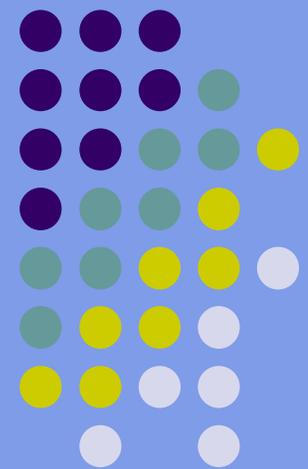


# Translating for Legal Evidence

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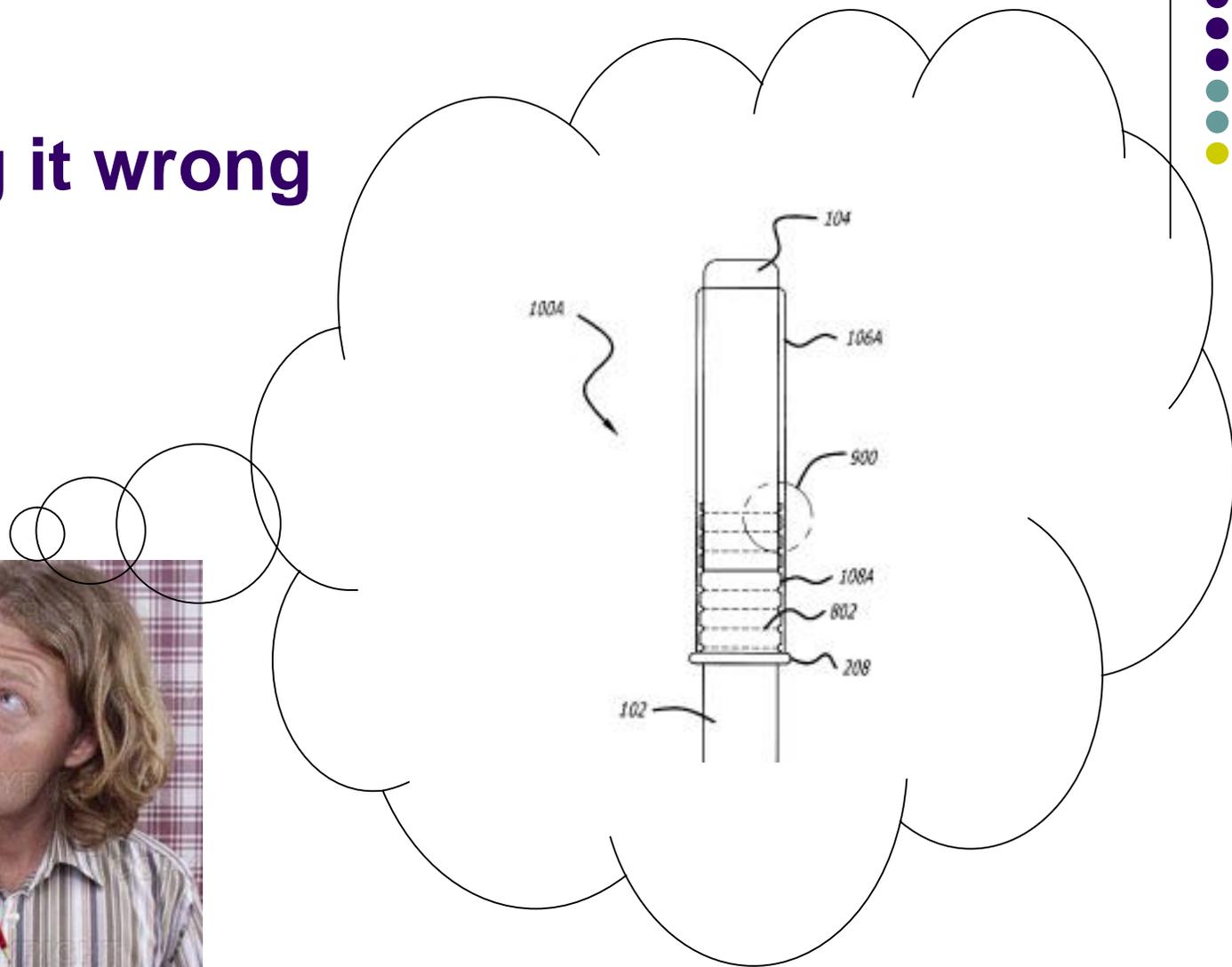




