

EQUIVALENCE OF LEASE AND TENANCY TERMINOLOGY IN ENGLISH AND LITHUANIAN

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Abstract

Prompted by globalization and the importance of international communication in the legal sphere, legal language acquires an increasing importance. Contract law draws special attention in the EU and worldwide, and raises a demand for harmonization of the legal terminology of different languages and legal systems. Contracts in Anglo-Saxon and Lithuanian law have similar basic elements; however, they also contain significant differences which are determined by the regulations of the legal systems in which contracts are formed. The terminology used in the contracts also presents important peculiarities. The article focuses on the terminology of lease and tenancy agreements and provides results of the contrastive semantic analysis, the aim of which is to establish the degree of equivalence of the collected English terms and their Lithuanian counterparts. All investigated English terms have synonyms, which makes the task even more complex, as most of such synonyms have certain semantic differences and may be used interchangeably only in certain contexts. The findings of the research are believed to be valuable to legal translators, as well as compilers of legal dictionaries and databases.

Keywords: *legal terminology, legal concepts, lease and tenancy agreements, contrastive analysis, equivalence.*

Introduction

Globalization has been shaping our world and contemporary international communication. Our closely-knit global economy and international trade grant vital importance to the legal language. The international political and economic relations raise a need for translation of various legal documents to

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enable communication among people coming from different social and cultural settings. The legal language and its translation becomes an important instrument which enables the participants in the communication to understand each other. Terminology is at the core of legal language since it denotes the legal concepts of a particular legal system functioning within a framework of laws of a particular state.

Legal terminology has specific features characteristic of this branch of terminology. Legal terms are embedded in the national legal acts which determine their meaning and functions. Therefore, they are bound to the given legal system and do not have any exact equivalent in other legal systems (Pommer 18; Sandrini, *Legal Terminology* 102-103). The complexity of legal terms makes their translation a challenging endeavour. It requires thorough understanding of their semantics and functions, which becomes possible only with raising awareness both of the source and target legal systems and the legal settings in which they are used. Thus, translators have to “practise comparative law” (De Groot and van Laer 173) or be assisted by “by a group or department of terminologists, preferably lawyer linguists who are able to conduct comparative law studies” (Šarčević 237).

Terminology of contract law attracts special attention, because contract law is the area of law which infinitely affects business activities. It defines the relations between business partners and governs their actions with each other. One of the crucially important areas of contract law is the law on purchase and lease of real and personal property.

The *object* of this research is the most common terms in agreements in English and Lithuanian. The English terms were collected from online lease and tenancy agreement templates and legal dictionaries. Their Lithuanian counterparts were selected from 3 sources:

- Bitinaitė V., Snapkauskaitė D. *Aiškinamasis anglų-lietuvių kalbų teisės ir verslo žodynas*. Vilnius: Registrų centras. 2013. Print. (in the article referred to as *The English-Lithuanian Dictionary of Law and Business*, 2013.);
- *IATE (InterActive Terminology for Europe)*—the EU's inter-institutional terminology database (in the article referred to as *IATE*);
- *Linguee*—a multilingual online dictionary based on a large corpus of web-based translated materials from online sources (in the article referred to as *Linguee*).

The *aim* of the article is to analyse the collected English terms and their Lithuanian counterparts by applying semantic contrastive analysis. To achieve this aim the following *objectives* are pursued:

- 1) to analyse the semantic features of the collected English terms and establish whether synonymy relations exist between them;
- 2) to find the Lithuanian counterparts of the collected English terms in the chosen sources, analyse their definitions, conduct contrastive semantic analysis of the English terms and their Lithuanian counterparts and establish the degree of their equivalence;
- 3) to assess the translation of the English terms in the chosen sources and give recommendations to English-Lithuanian legal translators and compilers of legal dictionaries and databases.

The research was performed using analytical-descriptive and contrastive *methods* which make it possible to disclose the semantic peculiarities of the synonymous English terms, as well as of their Lithuanian counterparts, and establish their degree of equivalency. The theoretical principles of this research are discussed in the section below.

Theoretical Background

The issues of the science of terminology, including the principles of term formation, typology, sources, development, and specific features of terms, are analysed internationally by Cabré *et al.* (2007), Kageura (2012), Sager (2004), Rey & Sager (1995), Temmerman (2000), etc. In Lithuania, the fundamental works on terminology are developed by the scholars Gaivenis (2002), Keinys (2012) and Jakaitienė (2010).

Legal terminology is the branch of terminology toward which much research has been dedicated. Most contrastive studies on legal terminology deal with equivalence issues and translation problems. According to Kashgary (2011), legal translation is one of the areas that generate most discussions about equivalence.

Sandrini (1999) states that absolute equivalence between legal terms from different legal systems is not possible, because legal terms denote concepts, which may only have some common features in their functions, but may not be identical (102). Each legal system embraces a specific system of legal concepts which emerge as a result of societal development, discussions among politicians, lawyers, and the general public in order to represent and manage the real-life situations in that particular society. Therefore, legal concepts are different in various legal systems (103-105). As a consequence, translators have to look for the terms referring to the same aspect of real life and having similar position and functions in the corresponding legal setting.

