

Roy, Lauren

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

Categories: SEC=UNCLASSIFIED

ACCC Classification: SEC=UNCLASSIFIED

From: Kylee Fellows [REDACTED]
Sent: Friday, 2 May 2008 2:02 PM
To: Adjudication
Subject: eBay International AG - Notification - N93365

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PUBLIC REGISTER

Dear Sir/Madam,

Please accept my submission regarding EBay International AG's announcement to require Paypal as the only reasonable method of payment for listings. I wish to express my objection to EBay International AG being granted immunity from the/ Trade Practices Act/ 1974 as I believe that EBay decision to limit payment options to Paypal or COD constitutes a breach of the Acts Exclusive Dealings and Exclusionary Provisions Sections.

My objections being;/

/1. I object to being forced to use Paypal as a condition of continuing membership of EBay both as a buyer and a seller of items through the site. As I have no desire to provide a foreign company which is not recognised as an Australian financial institution with sensitive personal information, such as my credit card and bank account details.

2. Paypal is a subsidiary of EBay International and I believe that this move by EBay constitutes a breach of the Exclusive Dealing provision of s47 /Trade Practices Act/ 1974.//

3. The move to exclude all other reasonable payment methods can be viewed as an exclusionary provision and is therefore a breach of ss.4D, 45 of the /Trade Practices Act/ 1974. 'Cash on delivery' is the other payment option but as most EBay sellers are 'mail order' type businesses this form of payment is unreasonable, and is even viewed by some as unsafe. (i.e. strangers coming to your house to collect goods and exchange payment.) //

3. When opening an account with Paypal, users must agree to terms and conditions which effectively ensure they have virtually no legal redress regardless of any change or failure of service on Paypal's part.

4. Paypal can remove, delay, or freeze funds at their discretion with no more than a computer generated email to advise they have done so, with minimal explanation for their actions as standard practice.

5. Paypal charges a fee to sellers for each payment processed. The seller has already paid a fee to EBay to list the ad, then a final value fee on the sold item. I object to paying another fee for the buyer to pay through EBays subsidiary, when I have never had a problem with using direct deposit or money order.

Finally I would like to express my dismay in the contempt that EBay has shown towards it's Australian customers, Australia's financial institutions and the Australian legal system. I believe that the ACCC should not allow this company to succeed in this blatant disregard of the /Trade Practices Act. /

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Thank you for taking the time to consider my objection and the many others that you have received from the EBay community.

Kind Regards

Kylee Fellows