# Getting it wrong



**Frank**





# Franks' pretty good attorney



Tom



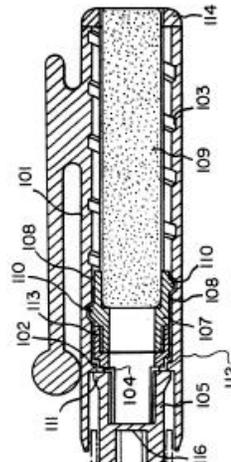
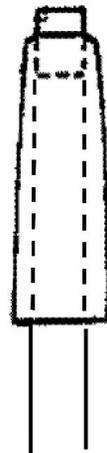
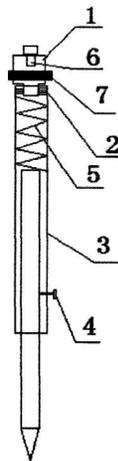
Gale



Shari



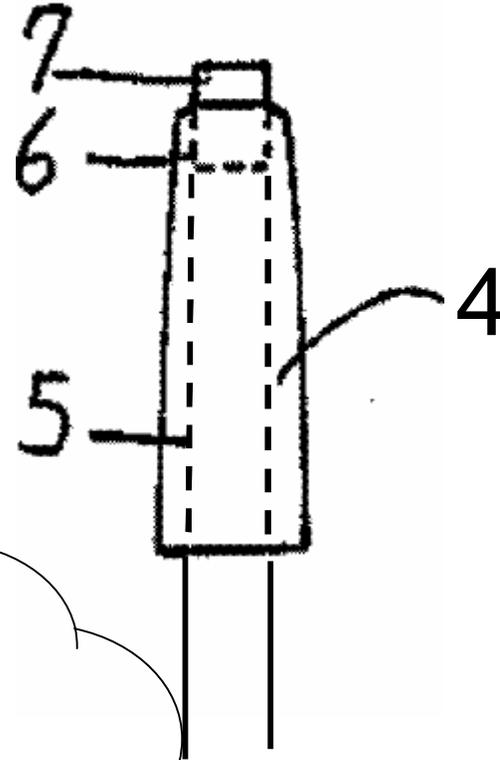
Peter





**Peter**

The cap has an aperture matched to the diameter of the eraser part, and is slidingly engaged on the end of the pencil so as to supportively protect the eraser part.



*The cap has a hole in it that is the same size as the eraser, and it fits on the end of the pencil so as to protect the eraser.*

