

## **Seminar on copyright, intellectual property and translation tools**

by María Teresa Fernández Estañán

On 13 October 2007 FIT Europe held a seminar on copyright, intellectual property and translation tools, hosted by ASETRAD, the Spanish translators' association.

The seminar drew 74 participants from 15 countries, who met at Pompeu Fabra University in Barcelona, Spain. The theme, the intellectual property of terminology databases and translation memories, had been proposed by FIT Europe. Although no serious controversies have arisen to date in this regard, the time seemed to be right to broach the issue and set guidelines for the future.

The first speaker, Víctor Vázquez, Senior Legal Counsellor with the World Intellectual Property Organization (WIPO), briefly reviewed the international treaties and conventions governing intellectual property in general and databases in particular, which would include terminology databases and translation memories.

Marie-Josée Saint Robert, Head of Language Services at the United Nations Geneva Office, focused her speech on French legislation, which she felt was applicable, by and large, to most European countries, and provided an in-depth analysis of the question of intellectual property as referred to terminology databases.

Yves Champollion, in turn, introduced his innovative project to build a mammoth on-line translation memory, available free of charge to translators.

The morning session ended with a presentation delivered by Mikael Johannsson, Legal Adviser to the Director General of Translation at the European Commission, which hinged on the intellectual property issues surrounding the IATE database.

In the afternoon session, the seminar addressed private sector issues.

Susana Checa, from Spain's Centre for Reprographic Rights, spoke about the copyright protection afforded translators working in Spain. She was followed by Tracey Byrne of SDL Trados and Ross Smith, Senior Manager in charge of translation services at PriceWaterhouseCoopers, Spain, who discussed their opinions on ownership of translation memories.

They largely concurred that each party has a point in claiming their rights. Clients can allege that since they wrote the original text, the translation is theirs. Translation service providers (whether agencies or individual translators), in turn, may assert that the translation is theirs and, as they have saved it in their translation memory, the memory is also theirs. Agencies outsourcing a translation for one of their clients to a free-lance translator may argue that as they created and maintain the translation memory, it belongs to them.

The seminar ended with a panel discussion whose members, Silvia Cerrella Bauer, Yves Champollion, Iwan Davies, Marian Greenfield and Ross Smith, led a lively debate, engaging the participation of the entire seminar. The conclusion drawn was that the sound reasoning behind all the positions defended made it difficult to

consider any one more valid than the others. The recommendation stemming from the exercise was that translation agreements should stipulate whether or not the respective translation memory or any kind of glossary should be regarded to be deliverables, whether such products have added value and if so what that value is, and what each of the parties can and cannot do with the material exchanged. In practice, translation jobs are often commissioned with no written contract, and even today many clients would not understand the point of such clauses. Nonetheless, insofar as terminology databases and translation memories have assessable value, a need is clearly felt to seek agreements amenable to all concerned.

FIT Europe and ASETRAD, by addressing a concern that has barely begun to take shape, have set a useful precedent for the future exploration of this issue.

The photographs of the event can be viewed on [www.asetrad.org/seminario/fotos](http://www.asetrad.org/seminario/fotos) and the speeches were posted on [www.fit-europe.org](http://www.fit-europe.org).