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ARTICLES

Female Bodies in the Inventive Legal Imaginary

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ABSTRACT This article explores the relationship between depictions of gendered human bodies in patent specifications from an interdisciplinary perspective. It examines over 250 patents granted in a specific patent classification, focusing on how bodies are gendered (or ungendered) in the graphical elements of the applications. Central to the analysis is the way in which female bodies, and by extension, female inventiveness, are minimised in patent law. A fundamental theoretical contribution of the article is its analysis of the distinction between inventiveness and the inventor, examining how the default 'male' form becomes naturalised and legitimised in patent law. Although the article is theoretical, in that it considers the aesthetic dimensions of gender in a patent law context, it also offers an important practical reflection. The article presents gender inclusiveness through the conventional inventive vocabulary of patent law—does the invention work equally well on different body types?

KEYWORDS Patent Law; invention; aesthetic; intellectual property; women.

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Los cuerpos femeninos en el imaginario jurídico inventivo

RESUMEN Este artículo explora la relación entre las representaciones de cuerpos humanos con género en las especificaciones de patentes desde una perspectiva interdisciplinaria. Examina más de 250 patentes otorgadas en una clasificación específica, centrándose en analizar cómo se identifican (o no identifican) los cuerpos en los elementos gráficos de la solicitud. Un aspecto central del análisis es la forma en que los cuerpos femeninos, y por extensión, la inventiva femenina, se minimizan en la legislación de patentes. Una contribución teórica fundamental del artículo es su análisis de la distinción entre inventiva e inventor, analizando cómo la forma "masculina" por defecto se naturaliza y legitima en la legislación de patentes. Si bien el artículo es teórico al considerar las dimensiones estéticas del género en el contexto de la legislación de patentes, también ofrece una importante reflexión práctica. El artículo presenta la inclusión de género a través del vocabulario inventivo convencional de la legislación de patentes: ¿funciona la invención igualmente bien en diferentes tipos de cuerpo?

PALABRAS CLAVE Derecho de patentes; inventor; mujeres; propiedad intelectual; estética.

Corpos femininos no imaginário jurídico inventivo

RESUMO Este artigo explora a relação entre as representações de corpos humanos com gênero definido em especificações de patentes a partir de uma perspectiva interdisciplinar. São examinadas mais de 250 patentes concedidas em uma classificação específica, com foco em como os corpos são generificados (ou não) nos elementos gráficos dos pedidos. A maneira como os corpos femininos e, por extensão, a inventividade feminina, são minimizados na legislação de patentes é central para análise. Uma contribuição teórica fundamental do artigo é a análise da distinção entre inventividade e inventor, examinando como a forma "masculina" padrão se naturaliza e se legitima na legislação de patentes. Embora o artigo seja teórico, ao considerar as dimensões estéticas do gênero em um contexto de legislação de patentes, ele também oferece uma importante reflexão prática. O artigo apresenta a inclusão de gênero por meio do vocabulário inventivo convencional da legislação de patentes: a invenção funciona igualmente bem em diferentes tipos de corpo?

PALAVRAS-CHAVE Direito de patentes; inventor; mulheres; propriedade intelectual; estética.

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Introduction

Gender in the context of patent law is not often discussed. Though it has variously appeared in critiques of inventiveness and the subject matter of patent law (Barwa; Rai, 2017, p. 91), the critical lens of gender is an important perspective for deconstructing the fundamental legal principles of the patent framework. Intellectual property, considered more broadly, has important work that considers gender (Greene, 2008, p. 366), sex (Rothman, 2012, p. 119) and sexuality across the scope of copyright and trademark (Gilden; Wasserman Rajec, 2022, p. 572) This article approaches patent law in a way that incorporates both feminist and aesthetic perspectives by analysing the illustrations of patent specifications. The objective of the work is to uncover, deconstruct, and interpret how human forms are deployed in the context of illustrations depicting the invention and its functioning.

