

Roy, Lauren

From: Ann J.M.S. Harlan [REDACTED]
Sent: Tuesday, 29 April 2008 9:48 AM
To: Roy, Lauren
Subject: Re: eBay International A.G. notification N93365 [SEC=UNCLASSIFIED]

**EXCLUDED FROM
PUBLIC REGISTER**

Please treat my email as a public submission regarding the notification. Allow me to add to the original if it is helpful for clarity:

Let me emphasize that I do not consider the use of PayPal to be the only way to protect myself when transacting on eBay. I also feel that should eBay be handed a monopoly in payment transactions, that will severely curtail the users' ability to choose how they wish to protect themselves. In many situations eBay's and PayPal's TOS specifically deny protection to the buyers and/or the sellers, so they are wise to choose other ways of assuring a satisfactory transaction. eBay's requirements that all users submit to PayPal's TOS will, in some cases, negate protections available from Merchant Processors (to name just one). PayPal does not allow a buyer to choose to fund with a credit card as a default - if one has a bank account that is required to be the default. Although it is true that the buyer can choose to change the default funding method to a credit card on file, the process is cumbersome and unlikely to be actually used in the majority of cases.

In my opinion, if eBay were actually serious about eliminating fraud on their site and increasing the protection of both buyers and sellers, eBay would institute identity verification linked to real-world checks and not just random email accounts, and would require that each user has just one verified ID (or link multiple ID's together if there were a valid reason to have more than one). Also, were eBay serious about protecting their users, they would act on complaints with real human beings using their judgement to discern truth and resolve difficulties equitably. Instead, in my experience, eBay answers specific complaints that have specific evidence included with emails that either: have nothing to do with the complaint; request the same information already sent; provide advice that has clearly already been followed; advise that they will look into it, but for privacy reasons cannot say what they will do. As a result, I have no faith in their dispute resolution process or their promises of protection.

A specific example from my own case:

Despite paying for an item with PayPal, when the item was not shipped and the seller chose to issue a refund, the eBay system allowed that seller to open a libelous Unpaid Item Dispute against me. Despite providing proof within the Dispute Console on eBay of the original PayPal payment, the PayPal refund, and my PayPal repayment for that same item, and despite providing that same proof to eBay requesting that eBay close the dispute per eBay's TOS, eBay said they could not clear my name and only the seller could close the dispute. The seller was allowed to close the dispute and enter a Non-Paying Bidder strike against my account. I then was required to file an appeal. eBay's response was received within an hour, and without addressing any of the merits of the case, essentially stated that since it was the first time I had asked, they would take the strike off my record, but chided me for failing to communicate with my seller (who had not answered once within the dispute console).

Despite reporting that the seller had received several negative feedbacks for this same libelous behaviour, they were permitted to continue to do so judging by the continuing negative feedback. Despite reporting to eBay's Trust and Safety that the seller had admitted they did not have the item while simultaneously listing more of the same item for sale, those listings were not ended. I therefore bought a second of the same item from the same seller and went through the exact same process again. This time my request for an appeal was denied on the grounds that they needed proof of payment with that precise requested proof of payment contained in that reply. So I appealed my

second Non Paying Bidder strike a second time following the precise procedure laid down by eBay. This time their reply stated they would refund my money but stated there was a procedure that should have been followed (the one that I had followed) and again chided me for failure to communicate with my seller. I was left with the strong impression that eBay felt I had somehow done something wrong. Meanwhile that same seller continued to list that same unavailable item and sell it, and continued to file non-paying bidder claims against buyers who did not receive their merchandise (as evidenced by their feedback). All my reports to Trust and Safety fell on deaf and uncomprehending ears. And the seller maintained their Power Seller status far past the point which eBay's own TOS state are the minimum buyer satisfaction standards required to be a Power Seller.

As this is how I have observed eBay to manage their stated standards and procedures, I have no faith that they will live up to their claims to protect their users. I would personally prefer to use PayMate if I lived in Australia, and I would prefer to use Google Checkout here in America. I have more faith in those companies' willingness to actually use their sense of decency and fair play and to actually follow through with their Terms of Service as stated.

Thank you for listening. Be assured that I have ALL copies of ALL emails from myself, PayPal, eBay, and the seller in question if such evidence would be useful at any point in your deliberations. They can be forwarded from my Gmail account at your request.

Ann J.M.S. Harlan
purple_reading_giraffe - feel free to check my eBay feedback.

On Sun, Apr 27, 2008 at 9:16 PM, Roy, Lauren <Lauren.Roy@accc.gov.au> wrote:

Good morning

Thank you for your email regarding the eBay International A.G. notification N93365.

The ACCC has commenced a public consultation process regarding this notification and is seeking submissions from interested parties. As a potentially interested party, you are invited to comment on the issues outlined in the attached letter. Alternatively, please indicate if you wish us to treat your email as a public submission regarding the notification.

<<IP LETTER.pdf>>

Kind regards

Lauren Roy
Adjudication
Australian Competition and Consumer Commission
GPO Box 3131 | 23 Marcus Clarke St | CANBERRA ACT 2601
Tel: 02 6243 4940 |