

Council**C/55/17****Fifty-Fifth Ordinary Session
Geneva, October 29, 2021****Original:** English
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POLICY ON TRANSLATION*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to invite the Council to adopt the Draft UPOV Policy on Translation, on the basis of the text in Annex I to this document. The Draft UPOV Policy on Translation, reproduced in Annex I to this document, was approved by the Consultative Committee by correspondence on September 21, 2021. For reference purposes, WIPO Office Instruction No. 5/2019 of January 31, 2019, "Translation of Official WIPO Documentation" is reproduced in Annex II to this document.

2. *The Council is invited to adopt the Draft UPOV Policy on Translation, on the basis of the text in Annex I to this document.*

[Annex I follows]

DRAFT UPOV POLICY ON TRANSLATION
approved by the Consultative Committee on September 21, 2021

UPOV Convention and WIPO/UPOV Agreement

1. The UPOV requirements for translation are governed by the UPOV Convention in accordance with the decisions of the Council.

2. Article 28 of the 1991 Act of the UPOV Convention provides as follows:

“Article 28
“Languages

“(1) [Languages of the Office] The English, French, German and Spanish languages shall be used by the Office of the Union in carrying out its duties.

“(2) [Languages in certain meetings] Meetings of the Council and of revision conferences shall be held in the four languages.

“(3) [Further languages] The Council may decide that further languages shall be used.”

3. The Agreement signed between the World Intellectual Property Organization (WIPO) and UPOV on November 26, 1982 (“WIPO/UPOV Agreement” available at https://www.upov.int/edocs/infdocs/en/upov_inf_8.pdf) (Article 1 and Article 2) provides as follows:

“Article 1

“Requirements of UPOV

“(1) WIPO shall satisfy the requirements of UPOV as regards:
[...]

“(v) translation and reproduction of documents and publications produced by the Office of UPOV,
“[...]

“(2) The requirements of UPOV shall be met on a basis of strict equality with the requirements of the various Unions administered by WIPO.”

“Article 2

“Indemnification of WIPO

“(1) UPOV shall indemnify WIPO for any service rendered to, and any expenditure incurred on behalf of, UPOV.

“[...]

WIPO Policy on Translation¹

4. The aim of the WIPO policy on translation is to ensure effective execution and quality control of translation work in line with WIPO standards and practice and the language policy adopted by WIPO Member States, to prevent duplication of work and unnecessary additional expenditure and to achieve rationalization and cost-containment measures.

5. UPOV applies WIPO policies and procedures *mutatis mutandis* except where specified in the “UPOV exceptions to the WIPO Policy on Translation”.

¹ On January 31, 2019, WIPO issued Office Instruction No. 5/2019 concerning the “Translation of Official WIPO Documentation” (OI) (reproduced in Annex II of this document). This Office Instruction formalizes the policy and procedures for the translation of all official WIPO documentation (“WIPO policy on translation”).

UPOV exceptions to the WIPO Policy on Translation

6. For UPOV purposes, the following exceptions to the WIPO Policy on Translation [see Annex II to this document] are applied.

Scope

7. In addition to the scope of the WIPO policy on translation of official documentation [see Annex II to this document, paragraph 3], UPOV has the following translation requirements:

(a) Translations of laws or draft laws as part of the steps for the procedure before the Council (see Article 34(3) of the 1991 Act of the UPOV Convention); and

(b) Translation requirements of UPOV services, including for example UPOV PRISMA, PLUTO, GENIE, UPOV Lex, TG Template.

Language Regimes

8. In relation to the languages regimes in the WIPO policy on translation [see Annex II to this document, paragraph 4], UPOV has the following language requirements in accordance with Article 28 of the 1991 Act of the UPOV Convention:

“Article 28
“Languages

“(1) [Languages of the Office] The English, French, German and Spanish languages shall be used by the Office of the Union in carrying out its duties.

“(2) [Languages in certain meetings] Meetings of the Council and of revision conferences shall be held in the four languages.

“(3) [Further languages] The Council may decide that further languages shall be used.”

9. Translation requirements in other languages will be in accordance with the programs adopted by the Council and will include a cost analysis (e.g. Program for the use of the Russian language in UPOV).

Document Rationalization and Control Measures

10. UPOV plans to apply the limit of words in the WIPO policy on translation [see Annex II to this document, paragraph 5] as far as possible, in addition to the exceptions in the WIPO policy on translation [see Annex II to this document, paragraph 6], the following examples might not be subject to such limitation on document length:

(a) Annual reports of the Secretary-General;

(b) Financial documents (e.g. UPOV program and Budget; Financial Statements; External Auditor's Reports);

(c) UPOV Test Guidelines;

(d) Laws or Draft Laws as part of the steps for the procedure before the Council (see Article 34(3) of the 1991 Act of the UPOV Convention).

