

**Roy, Lauren**

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**Subject:** "eBay Notification Revoke" [SEC=UNCLASSIFIED]

**Categories:** SEC=UNCLASSIFIED

**ACCC Classification:** SEC=UNCLASSIFIED

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PUBLIC ACCESS

From: <name and address excluded>  
Sent: Monday, 30 June 2008 8:17 PM  
To: Adjudication  
Subject: "eBay Notification Revoke"

Please Withhold my Name

For the attention of: Mr Samuels/Ms Roy - Adjudication

Australian Competition and Consumer Commission

Dear Mr Samuels/Ms Roy,

I have read the eBay notification and their submissions to the ACCC about exclusive dealing. I have also read many submissions against the proposed conduct and the ACCC's draft notice of revocation. I agree with the ACCC's draft notice as I believe eBay's proposed conduct would decrease competition and not have an overall public benefit.

As a seller with a record of more than 1,500 successful transactions on eBay, I have, over the years, accepted decisions by eBay management which I believed to be detrimental to the livelihoods of sellers. However, this is the first time I have felt it necessary to add my voice to the growing chorus of concern from my fellow traders and our customers prompted by eBay's outrageous decision to force PayPal on the trading community. I have grown increasingly disgruntled with the underhanded tricks and manipulations eBay are employing to cause various outcomes that would satisfy their shareholders but not also their sellers and buyers.

I have pored over dozens of cases of <excluded> perpetrated via PayPal, unjust chargebacks by dishonest buyers, poor communication from the US based help team and illogical decision making based on PayPal's questionable policies. As per eBay's new policy, I provide PayPal as one option alongside other payment methods in order to satisfy customers who may wish to use it (this includes international sales). As it is, 85% - 90% of my sales are paid via bank deposit, cash on collection, post office money orders and the occasional bank cheque. This, in itself, speaks volumes about the preferred method of payment by my customers who either do not wish to place their details on record with PayPal or who simply do not trust PayPal's ability to resolve conflicts. I do not agree with the high fees PayPal deduct from sellers' transactions as these include a percentage taken from postage costs as well as the final price. This is grossly unfair, in my opinion, as the postage costs for overseas sales can cost up to \$100.

Despite the anger expressed on the community forums about eBay's silence regarding the ACCC's draft notice, eBay finally sent out a blanket e-mail on the 17th June 2008 which confirms that PayPal will be implemented on 15th July 2008. There is no mention whatsoever of the pending decision by the ACCC. Shortly before eBay's announcement, I contacted the eBay Live Help desk for assistance. What ensued was a rather worrying discussion with an agent who informed me that if the ACCC rule against eBay's proposed mandatory PayPal scheme in July, eBay will announce their own decision about their next move shortly afterwards. When pressed for an explanation, the agent clearly intimated that eBay do not intend to be thwarted in their attempts to implement the PayPal only scheme by an official decision against the policy. Certainly, the company's announcement seems to suggest that they are going ahead with the plan despite the numerous submissions lodged against it.

In the event that eBay reject a formal notice of revocation by the ACCC, I would be reassured to see the company taken to task and held accountable. I therefore urge you, Mr Samuels/Ms Roy, to please consider the ramifications to those whose sole

incomes depends on the eBay site and who do not, as yet, have another viable site available on which to trade with as much success as they do on eBay which is globally known. There are very real risks involved in pooling all of one's funds into PayPal, a company which does not offer the same protections as a banking institute; which takes an unfair percentage of each transaction and which offers very little communication and resolution in issues of unfair chargeback or fraud. In many cases, the only option left to sellers and buyers is to go elsewhere. This, in my view, is typical of anti-competitive behaviour and it is we, the sellers, who will pay most dearly for the profit driven decisions of the company.

May I thank you in advance for your consideration in this matter. I look forward to reading the ACCC's final notice in July 2008.

Your sincerely,

<name excluded>

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