

Roy, Lauren

Subject: eBay International AG - Notification - N93365 [SEC=UNCLASSIFIED]

Categories: SEC=UNCLASSIFIED

ACCC Classification: SEC=UNCLASSIFIED

EXCLUDED FROM

PUBLIC REGISTER

From: Sonia Stavreff [REDACTED]

Sent: Thursday, 8 May 2008 12:48 PM

To: Adjudication

Subject: Re: eBay International AG - Notification - N93365

To Whom It May Concern:

Re: eBay International AG - Notification - N93365

I am writing to express my vehement opposition to the application made by eBay International AG (the applicant) for exclusion from prosecution due to their proposed contravention of the Trade Practices Act (1974); namely Part IV, Section 47 regarding Exclusive Dealing.

I have been a registered buyer and seller on eBay Australia since 6 November 2003. During that time I have made purchases on eBay using the payment methods of direct deposit (for purchases made within Australia) and PayPal (for purchases made from overseas sellers). In regards to my sales activity, I have accepted Direct Deposit, Personal Cheque, Money Order and Paypal from my successful buyers. My buyers, and especially my return customers, have always been satisfied with the payment options I have provided for them. While I see Paypal as a useful tool for accepting payment from international customers (there are very few alternative methods to accept secure payments from overseas without incurring significant fees for payment delivery and currency conversion) there are still significant fees involved with this process and, for a small seller such as myself, it is much more desirable to be paid by my Australian customers using payment methods that do not incur fees for accepting payment.

As a buyer, I prefer to be allowed a choice when making payment. This choice depends upon the circumstances of the transaction (ie. whether the seller is in Australia or abroad, and whether I have available funds in my bank account, or would I prefer to use my credit card through Paypal?) I believe it should be up to the individual to assess their situation and be able to make a payment with whatever payment method they so choose as viable.

The applicant has often stated in the past that they are merely a platform to bring buyers and sellers together in order to complete transactions. They charge sellers a fee to provide this platform (a two tiered fee, consisting of a "listing" fee and a "final value" fee) but the way that sellers conduct their business has always been left to them (so long as they adhere to the usage Terms and Conditions of the site). It appears that the applicant no longer wishes to act only as a "platform" but now wishes to involve themselves in the goings-on of each individual eBay business by forcing this restrictive trade practice upon each and every registered user of the website. Not only is the applicant engaging in a restrictive trade practice, but they are forcing users such as myself to engage in said restrictive trade practices against our will.

I believe that, in regards to eBay's proposed policy changes, the only winner in this situation is the applicant. The applicant owns Paypal Australia Pty Ltd, and will see a significant increase in revenue through the introduction of these new measures. Under the guise of "safer trading", the applicant will see their revenue stream increase by 2-3% for *each and every* transaction that is made through their payment venue. There are other companies, including the Australian owned and operated PayMate Pty Ltd, who offer an identical service to that of Paypal. I do not believe that the applicant is in a position to claim that their service is more secure than any other similar competitors service. I believe that this is a claim that must be thoroughly

16/05/2008

investigated by you, the adjudicator in this matter, and that hard evidence (not simply rhetoric) should be supplied by the applicant with regards to this.

I believe that you will be able to assess this situation, and all of the evidence required, to make a fair and appropriate decision with regards to this matter. I look forward to hearing from your department in regards to this matter at your soonest convenience.

Yours Sincerely,

Sonia Stavreff