

**Roy, Lauren**

**Subject:** eBay International AG Notification N93365 [SEC=UNCLASSIFIED]  
**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

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**From:** Amber Seaton [mailto:  
**Sent:** Tuesday, 24 June 2008 5:22 PM  
**To:** Adjudication  
**Subject:** eBay International AG Notification N93365

**Restriction of Publication of Part Claimed: Please exclude my name name and email address from the Public Register.**

I am an Australian citizen and I have been a buyer and seller on eBay since 2001. I have read the Notification, submissions and ACCC draft notice and I agree that both parts of the proposed conduct will significantly lessen competition and will have no net public benefit. I wish to support the ACCC's draft notice and urge the ACCC not to alter this intention when making a final decision.

eBay's User Agreement states that:

- \* "YOU ACKNOWLEDGE AND AGREE THAT EBAY IS NOT INVOLVED IN THE ACTUAL TRANSACTION BETWEEN BUYERS AND SELLERS";
- \* "When you enter into a transaction you create a legally binding contract with another member";
- \* "our Site merely provides the online venue for members to offer, sell, and buy and we are not otherwise involved in the transactions and interactions between buyers and sellers.";
- \* "eBay is not involved in the actual transaction between buyers and sellers"; and
- \* "eBay is not involved with or a party to any transactions that take place between members"

On these grounds alone eBay should not be permitted to dictate the method of payment for a legally binding contract in which it is not a party.

As other submissions have explained in more detail, the supposed safety benefits of PayPal are exaggerated or illusory. In particular I am concerned that PayPal Australia Pty Limited has refused to sign the Electronic Funds Transfer Code of Conduct, which is a fundamentally important code of practice that protects Australian consumers when using electronic funds transfers. I am aware that the Australian Bankers Association and Australian Securities Investments Commission noted this in their submissions. The fact that 68 other payment services are signatories to the EFT Code indicates that PayPal is not even "as safe" let alone "safer" than 68 other payment services. On these grounds I contend eBay's repeated claims that PayPal is the only safe payment method is <excluded material> and should be separately investigated as such.

Yours sincerely  
Amber Seaton

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