



QUICK GUIDE

COMMERCIAL

OR NON-COMMERCIAL ACTIVITY?



AARHUS UNIVERSITET



A GOOD PLACE TO START



*If you are to start a new **externally financed project** at AU, here is information about what you need to be aware of in the application phase and when drawing up a contract.*

This quick guide is intended to help you and your department (Aarhus BSS, NAT, TECH, HE)/school (Arts) avoid costly financial surprises during the project, and to help ensure that AU complies with the external rules for the area.

COMMERCIAL VS. NON-COMMERCIAL



All contracts concerning externally financed projects which AU enters into must be set up as separate projects.

Based on the contents of the application and the contract, the projects are categorised as either commercial or non-commercial activities.

It is important to establish whether your project is a commercial or a non-commercial activity, as this has an influence on the rules applying in relation to:

- rights to research data
- compensation claims
- calculation of overheads*
- co-financing options
- VAT liability

*A calculated contribution to cover the average indirect costs of a specific project, e.g. rent, operation of buildings and administration.

WHAT'S THE DIFFERENCE?



COMMERCIAL ACTIVITY

NON-COMMERCIAL ACTIVITY

Type of project

A requisitioner buys certain services from the university and provides all the required financing.

The funder and AU jointly agree on the project scope and process.

Rights

The requisitioner can obtain ownership of the rights/results of the project, and publication may be prohibited for a considerable length of time, or there may be confidentiality requirements concerning the results. Furthermore, there may be provisions concerning liability to pay compensation in the event of any delays, errors etc, and product liability insurance may be a requirement.

AU owns the rights to AU's own results and research data including the right to publish. However, it is possible to make an agreement on transfer of rights.

Finances

The requisitioner pays AU for services on market terms.

The parties involved provide the resources required to complete the project.

Examples

Course activities, consultancy, sale of data and commissioned research for which the rights are transferred to the requisitioner.

Development projects, sponsorships, accommodation, contributions to cover travel expenses and external funding for research projects for which all rights belong to AU.

UNSURE ABOUT ANYTHING?



Projects in Accounts at AU Finance and Estates Project Development can help you determine whether your project application relates to a commercial or non-commercial activity.

Projects will also complete a VAT assessment of the application/contract.

Please send an email to projektenheden@au.dk.

Corporate Relations and Technology Transfer at AU Research Support and External Relations can help you, if you have a contract already and are uncertain whether it covers a commercial or non-commercial activity.

Please send an email to tto@au.dk.

AU STANDARD CONTRACTS



*At www.tto.au.dk,
you can find a number
of standard contracts
(in English) for
externally financed
projects.*

These standard contracts are “fast track agreements”. It is possible to enter into these agreements without contract negotiations if the other party accepts AU’s general terms and conditions for commercial and non-commercial activities.

If you or your external partner have special requests in regard to the contents of the contract, please contact Corporate Relations and Technology Transfer, AU Research Support and External Relations by writing an email to tto@au.dk.

POINTS OF ATTENTION



- Remember that your application must always be approved by your head of department (Aarhus BSS, ST, HE)/head of school (Arts)/centre director. In connection with applications to EU framework programmes and contracts, the Research Support Office must approve the application and sign the contract negotiation documents, contracts and various forms – www.au.dk/fse/kontakt.
- Remember that projects which involve a quid pro quo or transfer of rights can be subject to VAT.
- Remember that costs for projects which are categorised as commercial activities must be fully covered. This means that an overhead* of 116 per cent of the project's payroll costs + EBIT margin must be calculated.
- Remember that written approval from the requisitioner/funder is required in order to change the agreed project period.

*A calculated contribution to cover the average indirect costs of a specific project, e.g. rent, operation of buildings and administration.

ANY QUESTIONS?

- **Questions about commercial and non-commercial activities:**

Please send an email to projektenheden@au.dk

- **Questions about VAT:**

Please send an email to projektenheden@au.dk

Concerning non-commercial activities:

- **Questions about collaboration agreements:**

Please send an email to tto@au.dk. mailto:tto@au.dk

- **Questions about research projects, incl. EU projects:**

Find contact information for the Research Support Office at www.au.dk/fse/kontakt