

cited against another claim or another alternative in the same claim because it has an earlier effective date.

Rule 20.5

If the applicant subsequently furnishes missing parts of the description, parts of the claims or all or parts of the drawings under Rule 20.5, the international filing date is the date on which the purported international application is completed by the furnishing of the missing parts, unless the missing parts are completely contained in the priority document and the requirements given in Rule 20.6 are satisfied, in which case the original filing date is maintained. The date of the application as a whole is thus either the date of filing of the missing parts or the original filing date (see GL/PCT-EPO C-III, 2, and GL/PCT-EPO H-II, 2.2.2).

4. Documents in a non-official language of the (S)ISA or IPEA

If the applicant

- (i) disputes the relevance of a document in a non-official language cited in the search report (for procedure at the search stage, see GL/PCT-EPO B-X, 9.1.2 and 9.1.3), and
- (ii) gives specific reasons,

the examiner should consider whether, in the light of these reasons and of the other prior art available to him, he is justified in pursuing the matter. If so, he should obtain a translation of the document (or merely the relevant part of it if that can be easily identified). If he remains of the view that the document is relevant, he should send a copy of the translation to the applicant with the next communication in the PCT Chapter II phase.

4.1 Machine translations

In order to overcome the language barrier constituted by a document in an unfamiliar non-official language, it might be appropriate for the examiner to rely on a machine translation of the document, which should be sent to the applicant. If only part of the translated document is relevant, the particular passage relied upon should be identified. A translation has to serve the purpose of rendering the meaning of the text in a familiar language. Therefore mere grammatical or syntactical errors which have no impact on the possibility of understanding the content do not hinder its qualification as a translation.

A general statement that machine translations as such cannot be trusted is not sufficient to contest the value of the translation. If the applicant objects to the use of a specific machine translation, he bears the burden of adducing evidence (in the form of, for instance, an improved translation of the whole or salient parts of the document) showing the extent to which the quality of the machine translation is defective and should therefore not be relied upon.

When the applicant provides substantiated reasoning for questioning the objections raised based on the translated text, the examiner will have to take these reasons into account, similarly to when the publication date is questioned.