The role of comparative law in legal translation is also emphasised in Biel's works (2006). The translation of legal terminology used for investigating and establishing facts in court cases cannot be performed

without regard to legal-cultural concepts and differences between legal systems. The level of equivalence of the terms depends on the extent of relatedness of the legal systems and not on the features of the languages involved. Therefore, official legal translators would benefit from legal training that enables the translators to grasp the meaning of the term in the legal context (Biel 2).

De Groot and van Laer (2007) emphasise that “one legal language must be translated into another legal language”, i.e. the translator “should not translate from a legal language into the ordinary words of the target language, but into the legal terminology of the target language”(174). To achieve this aim, legal terminology in the source and target legal systems should be analysed thoroughly and the counterparts with the closest content must be selected. Engberg (2013) in his works states that “one of the decisive factors affecting research into legal translation is the fact that it is an operation not only between two or more languages but, above all, between distinct legal systems and legal cultures” (3). Similarly, Šarčević (2000) argues that “legal translation is essentially a process of translating legal systems” (229).

There has been constant research on various translation techniques that deal with terminological non-equivalence (Harvey 2000; De Groot and van Laer 2007; Biel 2006, 2008; Biel & Engberg 2013). It has led to a common understanding that terminologists and translators need to acquire knowledge in comparative law and apply its principles to the comparative analysis of legal terms. This interdisciplinary approach is an effective tool in quality translations (De Groot and van Laer 173).

Comparative law is based on the principle of functionality, which observes that legal concepts are comparable only when they are capable of performing the same task, i.e. if they fulfill the same function (Simonnæs, 147-148). Comparative terminology analysis aims at identifying functional equivalents in different legal systems and at establishing the degree of equivalence (Šarčević 235-39).

Šarčević (2000) classifies legal terms according to the degree of equivalence: near equivalence, partial equivalence and non-equivalence. Near equivalence occurs when the concepts A and B share all of their vital and most of their accidental characteristics. Partial equivalence is defined when concept A and concept B have most of their vital and some of their accidental characteristics in common. Non-equivalence occurs when none or only several common features of A and B conform (238-239).

Globalisation evokes an additional dimension to contrastive analysis. The international legal framework of the terms representing the analysed concepts should also be considered as international legal terminology

inevitably influences the development of local terminology (Sandrini, *The Parameters*, 44-46).

Contrastive Analysis of the English and Lithuanian Lease and Tenancy Terminology

The analysis in the article follows the aforementioned principles and seeks to investigate and compare the semantics of the collected terms in the Anglo-Saxon law applied in the US and the UK legal systems and the Lithuanian law. The analysis provides comprehensive information about the legal terms denoting the concepts of the same aspect of real life, but applied in different legal systems and different legal settings. The results allow the user to comprehend the systematic similarities and differences of the legal concepts of the given area and, if needed, to choose the most appropriate counterparts.

The collected English terms and their Lithuanian counterparts are grouped into three semantic groups, each of which is analysed separately:

- 1) Terms denoting the object of lease and tenancy agreements;
- 2) Terms denoting the parties to lease and tenancy agreements;
- 3) Terms denoting the conveyance of leased property and consideration.

Firstly, the collected English terms are translated into Lithuanian using *IATE* database and *Linguee* online dictionary. Secondly, the semantics of the collected English terms is analysed using legal dictionaries of the US and the UK legal terminology: *Black's Law Dictionary* which provides legal terminology of the US and *Duhaime's Law Dictionary, A Dictionary of Law* which provide legal terminology of the UK. The semantics of the Lithuanian legal terms is analysed using *the Civil Code of the Republic of Lithuania* and *the Term Bank of the Republic of Lithuania*. Finally, the semantic features of the English and the Lithuanian terms are contrasted and the conclusions about the degree of their equivalence are provided.

1) Terms denoting the object of lease agreements

Two subgroups of terms are analysed in this section: terms referring to real property and terms referring to personal property.

Real estate / Real property / Immovable property / Immovable assets

<i>Real estate / Real property</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>nekilnojamasis turtas</i>	IATE <i>nekilnojamasis turtas</i>	Linguee <i>nekilnojamasis turtas</i>
<i>Immovable property</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>nekilnojamasis turtas</i>	IATE <i>nekilnojamasis turtas</i>	Linguee <i>nekilnojamasis turtas</i>
<i>Immovable assets</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE <i>nekilnojamasis turtas</i>	Linguee <i>nekilnojamasis turtas</i>

In the agreement templates investigated, several terms referring to the concept of real property were found: *real estate*, *real property*, *immovable property*, *immovable assets*. Legal dictionaries (*Black's Law Dictionary*, *Duhaime's Law Dictionary*, *A Dictionary of Law*) also provide synonyms for *realty*, *immovable(s)*, *immovable things*.

In *Black's Law Dictionary*, the terms *real estate*, *real property*, *realty* are regarded as synonyms and defined as “land or anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land”. *Duhaime's Law Dictionary* defines *real estate* and *real property* as “land and rights attached to land”. Even if the formulations of the definitions in the legal dictionaries are different, they actually refer to the same type of property as the term *land* in the UK law is defined as including mines and minerals, and buildings and chattels fixed to the land so that they become part of it (*A Dictionary of Law*).

