



THE IMPORTANCE OF GOOD TRANSLATION

For the uninitiated, finding translators sounds easy. Often, inexperienced company executives just entering the international market talk about translating as if it were simple—a skill requiring little more than bilingual literacy. In fact, it is much more than that. Michael Sneddon and Heide Ruplinger explain.

Language

A translator with actual experience in translating patents is critical because the way a language is used in patents often doesn't follow the linguistic conventions of that language. For example, in the German language, patent claims never start with an article (*i.e.* 'der' or 'ein'). Not using an article before a noun in German is usually considered grammatically wrong, and to a translator inexperienced in patent translation, leaving out the article would seem awkward and incorrect. Here is an example:

Original English patent

An applicator (10) comprising:

Correct German translated patent

Applikator (10), umfassend:

“JUST AS WRITING A PATENT REQUIRES SPECIFIC EXPERTISE, TRANSLATING ONE REQUIRES THE SAME EXPERTISE WITH THE ADDITIONAL SKILL OF NATIVE FLUENCY IN THE TARGET LANGUAGE.”

Few things can cause a company's international expansion to falter faster than an inaccurate or confusing translation. Eventually, however, all successful international executives come to appreciate and rely on precise and effective translations to convey their brand, maximise their operations and preserve their intellectual property.

While all translations done for a business will have some impact, the translations with the highest stakes cover patent translations. Being a patent translator requires much more than just a bilingual business background. Just as writing a patent requires specific expertise, translating one requires the same expertise with the additional skill of native fluency in the target language. All patent translators must have not only an understanding of the accepted format and structure of a patent but also of its specific technical field. A company greatly increases its risk of being involved in costly litigation and potentially losing its intellectual property protection when it uses a translator without patent and relevant subject expertise.

Only someone with patent experience would understand and confidently follow this unusual syntax.

Another example of the need to understand the unique way language is used in patents is the particular way some German verbs must be used in patents. The English verb 'is', as used in participle and passive constructions, can be translated into German as 'wird' or 'ist'. While in most writings the difference is minor and is probably never even considered by the reader, in patents there is a marked difference. If the claim addresses an object, 'ist' will be used in most cases. However, if the claim describes a process, 'wird' will be used.

Technical expertise

In addition to understanding the way language and grammar are used in a patent, an effective translator must have a specific understanding of the subject matter relating to the patent. This understanding is critical to the accurate description of the patent and the correct use of technical terminology.

The following example shows how misunderstanding the technical aspects of an invention can create a seemingly small change in the description of a patent that could result in disaster for a company's ability to protect its intellectual property.

The incorrect translation is as follows:

“Electrolyte for photoelectric conversion element, photoelectric conversions element using the electrolyte, and dye-sensitised solar cell.”

The correct translation is as follows:

“Electrolyte for photoelectric conversion element, and photoelectric conversions element and dye-sensitised solar cell using the electrolyte.”

In the correct translation, the electrolyte is used both in the photoelectric conversion element and in the dye-sensitised solar cell.

Because translation is rarely a simple word-for-word exchange, if translators misunderstand the technology behind what they are translating, word placement and punctuation can easily be altered in a way that changes the meaning. Patents are precise documents. The slightest mistake in language usage or technical description can alter the effectiveness of the entire document.

Patents are about securing exclusive rights to implement ideas, inventions or technologies. After a large investment in development, companies expect to recoup their investment and build a successful business through the protected use of their ideas or technologies. The company filing the 'incorrect patent' in the example above might very well find out, after building a business based on that technology, that it is not protected from copycats.

Legal and filing expertise

Looking for a translator with patent and subject expertise is only the beginning. A good patent translator should have extensive training in the target language and the subject area, but the translator should also have a firm grasp of the legal requirements and the filing process for a patent in the target country. Different countries have different patent filing processes and having a detailed understanding of the target country's process is critical.

For example, in Japan, as patents move through the different stages of approval, they are given different numbers. In the first published stage, patents are designated as 'A patents' and given a number that starts with the year. In the next stage, if the patents are granted, they are designated as 'B patents'. Although some patents never become B patents, if they do, they are given a new number. Because A patents are the first publication of a

patent, they are the most commonly translated. Sometimes, however, even after a patent is granted, a company might decide to go into additional countries and need a B patent to be translated. If a translator does not understand the Japanese system for numbering, mixing up a patent's A and B numbers will result in an unrelated case. Another potentially confusing issue for a translator inexperienced in Japanese patent filing is that both Japanese and Western systems for denoting years can be used in patents.

