Aiding understanding: an interpreter at the European Patent Office

Jacquy Neff gives us a day in the life of a freelance interpreter working for the European Patent Office. Late to bed, early to rise and be prepared - after all, they need you!

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7:00 a.m. The alarm rings, dragging me out of a deep sleep. "Espace annulaire d'évacuation..."
There it is again, that expression that had hovered in my dreams. Still blurry, my eyes scan the room until they reach a stack of documents carefully arranged on the desk and speckled with multi-colored Post-It stickers. Slowly my brain clears: I am in Munich to work at the European Patent Office. That wretched expression is the key term in the case that awaits me. I got in later than expected from Luxembourg last night, detained by a case being heard by the European Court of Justice. A conference interpreter constantly travels to ply his trade.

Working for the EPO

On my way to work I think through today's case and about the client employing me here in Munich. The European Patent Office has become a major employer of interpreters with English, French and German as either mother tongue or passive language. I coordinated a recent study that found that in 1998 the EPO ranked third among institutions, with some 2,900 interpreter-days using these three languages, well below the total for EU institutions, but ahead of the Council of Europe and the United Nations.

It sounds straightforward, but the requirements are stringent, and similar to those of the European Court of Justice: you need a minimum 10 years' experience as a conference interpreter and your work must meet the exacting standards set by the language service when they vet you at work. Membership in a professional association such as AIIC is a plus, but not a must. Above all, the interpreter needs an understanding of technical matters and an ability to follow the intricacies of a closely argued legal plea. I have found that my experience with the European Court of Justice and many years of teaching legal translation at the University of Mainz have stood me in good stead.

8:30 a.m. I enter the booth, sit down and go into my usual routine. To my right I place the citations - 16 (!) of them - carefully arranged and liberally dotted with identifying stickers. After all, one of the parties might quote a passage from one and it's best to be prepared. In the middle, I put the specification document of the patent in suit, the preliminary opinion and the auxiliary requests (there are four - this promises to be a drawn-out legal battle) filed by the patentee. Lastly, on my left I arrange the 250 or so pages of correspondence from the four opponents that provides the background to the case to be heard today. I've already trawled through this mass of paper for background information and terminology, and the result of that work - my glossary - is placed like a crown on top of everything.
Thus prepared, I wait with confidence. The moment has come for the indispensable briefing, the most effective way of gaining insight into the arcane mysteries of the legal and technical arguments and into the essence of the invention itself. It is also the chance to request any documents we might not have. The members of the Board are present and reply willingly and patiently to the interpreters' questions. Whether dealing with an opposition or an appeal, I have the impression that EPO specialists genuinely understand the need for this short question-and-answer session with the team of interpreters, even if they themselves almost never make use of our services. Over time, we get to know each other and develop mutual trust.

9:00 a.m. With confirmation of the parties present and legal representatives, the hearing (an Oral Proceeding in EPO jargon) begins. The sober atmosphere is typical of an appeal and the interpreters feel it too. The opening session is formal in nature and marked by many procedural terms that an interpreter learns quite quickly. The legal presentations, however, will test his understanding of the law. Article 100 (a), (b) and (c) or Article 54? Article 83 or perhaps 84, or both together? A novice interpreter would indeed have a rough time. Those of us who work here regularly are so used to these mainstays of legal procedure, that we could almost quote them by heart.

Once the requests of the parties have been confirmed, the battle begins and the masters of the Art of Advocacy lay into each other. The first up speaks in her mother tongue - a blessing, considering the complex nature of the invention. She does, however, develop her arguments at breakneck speed. But that shouldn't throw an experienced interpreter, especially since the EPO provides excellent documentation beforehand.

The second speaker proves more difficult. This attorney's mother tongue is not one of the Office's three official languages and he has decided to speak English. Unfortunately, his mastery of the language leaves something to be desired. Not only do we have to follow his legal and technical arguments, we face the additional difficulty of deciphering his pronunciation. Our concentration is pushed to the limit and the slightest thing can knock us off track. There is no doubt that this explains the legendary irritability that interpreters show whilst working. A single word misunderstood, an expression misconstrued, and we lose our train of thought. Here, too, the long experience required by the EPO and familiarity with routine enable us to perform miracles. In spite of a slight glitch, with the next sentence we rapidly get back on track, the exact technical term comes to mind and the message is completed. Working at such speed, however, we rapidly lose concentration. It's time to rotate - that's why we have two interpreters per booth. Without such an arrangement, no lawsuit could be concluded to the entire satisfaction of all the parties involved and the sacrosanct principle of the right to a legal hearing (i.e., to be understood) would be swiftly lost. Any such development would have detracted from the EPO's hard won reputation.

Unchanging Procedure

EPO hearings follow well-established procedures. Sessions are interrupted for deliberation on a point of fact or law or to take a decision on some of the issues under discussion. They resume with new attacks on the patent, only to be interrupted again, then resumed, and so on and so forth. Occasionally, the interpreters bet among themselves on who will prevail - the patentees or the opponents? The result is often a close call and proceedings are like a well-written whodunit. The famed "espace annulaire d'évacuation" turns out to be a device to cool a disc brake. There is no doubt that the invention is novel; at issue is whether a person skilled in the art could have developed it solely by reading the literature and combining the various citation documents (the "prior art") referred to. The opponents launch a typical attack on the patent, deftly parried by the patentee's attorneys that this argument just uses the benefit of hindsight and that had the whole invention been that simple we would not be here. The interpreters certainly agree. This idea would certainly not have occurred to us. But then, that's not our job...

2) EU: 19180 days with German for the Commission, EP, and ECJ combined. Council of Europe: 660 days with German out of 9421.

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