Black's Law Dictionary does not contain the terms *immovable property* and *immovable assets*, but it includes the term *immovable*, *n.* (*usu. pl.*) and defines it as “property that cannot be moved; an object so firmly attached to land that it is regarded as part of the land. Also termed *immovable thing*”. *Duhaime's Law Dictionary* also includes the term *immovable* and defines it as “land and fixtures thereto”.

The only Lithuanian counterpart found in the investigated sources is *nekilnojamasis turtas* ‘immovable property’. In the *Civil Code of the Republic of Lithuania*, real estate is referred to as *nekilnojamieji daiktai*

‘immovable things’ which is a synonym of *nekilnojamasis turtas*. In the Code, the term *nekilnojamieji daiktai* is defined in the Article 1.98: “Land and other things which are connected with land and which cannot be moved from one place to another without change of their purpose and essential reduction of their value are immovables (buildings, equipment, perennial plants and other things which, according to their purpose and nature, are deemed to be immovable). Ships and aircraft, the mandatory legal registration for which is established by laws, are also considered to be immovables. Any other property may also be attributed to immovables by the laws”.

The definitions show that the Lithuanian term includes not only land and the buildings and equipment attached to it, but also ships and aircrafts. However, these objects are not specified in the definitions of the English terms. The analysis of the usage of the terms *real property* and *personal property* on English legal websites confirms that ships and aircrafts are considered objects of personal property in the Anglo-Saxon law (*Facts about Aircrafts and Boat Assessments*). Therefore, the English terms referring to real property are not absolute equivalents of the Lithuanian terms as the Lithuanian and the Anglo-Saxon law ascribe different objects to the category of real property.

The analysis confirms that the terms in different legal systems may be close but are not absolute equivalents, because the law in different legal systems defines them in a different way. In order to avoid misinterpretations, the translator has to be aware of the semantic peculiarities of the terms in the source and target languages and indicate them when it is important in each context.

Personal estate / Personal property / Movable property / Movable assets

<i>Personal estate</i>		
English-Lithuanian Dictionary of Law and Business, 2013	IATE	Linguee
<i>asmeninis turtas</i>	–	–
<i>Personal property</i>		
English-Lithuanian Dictionary of Law and Business, 2013	IATE	Linguee
<i>kilnojamasis turtas</i>	<i>asmeninis turtas</i>	<i>asmeninis turtas</i> <i>asmeninė nuosavybė</i>

<i>Movable property</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>kilnojamosis turtas</i>	IATE ¹ –	Linguee <i>kilnojamosis turtas</i>
<i>Movable assets</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE –	Linguee <i>kilnojamosis turtas</i>

Several terms referring to the concept of personal estate were used in the investigated agreement templates: *personal estate*, *personal property*, *movable property*, *movable assets*. Legal dictionaries (*Black's Law Dictionary*, *Duhaime's Law Dictionary*, *A Dictionary of Law*) provide even more synonyms: *personalty*, *movable(s)*, *movable things*.

In *Black's Law Dictionary*, the terms *personal estate*, *personal property*, *personalty* are considered synonyms and defined as “any movable or intangible thing that is subject to ownership and not classified as real property”. Another group of terms referring to personal property includes *movables (usu pl.)*, *movable property*, *movable thing*. They are defined as “property that can be moved or displaced, such as personal goods; a tangible or intangible thing in which an interest constitutes personal property”. Thus, this definition also encompasses both tangible and intangible things. However, the dictionary explains that an *intangible movable* is “a physical thing that can be moved but that cannot be touched in the usual sense” and gives examples such as light and electricity. Therefore, this group of terms refers only to physical objects, i.e. tangible things in their common meaning.

Duhaime's Law Dictionary includes the terms *personal property*, *personalty* and *movable*. *Personal property* and *personalty* are defined as „chattels, goods, property other than real property”, while *movable* is explained as “things not attached to land and which may be carried from place to place”.

Many of the definitions discussed above describe personal property by contradistinguishing it from real property, as personal property includes a large variety of things. Most terms encompass both tangible and intangible

¹ In this case and several other cases IATE provides the English term under analysis only as a constituent in longer multi-word units. The translations of these units are not presented in the tables as they do not provide accurate information about the translation of the relevant term.

things. The exception is the term *movables*, which denotes physical objects, i.e. tangible things.

Several Lithuanian counterparts of the English terms were found in the investigated sources: *kilnojamosis turtas* ‘movable property’, *asmeninis turtas* ‘individual property’, *asmeninė nuosavybė* ‘individual property’. However, their meanings differ.

In the *Civil Code of the Republic of Lithuania*, personal property is referred to as *kilnojamieji daiktai* ‘movable thing’ which is a synonym of *kilnojamosis turtas*. The term *kilnojamieji daiktai* is defined in the Article 1.98: “Things which can be moved from one place to another without a change of their purpose and considerable reduction of their value are considered to be movables, unless otherwise provided for by laws”. The definition includes only tangible things and says nothing about intangible property which is defined in Article 1.111. Therefore, the meaning of the terms *kilnojamieji daiktai*, *kilnojamosis turtas* coincides with the meaning of the English terms *movables*, *movable property/ assets/ things* and only partially with the meaning of the English terms *personal estate/ property/ personalty* referring to both tangible and intangible property.

