

Consultative Committee**CC/97/10 Rev.****Ninety-Seventh Session
Geneva, October 29, 2020****Original:** English
Date: August 14, September 25, 2020*to be considered by correspondence***POLICY ON TRANSLATION***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to present proposals on the UPOV policy on translation.
2. The Consultative Committee is invited to:
 - (a) agree to the organization of a pilot project on the use of neural machine translation technologies, as set out in paragraphs 10 and 11 of this document;
 - (b) approve the proposed UPOV policy on translation as presented in Annex II to this document; and
 - (c) subject to the outcome of the pilot project and agreement by the Consultative Committee, agree that a draft UPOV policy on translation be presented for adoption by the Council at its session in 2021.
3. The structure of this document is as follows:

EXECUTIVE SUMMARY.....	1
BACKGROUND	1
PROPOSALS FOR A UPOV POLICY ON TRANSLATION.....	2
ANNEX I: WIPO Office Instruction No. 5/2019 “Translation of Official WIPO Documentation”	
ANNEX II: Draft UPOV policy on translation	

BACKGROUND

4. The Consultative Committee, at its ninety-sixth session, held in Geneva on October 31, 2019, considered document CC/96/10 “Policy on translation” and noted that, on January 31, 2019, the World Intellectual Property Organization (WIPO) had issued Office Instruction No. 5/2019 concerning the “Translation of Official WIPO Documentation” (Annex to document CC/96/10 and reproduced in Annex I to this document) (see document CC/96/14 “Report”, paragraph 88).
5. The Consultative Committee noted the UPOV requirements that were not in line with the WIPO policy on translation of official documentation as presented in document CC/96/10, and requested the Office of the Union to prepare a document on the UPOV policy on translation containing UPOV requirements and rationalization and cost-containment measures for consideration by the Consultative Committee and the Council in 2020, as set out in paragraphs 18 and 19 of document CC/96/10 (reproduced below) (see document CC/96/14 “Report”, paragraph 89).

"18. On the above basis, it is proposed to prepare a document on the UPOV policy on translation containing UPOV requirements and rationalization and cost-containment measures for consideration by the Consultative Committee and the Council in 2020. In that regard, the digital transformation measures in WIPO that could be of interest in the UPOV context might include WIPO S2T 'an internally developed, AI-powered speech recognition system, which automatically generates text transcript from oral interventions (speech-to-text)' and 'WIPO Translate' that has achieved 'breakthroughs in neural machine translation (NMT) in 2016. The [WIPO] Secretariat has tested and proved that the accuracy and quality of the automatically translated texts of verbatim reports using WIPO Translate into the other five UN languages are acceptable' (see WIPO document A/59/9 'Records of WIPO Meetings', paragraphs 8 and 9, at https://www.wipo.int/edocs/mdocs/govbody/en/a_59/a_59_9.pdf).

"19. It is recalled that the WIPO policy on translation of official documentation is a first step of ongoing work on this matter. It is anticipated that WIPO Member States will consider proposals for the policy on translation of publications and website information in 2020. Developments in WIPO will be reflected in the proposal to be prepared by the Office."

6. The Office of the Union was informed on August 3, 2020, that decisions concerning the review of the Language Policy with regard to the translation of publications and website content for WIPO might be delayed until 2021.

PROPOSALS FOR A UPOV POLICY ON TRANSLATION

7. The proposals for a UPOV policy on translation are presented in the Annex II to this document in accordance with the request of the Consultative Committee, at its ninety-sixth session, to prepare a document on the UPOV policy on translation containing UPOV requirements and rationalization and cost-containment measures (document CC/96/14 "Report", paragraph 89).

8. In relation to rationalization and cost-containment measures, document CC/97/3 "Strategic Business Plan", Annex II: draft Strategic Business Plan 2021-2025 proposes that rapid advances in machine translation technology be pursued as a matter of priority to reduce translation costs for UPOV documents in UPOV languages and to make UPOV materials in a wider range of languages" (see document CC/97/3 "Strategic Business Plan", Annex II, paragraph 28).

9. Document CC/97/8 "Preparation of the Draft Program and Budget for the 2022-2023 Biennium" explains that containment of translation costs according to the proposed policy on translation presented in this document is the basis for avoiding significant increase in Operating Expenses in the 2022-2023 Biennium (see document CC/97/8 "Preparation of the Draft Program and Budget for the 2022-2023 Biennium", paragraph 27).

10. It is proposed to run a pilot project in 2020-2021 to analyze the cost-benefit and acceptability of translating documents with the assistance of neural machine translation technologies, including the required revision and editorial support.

11. The following steps are proposed for a pilot project and relevant considerations by the Consultative Committee and the Council:

(a) suitable meeting documents of the UPOV sessions in 2020 would be identified in consultation with the President of the Council or Chair of the relevant UPOV body. Those documents would already have been translated into the UPOV languages and would be translated again using neural machine translation technologies as a basis for comparison;

(b) in February 2021 members of the Union would be:

- provided with (i) the selected meeting documents in the original language, (ii) the existing translations of those documents, as posted on the UPOV website, and (iii) translations of those documents using neural machine translation technologies; and

- invited to complete a survey on the acceptability of the translation using neural machine translation technologies;

(c) in April 2021, based on the replies to the survey, a report with the findings from the pilot project and proposals on whether to use neural machine translation technologies and, if applicable, for which purposes, would be circulated to the Consultative Committee for comment by correspondence; and

(d) on the above basis, proposals to update the UPOV policy on translation in accordance with the findings from the pilot project would be presented for consideration by the Consultative Committee and adoption by the Council at their sessions in 2021.

12. Future developments concerning the WIPO policy on translation of publications and website content that are relevant for the UPOV policy on translation will be reported to the Consultative Committee.

13. The Consultative Committee is invited to consider the proposal for a UPOV policy on translation, as presented in Annex II to this document and the proposal for a pilot project on neural machine translation, as presented in paragraphs 10 and 11 of this document. Subject to the outcome of the pilot project and agreement by the Consultative Committee, it is further proposed to present the UPOV policy on translation for adoption by the Council at its session in 2021.

14. *The Consultative Committee is invited to:*

(a) agree to the organization of a pilot project on the use of neural machine translation technologies, as set out in paragraphs 10 and 11 of this document;

(b) approve the proposed UPOV policy on translation as presented in Annex II to this document; and

(c) subject to the outcome of the pilot project and agreement by the Consultative Committee, agree that a draft UPOV policy on translation be presented for adoption by the Council at its session in 2021.

[Annexes follow]



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”.

[Annex II follows]

ANNEX II

DRAFT UPOV POLICY ON TRANSLATION

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 I to 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 I] are applied.

Scope

7. In addition to the scope of the WIPO policy on translation of official documentation [see Annex I, 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 I, 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** ^a(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 I, paragraph 5] as far as possible, in addition to the exceptions in the WIPO policy on translation [see Annex I, 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 I, 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 I, 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 I, 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.

[End of Annex II and of document]

^a Change proposed by the European Union in response to UPOV Circular E-20/121: to add "and will include a cost analysis" in paragraph 9 of Annex II. The reference to the need for separate analysis for language programs was part of the conclusions by the Consultative Committee in 2018 (see document CC/94/19 "Report", paragraph 88).