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# LAW & DISORDER / CIVILIZATION & DISCONTENTS

## Lawyer demands \$20,000, so webcomic raises \$100,000 from the Internet

The saga of FunnyJunk vs. The Oatmeal takes an unexpected turn.

by Nate Anderson - June 12 2012, 4:44pm CEST

INTELLECTUAL PROPERTY 109

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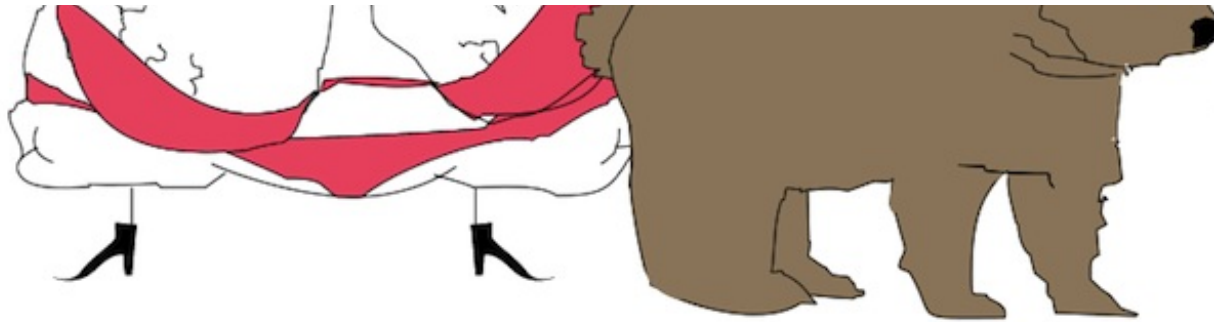
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### TOP FEATURE STORY ▾



FEATURE STORY (2 PAGES)



The Inman comic that really set Carreon off.

[The Oatmeal/Matthew Inman](#)

When "[The Oatmeal](#)" webcomic creator Matthew Inman got the recent lawyer letter demanding \$20,000 of his money, he just did what came naturally—drew a picture of the lawyer's mother seducing a Kodiak bear.

Then he turned to the Internet to find the cash, which would be donated to charity rather than sent to the lawyer. Inman raised the money in an hour; within a day, people had pledged \$100,000.

## "Deliver to me a check"

The controversy goes back to last June, when Inman got [fed up with his comics appearing on user-generated humor site FunnyJunk](#), often without attribution.

"I realize that trying to police copyright infringement on the internet is like strolling into the Vietnamese jungle circa 1964 and politely asking everyone to use squirt guns," he wrote in a blog post last year. "I know that if FunnyJunk disappeared, 50 other clones would pop up to take its place overnight, but I felt I had to say something about what they're doing."

So he said something, which included negative comments about FunnyJunk's business model:

### FUNNYJUNK V. THE OATMEAL

Defenders of The Oatmeal create parody websites to pick up the fight

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The Internet's most hated man

Doubling down: FunnyJunk lawyer to subpoena Ars, Twitter

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The iPhone has evolved—and altered the course of the smartphone industry.

by **Jacqui Cheng** - June 28 2012, 10:30pm CEST

63

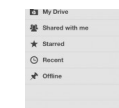
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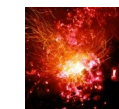
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### MUSICAL CHAIRS

Gather funny pictures from around the internet

Host them on FunnyJunk.com

Slather them in advertising

If someone claims copyright infringement, throw your hands up in the air and exclaim "It was our users who uploaded your photos! We had nothing to do with it! We're innocent!"

Cash six-figure advertising checks from other artists' stolen material

The war between FunnyJunk and The Oatmeal passed quickly. FunnyJunk removed many of The Oatmeal's comics, and a site admin noted that FunnyJunk "has been around for 10 years. It is not a run by not [sic] scam operation that steals content for advertising profits... The site barely affords to stay alive as it is and has enough problems."

