Patent Translations – Know the Significant Risks... and Avoid Them

Accurate translations are always important. But they are never more critical than when it comes to patents, patent applications, prior art references, and other patent-related documents. Keep reading to learn about specific cases where translation-related issues resulted in an unfavorable outcome for the impacted parties and how Landon IP can help you avoid such outcomes.


Risk: Narrowed Scope

A poorly translated patent application may need to be amended to improve the translation of a single foreign word, and this amendment may narrow the scope of the patent and therefore decrease its value, as illustrated in the case Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.

Solution:

Landon IP is a leading provider of patent-related services, including patent searching, advanced patent law training (through our subsidiary Patent Resources Group), and translation. We know how important every word is in a patent document because we live and breathe patents as searchers, attorneys, former examiners, and patent law educators. Lower cost vendors and general translation providers may save you a few dollars, but they are more likely to produce a translation containing errors because they don’t know patents.

Case #2: Semiconductor Energy Laboratory Co. v. Samsung - 204 F.3d 1368 (Fed. Cir. 2000).

Risk: Unenforceable Patent

A patent may be deemed unenforceable if the references submitted with a patent application are not fully translated, as highlighted in the case SEL v. Samsung. In this case, SEL submitted a reference that was only partially translated, and the Federal Circuit Court ruled that SEL committed inequitable conduct by intentionally failing to translate certain passages. SEL’s patent was therefore rendered unenforceable.

Solution:

Landon IP will not suggest a partial translation of a reference for a patent application knowing that it may result in inequitable conduct. Partial translations are appropriate for informational purposes, and our expert patent professionals can alert customers in advance to the potential risks of only partially translating a reference.

Risk: Invalidated Claims

A crucial claim in your patent may be invalidated due to an inadequate translation of a single sentence in a piece of prior art. For instance, in the case of Mitsubishi Chemical Corporation, et al. v Barr Laboratories, Inc. and Pliva-Hrvatska D.O.O., the interpretation of the translation for a single sentence from a piece of prior art determined the validity of contested claims.

Solution:

Customers who use Landon IP translation services receive highly accurate patent translations due to our native-language patent translators and in-house technologists, who cross-check the translation for technical accuracy and readability during our proprietary quality control process, QuadCheck™.

Risk: Rejected Translation – Translation Process

A patent translation is more likely to be found credible by the court if a documented quality process is followed to create the translation. In the case Mitsubishi Chemical Corporation, et al. v Barr Laboratories, Inc. and Pliva-Hrvatska D.O.O., the court rejected the translations submitted by the defendant due to errors that occurred during the translation process.

Solution:

All translations prepared by Landon IP are meticulously checked by native-language editors and proofreaders for linguistic accuracy and cross-checked by in-house technology experts for technical accuracy during our proprietary quality control process, QuadCheck™. Only Landon IP uses the QuadCheck™ quality control process – you may get a lower price from another vendor, but you will never receive a greater level of thoroughness and accuracy.


Risk: Rejected Translation – Translator Qualifications

A court may reject a patent translation that isn’t created by a fully qualified translator with established credentials. In the case of On Demand Machine Corporation v. Ingram Industries, et al. the court states that in order for the Japanese application to be considered as prior art evidence by the court, it must be translated by a verifiably qualified translator.

Solution:

Customers who use Landon IP translation services are guaranteed a translation created by highly qualified professional translators, while vendors with less rigorous standards may rely on translators without appropriate technical backgrounds or native-language skills. Landon IP hires only professional native-language technical translators who are also subject matter experts. Each of these translators is rigorously evaluated, interviewed, and tested, based on a comprehensive and stringent process designed by Landon to ensure linguistic, technical and patent expertise in the specific language pair. This process eliminates most individuals from consideration as a Landon IP technical translator.
As documented above, the potential negative consequences of poorly translated patent documents are huge.

Unlike general language services providers, Landon IP focuses on patent, legal, and technical translations, leveraging the skills of our uniquely qualified team, which combines expertise in linguistics, patents, patent law, and technical knowledge. Our proprietary translation and quality control processes always adhere to the ASTM F2575-06 Standard Guide for Quality Assurance in Translation. We’ve been providing top-quality patent, legal, and technical translations for over 25 years, and our customers benefit from our focus and our expertise. Some of our competitors are cheaper, but none is better in patent translation.

Contact us today to receive our unparalleled translation quality and customer service on your next patent translation project.