

Roy, Lauren

From: Petreski, Sonya on behalf of Adjudication
Sent: Monday, 28 April 2008 10:31 AM
To: Chisholm, Shane; Roy, Lauren
Subject: FW: Ebay Exclusive Dealing Notification [SEC=UNCLASSIFIED]

Categories: SEC=UNCLASSIFIED
ACCC Classification: SEC=UNCLASSIFIED

-----Original Message-----

From: Kylie Spalding [mailto:]
Sent: Saturday, 26 April 2008 9:09 PM
To: Adjudication
Subject: Ebay Exclusive Dealing Notification

**EXCLUDED FROM
PUBLIC REGISTER**

Tom whom it may concern,

As you are aware on 10 April 2008, eBay announced that:

as of 21 May 2008, all items listed for sale on eBay.com.au must offer PayPal as one of the payment methods; and

as of 17 June 2008, all items listed for sale must only offer payment via PayPal (or credit card transactions processed by PayPal) or cash on delivery.

My concerns are as follows and as a result I believe firmly that eBay should not be allowed to be given immunity under the TPA:

* the proposed conduct will result in a substantial lessening of competition; as those who are the 'small' seller of household goods will not be able to compete with the prices of the larger eBay shops and thus to keep on selling. Eg. To sell on eBay you have a 'Listing Fee', then a 'Selling Fee' and now a 'Paypal Fee' and another 'Paypal Fee' if we wish to withdraw from our account if the amount is less than \$149 (\$1 fee extra). Who wins out of his is eBay and the other company they own 'Paypal', whom are 'triple or quadruple' dipping into the already tight margins of the everyday seller.

* the public benefit that may result from the proposed conduct would not outweigh the detriment to the public caused by the lessening of competition.

E.g. May last year I had approximately \$1300 stolen from my account via the 'Paypal' console. This was done so without my approval, a theft. When I contacted 'Paypal' I spent over 90 minutes on the phone (interstate phone call to Sydney from Melbourne) and as a result they denied there was such a transaction even when I said that my account clearly stated the Paypal withdrawal. They went on to deny any such transaction or could produce an invoice of approval from myself. It was not until my bank became involved and months later that Paypal to my surprise produced a receipt/invoice that apparently gave the permission for the funds transfer (something that I will sign a statutory declaration to deny). How could they say in my phone call there was no receipt and then when my bank became involved miraculously produce it? Months later I say again...then I had to battle again and go through my bank to get the fee Paypal charge me for the transaction of approximately \$270. My bank fought for me and recommended as they do for others not to use Paypal again. This is a 'Dispute Department' of a bank saying not to use Paypal and to lock my account. What does this whole experience of mine say loud and clear to the ACCC?

* No where that I am aware of in general consumer shopping does one method and only one method of payment is allowed, e.g. Safeway, Coles, Myers, Kmart, etc. eBay is a large online shopping facility and if this was Woolworths that has a large consumer base demanding we only use their own method of payment, well there would be an outcry.

* There is always going to be fraud, theft and consumer non-confidence in online banking etc. Smart education is the key. Not the obvious 'marketing spin' that eBay want us to believe that this is going to be safer. They have offered many 'carrots' over the past 12 months to get people using Paypal. There is obviously a very clever marketing team involved.

* It is my right as a online consumer to pay by more than one method and have a choice. Especially when other companies provide more than one choice. I don't believe it is at all fair or just that one company due to it's weight of influence can get away with this and give the 'media' a wonderful spin on "how much safer it will be". This is untrue for so many. Just ask all the major banks 'Dispute Departments' before you make any decision.

* How can one company adjudicate money issues (refunds, theft, fraud, etc) over another company it owns. It for that reason alone should not be allowed to insist on one method of payment.

* So far I have only heard from eBay what they want us to hear to convince us of 'their so called truths and reason to do this' and not the figures of Paypal theft via eBay purchases and other Paypal purchases on other online shopping and Paypal bank theft as of my own without a direct online banking purchase just someone who I can only assume by what I was told by my bank stole my details from Paypal. Proof of not even Paypal being secure as their 'spin doctors' will have you believe.

I would like my email to be included in any decision that the ACCC needs to make in this matter. I sincerely hope that you do not allow eBay and Paypal as they are one company remember to monopolise the online shopping/selling experience that is eBay.

Yours Sincerely,

Kylie Spalding