The dispute died off, another entry in the long series of skirmishes between creators and user-generated content sites on the Internet. Inman thought everything was over, until June 2 brought him a [letter](#) from lawyer Charles Carreon, who said he was representing FunnyJunk.

That little excerpt above about FunnyJunk's business model? Defamation, said Carreon, who demanded that Inman remove every reference to FunnyJunk from his website—and "deliver to me a check in the amount of \$20,000 payable to the order of FunnyJunk, LLC."

FunnyJunk's position was that it was just like YouTube; sure, users upload (and re-upload...) infringing content, but FunnyJunk takes it down when notified. Inman's comments, and the resulting controversy, were bad for (an entirely legal) business.

Inman's position was that he can't spend his life doing this, and that the site is profiting off his work. Thus, the demand that he pay *them* \$20,000 felt particularly galling.

FunnyJunk made its decision—to target Inman with a lawyer and perhaps a lawsuit should he fail to comply—and [Inman made his](#). His plan was to raise the money requested by FunnyJunk, take a photo of it, and mail the photo of the cash along with the pic of Carreon's (purported) mother seducing a rather complacent-looking bear. The actual cash would be split evenly and sent to the National Wildlife Federation and the American Cancer Society. ("Think of the sexy bears!" said the

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donation button. "Think of the shitty cancer!")

Though Inman gave himself two weeks to raise the money, Operation BearLove Good, Cancer Bad **blew through its goal**. "Holy shit \$20,000 in 64 minutes!" wrote Inman as people funded him in an hour. "YOU PEOPLE ARE AMAZING."

At the time of this writing, the pledge total stood at \$98,143 from 6,631 separate donors.

**Accordingly, demand is hereby made upon you to perform the following remedial acts on or before June 12, 2012:**

- Remove all mention of FunnyJunk and FunnyJunk.com from TheOatmeal.com from your website and any other website over which you have control.
- Deliver to me a check in the amount of \$20,000 payable to the order of FunnyJunk, LLC.

I look forward to your prompt response.

Very truly yours,



Charles Carreon  
2012.06.02  
17:13:44 -07'00'

The heart of the matter.

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## In which we learn lessons

What's the moral of the story? Honestly, I'm not sure there *is* a moral to any story that involves human/ursine seduction—but it does neatly encapsulate in miniature the issues for both creators and user-generated content sites.

For creators, especially independent ones, the DMCA takedown process is almost impossible to turn into a useful tool. But for user-generated content sites, policing uploads for copyright infringement is a hugely difficult challenge, and they are routinely accused of turning a blind eye to

piracy when they can't solve the problem themselves. One possible solution, used by sites like YouTube, is to let creators upload their work and then offer them options whenever exact copies of that work are uploaded to the site. When executed well, such systems have limited impact on fair use but can also provide modest protection for creators like Inman. But they aren't required by law.

Beyond this well-worn debate, the story serves as a reminder of the importance of community. The idea that "people on the Internet" don't want to give money to artists has hopefully been consigned to history's dustbin by now; people love supporting artists, in fact, when they feel a direct connection to them and when the artists don't appear to be greedy bastards (transparency about where exactly the money goes helps, too; just [ask Louis CK](#)).

And when fans can feel like they are *also* sticking it to a lawyer in the process of donating—so much the better.

FunnyJunk did not respond to our request for comment.

READER COMMENTS **109**

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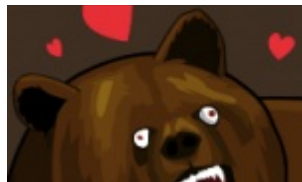
**Nate Anderson** / Nate is senior editor at Ars Technica, where he oversees long-form feature content and writes about technology law and policy. He's currently at work on a book about Internet policing.

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You gotta give if you wanna sue.



**Doubling down: FunnyJunk lawyer to subpoena Ars, Twitter**

**REQUEST DENIED**

**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.



**FunnyJunk lawyer's wife wades into fray, calls critics "nazi scumbags"**

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Funny Junk's lawyer Charles Carreon rages against The Oatmeal.

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