

Art. 14(2) EPC now provides that the application may be filed in one of the official languages or in "any other language". In the latter case a translation has to be provided (see chapter III.F.1. "Language of filing and date of filing of a European patent application").

In T. 382/94 (OJ 1998, 24) the board held that if the drawings were filed in full on the date of filing, they formed part of the application as filed, even if they contained text matter in an official language other than the language of the proceedings.

In T. 605/93 the board held that where the application documents of the European application as filed were a translation of the international application as it was filed, the content of the "application as filed" was that of the **international application as it was filed** (see also T. 1402/09, T. 923/13 and T. 1981/15). In all normal circumstances, it ought however to be assumed that the published European application was identical in content with the published international application (T. 605/93, see also T. 549/09). Only when there were reasonable grounds to doubt this presumption in a particular case was further investigation and, where necessary, the production of evidence required (T. 1010/07, T. 1981/15).

In T. 287/98 the original application in Dutch contained the word "schroot", which means scrap metal. The board decided that the replacement of the word "scrap" (as initial translation of "schroot") by "scrap metal" was allowable under Art. 123(2) EPC 1973 since Art. 70(2) EPC 1973 provided that in a case referred to in Art. 14(2) EPC 1973, i.e. in which the European patent application was filed in a language of a contracting state other than English, French or German, the **original text** had to be taken into account in order to determine whether the subject-matter of the application extended beyond the content of the application as filed. For further cases under Art. 14(2) EPC and Art. 123(2) and (3), see e.g. T. 516/12 and T. 1585/12.

In T. 1386/18 the board allowed an amendment of a term in the description, to bring it into line with the original PCT application filed in Chinese. According to the appellant, this amendment was based on the correct translation of the corresponding Chinese term. The board regarded the translation's inaccuracy as a plausible fact and therefore found there was no subject-matter extension.

1.2.4 Cross-references to other documents – incorporation by reference

In T. 6/84 (OJ 1985, 238) the board took the view that structural features of a means for performing a chemical process (here the catalyst "offretite"), which were not mentioned in the application documents themselves but in a document (here a Canadian patent specification) to which they referred, could be incorporated into a patent claim if they unequivocally formed part of the invention for which protection was sought (see also T. 590/94). However, it was not permissible to single out a particular one of their number (here a silica/alumina ratio) in the absence of evidence that this feature alone was a sufficient characterisation. It was instead necessary to recite fully the other essential components of the structure and the diffraction pattern figures which belonged together, as originally disclosed and defined in that document.