

**Roy, Lauren**

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**Subject:** eBay International A.G. notification N93365

**EXCLUDED FROM  
PUBLIC REGISTER**

**From:** mailto:  
**Sent:** Thursday, 26 June 2008 3:35 PM  
**To:** Roy, Lauren  
**Subject:** RE: eBay International A.G. notification N93365

**Re:** Exclusive Dealing Notification N93365 Lodged by ebay AG and the ACCC subsequent intention to revoke.

Dear Sir,

I applaud the decision by the ACCC to issue the revocation notice and I support wholly your actions to ensure that open competition remains in online marketplaces generally and in particular on ebay.

I wish to draw attention to a few additional factors which may also need your consideration.

1. I believe that should you officially revoke the exclusive dealing notification it must include both stages of ebays implementation. ie The first stage was to be mandatory paypal along with other methods and the second stage paypal only.
2. Other payment services such as paymate western union etc should not be prohibited by ebay and perhaps your final notice to ebay should ensure that sellers are entirely free to offer all payment methods they consider suitable to their operation.
3. In light of the fact that the Reserve Bank of Australia has acted to ensure Australian laws make it permissable for merchants to charge additional fees to cover costs associated with payment methods, that perhaps ebay has been in breach of Australian law by refusing to allow its member sellers to pass on paypal fees if sellers choose to do so.
4. ebay has for some time now made it mandatory for all new members to open a paypal account when they join. ebay does not advocate the use of paypal to pay ebay fees, so the obvious purpose of this requirement is to force new members to into the paypal camp, thereby gaining an anti competitive advantage. This appears to me to be another form of exclusive dealing and if considered as such by yourself, ebay is <excluded> as no application for exclusive dealing was submitted to the ACCC.

You are welcome to place this further submission on the public register.

Thankyou and regards,

Brian Smith

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