This may seem unrelated to both patent law and gender equality at first glance, but it is precisely this assumed disconnect between gender and inventiveness that enables a unique perspective. Patent specifications deploy drawings or illustrations to help demonstrate the working of the invention. In this, the use of human forms is entirely incidental to the invention itself—indeed, a number of patent specifications considered in this work did not use human forms at all. As the shape or specifics of the human form do not relate or demonstrate the invention's inventiveness, they can be understood as incidental depictions of the human body that can be interpreted to uncover the different modes of thinking about the human body in patent law (gendered or otherwise).

This article analyses a set of 251 patents granted for exoskeleton inventions, primarily focusing on mobility and rehabilitation devices. This category was chosen because, unlike other invention categories that have an explicitly gendered character, the movement of the human body through an exoskeleton device is connected to the human form but not reliant on gender for its operation. Of the 251, 94 had complete depictions of the human body and formed the dataset to be analysed. These patent illustrations were interpreted through a range of feminist and queer analytical perspectives, drawing on aesthetic work on gender (Hein, 1990, p. 281-282), performativity (Gross, 2023, p. 435), and art criticism (Sontag, 1982, p. 98).

Analysing these patents reveals distinct approaches to gendered form among patent applicants. These range from a male-as-default perspective to one in which the subject is deliberately ungendered (or de-gendered). The article suggests that, because of the importance of unsettling the assumed male position within patent law, degendering the subjects within these specifications would be of little use. Rather, gender can (and

should) be interpreted as an element of inventiveness. Doing so retains the typical focus of patent law and safeguards its perceived legitimate scope of application, but effectively incorporates a variety of embodied experiences. If an invention works only on or with a specific body type or shape, this should not preclude patent eligibility, but it certainly recontextualizes how we understand the inventiveness of the invention. The inclusion of diverse bodies, specifically, though not exclusively, in the context of gender, is not a performative move toward equality but rather one that seeks to advance the typical objectives of patent law more comprehensively.

Part 1 explores the relationship between gender and patent law, outlining the theoretical approach to gender used in the analysis of the patent specifications. Part 2 discusses the patent specifications, the limitations of the approach, and the 5 types of depiction identified. Part 3 looks to the broader implications of the work and considers how gender, however incidental it appears, can be reinterpreted as a fundamental element of a patent and contribute to gender equality in this relatively niche area of law.

1. Why should we even consider gender in patent law?

1.1. Early framing of the work and origin

Patent law is a system of regulation that protects technical solutions to technical problems (Merges, 2009, p. 1589). As a form of intellectual property, patent law protects the novel idea and, in exchange for making public the knowledge of its working, grants a period of exclusivity which the inventor can use to pursue commercialisation (Strandburg, 2004, p. 90). Patent law has grown from a relatively niche area of law and now features commonly in the language of governments (JPO, [*s.d.*]), of international trade (Rafiquzzaman, 2002, p. 307-308), and complex networks of international cooperation (Harbers, 1968, p. 1004). Crucially, patent law is often talked about in terms of its economic potential—that patent law supports innovation and is central to enabling economic growth by innovative actors (Chu, 2021, p. 237). Yet this represents only one aspect of the patent as a complex legal artefact. The patent certainly has an economic function, or a more plainly legal one, but it also represents a number of implicit societal and cultural values. Patent law establishes or reinforces, particularly with its territorial focus, what a society accepts as 'inventive', what is 'novel', and the aspirations of innovation in a given society. Patent law theory is often discussed in terms of the bargain that the state makes with the inventor—in exchange for disclosing the workings of the invention, the patent owner is provided with a period of exclusivity in order to recoup the cost of development (Robinson, 2015, p. 1984). Here, the conventional framing of patent law presents an assumed orientation

toward novelty and inventiveness, as economic tools that are, in some sense, scientific insofar as they balance the inducement of invention with the public disclosure of their workings. While the patent can be interpreted in a narrow economic sense within the language of international trade or economic bargaining, it can also carry or represent a range of values and embodied perspectives.

