

violation might have occurred, it did not appear to have substantially affected the appellant's right to be heard, and that the appellant had addressed only hypothetical problems that might occur in general if the right to exchange arguments in a desired language was restricted. The current board added that indicating a potential problem did not mean that the problem had actually occurred. The burden of proof lay with the appellant, who had not satisfied its obligation to submit facts allowing an assessment of whether there had been a substantial violation of rights.

In T.2109/15, the board pointed out that the EPC did not impose any requirements as regards a party's hiring of interpreters beyond those in R.4(1) and (5)EPC and, in particular, did not contain any provision requiring that the parties agree on the choice of interpreter. According to the opponent, it had hired professional interpreters regularly working at oral proceedings before the EPO. The board could see no reason to doubt that the oral proceedings had been conducted fairly and that the parties' right to be heard had been observed.

In T.2422/10 (see above) the respondent was also accompanied by an expert, whom the board decided not to hear following the criteria of G.4/95 (OJ 1996, 412). In these circumstances the board considered that interpretation into English for the expert at the expense of the EPO would not be justified. Accompanying persons did not have an automatic right to it.

The matter of the language arrangements in oral proceedings in relation to an accompanying person also arose in T.131/07 and R.3/08 (for the latter see chapter V.B.4.3.18).

For a case which concerns the discretion given to the EPO under R.4(1), last sentence, EPC to derogate from the provisions of this Rule, see T.982/08. On the costs of interpreting in oral proceedings see also chapter III.C.8.2. and T.2109/15.

#### 4. Language privilege

According to Art. 14(4) EPC, natural or legal persons having their residence or principal place of business within the territory of a contracting state having a language other than English, French or German as an official language, and nationals of that state who are resident abroad, may file documents which have to be submitted within a given time limit in an official language of that state (these languages are sometimes referred to as "admissible non-EPO languages"). A translation in an official EPO language must also be filed (see R.6(2) EPC). The scope of the fee reductions available in respect of documents filed in accordance with Art. 14(4) EPC has been limited with effect from 1 April 2014 (see in this chapter III.F.6.). For the language provisions with respect to the filing of the European patent application itself, see in this chapter III.F.1.

The board in T.149/85 (OJ 1986, 103) decided that it is inadmissible for a German opponent to file an opposition in Dutch even if represented by a Dutch patent attorney.