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Kerala Co. Apologizes for Using Slain American's Image

A common Indian practice of using material without thinking about copyright or privacy rights recently had dramatic consequences for an Indian company.

[Jubeerich Consultancy Pvt.](#), a company in the southern Indian state of Kerala, has reportedly been using the picture of a dead American woman on billboards advertising its study-abroad consulting services.

In a [report](#) earlier this week, the News & Observer newspaper of Raleigh, North Carolina, said that the picture was of Eve Carson, a student at the University of North Carolina at Chapel Hill who was abducted, robbed and killed four years ago.



Bruce Sicheloff, The News & Observer/Associated Press
Justy Mathews said the billboards, pictured, had been prepared by a contractor and that he was not aware of how the contractor got the picture.

The story quoted a staffer at the University saying that Jubeerich's use of Ms. Carson's image doesn't honor her memory and her family would want the company to stop it. The image is owned by the university where Ms. Carson was president of the student body. The story quoted a legal expert saying that such copyright infringement can land you in court in the U.S., but they weren't so sure if the same could be done in India, so their best bet was to hope the company would show decency and take it down.

On Friday, Jubeerich said it has taken steps to do so. "I've already given the directions to take off those billboards," Justy Mathews, a director of the company told India Real Time over the phone from Kochi, Kerala.

Mr. Mathews said the billboards had been prepared by a contractor and that he was not aware of how the contractor got the picture. He said he had no idea where the contractor was now.

Mr. Mathew has published an apology to Ms. Carson's family and other people on his website. "Being a truthful, honest and God fearing Christian, I will never ever be even able to think of using the image of a slain innocent girl in any which way even in my widest (sic) dreams, for what ever reasons, by knowing the entire facts and history,intentionally," wrote Mr. Mathew.

Still, the incident underscores the pervasive lack of awareness of copyright laws within India.

Individuals and companies commonly copy material from the internet without getting permission or giving credit to the source. Many Indian companies, such as outsourcing companies or recruitment firms, often have pictures of random white people on their websites.

"I often wonder if they really have taken consent" to use those pictures, says Gowree Gokhale, a partner in the intellectual property team at law firm Nishith Desai Associates.

A copyright-related case in India would typically result in an order to stop further use of the copyrighted material but there aren't high penalties to act as a deterrent.

"To get damages is not that easy in India and it is time-consuming," says Ms. Gokhale. Also, she says India doesn't yet have laws to protect the privacy of individuals, except in the limited category of sensitive data and personal information.

On Jubeerich's homepage there is a picture of 20 Caucasians with a blurb saying "Immigrate to your dream country, Canada (Quebec)"

When asked if Jubeerich had copyright for this picture, Mr. Mathews said he could not say because he had not been taking care of the day-to-day running of the business and the manager who was doing so resigned a year ago. "I'm demolishing everything," said Mr. Mathews, adding that he plans to "make a new website."

The recent episode has also made him cautious of how he portrays the company, he says.

The website currently describes the company as "a professional and reliable migration consultancy to Australia and New Zealand doing services like migration...and placement services."

On Friday, Mr. Mathews said that "technically and legally speaking...we provide information to students or parents who seek higher education overseas."

He said he wanted to be clear about the company's services because "I don't want to attract any more allegations."

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