



Australia the testing ground for eBay
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Australia's almost unique competition laws are allowing eBay to test their plan for PayPal-only payments without fear of prosecution.

From tomorrow all sellers with eBay, Australia's internet-based trading platform, must offer PayPal as a payment option. From June 17, eBay will not allow any other buyers to make payments through any other provider on the Australian site.

"Australian law allows eBay to notify the regulator and receive immunity from prosecution while the issue is under consideration," said Julie Clarke from the Deakin University Law School.

"Their anti-competitive conduct will not be prohibited unless the ACCC says no, that's not legal," said Clarke. "That is fairly unique compared to other countries.

"We also have this public benefit test, unlike many other major jurisdictions," said Clarke.

Where conduct constitutes exclusive dealing and would lessen competition, the conduct can continue if the public benefits outweigh the detriments caused by loss of competition.

"That public benefit test is much more definite in Australian law than other jurisdictions. However, the substantive competition law is very similar here to other major countries."

In the United States eBay has said there are no plans to roll out the PayPal-only plan, either in their home market or to other international markets, although there has been some confusion caused by some less than categorical statements made to Associated Press a week and a half ago.

In Australia eBay has interim immunity from the third-party forcing provisions of the Trade Practices Act while the ACCC considers the matter.

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