Forecasting and Scheduling Translations

11. In relation to the timings for the forecasting and scheduling translations of the WIPO policy on translation [see Annex II to this document, paragraphs 8 to 11], UPOV has the following requirements:

(a) Certain Technical Committee documents may be submitted for translation up to the week before the TC session because of the constraints of the dates of the sessions of the Technical Working Parties (TWPs) and the preparation of Test Guidelines; and

(b) Certain documents and circulars for the consideration of laws or draft laws by correspondence or at the relevant session may need to be translated in one week (see document UPOV/INF/13 at https://www.upov.int/edocs/infdocs/en/upov_inf_13.pdf).

General Principles

12. Certain publications, documents and materials have been translated by external suppliers in other languages than the UPOV languages (e.g. Impact Studies, videos, 1991 Act of the UPOV Convention; Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention (document UPOV/INF/6) – see <https://www.upov.int/about/en/languages.html>).

13. In relation to the procedure in the WIPO policy on translation [see Annex II to this document, paragraph 16], UPOV has a requirement that certain publications and documents be translated by external suppliers in languages other than the UPOV languages.

Procedures and Services

14. The priorities in the WIPO policy on translation [see Annex II to this document, paragraph 19] shall be set by UPOV.

Use of neural machine translation technologies

15. Neural machine translation technologies will be used to minimize translation costs, except where members of the Union specify that human translation is necessary, in accordance with the Appendix to this Policy on Translation.

16. A testing phase of two years will be implemented for the use of neural machine translation of documents for the 2022 and 2023 UPOV sessions. During the testing phase, all machine translation will include light post editing. A report on the implementation phase will be presented to the Consultative Committee at its session in 2023. At that time, the Consultative Committee will decide whether to review or validate the policy for the use of machine translation.

[Appendix follows]

ANNEX I, APPENDIX

POLICY FOR THE USE OF MACHINE TRANSLATION
FOR ENGLISH, FRENCH, GERMAN AND SPANISH LANGUAGES

1. The overall strategy on the use of machine translation for UPOV documents and materials is as follows:

(a) human translation will be used for documents or part of documents, as specified by the members of the Union, that require high precision;

(b) machine translation with light post editing, as appropriate, will be used for other documents or parts of documents.

Light post-editing includes: correction of mistakes if they affect the meaning; and deleting translation alternatives generated by the engine.

2. As far as possible, the body of documents will contain only executive summaries and decision paragraphs, with other information presented in Annexes to the document in a format suitable for machine translation.

3. Documents for which high precision is required, as specified by members of the Union, will be translated with human translation. As far as possible, for such documents, the body of the document (i.e. executive summary and decision paragraphs) will be translated with human translation and the Annexes will be translated by machine translation with light post editing or machine translation only, as appropriate.

4. Documents other than those in 3 will be translated by machine translation with light post editing, as appropriate.

5. A suitable disclaimer will be added to the documents indicating that they are generated using machine translation, with light post editing, if applicable, and the accuracy cannot be guaranteed. Therefore, the text in the original language is the only authentic version.

[Annex II follows]



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Office Instruction **N° 5/2019**

Translation of Official WIPO Documentation¹

Introduction

1. The purpose of this Office Instruction is to formalize the policy and procedures for the translation of all official WIPO documentation. It supersedes and replaces Office Instruction No. 32/2012, dated June 28, 2012, and shall become effective on the date of its publication.
2. These translation policy and procedures serve to ensure adequate execution and quality control of translation work in line with WIPO standards and practice, as well as with the “Policy on Languages at WIPO” (hereinafter referred to as the Language Policy, as included in documents A/48/11, A/48/11 Add., and A/49/15) adopted by Member States, to prevent duplication of work and unnecessary additional expenditure and to achieve rationalization and cost-containment measures.

Scope

3. The Language Division has overall responsibility for the translation of all official documentation of WIPO, including but not limited to the following:
 - (a) Working documents, discussion papers and reports of official meetings organized at or away from Headquarters;
 - (b) Conventions, treaties, agreements and other multilateral legal instruments administered by WIPO, as well as laws and other legal texts of Member States;
 - (c) Press releases, WIPO Wire, WIPO Magazine, and other newsletters;

¹ This Office Instruction does not apply to the translation work carried out for the purposes of registration and processing of applications under the WIPO global registration systems.

- (d) Publications prepared by or in collaboration with WIPO, including the World Intellectual Property Report (WIPR), and IP-related manuals and studies intended for, and/or commissioned by, WIPO Member States;
- (e) WIPO Academy distance learning courses and other training material;
- (f) Web content or other material prepared by, or for, and issued in the name of, WIPO;
- (g) Circulars, *notes verbales*, formal letters and other internal and external communications issued in the name of, or under the authority of, the Director General;
- (h) *Notes verbales* and other formal letters addressed to WIPO officials by Member States;
- (i) Official statements, speeches and presentations; and
- (j) Information Circulars, Office Instructions and other administrative documents intended for internal and/or restricted use.