But what type of values and perspectives can patents carry in the context of gender? Can patents be interpreted in terms of gender equality? Patented inventions have a fundamental relationship to gender, though some more explicitly than others. Patents in the context of gynaecological or obstetric technologies are necessarily gendered inventions because of who these technologies are used on (which is a separate question from who *benefits* from them). Just as with 'technology' more broadly considered (Rivas, 2024, p. 2), these inventions are tools by which particular demographics can modulate their relationship not only to other individuals but to broader structures like the state (de Preester, 2021, p. 112). The contraceptive pill is perhaps the most illustrative example here because it is a technology that captures many of the social, cultural, and political aspects of technological development and gender equality (Schurr; Marquardt; Militz, 2023, p. 228). There is also a more diffuse experience of gendered technological advancement, evident in reproductive technologies. Increasingly advanced approaches to assisted reproduction or egg generation have a gendered element, but this is in addition to a more intersectional queer dimension, which takes on a broader significance when considered in the social and political environment (Villalba, 2024, p. 1-2). Taken together, technologies that are legally protected by the patent system produce an important connectivity between the perceived technical scope of patent law and the actual experience of those technologies in practice within a given society.

Yet these are mostly the ways in which technologies directly impact elements of the gendered experience. Are there more implicit ways in which gender equality features within patent law? This invisible dimension of gender is precisely what this study is aimed at exploring. There are two patents that were the entry point for this work—US patent *68521*, granted in 1867, and US patent *3216423A*, granted in 1965. Together, these raise the fundamental question of how gendered bodies are constructed or reinforced not just by the technologies themselves, which are protected, but by the aesthetic, visual, or broader imaginary of the patent system. These illustrations are particularly interesting as visual vocabulary and signifiers precisely because they are incidental to the objectives of the patent system. The applicant is free to include or omit a human form, and the precise qualities of that human have no bearing on the legal protection (or objectives) of the patent system. The bodies and their depictions are explicitly not the technical solution to a technical problem.

Drawing from work in art criticism, rendering these illustrations outside of the patent specification and without their technical and legal context produced a distinct experience of dissonance when I first viewed them. There is a shift, as in the context discourse of postmodern art (Garrett, 2024, p. 438), when the technical information and technical pretence are stripped from a patent's illustrations. The invention itself is claimed to be an obstetric supporter, a device to "impart all the necessary and desired assistance to the obstetrical labors of the patient" (US Patent *68521*). It is here that we again return to the incidental nature of the illustration in a patent specification. The patent specification precisely describes the invention, its operation, and the materials of the device. Even at this very basic level, there is a sense in which the utility of the illustration in this context is limited. It raises a simple question: what exactly does the drawing provide that the text does not? Yet, isolated from the context of technical knowledge and the function of teaching, the gendered form moves from a marginal or incidental aspect of the patent specification to the centre. As a viewer, there is an aesthetic richness to the specification that operates entirely separate from the communication of technical information. These are visual signifiers not of inventiveness or invention, but of a human body. Immediately, visual elements stand out: the neutral, almost severe facial expression and the exposed chest, which appears to lack a clear justification (though the shape of Victorian corsets could partially explain this exposure). There is also something particular about the combination of these signifiers that produces a distinct experience as a viewer, indicating that one is viewing a woman as opposed to an abstract female entity. What is meant by this exactly? Though this may be imprecise, the subject of the patent illustration here is not just gendered but takes on the signifiers of a human—the form is not simply female, there is the experience of gender which is displayed through its signifiers. This is evident in her detailed facial features, the hair tied with a band, and the stockings. These are not characteristics of a female body, but of a woman.

