

into the language of the proceedings. Under R. 4(5) EPC the EPO must, if necessary, provide at its own expense interpretation into the language of the proceedings, or, where appropriate, into its other official languages, unless such interpretation is the responsibility of one of the parties.

In T 34/90 (OJ 1992, 454) the board reiterated the principle that appeal proceedings are not a mere continuation of first-instance proceedings, but are, for the purpose of deciding the permissibility of using an alternative official language under R. 2(1) EPC 1973 (R. 4(1) EPC), as for other procedural purposes, wholly separate and independent from those. Accordingly, it rejected the respondent's attempt to use the other official language already used by it in the oral proceedings before the opposition division, without fulfilling the requirements of R. 2(1) EPC 1973 as they applied to the pending appeal proceedings.

See also the communication from the Vice-President of DG 3, OJ SE 3/2007, 118.

In T 774/05 the board stated that R. 2(1) EPC 1973 (R. 4(1) EPC) implied that a party could choose to use one of the official languages set out in Art. 14(1) EPC 1973 and was entitled to speak and hear that language. However, a party had to be clear as to which official language it wished to use. The party then had a right to both speak and hear in that language, so long as the conditions of R. 2(1) EPC 1973 were fulfilled. The party did not, however, have a right to have a language in which it would speak and a different language in which it would listen.

In T 418/07 the respondent announced that it would use German at the oral proceedings (language of the proceedings being English) and requested the board to provide translation from German into English for the benefit of one of its employees who would attend the oral proceedings and who did not speak German. The board stated that a party's right to interpreting from either of the two other official languages was circumscribed by R. 4 EPC. A party which elected to use a language which was not understood by one of its own representatives or employees could not for that reason request a free translation. The board could not provide translation merely to suit the convenience of a party.

In T 2422/10 the board rejected the respondent's argument that it had an absolute right to interpreting into English as the language of the proceedings. The general rule needed to be set against the principle of efficiency of the proceedings and the duty of all services of the EPO, including the boards of appeal, to observe the finances of the EPO. The wording of R. 4(5) EPC allowed the board to assess the necessity of such interpreting (cf. T 131/07). It was evident that the respondent's representative was quite capable of understanding any oral submissions of the appellant in German without interpretation. See also T 2696/16.

In T 1895/13 the appellant complained that the oral proceedings at first instance had been held without interpreters although it had requested simultaneous translation in time. It argued that the examining division had no discretion to refuse interpretation in such a situation (R. 4(1) EPC) and had also infringed the appellant's right to be heard (Art. 113(1) EPC). The board referred to case T 2249/13, concerning a comparable situation, in which the board had stated in its communication that even if a procedural