The *Civil Code of the Republic of Lithuania* also includes the terms *asmeninis turtas*, *asmeninė nuosavybė*. They are used when talking about the individual property of the spouses and refer to property in general, both real and personal (Article 3.89). It is important to emphasize that these Lithuanian terms denote the individual property of a person, but do not specify its type (real or personal).

Therefore, the Lithuanian terms *asmeninis turtas*, *asmeninė nuosavybė* are not to be considered as equivalents of the English term *personal property* and its synonyms. These incorrect equivalents might have been used due to the coincidence of the meanings of the adjectives *personal* and *asmeninis*. However, the terms *personal property* and *asmeninis turtas/asmeninė nuosavybė* are not equivalent.

A comparison of the definitions of the English and the Lithuanian terms and their usage in the documents allows us to draw the following conclusions:

- 1) The Lithuanian terms *kilnojamosis turtas*, *kilnojamieji daiktai* are to be seen as equivalents (or close equivalents) of the terms *movables*, *movable property/assets/things* as both the Lithuanian terms and the enumerated English terms refer exclusively to tangible property;
- 2) The Lithuanian terms *kilnojamosis turtas*, *kilnojamieji daiktai* are only partial equivalents of the English terms *personal estate/property*, *personalty* as the Lithuanian terms refer only to tangible property while the English terms denote both tangible and intangible property;

- 3) The Lithuanian terms *asmeninis turtas*, *asmeninė nuosavybė* are not equivalents of the English terms referring to personal property as they denote the individual property of a person and do not specify its type (real or personal).

The analysis shows that the English terms referring to personal property differ in their semantics. Only some of them share the same semantic features with the common Lithuanian terms denoting personal property. These differences might be important in certain contexts and the translators might need to highlight them by specifying what kind of property (tangible, intangible or both) is denoted by a term. In addition, several incorrect Lithuanian equivalents are included in the investigated dictionaries and database, which might mislead the translators and other readers and should be rectified.

2) Terms denoting the parties to lease and tenancy agreements

In the material investigated, the parties to lease and tenancy agreements are named *landlord / lessor* and *tenant / lessee*. The term *landlord* is mainly paired with the term *tenant* and the term *lessor* with the term *lessee*. There are some exceptions, when the term *lessor* is used with the term *tenant*, but these pairs are rare. However, the analysis of the synonyms *landlord / lessor* and *tenant / lessee* revealed that they have important semantic differences which should be kept in mind when translating the terms.

Landlord / Landlady / Lessor

<i>Landlord</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>savininkas,</i> <i>nuomotojas</i> <i>(išnuomojamos nuosavybės)</i>	IATE –	Linguee <i>nuomotojas,</i> <i>savininkas,</i> <i>nuomojamos nuosavybės</i> <i>savininkas,</i> <i>nuomojamos nuosavybės</i> <i>turto savininkas</i>
<i>Landlady</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>savininkė,</i> <i>nuomotoja</i> <i>(išnuomojamos nuosavybės)</i>	IATE –	Linguee <i>savininkė</i>

<i>Lessor</i>		
English-Lithuanian Dictionary of Law and Business, 2013	IATE	Linguee
<i>nuomotojas</i>	–	<i>nuomotojas</i>

As the table above indicates, three English terms denoting a person leasing property to another person were found in the material investigated: *landlord*, *landlady* and *lessor*. In *Black's Law Dictionary*, the term *landlord* is defined as “one who leases real property to another”; on the other hand, the term *lessor* is explained as “one who conveys real or personal property by lease”. The terms are defined in a similar way in *Duhaime's Law Dictionary*. Thus, the meanings of these terms are close, but not completely identical: the term *landlord* refers to a person who leases real property while the term *lessor* denotes a person who leases either real or personal property. The term *landlady* refers to a woman and, similar to the term *landlord*, is restricted to lease of real property.

Several Lithuanian counterparts were found in the investigated sources: *savininkas* ‘owner’, *nuomotojas* ‘lessor’, *nuomojamos nuosavybės savininkas* ‘owner of leased property’, *nuomojamos nuosavybės turto savininkas* ‘owner of leased property’. In the *Civil Code of the Republic of Lithuania*, the term *nuomotojas* is used (Article 4.166). In the *Term Bank of the Republic of Lithuania*, the term *nuomotojas* is defined as a natural or legal person who gives another natural or legal person the right to use his/her property in exchange for a lease payment pursuant to the provisions in the lease agreement. Thus, the Lithuanian term *nuomotojas* may denote both a person leasing real property and a person leasing personal property.

In the *English-Lithuanian Dictionary of Law and Business*, one more counterpart is given—*savininkas*--‘owner’. As this counterpart is not an accurate translation of the terms, the dictionary compilers added an explanatory note indicating that the person denoted by the term leases property (*išnuomojamos nuosavybės* ‘of leased property’). The term *savininkas* is the most frequent counterpart of the English term *landlord* in the translations provided by *Linguee*. Usually, it is used with the attributive *nuomojamos nuosavybės* ‘of leased property’, which makes it possible to convey more accurately the meaning of the English term. The term *savininkas*, in the same way as the term *nuomotojas*, denotes a person who leases either real or personal property.

