

## BUYING MUSIC ON EBAY – ARE YOU GETTING WHAT YOU PAY FOR?

Shopping on eBay can be great fun and a source of bargains, but when buying music CDs or DVDs it is easy to get ripped off with burnt or counterfeit products. This guide provides you with some tips for buying music on eBay and other online auction sites, so you get what you pay for.

### Avoid pirate music

Pirate music, often in the form of burnt CD-Rs or DVD-Rs or pirate product imported from overseas, is a rip-off for you as a buyer and for artists, songwriters and everyone else in the music industry. People are regularly charged significant sums on eBay for burnt or pirate music, which costs the seller next to nothing to make. Not only is this wrong, it's illegal.

It's not always easy to detect pirate music. Unscrupulous sellers often describe the CDs as "new" or are clever enough to show legitimate product in the auction image and omit information from the item description that may otherwise alert you that it is pirate product.

### Helpful hints:

#### 1. Check the item description

Before bidding on an item, read the item description carefully. The following checklist can be a guide:

1. Avoid buying CDs that refer to MP3s, CD-R or DVD-R. Items in these formats are usually not legitimate;
2. Items that refer to extra tracks on a CD or describe double CDs that have never been released commercially should be treated with caution;
3. Music from countries like China, Indonesia and other Asian or South American countries should be treated suspiciously – China has 85% piracy rates and Indonesia 87% piracy rates for music;
4. An excessive number of tracks on a CD can be an indication that it is pirate product, particularly for karaoke and ring tones;
5. Look carefully at photos of the item to ascertain whether CD covers are photocopied or distorted in any way. Spelling errors or colour distortion on the covers of CDs may indicate that the product is not legitimate. Beware of sellers that have uploaded photos of legitimate products rather than what is actually offered for sale;
6. Avoid buying devices such as iPods, MP3 players or computers containing music;
7. Be careful when buying **live performance** CDs or DVDs - many of these are illegal "bootleg" copies of poor quality; and
8. Probably the best indicator of an illegitimate product is its price. Use your judgment to ascertain whether the price is a reasonable one or not.

#### 2. Check the seller's feedback and contact the seller

Before you bid or buy on eBay you should always check your seller's feedback ratings, score and the comments they have received from previous buyers. This provides a good indication of the degree of satisfaction you should expect when trading with that seller.

Utilise the 'Ask Seller a Question' feature on eBay to clarify any doubts you may have relating to the product prior to buying.

### What can I do if I get pirate product?

#### Leave negative feedback

It is important to alert future buyers about your negative experience by giving comprehensive and accurate feedback on the seller.

#### Contact MIPI

MIPI (the Australian music industry's anti-piracy body) encourages members of the public to report piracy by calling 1800 06 16 16, reporting online at [www.mipi.com.au](http://www.mipi.com.au) or emailing [mipi@mipi.com.au](mailto:mipi@mipi.com.au).

#### eBay dispute resolution process

If you did not receive the item you paid for, or if the item you received was significantly different to the item description offered by the seller; for example a pirate copy of a CD or DVD, you can initiate an eBay dispute. eBay states that an item is "significantly not as described" when:

the item [you received] varies greatly from what was described in the item listing. This does not include cases where the buyer is disappointed with the item and/or it did not meet the buyer's expectations. The condition of the item must affect its value or usability to fall under the "significantly not as described" category.

You can open a dispute between **10 and 60 days** after the date of the problematic transaction. Once you have initiated the dispute, eBay will contact the seller, who should then communicate with you and attempt to reach a resolution.

### **eBay Standard Purchase Protection Program**

If this method of dispute resolution is unsuccessful, you may escalate the dispute or make a claim under eBay's Standard Purchase Protection Program between 30 days and 90 days after the transaction. To qualify:

- you must have first opened a dispute under eBay's dispute resolution program and either the seller responded but no resolution was reached, or the seller did not respond within 10 days of the dispute being opened;
- the price of the item bought must be over AU\$25 and you must have proof of purchase; and
- if you bought the item with a credit card (other than through PayPal), you must have already sought reimbursement from your credit card issuer.

eBay's Standard Purchase Protection Program reimburses buyers for some transactions, however the list of requirements and exceptions is extensive so be sure to check the information page on eBay for a full guide. Some of the transactions which are NOT eligible for reimbursement include:

- any transaction where payment was made with cash or through an instant money transfer services such as Western Union or MoneyGram;
- instances of over or double payment;
- items that were damaged or lost in transit; and
- items exchanged in person (either picked up by you or delivered by the seller).

### **PayPal purchases**

If you paid for an item using PayPal you should file a dispute with the PayPal Resolution Centre within **45 calendar days** from the date of payment to the seller. If you are not able to resolve the dispute with the seller you can then escalate the claim within 20 calendar days of the date that you filed the dispute.

For purchases of tangible, physical goods that can be shipped (digital delivery items do not qualify) from eligible eBay websites (including eBay Australia, eBay UK and eBay US among others) you may qualify for reimbursement under the PayPal Buyer Protection Policy. The amount of coverage or reimbursement that you will receive under this policy depends on whether your purchase is eligible for Top Tier or Basic Tier coverage and which eBay site you purchased it from. For comprehensive information on the amount of coverage offered, you should refer to PayPal's website, but as a rough guide, purchases from eBay Australia can receive a maximum of AUD\$400 for Basic Tier protection and AUD\$3000 for Top Tier protection.

## **DON'T GET RIPPED OFF BUYING PIRATE MUSIC!**

### **REMEMBER THESE IMPORTANT FACTS:**

1. The quality of pirate music is usually below par;
2. It rips you off and the artists and songwriters; and
3. It is illegal to buy, sell or have illegal music in your possession.

**If you suspect a person is selling pirated music, call 1800 06 16 16 toll free, visit our website [www.mipi.com.au](http://www.mipi.com.au) or email [mipi@mipi.com.au](mailto:mipi@mipi.com.au).**

### **Need more information?**

MIPI

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