

# Communicating with South America



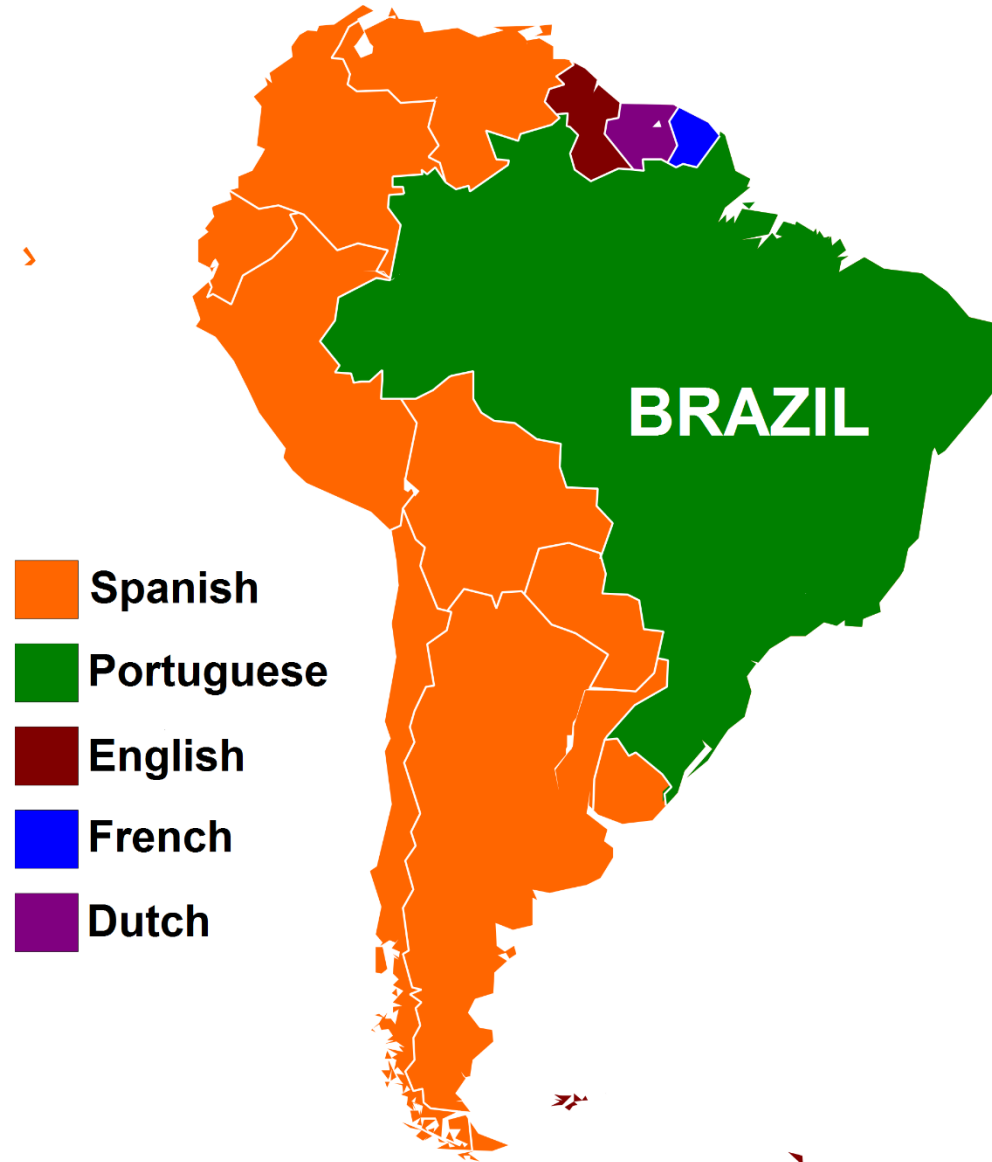
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# Languages Spoken in South America



## **Certified Translation**

A translation may be certified or non-certified, but only certified translations are accepted as official documents in many countries of Latin America, including Brazil, Argentina, Uruguay, Peru, Colombia, Paraguay, Guatemala, Panama, and Mexico, among others.

