

Roy, Lauren

Subject: eBay International AG - Notification - N93365

**EXCLUDED FROM
PUBLIC REGISTER**

From: Deanna Fleming [mailto:]

Sent: Wednesday, 25 June 2008 7:09 PM

To: Roy, Lauren

Subject: eBay International AG - Notification - N93365

Attn: Lauren Roy

I have previously made a submission regarding eBay International AG - Notification - N93365.

I agree with the ACCC draft decision to revoke immunity, I would further like to add to my previous submission regarding the new buyer protection policy that eBay insists provides more protection to buyers.

Please note the below clauses out of the new PayPal Buyer Protection Policy and Buyer Complaint Policy located on the PayPal site. Through the below points it clearly demonstrates that the policy does not guarantee recovery of payments made to sellers by buyers when they lodge an Item not Received or significantly not as described dispute and it is award in favor of the buyer.

I have highlighted the relevant points which clearly show that any funds that cannot be recovered from the sellers PayPal account, may at PayPal's **sole discretion** PayPal will make the payment, the policy also states that the buyer protection policy does not guarantee any type of payment from PayPal at all. Point 7 also notes that PayPal can again at its **sole discretion** reserve the right to change or discontinue with the policy without notice.

The below has been extracted from https://www.paypal.com/au/cgi-bin/webscr?cmd=p/gen/ua/policy_buyer_complaint-outside

PayPal Buyer Protection Policy

2. Which policy applies to me?

...

If your purchase meets the requirements for the PayPal Buyer Protection Policy (set out in paragraph 4 below), PayPal may try to recover your payment from the seller, ie to attempt to reverse the PayPal transaction. **IMPORTANT: If you are eligible under PayPal's Buyer Protection Policy, and you claim that the item purchased is "significantly not as described" or you did not receive the item PayPal may attempt to recover your payment from the seller, but recovery of your payment, whether in whole or in part, is not guaranteed. However, where PayPal is unable to recover the whole or any part of your payment from the seller for a claim, PayPal may at its absolute and sole discretion, decide to make an ex gratia payment, not exceeding the financial limits set out in paragraph 3 below.**

In order to be considered for such a discretionary payment under the PayPal Buyer Protection Policy, your purchase must have all of the characteristics set out in paragraph 4

below and you must comply with all of the buyer responsibilities in paragraph 6 below.

IMPORTANT: Payment by PayPal under PayPal's Buyer Protection Policy is at PayPal's absolute and sole discretion. You have no automatic entitlement to receive any payments. PayPal's Buyer Protection Policy does not indemnify you for the loss which you, as a buyer, may incur and it is not a contract of insurance.

3. Amounts that you may receive under PayPal's Buyer Protection Policy.

IMPORTANT: For purchases made on www.ebay.com.au there is a maximum discretionary payment amount of \$20,000.00 AUD.

PayPal is not obliged to pay any amount at all, or if it does decide to make a payment, to pay the maximum amount set out – you may, at PayPal's discretion, receive a payment which is less than the maximum of \$20,000.00 AUD, but PayPal will not pay more than the maximum discretionary amount.

7. Limitations.

d. Availability of the Buyer Protection Policy. PayPal reserves the right to change or discontinue the PayPal Buyer Protection Policy in its sole discretion at any time and without notice.

To me this does not show any benefit to the public because it is all too vague and not clear to anyone when the buyer protection policy would likely payout amounts that cannot be recovered from the seller by PayPal.

So once again please take this information into consideration if in fact eBay does ask for a pre decision conference to be tabled and ask them to exactly explain how their new and improved buyer protection does actually protect the buyer considering all these clauses.

I am happy for this to be placed on the public register.

Regards
Deanna Fleming