There is a more obvious link between the depiction of a gendered form and the technology in this context, particularly for the period, when it makes sense that obstetric technology would involve depicting a female form. This also represents a technology in which the gendered form of its user or subject cannot be separated from the innovation itself. The invention is a gendered claim of novelty and therefore stands in contrast to other categories of invention (including those considered in this project). There is, however, a particularly interesting dynamic of agency in this invention, which contrasts with that in the invention for centrifugal baby delivery. In this setting, the woman has a face, a hairstyle, and while topless, retains a sense of personhood rather than a subject upon which a technology is being worked. Yet again, there is an unexpected level of detail

that elevates this beyond a simple illustration intended to explain an invention. As an incidental artefact, the detail in the belts and braces of the invention makes sense. But the stockings, the detail to convey the plushness of a Victorian button-back armchair, and the ornate carved chair legs all speak to the physical context of the invention, whilst also being completely unnecessary to the patent as a technical document. Though discussed in more detail with the patents examined for this study, this prominent element of physical context—of embodiment, the space of the invention—is generally missing in the patents of this study. It is this negative space around gender and the presentation of human forms that enables a creative interpretation of their presence in a patent specification. Taken together, the details produce not just a female body but also the grounded, embodied experience of a woman in labour.

Examining the gendered depiction within this patent specification prompted further investigation into the ways in which bodies feature in patent law—specifically in terms of gendered depictions, but also more generally. How are human bodies portrayed in contemporary patents? Have we moved on from the topless depictions of the 19th century? Specifically for understanding the element of gender within these specifications, are female bodies stylized or deployed in a particular way that is distinct from either male or deliberately gender neutral forms?

1.2. Theoretical foundations of the work and approach

Before we turn to the patents considered in this brief study, it is important to establish the theoretical perspectives that informed the interpretation of these specifications. Given the scope of feminist art criticism and philosophical work, this article necessarily presents a biased selection. As such, readers may disagree about the extent to which specific perspectives are incorporated or the extent to which others are excluded. Indeed, a scholar could approach the same illustrations and interpret them through the lens of feminist, queer, or aesthetic scholarship. Fundamentally, this work is not an attempt to eradicate the traditional legal-economic understanding of the patent and provide a single, authoritative deconstruction of gender equality in patent law. Rather, it is a way to more comprehensively understand the elements of a patent from an interdisciplinary perspective and to expose a gendered aspect of this area, which is usually obscured.

From the perspective of art criticism, the specification and its illustrations are the immediate points of contact with the audience. In many ways, this reflects the experience of entering a gallery and encountering an artwork. There is also an important element of scale that operates here and shapes the work's crucial initial experience. Rothko's instructions for the display of the paintings are precise and detailed as to the way in which they relate to the room (the colour of the walls, the lighting, the size of the space) and their

position in that space (Absorb [...], [*s.d.*]) Drawing from Sontag (1982, p. 98), the approach here to patent specifications is at once an acknowledgement of the 'pure' aesthetic experience—that is, without purpose, as purely beautiful objects (Karim *et al.*, 2022, p. 911)—and moving beyond it to deconstruct its relationship to broader systems of law, society, and the concept of gender equality. There is, however, a tension with the more aesthetic approaches to art, which emphasize experience and response over rationalization, given the nature of the patent itself. Resisting the pull towards intellectualization of the patent's aesthetic qualities can never be truly sustained because the rationale of the patent system cannot support this. The reason for the patent system's existence is a rationalization of technological development; it has an explicit *purpose* that requires the audience to engage in the type of technical thinking that undermines the aesthetic response to artwork (Sontag, 1982, p. 99-100). To look at a patent is to (eventually) make sense of its purpose, its objectives, its reason for being. Patent law and patent specifications are systems of ordering that resist the language of aesthetic response.

The scale of the work in this context differs from that in a patent specification, given that gallery work has a fixed size. Returning to Rothko, the imposing, dread-inspiring (Absorb [...], [*s.d.*]) unsettling nature of viewing these works is fundamentally linked to the works' size (Mark Rothko [...], 2008). Yet the patent specification represents a different experience of physicality and scale. The illustrations in the specification are always presented on white paper; they exist decontextualized, and they occupy a constrained space that is generally a single sheet of paper.

