

**Roy, Lauren**

---

**From:** Blanch, Belinda on behalf of Adjudication  
**Sent:** Monday, 21 April 2008 11:46 AM  
**To:** Chisholm, Shane; Roy, Lauren  
**Subject:** FW: Submission: eBay International AG exclusive dealing notification N93365  
 [SEC=UNCLASSIFIED]  
**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

---

**From:** dianne wilks [REDACTED]  
**Sent:** Monday, 21 April 2008 10:27 AM  
**To:** Adjudication  
**Subject:** Submission: eBay International AG exclusive dealing notification N93365

**EXCLUDED FROM  
 PUBLIC REGISTER**

To: ACCC

The purpose of this submission is to draw your attention to the following websites that clearly illustrate the fact that Paypal's business operation is grossly flawed, it does not have any ability to provide effective customer service to its paying users and is indeed prone to simply seizing members funds from their bank accounts ad infinitum & closing disputes based on their whim. In fact, I believe you would be hard pressed to find an Australian seller who has used Paypal and not had anywhere between \$50 to \$5,000+++ uncerimoniously ripped out of their account despite the fact the seller had evidence they had fulfilled their obligations ie postal receipt, buyer had acknowledged having received item & was extremely happy etc.

I would suggest that even if paypal were required to set up a fully serviced office in Australia in order to provide appropriate customer service, the level of same would be unacceptable, just as my experience has been with them after some 10k+ transactions over the years when I have had to call overseas call centres - distasterous!

An example of eBay's online customer service: I once reported 2 x listings from the same seller ... 25 x AK47 Assault Rifles, fully operational, resplendant with photos & full details and another listing 20 kilos of Columbian Cocaine, again resplendant with photos & full details. Upon contacting eBay's live help the operator informed me there was nothing she could do, she would make enquiries & get back to me. I tersely explained that I did not require her to get back to me, I simply required the listings to be pulled down, again, "I am unable to...." I telephoned USA Oklahoma Police Headquarters to alert them and some 8 hours later the listings were removed (I have screen shots to validate). Acquiring customer service assistance from eBay is extremely clumsy and often times difficult. Paypal's customer service, on the other hand, is virtually impossible ... marry the two together and it is a nightmare for all concerned. IF you are lucky & tenacious enough to speak to a real person in Paypal, invariably they are unable/unwilling to assist, steadfastly refuse to allow the caller to speak with a Supervisor and/or tell the caller they do not have the ability to escalate a matter.

I respectfully request the Adjudication Panel to peruse the websites below, as I am confident they will arrive at the same conclusion as many eBay members have, and, just why they are fighting so voraciously to have this move halted ... the simple fact is Paypal is unsafe, cannot be trusted and is completely unable to provide any form of effective customer service & backup to those who pay handsomely to use its service:

<http://www.petitiononline.com/ebayau/petition.html> the petition website which clearly indicates Australians do NOT want this! As at 21st April '08, 9,367 signatures & growing rapidly.

<http://www.americanchronicle.com/articles/58255> **This article published 12 April 2008 says it all!!!!**  
*(especially down the bottom where it says If you do a search on Google for "PayPal problems", you will discover more than half a million entries listed! Here is an example from just two of them -*

<http://www.aboutpaypal.org/> Doozie of a website

22/04/2008

<http://www.paypalwarning.com/> (check left hand margin)

[www.nopaypal.com](http://www.nopaypal.com) (name says it all)

<http://www.news.com/2100-1017-842240.html> News report of another? class action

<http://www.paypalsucks.com/> A consumer complaints style website with horrific incidents perpetrated by paypal

<http://www.paypalsucks.com/PayPalWhistleBlower1.shtml> -hmmm say no more, I'd say nothing's changed

<http://seekbrain.com/2004/07/29/paypal-class-action/> More info on the successful paypal class action

<http://www.girardgibbs.com/> This is the law firm that filed a successful class-action against paypal

[http://www.news.com/Roll-up-for-PayPal-payout/2100-1038\\_3-5288886.html](http://www.news.com/Roll-up-for-PayPal-payout/2100-1038_3-5288886.html) News - \$9.25 million settlement for class action

### **eBay Australia Makes PayPal Processing Mandatory**

**by: Ruth**

Wed Apr 9 2008 22:13:44

The only reason they don't plan on doing this in the U.S. is because we have anti-trust laws that stop what eBay is pulling elsewhere. Tying arrangements are illegal in this country and eBay knows it. What they are doing with Paypal is a violation of the Sherman Act, plain and simple. Forcing ANY seller to accept Paypal as a stipulation of selling on eBay is a perfect example of a tying arrangement. Hopefully, Judge Fogel will rule against eBay shortly and they will have to stop shoving Paypal down everyone's throat. A ruling against eBay will also force them to allow legitimate competition to Paypal, mainly Google checkout. The fact that eBay prohibits Google checkout tells me all I need to know about eBay. It's not about buyer protection on eBay, it's about Paypal profits and GREED, period. found here: <http://blog.auctionbytes.com/cgi-bin/blog/blog.pl?pl/2008/4/1207774925.html> See info re Judge Fogel's presiding over 2 x Paypal lawsuits here: [http://www.paypalsucks.com/ebay\\_paypal\\_lawsuit.shtml](http://www.paypalsucks.com/ebay_paypal_lawsuit.shtml)

From the above article, ".....lawsuit against eBay for engaging in an illegal bundling strategy when eBay owned a payment service called Billpoint" ... would appear to be the identical MO eBay used when purchasing Paymate in Australia, sold it on & is now attempting to outlaw it as an acceptable method of payment, despite the fact many of us find it far more secure than Paypal!

I should also like to bring to the ACCC's attention that when their telephone number was first used by many thousands of eBay buyers & sellers to lodge a complaint (as per the instructions on your website) many, many members reported that the Call Centre staff were NOT taking down names or telephone numbers for your future reference during the process of fielding these calls. I sadly became aware of this when I attempted to make my telephone submission and it occurred to me afterwards that the female operator had not taken any of my details down whatsoever, thereby the entire exercise appeared to have been futile. Conversing with eBay members via telephone, group emails and the eBay chatboards revealed most others had experienced the same during their attempt to lodge a telephone complaint.

I would therefore point out that the figures you have in relation to telephone complaints/submissions are undoubtedly grossly inaccurate.

I thank you in anticipation of your finding against this third line forcing monstrous proposal.

D Wilks

22/04/2008