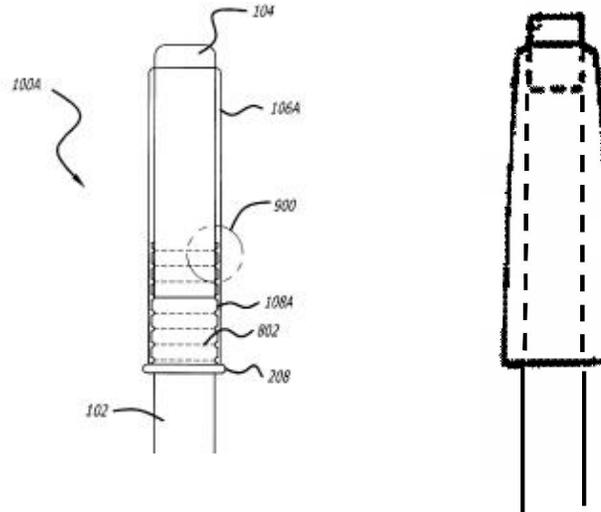
# The other's guy's great attorney



Simon



Anna

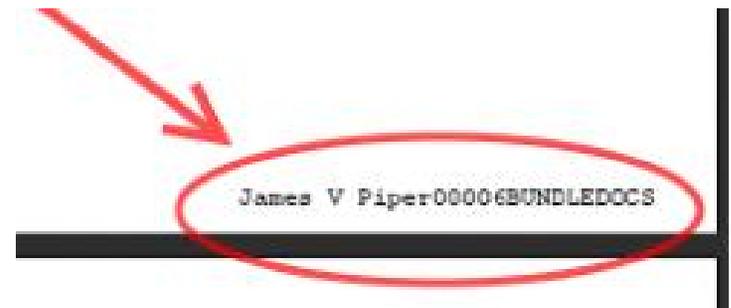


The cap has an aperture matched to the diameter of the eraser part, and is slidingly engaged on the end of the pencil so as to supportively protect the eraser part.



## Which translations are for evidence?

- Certificates
- Diplomas
- Licenses
- Police reports
- Documents produced in a trial
- Documents with stamps or Bates numbers



# Which other translations might be for evidence?



- All patents (unless you are told otherwise)
- “Hard” copies that should be “soft”
  - Journals and newspapers
  - Email and letters
  - Websites
  - Financial reports
  - Business plans
  - Advertising
- Things that are too old to matter
  - Medical records
  - Contracts
  - Expense reports

# Getting it right

- Think like a court interpreter
- Decide like a judge
- Check like a detective





# Think like a court interpreter

“A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreters personal moods or attitudes.”

*General Rule 11.2 Code of Conduct for Court Interpreters*

**Literal Translation:** an exact and accurate reproduction of the entire content of the source text without embellishment or modification.

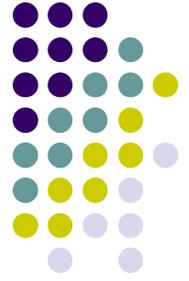
# What literal translation is not



Je m'appelle Martin et je suis traducteur.

**My name is Martin and I am a translator.**

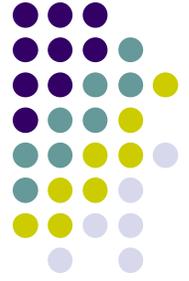
~~**I call myself Martin and I am translator.**~~



# Literal translation

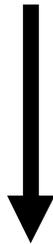
1. Reproduce the meaning
2. Respect sentence breaks
3. Be consistent in vocabulary and phrasing
4. Maintain one-to-one correspondence between source and target

# Literal translation: it's what you do



Je m'appelle Martin et je suis traducteur.

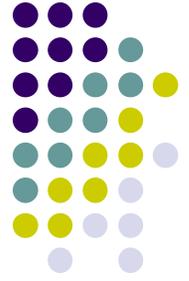
Equivalent Phrasing



Conservation of Lexemes



**My name is Martin and I am a translator.**



# Lexemes and Function Words:

- Lexemes are basic units of meaning.

Lexemes include: nouns, verbs, adjectives, adverbs and numerals.

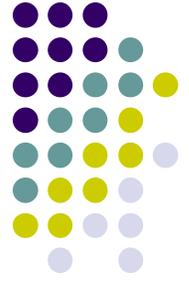
dog, gun, multitasking, run, implement, disassociate, fast, slowly, 150, five, ...

- Function words are the grammatical glue that holds lexemes together.

Function word include: articles, pronouns, prepositions, postpositions, conjunctions, auxiliary verbs, interjections, and particles.

the, a, her, it, they, that, of, on, under, before, thereafter, thereby, and, but, for, so, unless, because, is, may, can, should, will, to, even, there

# Spot the lexeme



The **invention** relates generally to the **field** of **writing** instruments.

