

Re: Worst times ever for eBay microscopes

Source: <http://sci.tech--archive.net/Archive/sci.techniques.microscopy/2006-11/msg00027.html>

- *From:* Gregor.Overney@xxxxxxxx
 - *Date:* 4 Nov 2006 15:31:53 -0800
-

Hello, Edward:

Good points. – Let me elaborate on Paypal for a few moments. Using Paypal protects the credit card information from sellers. So far so good. Paypal is also quick in pulling cash back out of the seller's bank account and Paypal offers some sort of free "damage" insurance. Almost great. – But why should the seller not transfer the funds via cash withdrawal from the account before Paypal was able to try to get the money back? Why should a seller even accept Paypal? – Nevertheless, using Paypal is most certainly better than giving the credit card information to the seller. I thought that's what you recommended in your last post.

But again, neither Paypal, eBay nor any credit card company is legally obligated to do anything. It's a legal contract between buyer and seller and a legal contract between the shipper and who ever authorized him to ship the package. Everything else is just services that are neither legally binding nor in any way useable as credible evidence in court. Only because Paypal refunded money does not mean that the seller broke the contract. Again, which action is recommended depends on the seller in question. eBay is just the gate. The buyer has to walk through it at his very own risk. There are no general recommendations such as suggesting Paypal for all eBay purchases. There are some very trustworthy sellers, who sell great microscope parts, that, for obvious reasons, do not accept Paypal.

Cheers,

Gregor

Edward Hennessey wrote:

<Gregor.Overney@xxxxxxxx> wrote in message
news:1162624403.000634.32880@xx

Regarding your statement "Only use your credit card for Ebay purchases"

Re: Worst times ever for eBay microscopes

and the part about pulling the plug on a payment using the
"power" of

Paypal and/or a credit card company, I have to raise some
concerns.

Gregor:

Your concerns are welcomed.

In this case, you recommend one should provide a seller who
cheats on

eBay with credit card number and residential address?

If you pay with a credit card through Paypal, my clear
instruction from informed others is that the seller doesn't get
your credit card number. Anytime you list your contact
particulars on Ebay and anytime anyone ships to you, you are free
to specify an address and to think about the opportunities that
may provide the seller in many circumstances which I have no time
or inclination to cover here.

– Sometimes, I

hear that people have problems fighting with their credit card
companies to proof that certain charges on their credit card
statements

are incorrect. I do not believe much in consumer protection
provided by

credit card companies. It sounds good on paper, but it is less
than

useful in court.

Frankly, from my own sour experience, in some cases quite
different from the kind we are now discussing, I fully agree with
you. The reality is that the bigger customer you are of a credit
card company, the more attention you will get. No surprise there.
As well, reports again from aware sources also recommend American

Re: Worst times ever for eBay microscopes

Express as an entity known for its ferocious customer support in dealing with merchants in all situations. So, the "personality" of the credit card company is an additional factor in buyer protection.

But in the variety of instances we are discussing, when the kind of documentation previously indicated as essential is obtained, the disappointed buyer will have, in balance, an exceptionally strong hand to work from.

Do you believe in the merits of Paypal?

I would like to believe in a market full of competitive services that offer better results. Find me an alternative. Paypal has its problems which are almost endlessly beaten to death on the Internet. But from the one time I talked with them over a snafu, I found that issue amenable resolved after a clear and rationally detailed explanation of my difficulty.

I don't. Is it not possible

that once one pulled the plug on a credit or Paypal payment,

one is

actually legally obligated to pay damages if one fails to proof

in

court that one has been cheated?

The idea is to have proof. If your credit card agency agrees with what evidence you demonstrate and annuls the payment, the seller has an uphill fight. And if Paypal later comes in and threatens to penalize the seller by voiding his ability to use their services in all the ensuing profitable transactions he forseees because of an infraction you have established according to Paypal's satisfaction, do you thing the seller will be foaming for a fight with the buyer after the buyer returns the unsatisfactory item in question?

If the merchandise you got wasn't received as described and as advertisements and correspondence warranted, it is not your fault as a buyer. If the purchase was broken in shipment, you will be amused to know that the Ebay seller in standard transactions is legally responsible in any case whether insurance was obtained or

Re: Worst times ever for eBay microscopes

not or whether he explicitly offered that as an option to the buyer and the buyer declined to pay for it. Check Ebay and follow up with newsgroup searches. You are supposed to get what you paid for and if you don't, tough for the seller.

And, usually, one must proof this in

courts local to the seller's residence. CA for CA, WA for WA,

etc.

Can you cite specific, authoritative URLs and chapter and verse here? I would welcome those specifics.

Regarding prematurely pulling the plug on a credit card payment

offers

the seller the option to pay \$80–\$200 to a collection agency

and, at

least for months, can mess up someone's credit rating quite a

bit.

Moreover, to proof that a part was actually flawed, one must

provide

statements made by expert witnesses, which must show up in

court. Now

that costs a bundle.

And going to court would throwing good money after bad for a person who faces overwhelming logical oppositon. I would like to have concrete citations again illustrating the prevalence of disgruntled sellers taking their time to go to court, paying court costs, paying for service of subpoenas and subpoenas duces tecum, risking the possibility or probabily of not being able to serve the other litigant in time for the court date, etcetera, after a credit card company and Ebay or Paypal has logged in on the side of a buyer of defective merchandise. Are there nutcases who would find this a channel for their outrage? Sure. Would I love to face an enraged

Re: Worst times ever for eBay microscopes

nutcase in court with a calm broadside of insuperable evidence? Absolutely. And would I be content with the slim-to-none chances of ever having to experience this very, very unlikely happenstance? You bet.

If one gets cheated, one must carefully estimate the cost involved to

get back out of this mess. Pulling the plug on a payment can lead to

even more serious problems.

If that is your conclusion in general, for all the reasons in my two allied posts, I demur.

But if your concerns have not been diminished, you may want to consider retaining escrow services available at an additional cost to assuage them.

I will, however, make an addition to a statement in my prior post and solicit other ideas in addition. When photographing the box and unpacked item as delivered, it would be wise to get some corroboratory indicators in the picture outside of the time stamp on a digital camera. If the deliveryman has a company or agency ID that can be placed in the pictures, that would be excellent when accompanied by notation of a name. If the ID is unavailable or inconvenient another possibility for an indicator item distinctive of a deliveryman's presence would be, say, the electronic logging terminal (perhaps with pertinently displayed details) that many private express companies use or photographing the merchandise against the background of the delivery vehicle. Another idea would be to incorporate a dated newspaper front page in certain circumstances. Can anyone suggest other items for inclusion to distinctly show the presence of the deliveryman or other important particulars? Other ideas would be to ask the deliveryman to hold the objects for photographing or to place a hand in the picture but if anyone has additional constructive remarks here, they would be welcome.

Regards,

Edward Hennessey