

Roy, Lauren

Subject: Objection to eBay International AG - Notification - N93365 [SEC=UNCLASSIFIED]
Categories: SEC=UNCLASSIFIED
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EXCLUDED FROM

From: Waddington [mailto: **PUBLIC REGISTER**]
Sent: Friday, 18 April 2008 11:52 AM
To: Adjudication
Subject: Objection to eBay International AG - Notification - N93365



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I call upon the ACCC to reject eBay and Paypal's arrangements to force all Australians to use Paypal for online eBay transactions. I also call upon the ACCC to investigate possible breaches of the Australian Trade Practices Act by eBay and its directors.

I have read eBay's ACCC Notification - N93365 at <http://www.accc.gov.au/content/index.phtml/itemId/823668/fromItemId/776499/display/notification> and I wish to draw your attention to the following:

- No Australian will be able to sell on eBay unless they use a Paypal account. Listings will be pulled if anyone refuses.
- No Australian will be able to buy online via eBay unless they use Paypal and provide their credit card details to Paypal or physically pick up the item with cash. The latter will sorely disadvantage those faced with Australia's tyranny of distance.
- eBay admits this exclusivity will affect more than 5 million Australian users (Part 3 b) They are denying Australians payment choice which goes against provisions in part IV of the Trade Practices Act (the Act) prohibiting anti-competitive conduct. If, in your opinion it does not contravene this Act, please recommend to the politicians to amend the Act to prohibit companies from forcing payment exclusivity.
- When I had a problem with a non-delivered item from USA, Paypal did not help me even though I used Paypal. For eBay to cite customer trust and safety as the main reason for Paypal exclusivity is a smoke screen. Part V of the Act deals with consumer protection. I was given no protection. Instead, as an individual, I had to file a police report with the LAPD and only then did I start to get action and my money returned. However, Paypal never refunded the fee they charged when the money was put back into my Paypal account let alone any so called 'Buyer Protection' on their part. This is an example of a Bad Buyer Experience (BBE) that was never helped. Part 5.5.9 admits Paypal, "will attempt to recover the funds, but does not guarantee a reversal of the transaction."

I prefer using my credit card or direct deposit. I have not had problems with either during 358 eBay transactions! Please ensure that eBay's exclusive dealing ACCC application is refused.

A great deal of money is going to flow out of Australia via the US Paypal financial system. This is against the National interest. Australians will also be at the mercy of Paypal when fees are raised and extra charges are introduced. This is a significant detriment to the

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Australian public.

I also assert that eBay has not only colluded with Paypal, but it has attempted collusion with its entire registered user base (made up of many companies) to ensure all have no choice but to use Paypal or have their listings removed, thus benefiting the eBay company financially as it also owns Paypal!

I ask you to support online payment choices for Australian Internet users and pursue fines and any criminal action against any corporate directors who may have broken existing laws.

Thank you for your time and help.

Yours faithfully,

Neil Waddington