Language Regimes

4. In accordance with the Language Policy and the long standing practice of the Organization in this regard, the following language regimes shall apply:

- (1) In the six official United Nations (UN) languages (Arabic, Chinese, English, French, Russian and Spanish):
 - (a) Meeting documents (pre-session, in-session and post-session) of the main bodies, standing committees, and working groups, as well as diplomatic conferences, including their preparatory meetings;
 - (b) Conventions, treaties, agreements and other multilateral legal instruments administered by WIPO;
 - (c) Circulars, *notes verbales*, formal letters and other internal and external communications issued in the name of, or under the authority of, the Director General, addressed to all WIPO membership;
 - (d) Press releases and WIPO Wire;
 - (e) The portal and top-level (landing) pages of the WIPO website; and
 - (f) WIPR, other publications and studies to be made available in the six UN languages, as approved by the Director General.
- (2) In the two working languages of the Secretariat (English and French):
 - (a) Information Circulars, Office Instructions and other administrative documents;
 - (b) Internal communications issued in the name of, or under the authority of, the Director General, or other internal communications addressed to all staff or for restricted use;
 - (c) Intranet pages; and
 - (d) Staff Association communications.
- (3) Subject to the availability of resources, in the language(s) as required in accordance with the nature and participants of meetings, the targeted use of the material in question and other considerations:
 - (a) Documentation of international meetings and other official meetings held at or away from Headquarters, other than those specified under Paragraph 4(1)(a);
 - (b) Laws and other legal texts of Member States;
 - (c) Publications other than the WIPR and other promotional material;
 - (d) Circulars, *notes verbales*, formal letters and other internal and external communications issued in the name of, or under the authority of, the Director General, other than those listed in Paragraph 4(1)(c);
 - (e) Official statements, speeches, manuals, presentations and studies;
 - (f) WIPO Academy distance learning courses and other training material; and
 - (g) Second- or third-level pages of the WIPO website.

Document Rationalization and Control Measures

5. In adopting the Language Policy, Member States recognized that more concise working documents make for better reading and facilitate deliberations. Accordingly, it has been stipulated that the length of a working document for any meeting should not exceed 10 standard UN pages, or 3,300 words. Executive summaries, not exceeding 10 standard pages, are to be prepared for voluminous support meeting documents, such as studies and surveys. Only the executive summary will be translated into the other UN languages, unless a full translation into any of such languages is expressly requested by a Member State.

6. However, verbatim reports or other annual reports, documents containing a compilation of practices in Member States and those prepared in response to specific requests by Member States are not subject to such limitation on document length.

7. If, owing to important business needs, the length of a meeting document exceeds the prescribed word limit, prior approval by the Director General will be required before the document concerned is translated into other UN languages in full.

Forecasting and Scheduling Translations

8. The WIPO General Rules of Procedure stipulates under Rule 6(2) that working documents for meetings must be made available no less than two months prior to the opening of sessions, or as soon as possible thereafter.

9. Accordingly, when preparing documentation, author departments shall, from the outset, consider the need for translation and incorporate the time needed for translation into the overall document production timetable. Timely submission of translation requests will not only help to ensure high quality of translations but also facilitate cost control and containment.

10. In order for the translation to be scheduled and completed before the specified deadline, translation requirements shall be communicated to the Language Division in advance for forecasting and planning purposes. Such requirements shall indicate: (i) a tentative title of the envisaged document for translation; (ii) target languages; (iii) approximate volume (word count); (iv) the expected date of submission for translation; (v) the requested date of delivery; and (vi) if an envisaged document is submitted as a draft, the date of submission of its final version.

11. The above requirements shall be communicated at the beginning of each calendar year, or along the following timelines:

- (a) For meeting documents, four months prior to the opening of the session concerned (or as early as possible in case of any unforeseen events which emerge in the course of the year);
- (b) For non-meeting documents, at least two months in advance depending on the volumes involved;
- (c) For voluminous documentation, such as large publications, guides, training course material, etc., an overall project plan would need to be discussed with the Director of the Language Division in order to agree on a delivery schedule and the possible budgetary implications; and
- (d) For urgent documents (which should be avoided to the extent possible), as soon as the requirements become known.

12. Such forecast of translation requirements should be regularly updated, especially in case of any change. With regard to unplanned documents received for translation or late submissions, the Language Division will inform the requesting sector of the earliest delivery date depending on the available resources.

13. It is to be noted that the overall turnaround time needed for translation is calculated on the basis of 1,500 words per translator day, and that the Language Division cannot be expected to offset delays or to bear additional costs due to the late submission of original material for translation.

