICIAL RESOLUTION

- ◆ US Congress enacted Anticybersquatting Consumer Protection Act (ACPA)
- ◆ Prohibit registration or use of domain name that is identical or confusingly similar to another's trade mark
  - 1) Complainant's trade mark has been distinct
  - 2) Registrant acted with bad faith intent for commercial exploitation from the trademark



# ADVANTAGE / DISADVANTAGE

## ◆ Advantage

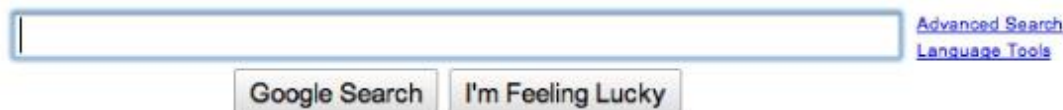
- 1) Actual Monetary damage recoverable  
i.e. complainant's actual damage, attorney's fee, cybersquatter's profit, etc

## ◆ Disadvantage

- 1) Case must have jurisdiction in U.S.
  - Complete Diversity; AND
  - Aggregate amount in controversy < USD \$75,000

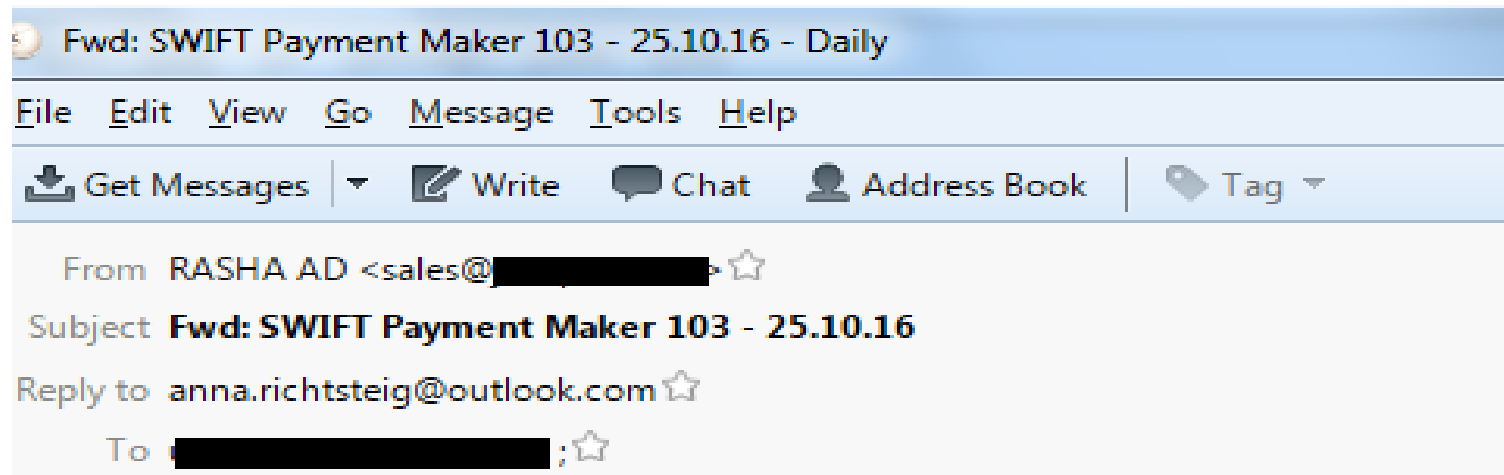
# PREVENTIONS

- ◆ Examine spelling of fraudulent domain name (typosquatting) = **Check Beall's List**
- ◆ Official website ([www.jeet.or.kr](http://www.jeet.or.kr)) → Fraudulent website ([www.jeet.us](http://www.jeet.us))



# PREVENTIONS

- ◆ Observe unreasonable number of published issues in fraudulent domain
- ◆ Observe spear phishing email's “from” and “reply to” sections



KIND ATTN: SIR - ASST. DIRECTOR.

RE: RCMC.

# TO SUMMARIZE...

- ◆ Alternative dispute resolution and judicial resolution can be unrealistic methods at times
- ◆ Thus, PREVENTION is the key!
- ◆ Please contact 서지희 (attorney-at-law, California and Wisconsin; 한미약품 / 과편협 legal counsel) at [suh23@wisc.edu](mailto:suh23@wisc.edu), if you have any questions.