Legal experts within target countries are often employed by businesses to complete the patent filing process. Such people have experience in the legal aspects of a patent and can edit the submission for compliance and quality. Companies need to be cautious, however, when allowing these legal experts to make changes to 'improve' the document that are not legally necessary. These changes can potentially create technical and linguistic errors that may cause the patent to be inconsistent with industry standards, approved terminology and style guides. The result is an erosion of trust and, ultimately, more billable hours spent fixing the problem, causing the translation to quickly become inordinately expensive.

To avoid this, companies should select translation vendors who have the specialised knowledge to translate a patent as well as the capability to submit a patent application correctly in the target country. Navigating a country's patent filing requirements can take years to master and vendors with this expertise are highly regarded in the patent translation field. Companies can ensure their patents are translated and processed accurately by choosing the right patent translation vendor.

What to look for in a patent translation vendor

Finding a translation vendor with the specialised knowledge to translate a patent accurately can be difficult enough, so finding a vendor who can both translate and take it through all the phases of the application process can be overwhelming. It is made even more confusing because many companies claim to be able to do this, but lack comprehensive knowledge of the entire process. Not all patent translators have equal ability or experience, and true patent expertise is rare. In order to filter out the unqualified candidates, businesses should verify that vendors meet the following three criteria:

• Process flexibility

Businesses have unique processes based on the way they've evolved and the way they do business. A good translation vendor will adapt to those processes, thereby easing the client's burden. If a translation company is rigid with its

customers, the expense of adjustment falls to the client and not on the translation provider.

• Patent expertise

Patent translation differs significantly from typical translation projects; therefore, just because a company can translate a document from English into French doesn't mean that it knows enough to translate a patent. When looking at patent translation vendors, it is important to get an indication of their level of expertise in this area. This can be done by asking for examples and references, and then following up references to assess the vendor's experience in the patent translation industry. This experience should include filing expertise, relationships with patent agents and the ability to process large volumes of projects.

• Using technology

Many translators employ their own skills and a text editor to complete translation projects. As a result, translation time is long and costs are high. Cost savings and accuracy can improve by finding a translation vendor that is proficient in the skilful use of technology. Companies using a translation memory tool have the ability to speed the translation process and reduce costs over time as the translation data is continuously recorded. Through the use of technology, translation companies will also be able to develop terminology glossaries and style guides suited to the client preferences and industry standards. This can avoid the inconsistencies that come from multiple translators working on a given patent.

Conclusion

Intellectual property is a business's lifeblood and needs to be protected—often in multiple countries and languages. Experienced executives understand the necessity of using a patent and subject specialist in translating and filing a patent, because the potential damage a poorly translated patent can do is too great a risk for companies to take. To ensure that their patent translations are linguistically, technically, and legally sound, companies should verify the flexibility, expertise and technological capabilities of potential vendors. It's all part of a business's 'best practices'.

Michael V. Sneddon is the president and CEO of MultiLing Corporation. He can be contacted at: mvsneddon@multiling.com

Heide Ruplinger is responsible for business development, marketing and social media at MultiLing Corporation. She can be contacted at: hrruplinger@multiling.com



Michael V. Sneddon is the president and CEO of MultiLing Corporation, a multinational language services and technology company, which he co-founded in 1988. Sneddon was a catalyst in reorganising and growing the company from a paper-based translation bureau into one of the most respected and efficient translation companies in the world, with translation teams in more than 21 countries. Under his direction, MultiLing also developed Fortis, a complete language technology platform, which supports translators and leverages past translations—potentially saving clients up to 50 percent in translation costs while improving quality.



Heide Ruplinger has a Bachelor's degree in Linguistics from Brigham Young University and has worked in the translation and localisation industry since 1999, as a linguist, translator, reviewer, project manager and team leader. She is a native German and has studied Latin, English, French and Spanish, as well as American Sign Language. Ruplinger has held contracting positions at Novell, Inc and Intel Corporation, and since joining MultiLing has been instrumental in growing the company into a premier translation company that focuses on patent translations. She has developed glossaries and style guides that serve as the basis for MultiLing's German patent language team.