

Article 14 EPC

Languages of the European Patent Office, European patent applications and other documents

(1) The **official languages** of the European Patent Office shall be English, French and German.

(2) A European patent application shall be filed in one of the official languages or, if filed in any other language, translated into one of the official languages in accordance with the Implementing Regulations [period 2m, R. 6(1)]. Throughout the proceedings before the European Patent Office, such **translation** may be brought into conformity with the application as filed. If a required translation is not filed in due time, the application shall be deemed to be withdrawn [FP no, R. 135(2) / RE yes, R. 136(3)].

(3) The official language of the European Patent Office in which the European patent application is filed or into which it is translated shall be used as the **[not changeable] language of the proceedings** in all proceedings before the European Patent Office, unless the Implementing Regulations provide otherwise [e. g. in oral proceedings, R. 4(2)].

(4) Natural or legal persons having their residence or principal place of business within a Contracting State having a language other than English, French or German as an official language, and nationals of that State who are resident abroad, may file documents which have to be filed within a time limit in an official language of that State. They shall, however, file a translation in an official language [any, R. 3(1)] of the European Patent Office in accordance with the Implementing Regulations [period 1m, R. 6(2)]. If any document, other than those documents making up the European patent application, is not filed in the prescribed language, or if any required translation is not filed in due time, the document shall be deemed not to have been filed [FP yes, R. 135(2) / RE no, R. 136(3)].

(5) European patent applications shall be **published** in the language of the proceedings.

(6) **Specifications** of European patents shall be published in the language of the proceedings [= authentic text, A. 70(1)] and shall include a translation of the claims in the other two official languages of the European Patent Office [possible limiting effect depending on nat. law, A. 70(3)].

(7) The following shall be published in the three official languages of the European Patent Office:

- a) the European Patent Bulletin;
- b) the Official Journal of the European Patent Office.

(8) Entries in the European Patent Register shall be made in the three official languages of the European Patent Office. In cases of doubt, the entry in the language of the proceedings shall be authentic.

R. 3 (Language in written proceedings)
 R. 4 (Language in oral proceedings)
 R. 5 (Certification of translations)
 R. 6 (Filing of translations and reduction of fees)
 R. 7 (Legal authenticity of the translation of the EP-application)
 GL A-VII (Languages)
 CLBoA III.F (Languages)

- ▷ i. e. filing is possible in any language (more on filing in A. 75)
- ▷ free choice of language does not apply for EPO as PCT receiving Office, R. 157(2)
- ▷ official language is no requirement for obtaining a date of filing, A 80 (in contrast to EPC 1973)
- ▷ filing in any language defines original disclosure, A. 70(2) (e. g. for amendments according to A. 123)

- ▷ language of the proceedings (de/en/fr) defines the authentic text and thereby the extent of protection, A. 70(1), A. 69
- ▷ language of the proceedings is obligatory for EPO in written proceedings, G 4/08 / GL A-VII, 2; likewise for amendments by the applicant, R. 3(2)
- ▷ language of divisional application may not deviate from language of the proceedings of the earlier application, R. 36(2)

- ▷ possibility of **fee reduction** for certain applicants, R. 6(3)-(7) (place of business of a representative is not relevant)
- ▷ official languages of the Contracting States, see NatL II
- ▷ if official language of a Contracting State is not an official EPO language, it is called "admissible non-EPO language"

A. 93 (Publication of the EP-application)

A. 98 (Publication of the specification of the EP-patent)
 A. 103 (Publication of a new specification of the EP-patent)

A. 129 (Periodical publications)

A. 127 (European Patent Register)
 R. 143 (Entries in the EP-Register)

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Case law**on Article 14(2)****T** 0700/05

The translation under A. 14(2) may be brought into conformity with the content as filed also during opposition proceedings. This, however, forms an amendment under A. 101(3) and therefore has to meet the requirements of the EPC, in particular A. 84 and A. 123(2).

on Article 14(3)**G** 0004/08 *Language of the proceeding / MERAL*

The Enlarged Board of Appeal, in response to the three points of law referred to it, concludes that:

Question 1: If an international patent application has been filed and published under the PCT in one official language of the EPO, it is not possible, on entry into the European phase, to file a translation of the application into one of the other two EPO official languages.