The analysis of the definitions show that the Lithuanian terms *nuomotojas* and (*nuomojamos nuosavybės*) *savininkas* are equivalent to the English term *lessor* (as both English and Lithuanian terms may refer to a person leasing either real or personal property) and are partial equivalents of

the English term *landlord* (as the Lithuanian terms may refer to a person leasing either real or personal property while the English term refers only to a person leasing real property). When translating the term *landlord*, the English-Lithuanian translator might need to add an attributive indicating that the denoted person leases a piece of real property. This information should be given in dictionaries and terminological databases.

Tenant / Lessee

<i>Tenant</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>savininkas, nuomininkas (nuomojamo nekilnojamojo turto)</i>	IATE –	Linguee <i>nuomininkas</i>
<i>Lessee</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>nuomininkas</i>	IATE <i>nuomininkas</i>	Linguee <i>nuomininkas</i>

Two English terms denoting a person renting property from another person were used in the investigated material: *tenant* and *lessee*. *Black's Law Dictionary* defines *tenant* as “one who holds or possesses lands or tenements by any kind of right or title”, while *lessee* is defined as “one who has a possessory interest in real or personal property under a lease”. *Duhaime's Law Dictionary* provides the following definitions of the terms: “*Tenant*—a person to whom a landlord grants temporary and exclusive use of land or a part of a building, usually in exchange for rent. *Lessee*—the tenant, the person to whom is granted exclusive possession of a thing under the terms of a lease”. It is evident from the definitions that the meanings of the terms are not identical. The term *tenant* refers to a person who rents real property while the term *lessee* refers to a person who rents either real or personal property.

Two Lithuanian counterparts were found in the investigated sources: *nuomininkas* (‘lessee’) and *savininkas* (‘owner’). In the *Civil Code of the Republic of Lithuania*, the term *nuomininkas* is used to denote a person renting property (Article 4.166). This term is also the only counterpart in the English-Lithuanian translations provided in *Linguee*. The *Term Bank of the Republic of Lithuania* defines the term *nuomininkas* as a natural or legal person who has the right to use property under a lease agreement. The

definition shows that the term might be used talking about a person renting either real or personal property.

The *English-Lithuanian Dictionary of Law and Business* provides one more counterpart of the term *tenant*, *savininkas* ('owner') and provides the example *tenant for life*—*savininkas iki gyvos galvos*. The definition given by *Black's Law Dictionary* shows that *tenant* might refer to a person who possesses real property by any kind of right or title. There are numerous types of tenancy in the Anglo-Saxon law and *tenant for life/life tenant* is one of them. It refers to a person who "until death, is beneficially entitled to property". However, the rights of life tenants are limited—they cannot sell the property or pass it to their heirs. Therefore, in this case the term *savininkas* is not an accurate equivalent of the term *tenant* unless it is clear from the context that the rights of the described person are limited.

The analysis shows that *nuomininkas* is equivalent to *lessee* (as both terms may refer to a person renting either real or personal property) and a partial equivalent to *tenant* (as *nuomininkas* denotes a person renting either real or personal property, while *tenant*—only a person renting real property). When translating the term *tenant*, the English-Lithuanian translator should use the Lithuanian term *nuomininkas* with an attributive *nekilnojamojo turto* 'of real property' if it is not clear from the context that the person rents real property. The term *savininkas* 'owner' may be used as equivalent of the English term *tenant* only in specific contexts dealing with specific types of tenancy, such as life tenancy.

3) Terms denoting the conveyance of leased property and consideration

Lease / Tenancy

<i>Lease</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>nuoma,</i> <i>nuomos sutartis</i>	IATE <i>nuoma</i>	Linguee <i>nuoma,</i> <i>nuomos sutartis</i>
<i>Tenancy</i>		
English-Lithuanian Dictionary of Law and Business, 2013 <i>valdymas,</i> <i>nuomojimas</i> (<i>nuomojamo</i> <i>nekilnojamo turto</i>)	IATE –	Linguee <i>nuoma, valdymas</i>

Conveyance of leased property is denoted by the terms *lease* and *tenancy*. In *Black's Law Dictionary* the term *lease* has several meanings. It is defined as a contract by which a rightful possessor of real or personal property conveys the right to use the property in exchange for consideration (1st and 5th meanings). It is also defined as such a conveyance plus all covenants attached to it or the piece of real property so conveyed (2nd and 4th meanings). Meanwhile, the term *tenancy* is defined as the possession or occupancy of land under a lease and as the period of such possession or occupancy (1st and 2nd meanings). The definitions reveal a distinction between real and personal property: the term *lease* may refer to both real and personal property while the term *tenancy* refers only to real property. The same distinction is evident in *Duhaime's Law Dictionary* which defines *lease* as “a special kind of contract between a property owner and a person wanting temporary enjoyment and exclusive use of the property, in exchange for rent paid to the property owner” and *tenancy* as “a contract by which the owner of real property (the landlord) grants exclusive possession of that real property to another person (tenant), in exchange for the tenant's periodic payment of some sum of money (rent)”.

These definitions indicate that, though these terms may be used as synonyms in some contexts, they have some important semantic differences:

- 1) the term *lease* denotes the act performed by the *lessor* (granting the possession and use of property to another person) while the term *tenancy* denotes the act performed by the *lessee* (possession and occupancy of real property);
- 2) the term *lease* may be used both in the context of real and personal property, while the term *tenancy* may be used only in the context of real property;
- 3) the term *lease* may also refer to the piece of leased property;
- 4) the term *tenancy* may be used with the meaning “period of tenancy”;
- 5) the term *lease* may be used with the meaning of *lease agreement* while the term *tenancy* may be used in the meaning of *tenancy agreement*.

