

**INTERNATIONAL HYDROGRAPHIC
ORGANIZATION**



**ORGANISATION HYDROGRAPHIQUE
INTERNATIONALE**

IHB File No. S3/6000

**CIRCULAR LETTER 57/2008
4 July 2008**

NEW RESOLUTION R4.2 - TRANSLATION OF IHO PUBLICATIONS

Reference: CL 20/2008 dated 27 February.

Dear Hydrographer,

1 The Directing Committee is pleased to inform Member States that the proposal contained in the above-referenced Circular Letter has been approved by a two-thirds majority.

2 Some Member States made comments which have been taken into account in the final text of the Resolution and which are reproduced, for your information, in Annex A. The new Resolution R4.2 - Translation of IHO Publications is provided in Annex B and will be inserted in the Resolutions of the IHO (Publication M-3).

On behalf of the Directing Committee
Yours sincerely,

A handwritten signature in blue ink, appearing to be 'H. Gorziglia', is written over a light blue rectangular background. The signature is fluid and cursive, with a large loop at the end.

Captain Hugo GORZIGLIA
Director

Annex A: Member States' Comments
Annex B: Final Text of Resolution R4.2

MEMBER STATES' COMMENTS
(in reply to CL 20/2008)

ARGENTINA

It is good to differentiate between translations done by third parties and IHO official translations, done by an internal team or by Hydrographic Offices, endorsed by IHO Member States, Commissions, Committees or Working Groups. In the case of the Member States, it will be necessary to have the translations endorsed by three (3) of them, whose official language is the same as the one used in the translation.

IHB Comment: The new resolution does not refer to IHO official translations but to translations made by third parties.

CANADA

With respect to 4.2.2 (b) : in such a case, I recommend attaching a waiver of liability to the web page or the translation, i.e. that the translation has not been made by IHO. IHO is therefore not responsible for any error or inaccuracy; and that the users should use proper judgement in using these translations.

In addition, Member States or their HOs which made the translation may not want to make the translation available for public use, because of liability risk or else. To that purpose, the draft resolution may indicate that no translation made by a Member State or its HO is to be published on the website without prior written consent of the translating Member State or its HO.

IHB Comment: The subject in the first paragraph is covered under General 4.2.1 (b) but also a new sub-paragraph e) has been added under 4.2.1 and as regards the second paragraph, para. 4.2.2 b) encourages, but does not force, MS or HOs to provide translations they have made; therefore it is understood that if a MS or HO does not want to make its translation available, it is absolutely in its right to do so. There does not appear to be any need to add any wording.

CHILE

a) We suggest that the type of "Exploitation" referred to in item 4.2.1, point d) should be explained a little more.

b) We suggest replacing the word "*beneficiar*" by "*beneficiarse*", as follows: "*Cuando proceda, la OHI deberá beneficiarse de toda explotación resultante de la traducción de su material*".

c) We suggest replacing the word "*explotación*" by "*utilización*", as follows: "*Cuando proceda, la OHI deberá beneficiarse de toda utilización resultante de la traducción de su material*".

IHB Comment: The text in the Spanish version will be amended as suggested, to read: "Cuando proceda, la OHI se debera beneficiar de toda utilizacion resultante de la traduccion de su material".

CUBA

a) We consider it important to include under item 4.2.1 GENERAL, an additional sentence mentioning that the documents translated should be submitted to IHB for their final review from a technical point of view and thus the IHB will check, in advance, the competence and knowledge of the activity by the Translator, in order to guarantee the quality of the translations. If this proposal is accepted, we think that item b) will not be necessary.

IHB Comment: It would be very difficult for the IHB to implement such a comment as that would mean that the IHB would need translators in all languages.

b) Item d), under paragraph 4.2.1 GENERAL, should be written in Spanish as follows:

“d) Cuando proceda, la OHI se deberá beneficiar de toda explotación resultante de la traducción de su material.”

IHB Comment: Comment considered in a slightly different way.

FRANCE

Approves the inclusion of the new Resolution R 4.2 in the M-3 publication and has the following comments :

1. Correct para. 4.2.2 a) (French version) to read as follows: "... (par exemple, les universités, les sociétés et les ~~individus~~ **particuliers**) ... "
2. In paragraph 4.2.2 b) correct to read as follows: "It is encouraged that any translations in languages other than ~~English~~ **the official languages of the IHO** be provided to the IHB"

This takes into account the fact that English and French are effectively treated with the same level of priority and importance by the IHB, in accordance with IHO regulations.