**Certified translations are mandatory in various legal proceedings and filings for court systems and government agencies and institutions.**

**An official certified translation is a translation signed and sealed by a Sworn Public Translator, and has the same legal force and effect as the original document.**

## Legislation

Each country has its own laws governing certified translations.

Brazil, Art. 13 of the Constitution from 1988 - “Portuguese is the official language of the Federative Republic of Brazil.” For that reason, the Civil Code establishes on its Art. 140 that “The legal writings presented in a foreign language must be translated into Portuguese to be legally valid within the country.”

Code of Civil Procedures, Arts. 156 and 157 - “In all acts and terms of the process, the use of the national language is mandatory” - “Documents produced in a foreign language may only be joined to the records when accompanied by its version, translated into the national language and signed by a certified translator.”

## **Argentina**

In Argentina, a certified (public) translator is a professional whose duty involves translating documents from the national language into a foreign language (and vice versa), pursuant to Act 20,305 of the Argentine Republic or upon request of the interested party.

## URUGUAY

The "Public" or Sworn Translator is in Uruguay a university professional. Full faith and credit are to be given to all his/her official acts.

At official level, certified translation is mandatory for procedures concerning documentation coming from abroad that is presented to governmental agencies to be used in any proceedings, as well as for any documents issued by Uruguayan agencies that are to be officially presented abroad .

Whenever a foreign document reaches the country, drawn in a language for which there is no Certified Translator in Uruguay, a legal solution is provided for by customary law in order to solve the problem posed by the interested party. Experts in foreign languages - frequently provided by Embassies - that are registered with the Colegio de Traductores Públicos del Uruguay upon the verification of their proficiency, will be responsible for the translation.

**After being signed and sealed, certified translations must be forwarded to a Notary Office for notarization (authentication of the translator's signature) and legalization, depending on whether the country is or is not signatory of the Hague Convention.**



## **Apostille – For countries that are signatory of the Hague Convention**

An Apostille is an official certificate issued to a document that legalizes it for recognition by countries that have signed the Hague Convention. The Convention aims to streamline and simplify the legalization of documents among the 112 signatory countries, allowing the recognition of documents for use in another country that is also a signatory.



**Both the source document and the apostille will require translation for proper processing at your destination country.**

**Even if the Apostille is already in the language to which the document will be translated, the certified translation must still include the Apostille numbering as well as the remaining text of such document.**

## **Non-signatory of the Hague Convention**

For countries that are not signatory of the Hague Convention, the legalization process is longer and more complicated. All documents to be used in South America need to be submitted, in the country of origin, to the Embassy, Consulate, or Ministry of Foreign Affairs after being processed by the notary, Secretary of State and sometimes (as in the USA) the Department of State. When these documents reach the country where they are going to be used, they are translated by a certified translator, whose signature must be notarized, and forwarded for registration.

Registration is done by forwarding the original document and its certified translation for legalization. In Brazil, they are forwarded to the CDT (Center for the Distribution of Deeds and Documents).

## EUROPEAN PORTUGUESE X BRAZILIAN PORTUGUESE

**THERE IS NO CERTIFIED TRANSLATION FROM EUROPEAN PORTUGUESE INTO  
BRAZILIAN PORTUGUESE**

**BUT PAY CLOSE ATTENTION WHEN TRANSLATING INTO BRAZILIAN PORTUGUESE**

Brazilian Portuguese differs in several important ways from African and European Portuguese. Those include significant differences in vocabulary and spelling.

When translating digital or print copy, documents, or a website for your global marketing plan, don't think that just a single translation into Portuguese will make these materials ready for a Brazilian audience.

## NON-CERTIFIED TRANSLATION

The non-certified translation is the correct option for texts not intended for official use.

