

## F. Languages

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The central provisions of the language regime of the EPC are to be found in Art. 14 EPC and R. 3 to 7 EPC.

Attention is also drawn to the Guidelines for Examination, A-VII and E-V – March 2022 version.

### 1. Language of filing and date of filing of a European patent application

Art. 14(2) EPC requires that a European patent application is filed in one of the official languages of the EPO – i.e. English, French or German (Art. 14(1) EPC) – or, if filed in any other language, translated into one of the official languages. It is therefore possible to file an application in any language, in compliance with Art. 5 PLT, which states that, for the purpose of obtaining a filing date, a description of the invention in a language of the applicant's choice must be accepted (see also R. 40(1)(c) EPC). If a required translation is not filed in due time (see R. 6(1), 36(2), 40(3), 57(a), 58 EPC), the application shall be deemed to be withdrawn (Art. 14(2) EPC; cf. Art. 90(3) EPC 1973 and J 18/01).

Under the former law, a European patent application could only be filed in an official EPO language (Art. 14(1) EPC 1973) or, by persons benefiting from the "language privilege", in an official language of a contracting state other than English, French or German ("admissible non-EPO language"), with a translation to be filed in an official EPO language (Art. 14(2) EPC 1973; see also J 15/98, OJ 2001, 183; J 6/05 and J 9/01). To be accorded a date of filing, an application had to contain one or more claims, in addition to a description, in one of the languages referred to in Art. 14(1) and (2) EPC 1973 (Art. 80(d) EPC 1973; see also J 18/96, OJ 1998, 403 and J 22/03). For the current scope of the "language privilege" see Art. 14(4) EPC and R. 6(3) - (7) EPC and also in this chapter III.F.4. .

In J 7/80 (OJ 1981, 137) the Legal Board held that where documents making up an application were partly in an official language of the EPO, and partly in another language which was an official language of a contracting state, then, for the purposes of deciding whether the application complied with Art. 14(1) or (2) EPC 1973, in accordance with Art. 80(d) EPC 1973, the significant language was that used for the description and claims.