

Example Use Cases

Version: 4

Issued: December 2017

Reference: GEN-DOC-004

Author: A. Cormack

Last Reviewed Date: 13/12/2017

The following are some examples of how this approach might typically apply to some common situations where a University wishes to use Janet as part of its business and community engagement activities.

Note that some of the examples arguably do not fall within the definition of business and community engagement given earlier in the factsheet, particularly if the activity is purely for the purpose of earning revenue. This does not mean that Janet cannot be used, but the principles described in the factsheet still need to be followed.

A university wishes to provide IT services to a commercial organisation to facilitate a joint research initiative.

Provided that the research is independent (i.e. not being conducted purely as a service to its commercial partner) the use of Janet by the partner in pursuit of the collaborative activity is unlikely to constitute State Aid to the University. The university should charge the ISP market rate for the partner's use of Janet to avoid the partner being in receipt of State Aid.

A university wishes to provide IT services to a commercial organisation hosted on campus or on a university science park. This might be as a revenue-earning activity, or for relationship building or publicity purposes.

In this case the provision of services and use of Janet is unlikely to fall within the Commission's definition of non-economic activities by the university. Therefore the university should fully cost the activity, including the use of Janet, and the charge it makes to the commercial organisation should reflect these full costs. The charge should also not be lower than the market rate for ISP services.

If the commercial organisation makes connectivity available other than to its own employees then this may also raise issues of Janet's private network status, as in the "bed and breakfast" example below. This is because there would be an indeterminate relationship between the individual end user and his or her use of Janet.

A university wishes to use Janet to provide Internet access for attendees to an academic conference it is hosting.

As the conference is of an academic nature the activity is likely to be seen as a non-economic activity by the university. The ISP market rate should in principle be charged to attendees. In practice the University will be charging attendees (if it is charging at all) a rate based on its total costs of hosting the conference. If so it could decide to include a cost for use of Janet, but in this case the nature of the use – to individuals and by definition for a very limited period – would not justify this, and access to Janet could be included “for free”.

A university wishes to use Janet to provide Internet access for customers of an accommodation (“bed and breakfast”) service that it is operating to earn revenue by exploiting its student accommodation outside term time.

In this case the provision of services and use of Janet is unlikely to fall within the Commission’s definition of non-economic activities by the university. Therefore the university should fully cost the activity, including the use of Janet, and the charge it makes to the individual customers of its accommodation service should reflect these full costs.

Note that current advice is that use of Janet to provide service to individuals with whom the university has no other than a purely commercial relationship constitutes using Janet as a public rather than a private network. This is not a State Aid issue, but rather one of preserving Janet’s regulatory status as a private network. To protect this status, public traffic must be segregated either on a separate network link or in an encrypted point-to-point tunnel across Janet to a partner internet access provider. The Eligibility Policy requires that if Janet is used then users must be authenticated and the access provider must use its own IP addresses when routing the traffic to the public Internet. The Janet factsheet *Guest and Public Network Access* provides further advice.

Note also that both the State Aid and private network issues still apply to use of Janet if the accommodation service is operated through a subsidiary company.

A university providing Janet to a spin-off company it has created to exploit the outcomes of its research activities.

Depending on the circumstances under which the research was originally carried out, and the disposition of any profits coming back to the university from the spin-off company, this may or may not be classed as an economic activity.

If the research was independent and conducted as part of the university’s primary activities, and any profits are to be invested back into these primary activities, the activity is likely to be classed as non-economic. In this case the spin-off company should be charged the ISP market rate for its use of Janet to avoid it being in receipt of State Aid.

If these conditions do not apply the university, as well as the spin-off company, is likely to be classed as acting as an economic undertaking when engaged in this activity. It will then be necessary to treat the spin-off company in the same way as it would any commercial organisation to which it is supplying services including Janet, as described above.