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Lawyer tries and fails to shut down The Oatmeal's charitable fundraiser

The fundraiser, now at \$170,000, doesn't violate the ToS, as Carreon asserted.

by Casey Johnston - June 15 2012, 9:57pm CEST

INTERNET CRIME | LAWSUITS | WEB CULTURE 117

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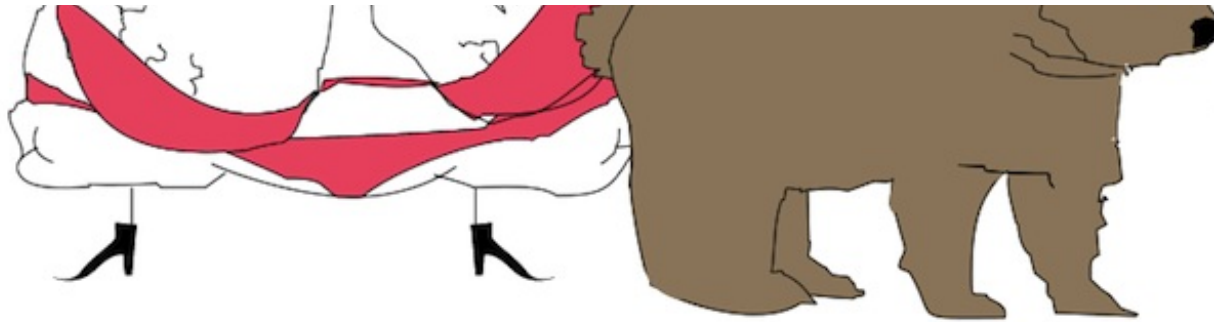
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FEATURE STORY (2 PAGES)



The Inman comic that really set Carreon off.

 [The Oatmeal/Matthew Inman](#)

Lawyer Charles Carreon's attempt to shut down Web cartoonist The Oatmeal's taunting charitable fundraiser has been denied, according to Indiegogo, the service used to collect the money. Carreon, who threatened to sue The Oatmeal (alias Matthew Inman) for defaming FunnyJunk.com if he didn't pay Carreon \$20,000, has complained that the fundraiser violated Indiegogo's terms of service.

Carreon **demanded the money** as penance for a blog post that Inman wrote stating that humor site FunnyJunk was stealing content from [The Oatmeal](#), Inman's website. Inman responded by pledging to raise the money Carreon requested, and then to donate it in equal parts to the National Wildlife Foundation and the American Cancer Society (also known as "**Operation BearLove Good, Cancer Bad**").

Carreon received antagonistic e-mails and was sent many copies of Inman's drawing of Carreon's mother attempting to seduce a Kodiak bear by fans of Inman, to **his shock and surprise**. The lawyer subsequently removed his contact info from his website. Carreon told [MSNBC](#) that he believed that the fundraiser violated Indiegogo's terms of use, and "sent a request to disable the fundraising campaign."

FUNNYJUNK V. THE OATMEAL

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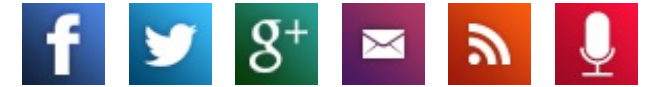
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by [Jacqui Cheng](#) - June 28 2012, 10:30pm CEST

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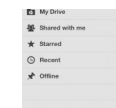
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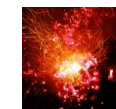
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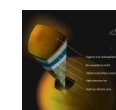
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"Charles Carreon did indeed reach out to Indiegogo with this complaint," Indiegogo told Ars in an e-mail. The company was working with its lawyer "to make sure everything was legit about the campaign," and determined it hasn't "seen any behavior to cause them to believe that this campaign doesn't comply with their terms of service."

While that skirmish was lost, the fundraiser surged to \$170,000 after just three days. Inman said he will choose two more charities in addition to the initial two among which he will divide the money. The campaign will continue on unimpeded for the 11 days that remain.

Update: Courtesy of reader [albeec13](#), here is [a letter from Venkat Balasubramani](#), an attorney with Focal PLLC, addressed to Carreon on behalf of Inman. The letter asserts that FunnyJunk may be at greater fault for its failure to comply with DMCA practices and categorically dismisses the idea that Inman's blog post was defamatory.

EDITOR'S PICK: PROMOTED READER COMMENT

albeec13 | Ars Centurion

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Casey, if you didn't see this already, Inman has obtained a lawyer and his lawyer has drafted a response to FunnyJunk's lawyer (6 pages of response, including an Ars Technica name drop, among other things.)

[http://www.scribd.com/doc/96850920/Funn ... I-Response](http://www.scribd.com/doc/96850920/Funn...I-Response)

One of the most damning parts in the response is where Inman's lawyer implies that FunnyJunk has not complied with mandatory DMCA policies for allowing content owners to request takedowns in order for the site to file for protection under DMCA law.

In other words, Inman can really put a world of hurt on FunnyJunk by holding them liable for the infringements, rather than being able to claim innocence under DMCA and blame their users for uploading the content.

Last edited by [albeec13](#) on 15 Jun 2012 15:18

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Casey Johnston / Casey Johnston is an Associate Writer for Ars Technica covering gadgets, privacy, and tech culture. She graduated from Columbia University with a degree in Applied Physics.

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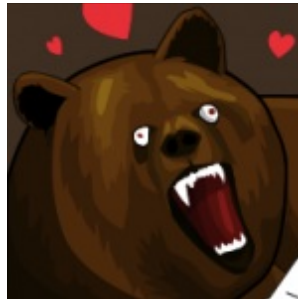
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