The *English-Lithuanian Dictionary of Law and Business* provides different counterparts for the terms *lease* and *tenancy*: *lease* is translated as *nuoma* ‘lease’, *nuomos sutartis* ‘lease agreement’, while *tenancy* is translated as *valdymas* ‘possession’, *nuomojimas* ‘lease’.

The important peculiarity of the Lithuanian counterparts is that all of them may refer to both real and personal property. The analysis also reveals other semantic peculiarities of the Lithuanian counterparts which translators should be aware of.

In the *Civil Code of the Republic of Lithuania*, the terms *nuoma* and *išnuomojimas* are used to denote lease and tenancy relations (Article 4.165, 6.551). The *Term Bank of the Republic of Lithuania* defines *nuoma* as the right to possess and use property for a specific period granted by the lessor to the lessee in exchange for a certain payment. The definition shows that the Lithuanian term *nuoma* refers to the act performed by the landlord/lessor. However, in the English-Lithuanian translations provided in *Linguee*, both *lease* and *tenancy* are mostly translated as *nuoma*.

In general Lithuanian the words *nuoma* and *nuomojimas* are ambiguous as they may refer to both the act performed by the landlord/lessor and tenant/lessee. The ambiguity of the word *nuomojimas* may be eliminated by its derivatives: the prefixed derivative *išnuomojimas* would exclusively be related to landlord/lessor, while the derivatives with the reflexive particle *nuomojimasis/išsiniuomojimas* would be associated exclusively with tenant/lessee. However, the translations provided by *Linguee* show that these derivatives are seldom used in the Lithuanian translations.

Another counterpart for the term *tenancy* provided by the *English-Lithuanian Dictionary of Law and Business* is *valdymas* 'possession'. The explanatory note in the dictionary (*nuomojamo nekilnojamojo turto*) indicates that the counterpart refers to rented real property. In the *Civil Code of the Republic of Lithuania*, the term *valdymas* 'possession' refers to ownership of real or personal property (Articles 4.22-4.36). Therefore, the meaning of the counterpart would not be clear without the explanatory note.

The contrastive analysis of the definitions of the English and Lithuanian terms shows the following:

- 1) The English term *lease* is semantically equivalent to the Lithuanian term *nuoma* as both terms refer to the act performed by the lessor and may be related both to real and personal property. The same might be said about the Lithuanian word (*iš*)*nuomojimas*, but the latter is used seldom in the documents.
- 2) The English term *tenancy* and the Lithuanian term *nuoma* are only partial equivalents because:
 - they refer to acts performed by different parties of an agreement (*tenancy* – the act by a lessee, *nuoma* – the act by a lessor);
 - they refer to different pieces of property (*tenancy*–only pieces of real estate, *nuoma*–both pieces of real and personal estate).Therefore, these terms may be equivalents only in certain contexts.
- 3) The Lithuanian term *valdymas* 'possession' may be used as an equivalent of the English term *tenancy* only in certain contexts or

with an explanatory note indicating that it refers to rented real property.

- 4) The English terms *lease* and *tenancy* may also refer to a lease/tenancy agreement and be equivalent to the Lithuanian term *nuomos sutartis*.
- 5) The term *lease* may also refer to a piece of leased property while the term *tenancy* may also denote the period of tenancy. These meanings are not described in the investigated dictionaries and database.

The contrastive analysis of the definitions and the use of terminology in the English-Lithuanian translations confirms that the Lithuanian term *nuoma* is the most usual equivalent to the English terms *lease* and *tenancy*. However, the translator has to keep in mind that the terms *tenancy* and *nuoma* contain significant semantic differences which might be important in certain translation contexts.

Lease agreement / Tenancy agreement / Rental agreement

<i>Lease agreement</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE –	Linguee <i>nuomos sutartis</i>
<i>Tenancy agreement</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE –	Linguee <i>nuomos sutartis</i>
<i>Rental agreement</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE –	Linguee <i>nuomos sutartis</i>

The highlighted semantic differences between the terms *lease* and *tenancy* are also important when translating the terms *lease agreement* and *tenancy agreement*. Both terms are translated as *nuomos sutartis* in the translations provided by *Linguee*. However, it is important to keep in mind that, although the English terms are synonyms in most contexts, they have

certain semantic differences: *lease agreement* emphasizes the act performed by the lessor and refers to both real and personal property while *tenancy agreement* emphasizes the act performed by the lessee and refers only to real property.

The terms *lease agreement* and *tenancy agreement* have one other synonym—*rental agreement*. This term is used as a title for the lease of both real and personal property, e.g. *apartment rental agreement*, *car rental agreement*. Therefore, it might be interpreted as an absolute synonym of the term *lease agreement*. However, online legal dictionaries and websites on legal issues specify certain differences between a *lease agreement* and *rental agreement*: “A rental agreement is similar to a lease agreement, but only provides for use of the property for a short period of time. Where a lease agreement for real property, such as a home, is commonly signed for a period of six months to one year or more, a rental agreement is usually only valid for 30 days. <...> The terms of a lease agreement remain valid for the entire term, but the terms of a rental agreement can be changed by either party with sufficient notice” (*legaldictionary.net*; cf. also *contract-law.laws.com*). Thus the term *lease agreement* is used to denote a long-term agreement while the term *rental agreement* describes short-term legal relations.

