‘Carried Over’ and Carried Forward

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Setting the stage

Assume in 3 years we can achieve fully-automated, high quality translation (FAHQT)

In effect, achieve (and transcend) the translator’s goal of “invisibility” (both same and different)

*How disruptive?*
Can look at how law has treated translations historically
The basics (today)

- Translations governed by Copyright Law
- Treated as “derivative works” or “adaptations” of the original source work
- Original Author has exclusive rights to authorize translations
Prior to circa 1910, a translation was not a “copy” under Copyright Law

• 1853: Stowe vs. F.W. Thomas over German translation of *Uncle Tom’s Cabin*

  “a translation required genius in its construction...where the genius of the translator is called forth, there he is himself an author and his translation an original work”

(quoted by *The spread of novels: translation and prose fiction in the eighteenth century* By Mary Helen McMurrnan (p 179, n 93)
Copyright: A “modern” concept

- 1450 – Gutenberg Press invented
- 1501 – Printing presses in 280+ European cities
- 1710 – England enacts “Statute of Anne”
- 1886 – Berne Convention
- 1909 US & 1911 UK Copyright

~250 years

~200 years
On the face, Berne Convention seems to be of two minds:

- **Article 2(3):** Translations ... shall be protected as original works without prejudice to the copyright in the original work.

- **Article 8:** Authors ... shall enjoy the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works.
Balancing competing policies/concerns

Original Work
- Expression
- Author Monopoly Right
- Past Economics
- Authenticity
- Work of “genius”
- Art
- Exporters

Derivative Work
- KnowledgeBase
- “Common” Knowledge
- Future Economics
- Accuracy
- Workman (for-Hire)
- Science
- Importers
Stephen Mitchell v. Wayne Dyer
(C. Dist. Calif 2010)
<table>
<thead>
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<th>#</th>
<th>Country</th>
<th>Last 6 months</th>
<th>Change</th>
<th>(± %)</th>
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<td>+3,656,160</td>
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<td>+1,493,580</td>
<td>+5.85%</td>
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<td>France</td>
<td>23,548,000</td>
<td>+849,060</td>
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<td>Germany</td>
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<td>+2,128,200</td>
<td>+10.64%</td>
<td>26.89%</td>
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Source: SocialBakers.com
Facebook Nation is the 3rd largest

Source: FlipTop (Aug 2010)
Driver is Globalization:

“....the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa.”

Anthony Giddens, Director of the London School of Economics
Over 7,000 languages in the world

- English (800 MM to 1.8 bn)
- Chinese (1.3 bn users)
- Hindi (800 MM users)
- Arabic (530 MM)
- Spanish (350 MM)
- Russian (280 MM)
- Urdu (180 MM)
- French (175 MM)
- Japanese (130 MM)
China and India are key to the future of global advertising. These two major engines of growth are in the bottom quintile of advertising per person.
MAJOR MEDIA SPENDING BY REGION IN 2010

Worldwide ad spending in 2010: $450 billion, up 4.9%

- U.S. $152B, +2.2%
- Canada $9B, +7.5%
- Latin America $29B, +14.0%
- Africa, Middle East and Rest of World $23B, +6.8%
- Asia and Pacific $106B, +6.3%
- Europe $131B, +4.6%

Contributions to global growth by region from 2011-2016:

- North America 26.6%
- APAC 37.7%
- Europe 12.0%
- Latin America 12.0%
- EMEA 23.7%

China and India together account for 26% of total industry growth between 2011 and 2016, when APAC revenues will rise from $96bn to $151bn

Source: ZenithOptimedia's Advertising Expenditure Forecasts, December 2010; MagnaGlobal Advertising Forecast 2011
9 in 10 Internet users in the EU said that, *when given a choice of languages*, they always visited a website in their own language. Only half would accept using an English version of a website if it was not available in their own language.

From “Flash Eurobarometer: User Language Preferences Online, Gallup (May 2011)
Example of a “Top 100” Global Brand: Philips Consumer Lifestyle Group

• Based in Netherlands, with 115,000+ multinational workforce across 60 countries
• Brand activity in 100 countries across 50,000 products, from medical diagnostic imaging, patient monitoring systems, energy efficient lighting solutions, and lifestyle solutions for personal well-being.
• Multilingual product content in 57 countries, translated into 35+ languages, processing over 150 million words in 2008
Translation (the old fashioned way)

- According to the U.S. Bureau of Labor Statistics, translators and interpreters are one of the fastest growing occupations, through 2018.
- In May 2010, ~44K “translators and interpreters” making average $24/hour, averaging annual salary of ~US$50,000
- It all adds up: Global market for translation estimated at US$3 bn (supporting nearly 60k people and 45k businesses) (IBISWorld)
Marketplace already knows the power of adding (some) machines ...

• Machine Translation is estimated to be currently only 60% accurate

• Prevailing technology is “Translation Memory”:
  – software stores and reuses human-rendered translations, including retrievals based on “fuzzy matches”
  – 40-80% savings by recycling

(Source: HP/Trados)
## Top 5 Translation Service Providers

<table>
<thead>
<tr>
<th>Rank</th>
<th>Company</th>
<th>HQ Country</th>
<th>Revenue in US$M</th>
<th>Employ</th>
<th>Offices</th>
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<tr>
<td>1</td>
<td>Lionbridge Technologies</td>
<td>US</td>
<td>US$ 405.0</td>
<td>4000</td>
<td>50</td>
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<td>2</td>
<td>L-3</td>
<td>US</td>
<td>US$ 372.3</td>
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<td>SDL International</td>
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<td>US$ 142.9</td>
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<tr>
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<td>TransPerfect/Translations</td>
<td>US</td>
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<td>385</td>
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<tr>
<td>5</td>
<td>RWS Group</td>
<td>UK</td>
<td>US$ 66.4</td>
<td>332</td>
<td>8</td>
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EPO and Google

• MOU signed November 30, 2010
• Google work with EPO on creating a Unified European Patent
• Google receives access to 1.5 MM documents, plus yearly filings (approx 50k per annum)
Some (open) issues raised by MT

• Computer-Generated Works
• Copyrights and Database Protections Rights on “Linked” Data
• Non-“Public” (i.e., not intended for public consumption) use of translations (fair use)
“Computer-Generated Works”

“In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken.”

U.K. Copyright, Designs and Patents Act, 1988, ch.48, §§ 9(3)

Query: Who is the “person”?
-- MT user
-- MT programmer(s)
-- The Computer
“In order to be entitled to copyright registration, a work must be the product of human authorship. Works produced by mechanical processes or random selection without any contribution by a human author are not registrable.”
From “Rights Statement on Web of Data” Leigh Dodds, Talis
“Fair Use” Factors

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work . . .
THANK YOU

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