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Subject: FW: Response no. 2 to ACCC Draft Notice re. Ebay Notification N93365
[SEC=UNCLASSIFIED]
Categories: SEC=UNCLASSIFIED
ACCC Classification: SEC=UNCLASSIFIED

From: JvdZwan [mailto:jvdz@yahoo.com]
Sent: Friday, 27 June 2008 7:52 PM
To: Adjudication
Cc: jvdz-yahoo; jvdz-tiscali
Subject: Response no. 2 to ACCC Draft Notice re. Ebay Notification N93365

Submission: In support of ACCC's Draft Notice in respect of a notification lodged by eBay International A.G. - Date: 12 June 2008

Dear Sir/Madam,

Referring to my earlier submission* (see footnote below) I hope you will allow me to make a second submission in support of the ACCC Draft Notice to revoke Ebay's Notification N93365. (and again, as english isn't my first language, I appologize in advance for any of my mistakes against the english grammar or spelling)

In this submission I would like to draw your attention to paragraphs 15, 16 and 17 of PayPal's 'Product Disclosure Statement' (PDS), relating to PayPal's customer service and its handling of disputes/complaints, as well as urgent safety/security matters, for its Australian users:

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PRODUCT DISCLOSURE STATEMENT FOR PAYPAL'S ONLINE PAYMENT SERVICE

<https://www.paypal.com/au/cgi-bin/webscr?cmd=xpt/UserAgreement/ua/PolicyPDS-outside>

15. Dispute Resolution

PayPal is committed to dealing with customer complaints fairly and resolving issues in a timely manner in accordance with its procedures for the handling of complaints.

Complaints will be dealt with primarily by PayPal's Customer Service Centre in Omaha, Nebraska, USA.

16. Submitting a complaint

If you have a complaint about a seller or a buyer, you should file a claim through the Security Centre on the PayPal website. If you have a complaint about the PayPal Service, or believe that your PayPal Account may be subject to an unauthorised transaction, account takeover or other type of fraudulent activity, you should contact us immediately.

You can report complaints about the PayPal Service by:

- . **Email:** You can submit a complaint by email directly from PayPal's website by clicking the "Contact Us" link in the footer at the bottom of every PayPal page, or click the "Help" link on the upper right corner of every PayPal page.

- . **Telephone:** For Personal Accounts, you can call 02 8223 9500 and for a Business Account or a Premier Account, call 1800 073 263. This will connect you through to the main PayPal

Customer Support Centre in Omaha, Nebraska, USA. Hours of operation for Australian users are Monday to Thursday 8:00 am - 6:30 pm, and Friday and Saturday from 8:00 am - 4:00 pm AEST.

. **Mail:** You can submit complaints by mailing them to Locked Bag 10, Australia Square Post Office, Sydney New South Wales 1215.

17. Handling your complaints

PayPal's policy is to confirm receipt of a complaint from an Australian user within 10 business days and to propose a resolution of the complaint. Although every effort is made to do so, in some instances it will not be possible to resolve your complaint within this time frame.

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My comments/thoughts on these paragraphs of the PayPal PDS:

Regarding the following statement in paragraph 16:

"If you have a complaint about the PayPal Service, or believe that your PayPal Account may be subject to an unauthorised transaction, account takeover or other type of fraudulent activity, you should contact us immediately."

One should contact PayPal 'immediately'? That's a good advice.

But: what happens when one has contacted PayPal 'immediately'?

One has to hope that the receipt (let alone a factual reply, action or resolution) of an urgent safety/security-related complaint will be confirmed a little bit faster than just "within 10 bussiness days"? (see paragraph 17)

According to paragraphs 15 and 16 of the PDS, Australian users can contact PayPal through the following methods:

1 # email to PayPal's Customer Service Centre in Omaha, Nebraska, USA.

2 # telephone to Omaha, Nebraska, USA, with limited operational hours for Australians

3 # mail to 'Locked Bag 10' in Sydney

Method 1# (email) or method 2# (telephone) appear to be the easiest and fastest ways (depending on the hour of day) to 'get your message through', but one might wonder why in the specific Australian case - with eBay's notification N93365 in mind - eBay/PayPal have not found it neccesary to establish a PayPal's Customer Service Centre in Australia itself, specifically serving their planned, and unique in the world, 'PayPal-Only' eBay platform.

Serious safety/security issues like possible account takeovers and fraudulent activity (as mentioned above in the PayPal PDS) for Australian users - again especially with eBay's planned PayPal-Only notification in mind - should be replied to and dealt with, by PayPal, immediately and without any delay, through an Australia-based service centre, and certainly

without having to contact PayPal representatives located in the USA, on the other side of the globe,

without having to depend on limited operational hours for telephone contact,

without having to hope a mere receipt of the complaint will be confirmed within 10 bussiness days (let alone a reply, action or resolution)

In my view PayPal's handling of disputes/complaints - especially urgent safety/security matters - as described in paragraphs 15, 16 and 17 of their PDS is not good, or even serious, customer service for its Australian PayPal users.

I hereby present this to you as hopefully one more point for consideration to completely revoke eBay's notification N93365.

Many thanks again,

Kind regards,

Jan Vanderzwan,

<text excluded>

**EXCLUDED FROM
PUBLIC REGISTER**