Question 2: In written proceedings on a European patent application or an international application in the regional phase, EPO departments cannot use an EPO official language other than the language of proceedings used for the application pursuant to Article 14(3) EPC.

Question 3: This question serves no purpose.

- ▷ [international publication in official EPO language determines language of the proceedings](#) of Euro-PCT application in EP-proceedings
- ▷ language of the proceedings is obligatory for EPO in written proceedings

on Article 14(4)**G** 0006/91 *Fee reduction*

1. The persons referred to in Article 14(2) EPC are entitled to the fee reduction under Rule 6(3) EPC if they file the essential item of the first act in filing, examination or appeal proceedings in an official language of the State concerned other than English, French or German [= [admissible non-EPO language](#)], and supply the necessary translation no earlier than simultaneously.

2. The essential item of the first act in appeal proceedings is the notice of appeal, so to secure entitlement to the reduction in the appeal fee it suffices that said document be filed in a Contracting State official language which is not an official language of the European Patent Office and translated into one of the latter languages, even if subsequent items such as the statement of grounds of appeal are filed only in an EPO official language.

- ▷ [fee reduction under R. 6\(3\)](#) requires that the essential item of the first act in the respective proceedings is filed in an [admissible non-EPO language](#) and the [translation in an official EPO language](#) is filed no earlier than simultaneously
- ▷ the essential item is
 - for [filing fee](#): the description, GL A-X, 9.2.2
 - for [examination fee](#): the examination request, GL A-X, 9.2.3

J 0021/98 *Examination fee reduction*

The applicant has the right to reduction of the examination fee when the requirements provided for in Articles 14(2) and (4) and 94(2) EPC are fulfilled, which in circumstances such as those of the present case may indeed be satisfied, even though the request for examination in an official language of a contracting state other than English, French or German has not been filed together with [(but after)] the request for grant.

- ▷ [selected examination request on filing form in official EPO language is non-prejudicial](#) for fee reduction in case of subsequent examination request in admissible non-EPO language
- ▷ (meanwhile) examination request can be submitted with EPO Form 1001 in admissible non-EPO language and in official language at the same time

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Rules

Rule 3 EPC

Language in written proceedings

(1) In **written proceedings** before the European Patent Office, any party may use any official language of the European Patent Office. The translation referred to in Article 14, paragraph 4, may be filed in any official language of the European Patent Office.

(2) Amendments to a European patent application or European patent shall be filed in the language of the proceedings.

(3) Documentary evidence and, in particular, publications may be filed in any language. The European Patent Office may, however, require that a translation in one of its official languages be filed, within a period to be specified [cf. R. 132]. If a required translation is not filed in due time, the European Patent Office may disregard the document in question [FP yes, R. 135(2) / RE no, R. 136(3)].

entered into force with EPC 2000

GL A-VII, 3 (Derogations from the language of the proceedings in written proceedings)

▷ EPO departments use only the language of the proceedings, G 4/08 / GL A-VII, 2

▷ possibility of request for certification, R. 5

A. 123 (Amendments)

see also GL A-VII, 3.4 (Documents filed as evidence)

Rule 4 EPC

Language in oral proceedings

(1) Any party to **oral proceedings** before the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings, if such party gives notice to the European Patent Office at least one month before the date of such oral proceedings [EPO bears translation expenses, R. 4(5)] or provides for interpretation into the language of the proceedings. Any party may use an official language of a Contracting State, if he provides for interpretation into the language of the proceedings. The European Patent Office may permit derogations from these provisions.

(2) In the course of oral proceedings, employees of the European Patent Office may use an official language of the European Patent Office other than the language of the proceedings.

(3) Where evidence is taken, any party, witness or expert to be heard who is unable to express himself adequately in an official language of the European Patent Office or of a Contracting State may use another language. Where evidence is taken upon request of a party, parties, witnesses or experts expressing themselves in a language other than an official language of the European Patent Office shall be heard only if that party provides for interpretation into the language of the proceedings. The European Patent Office may, however, permit interpretation into one of its other official languages.

(4) If the parties and the European Patent Office agree, any language may be used.

