Translation accuracy and dissemination of disclosure of patent information

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Propositions accompanying the thesis

Translation Accuracy and Dissemination of Disclosure of Patent Information: The Influence of Translation on Patent Law

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1. Machine translation represents a true revolution to patent rights and is the basis of the current patent system (chapters 1 and 3);

2. The patent system can be defined as a sub-system of the legal system, associated with other systems (scientific, economic...), based on (especially machine) translated multilingual communication. This idea is useful for understanding the role of translation as the basis of communication of the patent system and gives strong justification to the existence of the patent system in terms of the dissemination of disclosed patent information (chapters 1 and 3);

3. Machine translation discloses patent information. To what extent? It depends on languages, contexts and receivers (chapters 4 and 5);

4. Machine translation does not only influence the decisions taken by patent examiners, attorneys and judges. It can mislead them (chapter 6 and 7);

5. National courts and patent offices follow different language regimes and different approaches to foreign documents. This creates inconvenient discrepancies in the global patent system, corrupting the system and impairing the rule of law in infringement cases (chapters 6 and 7).

6. Translation can influence patent cases in different (direct or indirect) ways: the translated text is purposely inaccurate in order to bias legal decisions; the triage of relevant documents may lead to different results, as it depends on machine translation; an error made by a local agent or translator may undermine the whole process of patent prosecution; different courts (or judges) have different levels and ways of dealing with translated documents, (...), (chapter 7).

7. Integration and interaction are the best solutions for minimizing discrepancies between national courts and patent offices, and to increase the rule of law correlated to patent rights.

8. The level of globalization of the patent system has increased according to the pace that machine translation and digital communication has improved. Understanding and describing this process is relevant to justify the existence of the patent system and to improve its functioning.

9. The greatest challenge of working with a seminal topic is the fact that it really starts from nothing, requiring lots of empirical research and a careful strategy to create a methodological plan that will lead to (sometimes astonishing, unpredictable) answers for the research question. That also represents its main gratification.

10. The greatest challenge of working with an interdisciplinary study involving patent law and language/translation is that both fields will find many ways to reject or underestimate your research, when the opposite should happen. Studies involving both fields have never been so necessary and urgent.