

## **Session 2: Summary of the discussion**

### **1. COMPUTER TOOLS TO IMPROVE THE WORK OF TRANSLATORS**

Responding to requests for clarification from Marina Fimmel, Ministry of Agriculture, Fisheries and Food, regarding the data storage systems the UN was to introduce on phasing out its present microfilm/fiche facilities, Daniel Baudin of Systran, Paris, on numbers of translators employed by the UN and their turnover rates and another questioner as to whether the UN, in view of its wish to receive documentation in electronic form, recommended use of particular software packages or print format conditions, Nigel Cassar replied as follows: (1) the UN was currently testing a commercial optical disk system, SADE. In replacing microfilm and fiche the main criterion was adequate capacity. Any new electronic-based system needed to be capable of accommodating both UN hard copy records, dating back 40 years, and those of the UN specialised agencies. Microfiche and microfilm would continue to be used for the next four to five years before the move to optical disk. (2) The UN currently employed 40 translators. Turnover varied, being higher in certain services and at certain periods as a result of demographic and/or financial factors. (3) Owing to the variety of software used within the UN at present the organisation had no standard software requirements for information submitted on disk by other agencies.

To an enquiry from Pamela Mayorcas, in the Chair, as to the methods UN translators used to generate their work, Mr Cassar explained that some workstations were available to them but that five pages was regarded as the maximum document length it was viable for a non-professional typist to process unassisted. Longer documents were therefore dictated and sent for typing to a centralised pool. The typing/data processing function worked closely with the printshop and was seen as a distinct professional specialism. There were

therefore no plans to introduce facilities such as desktop publishing for UN translators. Claude Fleurent, Rhône-Poulenc Limited, Dagenham, suggested that word processing had the advantage over dictation of translators being able to refer back and review their copy as they worked, Mr Cassar replied that the dictaphone method ensured continuous production to the UN typing pool by eliminating the temptation translators continually experienced to revise their copy, which slowed down their production. Also many UN translators working to languages such as Chinese or Arabic had no experience of the use of keyboards. Mr Fleurent felt that this problem could be overcome by training, while the experience of panel member Gerry Brace, Institut Français du Pétrole, was that dictating was generally disliked by secretaries. Most people could learn to type adequately enough to cope with input processing. Amending and output processing could be handled largely by the typist with the translator revising as necessary. Ian Jones, SHAPE, noted that on-screen revision was difficult and there was invariably a need for the translator/reviser to see hard copy. Pamela Mayorcas concluded by suggesting that the question of translators' production methods could usefully be discussed further at future events staged either by the Institute of Translation and Interpreting (ITI) or the Aslib Technical Translation Group (TTG).

## **2. IMO TERMINOLOGY DATABANK**

In reply to a comment from Ian Jones, SHAPE, on possible difficulties in pinpointing required terms within a long list on screen, Nicole Walls explained that a scroll-down facility enabled translators to scan entries quickly and easily. To an enquiry by Peter Kahl, Aldus Europe Limited, Edinburgh, she confirmed that access to the databank via computer terminal was a stand-alone facility not linked in to a word processing environment. IMO translators, like their UN counterparts, dictated their copy.

## **3. COPYRIGHT, COMPUTERS, DICTIONARIES AND TRANSLATIONS**

Patricia Thomas, University of Surrey, asked whether any work was currently being done to define the term 'a substantial part'. Jeremy Phillips replied that Parliament, when invited to consider more precise guidelines, had declined on the grounds that the same copyright laws applied across the board to different types of works and Parliament felt that if it were to lay down guidelines, these too should take account of all the types of work for which they might be required. It should therefore be left to the discretion of the courts in particular cases to arrive at a definition and establish whether there was an overriding need for use. Charles Lucas, EC Commission, Brussels, referring to the case of copyright obtained by copying a work, asked what evidence a court might accept of the

existence of such copyright if the original copy were erased or destroyed. Dr Phillips replied that written evidence would be the most conclusive but that the testimony of witnesses could be sufficient (as for example in the case of a live performance).

Mr Lucas enquired additionally whether there were moves towards international standardisation of definitions. Dr Phillips replied that research undertaken by the EC into the approximation and harmonisation of copyright law across Member States, had concluded that some areas existed where such standardisation could apply. The report of the EC's findings had however been delayed and the United Kingdom had gone ahead with its own legislation. This had now become the blueprint for a European legislation, investigation into which was currently in hand.

Claude Fleurent, Rhône-Poulenc Limited, Dagenham, asked whether, as a purchaser of translations from freelance translators, he was infringing copyright by editing such translations, sometimes extensively, for in-house use. The position, said Dr Phillips, was that the first copyright owner was the author. This presumption could be altered by the purchaser requiring the freelance translator to assign his or her copyright in the translation at the time of purchase or by the freelance translator being taken on to the staff of the employing organisation. Copyright would otherwise remain with the freelance translator although if both parties at the time of commissioning the translation were aware of what was likely to be done with it, it could be argued that there was an implied licence covering editing. A solution was for the translator to grant the purchaser an exclusive licence to use the translation over five to ten years. This might also have helpful tax implications for the purchaser.

Peter Barber, Able Translations Limited, Baldock, asked whether under these circumstances trade usage and practice were not a defence against claims of infringement. Most translation companies operated on the basis of a generalised understanding by trade practitioners that the copyright of a translation was given in perpetuity on payment of the fee. Dr Phillips replied by stressing the relative impermanence of trade usage and practice and the difficulty of convincing the courts of their existence. Any precedents invoked by the purchaser could be countered by contrary precedents invoked by the translator and the courts would invariably vest copyright with the author unless there were good reason not to do so. In the analogous case of artwork, the practice was that copyright remained with the artist. In an international world UK trade practice could furthermore be extremely difficult to establish to a foreign court's satisfaction. Dr Phillips therefore advised that the purchaser of translations should secure all rights in writing on his or her home base at the outset.

Cate Avery, Eiger Translations Limited, Manchester, asked whether all translation was not in fact an infringement of copyright. Dr Phillips replied by reference to the Copyright Act which stated (in section 16) that the owner of the copyright might make adaptations to the work and (in section 21) that by

'adaptation' was meant *inter alia* a translation of the work. There was no further qualification within the Act of these statements which appeared to suggest that all translation was an infringement of copyright if (as might logically be expected) a relationship could be made between it and the original work. The Act also seemed to suggest that the adaptation of the work from one form of representation to another was also an infringement of copyright. Some small exceptions were made for translations, as for example the case of some developing countries who were allowed to make translations of works to their languages in return for payment.

**RAPPORTEUR**

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