(5) The European Patent Office shall, if necessary, provide at its own expense interpretation into the language of the proceedings, or, where appropriate, into its other official languages, unless such interpretation is the responsibility of one of the parties.

entered into force with EPC 2000

A. 116 (Oral proceedings)

GL E-IV (Derogations from the language of the proceedings in oral proceedings)

GL E-IV, 5 (Language used by employees of the EPO)

GL E-IV, 4 (Language used in the taking of evidence)

(6) Statements by employees of the European Patent Office, parties, witnesses or experts, made in an official language of the European Patent Office, shall be entered in the minutes in that language. Statements made in any other language shall be entered in the official language into which they are translated. Amendments to a European patent application or European patent shall be entered in the minutes in the language of the proceedings.

R. 124 (Minutes of oral proceedings and of taking of evidence)
GL E-IV, 6 (Language used in the minutes)

Rule 5 EPC Certification of translations

Where the translation of a document is required, the European Patent Office may require that a certificate that the translation corresponds to the original text be filed within a period to be specified [cf. R. 132]. If the certificate is not filed in due time, such document shall be deemed not to have been filed [FP yes, R. 135(2) / RE no, R. 136(3)], unless otherwise provided.

entered into force with EPC 2000
GL A-VII, 7 (Correction and certification of the translation)

Rule 6 EPC Filing of translations and reduction of fees

(1) A translation under Article 14, paragraph 2, shall be filed within two months of filing the European patent application.

(2) A translation under Article 14, paragraph 4, shall be filed within one month of filing the document. This shall also apply to requests under Article 105a. Where the document is a notice of opposition or appeal, or a statement of grounds of appeal, or a petition for review, the translation may be filed within the period for filing such a notice or statement or petition, if that period expires later.

(3) Where a person referred to in Article 14, paragraph 4, files a European patent application or a request for examination in a language admitted in that provision, the filing fee [fee 1/1a/1b, A. 2(1) Rfees] or examination fee [fee 6] shall be reduced in accordance with the Rules relating to Fees [by 30%, A. 14(1) Rfees].

entered into force on 01.04.2014, DecAC OJ 2014, A4
(valid for filings as of this date)
A. 14 (Languages of the EPO)

- ▷ examination as to formal requirements A. 90(3)-(5), R. 57, R. 58
- ▷ assumption of correctness, R. 7

(4) The reduction referred to in paragraph 3 shall be available for:

- a) small and medium-sized enterprises;
- b) natural persons; or
- c) non-profit organisations, universities or public research organisations.

GL A-X, 9.2 (Reduction under the language arrangements), cf. G 6/91

- ▷ for filing fee reduction, the description is relevant, GL A-X, 9.2.2
- ▷ for examination fee reduction, the examination request is relevant
GL A-X, 9.2.3 (can be requested in admissible non-EPO language with EPO Form 1001 or 1200)
- ▷ the reduced fee may directly be paid, GL A-X, 9.1
- ▷ limitations in paragraphs (4)-(7): size of enterprise + duty of declaration
- ▷ further reductions existed before 01.04.2014

i. e. no big enterprises
(possibility of fee reduction existed before 01.04.2014 also for big enterprises from Contracting States having a non-EPO language as official language according to A. 14(4), e. g. NL)

(5) For the purposes of paragraph 4(a), Commission recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises as published in the Official Journal of the European Union L 124, p. 36 of 20 May 2003 shall apply.

definition summarized in GL A-X, 9.2,1

(6) An applicant wishing to benefit from the fee reduction referred to in paragraph 3 shall declare himself to be an entity or a natural person within the meaning of paragraph 4. In case of reasonable doubt as to the veracity of such declaration, the Office may require evidence.

(7) In case of multiple applicants, each applicant shall be an entity or a natural person within the meaning of paragraph 4.

Rule 7 EPC

Legal authenticity of the translation of the European patent application

Unless evidence is provided to the contrary, the European Patent Office shall assume, for the purpose of determining whether the subject-matter of the European patent application or European patent extends beyond the content of the application as filed, that the translation filed under Article 14, paragraph 2, or Rule 40, paragraph 3, is in conformity with the original text of the application.

if the declaration is incorrect, the fee is deemed not validly paid since it was reduced unjustifiably, and the application will be deemed withdrawn under A. 78(2) or A. 94(2), see GL A-X, 9.2.1

entered into force with EPC 2000

- ▷ possibility of correction for applicant, A. 14(2)
- ▷ possibility of requesting certification for EPO, R. 5

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