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PATENTS

The author details the growing role that specialized translation vendors play in the patent application process, and the benefits to patent agents who partner with translation companies.

The Evolution of Patent Translation



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The legal jargon involved in patent translation is highly specialized and unique. Knowing how to translate specific legal terms transcends the typical knowledge of a language and therefore has to be assigned to someone who not only knows the target language, but who also has in-depth expertise in the patent topic.

Traditionally, companies have hired patent agents who reside in a target country to translate and file their patents. Such agents know patent specialization and are familiar with the process of filing patents. However, patent agents are not translators. Because translation is not their specialty, they lack trained resources, refined processes for translating and reviewing their work, and important technology to enable them to provide quality translations compliant with industry standards. The lawyer-type fees charged for their specialized services also add up to an unnecessary excess of expenses.

Enter Translation Providers

Today, more and more companies are shifting their approach to patent translation and are using specialized translation vendors to do their work. Even though few translation companies have the ability to accurately

translate patents, those with this proficiency have the necessary expertise, refined processes, and technology to offer quality exceeding that which patent agents produce.

Because of this, patent-filing organizations can bypass paying the higher cost of lawyer-assisted translations in favor of more competitive prices. One significant source of savings stems from technology that enables translation vendors to charge less based on repeated text. At first glance, the idea that repeated text is a notable factor in the cost of patent translation may seem dubious. After all, inventions are supposed to be unique. There wouldn't be a reason to patent an invention if it was not unique. So, the text would be unique as well, making cost savings marginal. However, that's not the way it adds up.

Since a company's patents frequently pertain to the same industry or product area, companies that file multiple patents often use similar wording. Patents also have boiler plates, meaning there is some repeated text within patents. Even if previously translated material makes up only a small fraction of the translation, those fractions add up to a substantial amount—especially for projects that can cost millions of dollars.

Translation technology is useful not only for cutting costs, but also for terminology management. Proper management of terminology allows for the consistent use of correct terminology by all translators, meaning multiple people can be assigned to work on a project, and all produce the same degree of accuracy. During translation, technology can present terminology automatically to translators, thereby reducing interruptions and improving their productivity. They can also continuously advance the linguistic portion of translations, which enables them to improve the quality of projects over time. Finally, translation memory technology can preserve formatting codes and layout information, reducing the time a desktop publisher needs to ensure that the translated document looks as professional as the source document.

The ability of translation companies to utilize this technology in conjunction with their expertise provides their clients extremely high levels of quality while simultaneously lowering the cost of projects.

Exit Patent Agents?

In the past, patent agents have been critics of translation companies, arguing that translators didn't have the legal expertise to translate a patent proficiently. Not all translation companies do, but this argument is not a valid generalization. Some translation companies specialize in patent translation and are well qualified to translate patent terminology. That accusation comes down to patent agents making an effort to maintain some of their revenue streams.

Today, with the threat posed to them by translation companies, patent agents are generally responding in one of three ways. Some try to disqualify translation vendors as unqualified. Some attempt to utilize the same processes and technologies used by the translation agency in order to compete, and some attempt to partner with translation companies. This third group sees that translation companies can be a new source of revenue and actually develop into new clients.

How This Is Possible

After demonstrating their linguistic abilities in patent translation, translation companies have seen some cli-

ents gravitate toward the high level of accuracy and lower costs. But, those clients don't want to separate patent translation from patent filing. They want the process to be as simple and streamlined as possible.

The result is that, in some cases, clients require translation companies to not only handle the translation, but also to oversee the actual filing of the patent. This often comes with the ultimatum that the company will take all of their business elsewhere if the translators can't include filing as part of their portfolio.

That leaves translation companies in an interesting situation. They have to find a way to add the ability to file patents to their operations or lose a significant portion of their business. Because of this, translation companies have begun to subcontract friendly patent agents to take care of the filing. The level of experience these patent attorneys offer is valuable.

Thus, some patent agents who have attempted to create a good working relationship with translation companies are now able to adjust and work together with translation companies. They still have business; their clients have just changed.

How Translation Agencies Charge Lower Costs and Still Provide Top Quality

By utilizing patent agents, translation agencies can offer filing and translation savings to their clients simultaneously. Patent filing is not a very lucrative business for translation agencies, but these services provide it to facilitate the process and make it more efficient for both the client and the service provider.

The most important offering from translation companies is, of course, the translation of the patent. These companies are experts in translation and have the knowledge, the qualified and skilled resources, the experience and the capacity to be able to deliver an extremely accurate product.

Experienced translators have gained their knowledge from years of experience in the field. They can produce text at a much faster rate than a novice and provide ten times the quality. Therefore, the time spent on training, correcting mistakes, and moving a product out the door becomes less laborious. Because translation companies can reduce the time spent processing documents and push down the cost of the entire process of translation, they can offer their clients significant discounts.

Internal Changes

As stated above, patent agents have had to refocus their clients and methods of doing business; however, they are not the only ones. Translation companies and the companies filing the patents are adjusting too.

The companies that are filing the patents are getting what they wanted: smaller invoices and simpler processes. They are setting up the relationships and handing the keys to the translation companies. This causes their workload to get easier and their budgets to get bigger.

Business for the translation companies, on the other hand, is becoming more complicated. Their workload is increasing, and they must deal with a complex patent filing workflow. The typical process for a translation job includes receiving a file, analyzing, translating, editing, reviewing, publishing, and delivering.

The process for translating patents is different because instead of receiving a file from a client, the translation company is embedded into the client's system.

Companies often give their translation vendors access to a database containing their patent jobs. The database must be checked continually for new patents, and those new projects are picked up as they appear and entered into the translation process.

When and how a patent translation is finished also differs from traditional projects. Instead of the usual scenario where translation companies receive projects in time for a typical turn around, translation companies are given deadlines ranging from a few months to one week. So, they must plan the project accordingly. If they are given months, they can plan it comfortably. If they pick up a patent that needs to be turned around in a week, it needs to be turned around in a week, regardless of having less time. Delivery is different as well. The client company may never even see the finished project. When it's done, it needs to be filed. That's when translation companies will often hire patent agents to fill in.

The Future of Patent Translation

Companies around the world continue to make considerable investments in research and development to remain competitive in a globalized economy. This is good news for the translation industry as it keeps highly educated and experienced translators in business, thus improving and maintaining high quality and good processes to translate and file patents.

However, the industry is not done evolving. Patent offices around the world are trying to find ways to make

the patent filing less expensive and more efficient. That's what brought about The London Agreement. Under that agreement, companies in certain European countries are allowed to file patents in English. The primary aim of the agreement was to reduce cost, but when those countries agreed to it, they also reduced business for translation companies and patent agents.

Even though the possibility of this spreading to more countries is real, it took more than 10 years for the London Agreement to come into effect. To this day, many European countries such as Spain and Italy are not willing to relinquish their rights to translate patents in their own language. This type of initiative touches a nerve of national pride in these nations that has a more far reaching effect than economic benefits. Although the industry could take a number of different paths, qualified translators still have many years of solid patent work.

Conclusion

All of the aforementioned changes are still developing and growing. Some companies are still using patent agents for everything. Some translation companies don't have the expertise to translate patents.

But, for the companies that catch onto cutting costs and keeping or improving quality, translation vendors with patent expertise are emerging as the most logical solution for their needs. Even so, patent agents, translation vendors and companies can work together to legally safeguard intellectual property through patents.