The analysis shows that the Lithuanian term *nuomos sutartis* might be considered as equivalent to the English term *lease agreement*, but is only a partial equivalent of the term *tenancy agreement*, which refers exclusively to real property. *Nuomos sutartis* and *rental agreement* are also only partial equivalents, as *rental agreement* refers only to short-term agreements which are part of a long-term agreement, whereas the meaning of *nuomos sutartis* does not indicate these semantic peculiarities, they have to be specified with the help of special attributives. Therefore, the terms *lease agreement*, *tenancy agreement*, *rental agreement* might be used as synonyms only in certain contexts as they include significant semantic differences. The English-Lithuanian translator might need to explain these semantic differences if they are important in the text and are not clear from the context.

Rent / Lease payment

<i>Rent</i>		
English-Lithuanian Dictionary of Law and Business, 2013	IATE	Linguee
<i>nuomos mokestis, nuoma, nuompinigiai (už butą, žemę ir pan.)</i>	–	<i>nuoma, nuomos mokestis</i>

<i>Lease payment</i>		
English-Lithuanian Dictionary of Law and Business, 2013 –	IATE –	Linguee <i>nuomos mokestis, nuomos įmoka</i>

In the material investigated, two terms referring to the consideration in the agreements were found: *rent* and *lease payment*. *Black's Law Dictionary* defines *rent* as “consideration paid, usu. periodically, for the use or occupancy of property (esp. real property)”. *Duhaime's Law Dictionary* indicates that *rent* is “money or other consideration paid by a tenant to a landlord in exchange for the exclusive use and enjoyment of land, a building or a part of a building”.

The term *lease payment* is included neither in *Black's Law Dictionary* nor in *Duhaime's Law Dictionary*. Its definition was found in the online *Law Dictionary* (thelawdictionary.org): “Cost the renter pays the leasing owner periodically for whatever was leased”.

The definitions show that both terms might be considered synonyms. However, the term *rent* is more usual in agreements on real property, while *lease payment* may be used in both agreements on real and personal property.

Several Lithuanian counterparts of the English terms were found in the investigated sources: *nuoma* ‘rent’, *nuomos mokestis* ‘rental payment’, *nuomos įmoka* ‘rental instalment’, *nuompinigiai* ‘rental payment’.

The *Civil Code of the Republic of Lithuania* includes the term *nuomos mokestis* (Article 6.487). However, in the English-Lithuanian translations provided by *Linguee*, the counterpart *nuoma* is the most frequent. The translators using this term have to keep in mind that it has two meanings (1) lease; 2) lease payment, and may be used only in the contexts which clearly indicate the meaning.

Another counterpart *nuomos įmoka* actually refers to a lease installment. It is also context-dependent as it denotes a sum of money paid periodically. The counterpart *nuompinigiai* ‘lease payment’ was not found in the investigated documents. Though this term is usual in the general language, apparently, it is not used in official documents.

Conclusions

The analysis performed allows for the following conclusions:

1. In every category of English terms analysed and their Lithuanian counterparts, synonymy is observed. Especially numerous English synonyms are used to denote real and personal property. In the investigated agreements and legal dictionaries 7 terms referring to real property and 7 terms referring to personal property were found. Further analysis would probably give even larger numbers. However, many terms are synonyms only in certain contexts, as the analysis of their definitions reveals significant semantic differences between them. These differences might be important in some contexts and the translators might need to explain them so that they are clear to the readers of the target language (e.g. *personal property* and *movables*—the former term refers to both tangible and intangible property while the latter only to tangible property);

2. The dictionaries and database investigated often give different Lithuanian translations of the same English terms. Therefore, an analysis of their semantics and usage is necessary to establish the most suitable counterpart. The contrastive analysis of the English and the Lithuanian definitions of the terms show that many English terms and their Lithuanian counterparts are to be considered only partial equivalents, as the concepts they denote encompass important differences (e.g. the English term *tenancy* and the Lithuanian term *nuoma*—the English term refers only to real estate, while the Lithuanian term may refer to both real and personal estate). This semantic incongruity might be essential in some contexts; therefore the translators have to be aware of the semantic peculiarities of the terms in the source and target languages and indicate them when it is necessary by adding attributives or explanatory notes.

3. The dictionary and database investigated do not include all analysed terms and their translations. Surprisingly, few terms were found in IATE database. When including terms into a legal dictionary or database, it is important to provide all their synonyms and highlight their semantic differences. When providing the Lithuanian translations (or translation into other languages), information on the semantics of the Lithuanian counterparts is necessary, so that the user could determine whether the counterpart is a close equivalent or only a partial equivalent of the source language term.

The research showed that legal translators have to collect considerable amounts of data on legal terms in source and target languages in order to translate them accurately. Therefore, legal dictionaries and databases should contain more comprehensive information on the semantics and usage of legal terms which could help the translators and other users of legal terminology to avoid misinterpretations.

