

**Roy, Lauren**

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**Subject:** Re: OBJECTION to eBay International AG Notification - N93365, and concerns over the banking security and freedom of choice of 2million Australians [SEC=UNCLASSIFIED]  
**Importance:** High  
**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

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**From:** Terry Forsyth

**EXCLUDED FROM  
PUBLIC REGISTER**

**Sent:** Tuesday, 29 April 2008 8:09 PM

**To:** Adjudication

**Subject:** Re: OBJECTION to eBay International AG Notification - N93365, and concerns over the banking security and freedom of choice of 2million Australians

**Importance:** High

ATT: Lauren Roy

Dear Lauren,

I am writing to voice my strongest opposition to the current attempt by eBay to promote the use of their in-house payment system, PayPal to the exclusion of all other payment methods or options. I would like to register my objection to eBay being exempted from the exclusive dealing laws, in order to compel users to conduct their transaction payments through PayPal.

I have traded on eBay as a private buyer and seller for five years now, having made hundreds of transactions, a small number (less than 10) using a PayPal account for purchasing from overseas, the remainder using direct credit transfers from or to my Australian bank account.

eBay's claims that PayPal offers enhanced ability to resolve trading problems and enhanced security is purely a marketing claim and the facts do not bear that claim out.

Trading problem resolution by eBay does not involve an appropriate level of investigation and has lead to many frauds against buyers and sellers, through both PayPal and non-PayPal transactions, me being one of them. I have made eight security complaints about transactions not going right (non-payment, goods not as described, goods paid for (using both PayPal and bank transfer) but not delivered) and while eBay's staff have not been unresponsive to me when I made the initial complaint about a transaction, nothing occurred after that to facilitate resolution or to force it to happen. None of those trades was satisfactorily resolved and any actions that eBay might have taken were kept secret. It is not unreasonable to assume that, given a perfect track record of failure in my cases, eBay did nothing but lie to me.

Paypal has long made unsubstantiated and in my opinion misleading claims about its security and now eBay is insisting that their proposal to exclusively use PayPal will make trading safer because "you don't share your personal banking details with anyone" in their own words. This statement is a blatant lie as I had to give all of my details to PayPal, including my Visa card number when I signed up with them. In the five years trading on eBay my Visa card details have been stolen twice from PayPal and I have had to cancel the credit card twice with the considerable inconvenience that entails. I have also been subjected to four attempts of fraudulent eBay transactions through PayPal.

My Australian bank is subject to banking laws, they won't freeze my money without reason if they think I am defrauded not of my own fault and they will return all of my money in such a case. Direct

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credit offers a much better and safer service than PayPal in my view and I don't consider it fair trading for eBay to take away from me the most secure and safe payment option, that is direct bank credit for Australian purchases, especially since I have been personally targeted on a dozen occasions via phishing scams for PayPal. I am frankly afraid of the mandatory linkage to my bank account.

Further, I object to the inevitable prospect of paying more for things I buy through eBay where sellers must absorb commissions of up to (and most often) 2.4% plus a fixed transaction fee to deal via PayPal.

With eBay having a virtual monopoly for online sales (their nearest competitors are miles behind) it's not a simple choice for business traders to take their business elsewhere and if this proposal to force them to use PayPal is accepted by the ACCC many traders who work on small margins will simply go out of business.

I feel is an abuse of their market power and I can't see any area at all where it is in the public interest and I see many areas as described where it will be to the public detriment. eBay's proposal is a ridiculous anti-competitive revenue-raising activity cloaked in a convenient but obvious disguise of "security".

The eBay website responses and other forums that I am a member of indicate many other sellers are also considering leaving eBay altogether, and again this would offer less choice for Australian buyers and be to the public detriment.

I implore the ACCC to stand up for the rights of Australian consumers.

Regards



Terry Forsyth  
*Gentleman*

**Contact details excluded**

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PUBLIC REGISTER**