

**Roy, Lauren**

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**From:** Petreski, Sonya on behalf of Adjudication  
**Sent:** Monday, 28 April 2008 10:15 AM  
**To:** Chisholm, Shane; Roy, Lauren  
**Subject:** FW: eBay International A.G. notification N93365 [SEC=UNCLASSIFIED]  
**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

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**From:** Ann J.M.S. Harlan [mailto:[\[REDACTED\]](mailto:)]  
**Sent:** Thursday, 24 April 2008 3:52 PM  
**To:** Adjudication  
**Subject:** eBay International A.G. notification N93365

**EXCLUDED FROM  
PUBLIC REGISTER**

Thank you for inviting input from foreigners. I live in the USA.

I have bought and sold on eBay and I have used PayPal.

I don't believe that any claim by eBay that PayPal transactions have less fraud compared with other payment methods can be supported by actual facts. I suspect that eBay is using flawed statistics, and those should be examined more closely and broken down very carefully.

I suspect that eBay is not counting claims filed by buyers who used PayPal simply because such claims are immediately referred to PayPal and never managed by eBay. I also suspect that eBay may be lumping all other forms of payment together regardless of whether those are independent Merchant Accounts, Bank Transfers, Cash on Pick-Up or competing Online Processors. Some forms of payment are preferred by the scammers that eBay permits to operate unchecked on its website, such as Money Orders and Bank Transfers to overseas banks and bogus escrow services. To compare these high-risk transactions with those that use valid Merchant Accounts or cash on pick-up or competing online processors is ridiculous.

I have first hand experience with eBay's inability to handle a complaint and their apparent disinterest in following their posted Terms of Service. Should this request of eBay's for a waiver be allowed, it will significantly reduce the ability of the buyers and sellers transacting business using eBay's venue to manage their own acceptable levels of risk versus cost and expose even more who experience a transactional difficulty to eBay's tedious and inexplicably wrongheaded dispute resolution processes, while significantly increasing the overall cost to all parties with no appreciable gain.

eBay claims that they are certain that PayPal is the best and most secure method of transacting business on eBay. If that is true, then sensible people will choose to use PayPal on their own. That is how PayPal originally grew to be a giant in the online payment industry. However, PayPal has changed many key clauses in their Terms of Service just recently. Some of these terms are unacceptable to many people. If only PayPal can be used for business transacted on eBay all those who find PayPal's self-granted right to seize the user's money for various unclear and arbitrary reasons will be forced to abandon their businesses or accept terms they find unconscionable. (I leave out the cash-on-pickup option as eBay and PayPal policies significantly increase the risk in this type of transaction.)

In summary, I urge you to reject eBay's petition. There is no (dubious) benefit to be gained that outweighs the loss of freedom and choice and open competition.

Thank you for your time,

purple\_reading\_giraffe

Ann J.M.S. Harlan

Greencastle, Indiana, USA

"Outside of a dog, a book is man's best friend.

Inside of a dog, it's too dark to read." -Groucho Marx