

Other documents making up the application should normally be corrected by translation into that language.

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. There was nothing to prevent the application being amended on the basis of a translation of this text matter into the language of the proceedings.

For a case concerning an application which was filed as a European divisional application but not in the language of the proceedings of the earlier application (cf. R 36(2), first sentence, EPC), see J 13/14, reported in chapter II.F.3.3.

2. Language of the proceedings

The official language in which the application is filed or into which it is translated is the language of the proceedings in all proceedings before the Office, unless the Implementing Regulations provide otherwise (Art. 14(3) EPC).

In G 4/08 (OJ 2010, 572) the Enlarged Board of Appeal ruled that if an international application has been filed and published under the PCT in one official language of the EPO, it is not possible, on entry into the European phase, to file a translation of the application into one of the other two EPO official languages.

3. Derogations from the language of the proceedings in written proceedings and in oral proceedings

Under R 3(1) EPC (R 1(1) EPC 1973) any party may use any EPO official language in written proceedings.

In T 706/91 the appeal had been drawn up in accordance with R 1(1) EPC 1973 in one of the official languages, namely German. The appellant had therefore cited passages from the disputed European patent's claims and description in that language, even though they had been drawn up in French as the language of the proceedings. The board decided that these references were admissible.

In G 4/08 (OJ 2010, 572) the Enlarged Board of Appeal clarified that EPO departments cannot use, in written proceedings on a European patent application or an international application in the regional phase, an EPO official language other than the language of the proceedings used for the application under Art. 14(3) EPC (thereby overruling J 18/90, OJ 1992, 511). Referring to the principle that proceedings before the EPO are to be conducted in a single language (G 4/08), the board in T 1787/16 observed that only the language of the proceedings was to be used for the written decision. Only a decision in that single language of proceedings was in keeping with the R 111(2) EPC requirements as to reasoning. R 4(1) EPC (cf. R 2(1) EPC 1973) allows any party to oral proceedings to use an official language of the EPO other than the language of the proceedings, provided he either gives the EPO at least one month's notice or arranges for interpreting