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 If a required translation is not filed in due time, the application shall be deemed to be withdrawn [FP no, R. 135(2) / RE yes, R. 136(3)].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 **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.
Case law

on Article 14(2)

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)

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.

on Article 14(4)

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.

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 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
Chapter III – The European Patent Office

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)].

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.
(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.

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.

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].

(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.


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)

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