

Shortly before the oral proceedings before the board in case T.265/11, the appellant (opponent) filed an uncertified translation of the claims of the international application underlying the patent. It argued that it was evident from this translation that certain features were different in the originally filed claims with respect to the English translation filed on entry into the European phase (Art. 158(2) EPC 1973), and requested that the newly filed translation be used as a basis for the analysis under Art. 123(2) EPC. The board affirmed that an international application for which the EPO is a designated or elected Office, and which has been accorded an international date of filing, is equivalent to a regular European application (Art. 150(3) EPC 1973; now Art. 153(2) EPC). R. 7 EPC 1973 applied *mutatis mutandis* to the translation filed under Art. 158(2) EPC 1973. As no evidence had been provided that the translation already on file was not in conformity with the original text of the application, the board, in accordance with R. 7 EPC 1973, assumed that translation to be in conformity with the original text of the application for the aforementioned purpose.

In T.1332/12, the board applied the same reasoning to admit a corrected (machine) translation, submitted by the patent proprietor, of a Japanese prior-art document which the opposing party had filed along with a – now contested – translation, as evidence of lack of inventive step. As to the provision of a translation of a crucial prior-art document in examination proceedings, see T.1343/12 and T.655/13.

Concerning translation points in relation to amendments see chapter II.E.1.2.3.

6. Language-related fee reductions

Under R. 6(3) - (7) EPC (as in force from 1 April 2014 – see decision of the Administrative Council of 13 December 2013, OJ 2014, A4) certain categories of applicants fulfilling the requirements of Art. 14(4) EPC are eligible for a fee reduction when filing a European patent application or request for examination (see also notice of 10 January 2014, OJ 2014, A23). Only one of multiple such applicants need fulfil the Art. 14(4) EPC requirements (J. 4/18) (see R. 6(7) EPC). A corresponding language-related fee reduction is no longer available for oppositions, appeals, requests for limitation or for revocation, or petitions for review (for earlier decisions concerning the former reduction of the opposition and appeal fees, see "Case Law of the Boards of Appeal", 7th ed. 2013, III.F.5).

In G. 6/91 (OJ 1992, 491) the Enlarged Board of Appeal ruled that the persons concerned were only entitled to the fee reduction under R. 6(3) EPC 1973 if they filed the **essential item of the first act** in filing, examination, opposition or appeal proceedings (note: the last two cases are no longer relevant – see previous paragraph) in an official language of the state concerned other than English, French or German, and supplied the necessary translation **no earlier than simultaneously** with the original. According to T.905/90 (OJ 1994, 306, Corr. 556), neither a request for a fee reduction, nor a notification that only a reduced fee had been paid, was an essential part of the first act of the relevant proceedings (see also J. 4/88, OJ 1989, 483).