3. In para. 4.2.3 b) – replace "Organization" by "IHO" to be consistent with paras. 4.2.1, 4.2.2 and 4.2.3 a) and also to avoid any confusion with "organization" used in another sense in para. 4.2.3 a).

IHB Comment: Amendments have been made.

GUATEMALA

It is proposed that para. 4.2.2, point b), be written as follows: "All translations into languages other than English be provided to the International Hydrographic Bureau, to have them included, **without any responsibility**, in the International Hydrographic Organization Website, so that the IHO Member States and other parties of the international hydrographic community can benefit from them."

IHB Comment: This comment has been taken into account.

MEXICO

We approve the inclusion of Resolution R 4.2 – Translation of IHO Publications; and we expect that this will help in having a wider distribution of IHO publications. We also consider that it would be beneficial for the hydrographic community to have IHO publications in all languages, particularly in Spanish.

IHB Comment: None

MOROCCO

The translation of IHO publications by qualified bodies will enable those Member States whose official language is not English to more easily use these documents.

IHB Comment: None

PERU

The Directorate of Hydrography and Navigation approves the new Resolution R 4.2, which involves the application of important principles and procedures, in order to safeguard the rights and benefits of the IHO Members. We also agree that any handling of translations by third parties for commercial purposes, be made through the National Hydrographic Offices.

IHB Comment: None

PORTUGAL

The Portuguese Hydrographic Office fully supports and encourages the translation of IHO publications into any other languages other than English, French or Spanish for the benefit of all other parties of the international hydrographic community.

IHB Comment: None

SWEDEN

The Swedish HO is generally in favour of translating IHO publications and does not see the need for every applicant to contact the national HO in the first instance. To reduce time we suggest that the applicant contacts IHB directly for permission (4.2.3 b).

IHB Comment: The reason why, in paragraph 4.2.3 b), applicants shall contact HOs in the first instance is to have a preliminary evaluation that could help the IHB in granting permission or not to do the translation and under which circumstances. We prefer to keep the wording as it is.

UK

An additional clause 4.2.1 e) could be considered to cover the accuracy of the translation; something along the lines of:

4.2.1 e) Translations should always contain the following statement prominently at the front of the publication unless IHO authorizes otherwise:

"This document/publication is a translation of IHO document/publication [Name]. The IHO has not checked this translation and therefore takes no responsibility for its accuracy. In case of doubt the source version of [Name] in [Language] should be consulted."

IHB Comment: We agree with this comment and the text has been included. This is also in line with Canada's comments.

NEW RESOLUTION R4.2 – TRANSLATION OF IHO PUBLICATIONS

SECTION 4 – PUBLICATIONS

R 4.2 TRANSLATION OF IHO PUBLICATIONS

4.2.1 GENERAL

In agreeing to the translation of IHO publications by third parties, the following general principles should be observed:

- a) The IHO as the copyright owner of the source material should be acknowledged in all translations.
- b) The IHO should not be responsible for the translation or any misuse or misunderstanding of a translation. All translations should be marked as such.
- c) The accuracy of a translation lies with the translator. All translations should be marked as such.
- d) Where appropriate, the IHO should benefit from any exploitation of a translation of its material.
- e) Translations should always contain the following statement prominently at the front of the publication unless IHO authorizes otherwise:

“This document/publication is a translation of IHO document/publication [Name]. The IHO has not checked this translation and therefore takes no responsibility for its accuracy. In case of doubt the source version of [Name] in [Language] should be consulted”

4.2.2 TRANSLATIONS FOR INTERNAL AND PRIVATE USE

- a) HOs and other users (for example, academia, companies and individuals) may translate IHO Publications for their internal needs and requirements on the understanding that such translations are not intended for sale or reward of any kind.
- b) It is encouraged that any translations in languages other than the official languages of the IHO be provided to the IHB in order that, without assuming any responsibility, they may be posted on the IHO web site for the benefit of IHO Member States and other parties of the international hydrographic community.

4.2.3 TRANSLATIONS FOR COMMERCIAL SALES AND PURPOSES

- a) Any organizations (including HOs), entities or individuals wishing to translate IHO publications for commercial sale or reward of any kind must obtain prior agreement from the IHB in order that the rights and benefits of the IHO and its Member States are safeguarded.
- b) In the first instance, prospective applicants should contact their respective national HO, who in turn may advise the IHB on any opinion that they have on an application. The IHB, on behalf of the IHO, may then grant permission in the form of an Agreement on a case by case basis, taking into account any general guidance that may be established by the IHO from time to time.