Works cited

- Biel, Łucja. "Incongruity of Company Law Terms: Categorization of Polish Business Entities and their English Equivalents". *Translation Journal* 10.4 (2006). Web. 26 Nov. 2016.
- . "Legal Terminology in Translation Practice: Dictionaries, Googling or Discussion Forums?". *SKASE Journal of Translation and Interpretation* 3.1 (2008). Web. 26 Nov. 2016.
- Biel, Łucja & Engberg, Jan. "Research models and methods in legal translation". *Linguistica Antverpiensia, New Series – Themes in Translation Studies* 12 (2013). Web. 26. Nov. 2016.
- Cabre, M. Teresa, Condamines, Anne, & Ibekwe-SanJuan, Fidelia (eds). *Application-driven terminology engineering*. Amsterdam: John Benjamin, 2007. Print.
- De Groot, Gerard-René and Conrad J.P. van Laer. "The Dubious Quality of Legal Dictionaries." *Translation and Meaning Part 7* (2007): 173-187. Web. 26 Nov. 2016.
- Engberg, Jan. "Comparative Law for Translation: The Key to Successful Mediation between Legal Systems". Anabel Borja Albi and Fernando Prieto Ramos (eds). *Legal Translation in Context: Professional Issues and Prospects*. Oxford: Peter Lang, 2003: 9-25. Print.
- Gaivenis, Kazimieras. *Lietuvių terminologija: Teorijos ir tvarkybos metmenys*. Vilnius: Lietuvių kalbos institutas, 2002. Print.
- Harvey, Malcolm. "A Beginner's Course in Legal Translation: the Case of Culture-bound Terms" *ASSTI/ETI, La traduction juridique: histoire, théorie(s) et pratique*. 2000. Web. 26 Nov. 2016.
- Jakaitienė, Evalda. *Leksikologija: Studijų knyga* (2nd ed.). Vilnius: Vilniaus universitetas, 2010. Print.
- Kageura, Kyo. *The quantitative analysis of the dynamics and structure of terminologies*. Amsterdam: John Benjamins, 2012. Print.
- Kashgary, Abdullah. "The paradox of translating the untranslatable: Equivalence vs. Nonequivalence in translating from Arabic into English". *Journal of King Saud University - Languages and Translation* 23.1(2011): 47-57. Web. 26 Nov. 2016.
- Keinys, Stasys. *Lietuvių terminologijos raida*. Vilnius: Lietuvių kalbos instituto leidykla, 2012. Print.
- Pommer, Sieglinde E. "Translation as Intercultural Transfer: The Case of Law." *SKASE Journal of Translation and Interpretation* 3.1 (2008): 17-21. Web. 26 Nov. 2016.
- Rey, Alain & Sager, Juan. C. *Essays on terminology*. Amsterdam: John Benjamins, 1995, Print.
- Sager, Juan. C. "Terminology in special languages". In W. Kesselheim, S. Skopeteas, J. Mugdan, G. E. Booij & C. Lehmann (eds), *Morphologie: Ein Internationales Handbuch zur Flexion und Wortbildung/ Morphology: An International Handbook on Inflection and Word-Formation*. Berlin: De Gruyter Mouton, 2004: 1924-1928. Print.

- Sandrini, Peter. "Legal Terminology. Some Aspects for a New Methodology". *Hermes Journal of Linguistics* 22 (1999): 101-112. Web. 26 Nov. 2016.
- . "The Parameters of Multilingual Legal Communication in a Globalized World". *Comparative Legilinguistics. International Journal for Legal Communication* 1 (2009): 35-49. Web. 26 Nov. 2016.
- Simonnæs, Ingrid. "Legal Translation and "Traditional" Comparative Law – Similarities and Differences". *Linguistica Antverpiensia, New Series – Themes in Translation Studies* 12 (2013): 147-160. Web. 26 Nov. 2016.
- Šarčević, Susan. *New Approach to Legal Translation*. The Hague/London/Boston: Kluwer Law International, 2000. Print.
- Temmerman, Rita. *Towards new ways of terminology description: The sociocognitive approach*. Amsterdam: J. Benjamins, 2000. Print.

Sources

- A Dictionary of Law*. Oxford/New York: OxfordUniversity Press, 2002. Print.
- Bitinaitė V., Snapkauskaitė D. *Aiškinamasis anglų-lietuvių kalbų teisės ir verslo žodynas (English-Lithuanian Dictionary of Law and Business)*. Vilnius: Registrų centras, 2013. Print.
- Black's Law Dictionary*. West, 2009. Print.
- Civil Code of the Republic of Lithuania*. 2000. Web. 26 Nov. 2016.
- contract-law.laws.com* Web. 26 Nov. 2016
- Duhaime's Law Dictionary*. Web. 26 Nov. 2016.
- Facts about Aircrafts and Boat Assessments*. Web. 26 Nov. 2016.
- IATE. InterActive Terminology for Europe*. Web. 26 Nov. 2016.
- legaldictionary.net* Web. 26 Nov. 2016
- Lietuvos Respublikos civilinis kodeksas*. 2000. Web. 26 Nov. 2016.
- Lietuvos Respublikos terminų bankas (Term Bank of the Republic of Lithuania)*. Web. 26 Nov. 2016.
- Linguee*. Web. 26 Nov. 2016
- thelawdictionary.org* Web. 26 Nov. 2016