Examples:

Websites

General Correspondence

Corporate Newsletters

Articles in general

Non-Official Technical Specifications

## **Documents that need to be translated for the appointment of a lawyer**

- Commercial and corporate documents, powers of attorney, by-laws or articles of incorporation specifying that the person signing the documents has the powers to do so, and invoices, just to mention a few.
- Documents such as credit applications, purchase orders, receipts and invoices should be prepared in both the customer's and seller's language (in two columns).

## Appointment of a Lawyer

According to the Brazilian legislation, an individual or company must be represent in court by a lawyer.

Choosing a recognized lawyer or law firm with experience and expertise in your industry will guarantee you best results.

## Embarrassing and costly translation mistakes made by major businesses

### One Costly Word – False Friends

When “*intoxicado*” was misinterpreted as “**intoxicated**” rather than “**poisoned**”, a young man from Spain was treated at a Florida hospital for a drug overdose rather than for food poisoning, resulting in drastic consequences. He received a malpractice settlement of \$71 million.

### Expensive Misunderstanding

A Brazilian company tried to buy a huge cargo of black beans from China. But when the ship arrived in Brazil, the importer noticed that the company in fact bought a kind of soybean. Once the negotiation was made in English – a foreign language for both buyer and seller – the companies mixed up the Portuguese word “*grão*”, which means both “bean and “grain”.



Just a few reasons for choosing a trusted Language Service Provider  
for professional translation

In Italy a campaign for Schweppes Tonic water translated the drink's name into "Schweppes Toilet Water."

The American Dairy Association replicated its "Got Milk?" campaign in Spanish-speaking countries where it was translated into "Are You Lactating?"

Electrolux at one time marketed its vacuum cleaners in the U.S. with the tag line: "Nothing sucks like an Electrolux."

More...

KFC made Chinese consumers a bit apprehensive when "finger licking good" was translated as "eat your fingers off."

Mercedes-Benz entered the Chinese market under the brand name "Bensi," which means "rush to die."

The slogan "Pepsi Brings You Back to Life" was debuted in China as "Pepsi Brings Your Relative Back from the Dead."

**The eight rules for writing a document that will be clear, ready for translation and legally bidding**

- **Please don't assume that everyone reads, writes, and understands English fluently.**
- **Documents need to be legally binding.**
- **Avoid translation software without human post editing.**
- **Regular purchase orders, invoices, statements, and other documents should be bi-lingual**

- **Keep your communication content simple and focused.**
- **Avoid slang and acronyms.**
- **Use polite language and good grammar.**

Be ready to start a litigation:

Brazil

In general, documents that will be legally necessary to start a lawsuit:

**A - Apostille based on the Hague Convention:**

- Corporate terms/by-laws or articles of incorporations confirming that the principal who provides the POA is entitled to do it.
- Power of Attorney: Generally the POA is drafted in both languages Portuguese / language of the Country where a creditor is based.

**B - Documents that must be translated into Portuguese by a sworn translator:**

- Power of Attorney.
- By-laws or articles of incorporations.
- Commercial terms.
- Purchase orders.
- Invoices.
- Bill of Lading .
- Receipts.
- Proof of Delivery.
- Credit application.
- Etc...

## **Other South America Countries**

Procedures in Uruguay:

-Similar to the Brazilian formality.

Procedure in Argentina:

-Similar to the Brazilian formality.

Procedure in Chile:

-All foreign documents must be apostilled in the original Country and translated into Spanish by a certified translator.



### **General Comments:**

In general, when an attorney file with a lawsuit and fail to attach a legally translated document , a judge will provide a certain time period to have it fixed.

However, if a part does not fix the term or do not obey the time period provided by a judge, basically in an ordinary civil litigation, the court might extinguish the claim.

This may occur especially when the foreign documents are absolutely necessary to be used as a main proof.

We hope the above ideas will be of use to your future successful business endeavors in Brazil and other countries in Latin America.

*Please send your questions and comments to:*

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**Thank you very much for the audience.**