General Principles

14. These translation policy and procedures uphold the principle of multilingualism and promote the drafting of original material in all the official UN languages. Furthermore, the Language Division shall provide, on an *ad hoc* basis, translation services involving other language combinations, depending on its ability to engage the required resources in good time.

15. Requests for the translation of documentation that has no relevance to WIPO shall not be accepted.

16. No individual officials shall be authorized to enter into arrangements with any external translation suppliers on behalf of WIPO without prior approval by the Director General.

Procedures and Services

17. All requests for translation services² shall be made to the Language Division by means of the online Translation Request (eTR) system available on the Enterprise Content Management (ECM) platform.

18. Content for translation shall be submitted in editable electronic format following WIPO templates (documents in Word must be submitted in .docx format). Available reference documents and background materials shall also be provided in editable electronic format and/or with a link to their online location. Documents containing special objects such as tables, graphs and diagrams which need to be translated shall be submitted with the corresponding files in Excel or in any other editable format. All non-editable objects shall remain in the original language. For PowerPoint presentations, the Language Division shall only translate the content of the slides and shall leave any notes in the original language, unless otherwise indicated in the translation request.

19. Translation requests shall be prioritized on the basis of the nature and purpose of the document, the workload of the language sections concerned, and the availability of resources. Priority shall be given to meeting documents, circulars, time-sensitive web content and urgent or confidential internal documents.

20. Requests for translation of responses to previous correspondence, comments on legislation, and other documents directly related to existing materials shall be accompanied by relevant reference materials, such as original letters or the legislation being reviewed. Requests that are not accompanied by such material may be delayed.

21. Where a document has been submitted for translation into some language(s), and later needs to be translated into other languages, the same eTR number shall be used.

22. In the case of updated documents, the information contained in an earlier document should be cross-referenced and not repeated in the new document.

23. Author departments are to ensure that documents are clear, concise and accurate, that texts submitted for translation have been correctly drafted and checked for accuracy of content, style and grammar, and that they are submitted in their final form. If necessary, requests may be submitted to the Language Division for editing before translation.

24. The practice of summary reports of about five to 10 pages (including draft summaries by the Chair) is to continue for all meetings held in Geneva.

² Accepted translation services are defined in the Annex to this Office Instruction.

25. For urgent documents required for internal information purposes, the Language Division may provide, upon prior agreement with the requester, a summary or gist translation which may be followed by regular translation services if necessary and subject to availability of translation resources. Summary or gist translation shall be identified as such on the front page of the document.

Modifications

26. Modifications to documents previously submitted for translation, currently being translated or already translated should be submitted following relevant instructions provided under the online eTR system. Each series of modifications should be submitted in two versions: a clean version and a track-changed version.

27. Modifications that author departments deem necessary to any delivered translation shall be made in consultation with the Director of the Language Division and/or Heads of the language sections concerned. Where the required consultation is not possible owing to special circumstances, such modifications shall be shared with the Language Division to ensure consistency in translation.

Translation Requests Made During Meetings; Contact Points

28. Requests for translation made during and for any on-going meeting often require immediate turnaround. In view of the urgency of such requests, meeting secretariats shall, to the extent possible, make a forecast in the eTR system, and identify a contact point to facilitate, *inter alia*, responses to urgent requests.

Stand-by Arrangements During Meetings

29. During meetings, the secretariats of the different bodies shall inform the Language Division of any stand-by arrangement needed for lunch breaks and after normal working hours (no later than 12.45 p.m. and 5.45 p.m., respectively). They should also communicate to the Language Division the termination of the stand-by arrangement.

[Signed by Francis Gurry
Director General]

Office Instruction No. 5/2019
ANNEX

Accepted Translation Services

For the purpose of this Office Instruction, the following translation services are accepted:

1. "Translation", which means rendering the meaning of a text in another language in the way that the author intended.
2. "Revision", which means the examination of a translation for its suitability for purpose. This includes comparing the source and target texts for terminology, consistency, register and style, as well as taking steps to ensure that any necessary corrective measures are implemented.
3. "Editing", which means checking the content of an untranslated text (i.e., the original) to ensure that the ideas expressed by the author are clear, flow logically in the language of the text and form a coherent and meaningful whole. Editing also means summarizing texts such as speeches, national statements or verbatim reports and converting them into reported speech. Editing assignments may be classified as "light" or "heavy" editing at the discretion of the Language Division.
4. "Proofreading", which is the monolingual review of a text involving, in the case of WIPO publications, the reading of the set of page proofs (*maquette*, usually in PDF) in one language against the same language original version in order to ensure that the PDF version is an accurate transcription of the file supplied and that it conforms to the required layout. It also involves reading through a translated text in order to detect errors in spelling, punctuation, grammar, format and readability. In some circumstances, proofreading is also referred to as "light editing".

[End of Annex II and of document]