On **Friday**, I **spoke** to **investors** about the **new** **options** for **mutual** funds.

# Conserving lexemes: the relaxing way to translate!



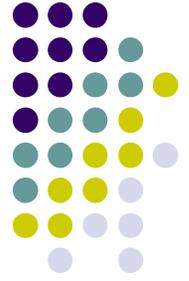
F	L	L	L	L	F	F	L	L
The	quick	brown	fox	jumped	over	the	lazy	dog.

- ✓ Over the *lazy dog*, *jumped* the *quick brown fox*.
- ✓ The *lazy dog* was *jumped* over by the *quick brown fox*.
- ✓ The *fox*, which was *quick* and *brown*, *jumped* over the *dog*, which was *lazy*.
- ✓ The *fox* did *jump*, and did so over the *dog*, the *fox* being both *quick* and *brown*, while the *dog* was *lazy*.



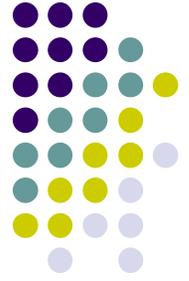
# Word and phrase order

- La présente invention est relative à un système de verrouillage des portières d'un véhicule automobile.
- The present invention relates to a system of locking of the doors of a motor vehicle.
- ✓ The present invention relates to a motor vehicle door locking system.
- ✓ The present invention relates to a door locking system for a motor vehicle.
- × The present invention relates to a system whereby the doors of a motor vehicle can be locked.



# Word and phrase order

- 窒素源としては、硫酸アンモニウム、塩化アンモニウム等を使用することができる。
- For the nitrogen source, ammonium sulfate, ammonium chloride and the like can be used.
- ✓ Ammonium sulfate, ammonium chloride and the like can be used as the nitrogen source.
- × The nitrogen source can be chosen from ammonium sulfate, ammonium chloride and the like.



# Parts of speech

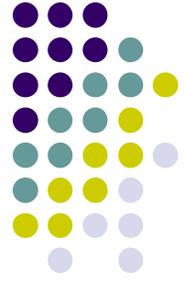
- Dieses Mittel wurde auf eine belichtete und ausgewaschene Hochdruckplatte gesprüht ...
- This product was sprayed on a light-exposed and rinsed-off letterpress printing plate ...
- ✓ This product was sprayed on a letterpress printing plate, which had been exposed to light and rinsed-off ...
- × After preparing a letterpress printing plate by exposing it to light and rinsing it off, the product was sprayed on ...



# Parts of speech

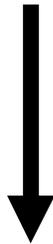
- La présente invention propose un système qui permette une resynchronisation fiable et économique entre émetteur et récepteur.
- The present invention proposes a system which allows a reliable and economic resynchronization between transmitter and receiver
- ✓ The present invention proposes a system that allows the transmitter and the receiver to be resynchronized reliably and economically
- ✘ The present invention proposes a reliable and economical system for resynchronizing the transmitter and the receiver

# Literal translation: it's what you do



Je m'appelle Martin et je suis traducteur.

Equivalent Phrasing



Conservation of Lexemes

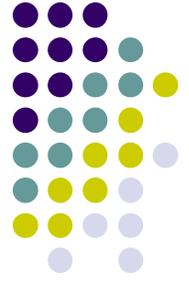


**My name is Martin and I am a translator.**

# Getting it right

- Think like a court interpreter
- Decide like a judge
- Check like a detective





# Established Equivalents

- l'homme du métier  
man of the trade
- **those skilled in the art**
  
- 特許請求の範囲  
Scope of the Patent Claims
- **Claims**
  
- Veuillez recevoir, Monsieur, mes salutations les meilleures.
- Please receive my best salutations, sir.\
- **Best Regards/Yours Sincerely**



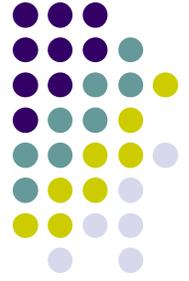
# Avoiding Confusion

- ...電源の切り忘れを防止し得る。

... it is possible to prevent forgetting to turn the power off

...it is possible to prevent the power from being accidentally left on.

... it is possible to prevent [people] from forgetting to turn the power off



# Adding lexemes

- ローラの回転角に応じた個数の信号を発生する手段
- means for generating a number of signals corresponding to the rotational angle of the roller
- ✓ means for generating a number of signal [pulses] corresponding to the rotational angle of the roller
- × means for generating a number of signal [pulses] corresponding to [the amount by which] the roller [has been rotated]

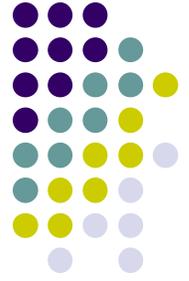


# Indicating problems

- Transmission s'effectue de la clé 20 au dispositif d'identification 20.

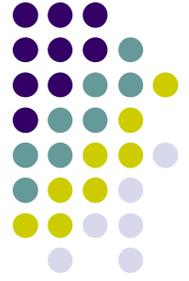
Transmission is made from the key 20 to the identification device 20.

- ✓ Transmission is made from the key 20 [*sic*] to the identification device 20.
- × Transmission is made from the key [30] to the identification device 20.



# Indicating problems

- Paris est la ville la plus chère du monde.
- ✓ Paris is the most expensive city in the world.
- × Paris is the most expensive city in the world [sic].



# Difficult to translate typos

- ...同一部分には同一番号を付して詳細な説明は商略する。
- × ...identical parts are given identical numerals and detailed descriptions thereof are the subject of a business plan [sic].
- ✓ ...identical parts are given identical numerals and detailed descriptions thereof are [omitted<sup>1</sup>].

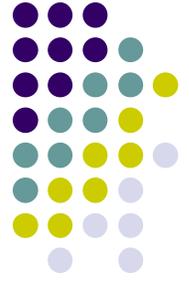
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1: *There is a typographical error in the original Japanese text. –trans.*

# Getting it right

- Think like a court interpreter
- Decide like a judge
- Check like a detective



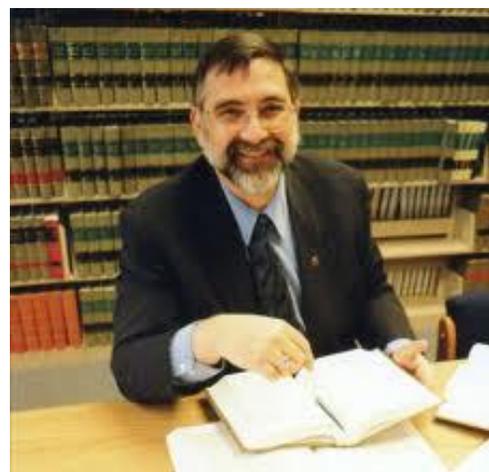


## What else matters?

- The time stamp in the header of an email
- The list of attendees in meeting minutes
- An address for notices on a contract



Anna



Simon

## VERIFICATION AND CERTIFICATION OF TRANSLATION

Document translated: JP-01-234567-A

This is to certify that the document or portion thereof identified above was translated into English by Martin Cross and represents an accurate and faithful rendition of the original text to the best of my knowledge and belief.



Martin Cross  
President, Patent Translations Inc.

10/25/2009

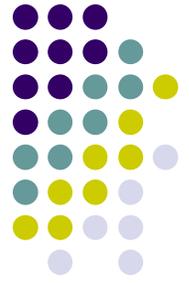
Martin Cross has worked for nineteen years as a Japanese to English translator and translation editor specialized in patent documents. He is a recognized expert in the field, whose publications on the subject include co-authorship of the Patent Translator's Handbook, which is published by the American Translators Association.





I have prepared the attached translation into English of xxxxxx.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Professional



Client