Returning to the obstetric supporter, it is perhaps why the additional details stand out— the detail in the chair and the hair somehow ground the technology being presented, a visual reminder or signifier that it is a human invention that is to be used by humans. There is a sense of purpose in design that the viewer is reminded of. The illustration in the patent specification isolates, both physically in the depiction and more broadly as a function of patent law (Tilt 2025a, p. 1), but the details present the potential for the invention to be used by people and *on* people. There is also a flattening effect that appears when the patent specification scale is taken into account. With the obstetric supporter, there is a sense that the physical elements of the patent are minimized because of the scale of illustration. Even the details in the belts and the sombre expression of the face seem less significant, in contrast to the experience of this illustration if it were printed on the scale of Rothko's paintings.

Combining this aesthetic perspective with the more traditional feminist work in intellectual property works to contextualize the important role of legal power. It is perhaps obvious to recognize that constructions of gender in law take on a specific character precisely because of the authoritative implications of legal power. While this

can be more clearly observed in areas like women's rights (Bjarnegård; Zetterberg, 2022, p. 60), migration (Bissonnette, 2020, p. 133), and workplace protections (Flores *et al.*, 2021, p. 2, 3), there is nevertheless a shared element of the 'woman' as a legal subject that suggests a more expansive approach to gender equality. This is not to establish a hierarchy between legal and non-legal constructions of women, but simply to recognize that legal power can entrench specific perspectives. As with patent law, there is a distinction between the social reality of a technology and the legal artefact that underpins enforcement.

Specifically, within intellectual property, important work applies feminist or queer perspectives to copyright and trademark law, thereby expanding understanding of gender equality. A prominent theme or tension also guides the analysis in this project—are women being presented in a specific (biased) way? Or are they not being presented at all? This tension appears in a variety of legal and non-legal contexts. The lack of car crash data that specifically considers women (Fu; Lee; Huang, 2021, p. 1-2), the importance of AI training materials (Waelen; Wieczorek, 2022, p. 53-54), and the representation of women in business all have elements of a simultaneous lack of representation and of poor representation. Taking equality in gender and sexuality more broadly, the invisibility or the narrow representations of women produce legal consequences in domestic violence (Reeves; McGowan; Scott, 2025, p. 27), sex work criminal sanctions, and who 'counts' as a woman (D'Adamo, 2023, p. 115-116), as well as around pregnancy and pregnancy loss (Rose; Oxlad, 2023, p. 268-269). Feminist and queer scholarship in this area is important not just because it interprets a legal framework from a particular perspective, but because it challenges the assumption that is core to many of these issues—the default male position. Intellectual property law also reflects this dynamic, with important work from Sarid (2022, p. 93) and Gilden and Wasserman Rajec (2022, p. 573)—on patents in sex toys. Central to these perspectives is the understanding that the challenge of incorporating these subject matters or the groups associated with them within the legitimate scope of law is not merely a question of subject matter. Rather, it is the very association with femaleness, queerness, and otherness that conflicts with the assumptions of the field and prevents equality. *Camp* is also a particularly useful concept here, and for queering law more generally (Tilt, 2025b), because it exposes these assumptions through absurdity—the rigid binary that assumes and correlates maleness with the values of good, right, and just. Intellectual property law's challenge to adequately (or effectively) protect works in the area of sewing or weaving (Boateng, 2011, p. 2), traditional methods of food production (Carugno, 2021, p. 188), or even agricultural knowledge all reflect to some degree a subject matter that falls on the 'wrong' side of this binary.

Turning more specifically to the gendered aspects of inequality in patent law, this tension operates both explicitly and more implicitly in the cultural imagination of

'inventiveness'. It also draws on the gendered elements of intellectual property more broadly, though there, it operates alongside several other considerations. The first is that patent law constitutes a normative regulatory system rather than merely a technical system of rules. In this, patent law defines what a given society considers to be 'inventive'—which is not an objective quality that a technology possesses or does not possess. Rather, it is a contextually inflected value judgment. This is evident in the exclusion of non-Western approaches to scientific development, which exist outside singular notions of 'ownership', thereby demonstrating the intersectional interplay of gender and race in the patent system. Yet the exclusion of women in the patent system operates even at the most fundamental level—that of being recognized as an inventor, as indicated by the low number of women inventors (Tahmooresnejad; Turkina, 2022, p. 1-2). There is also the issue of the public domain, which Foster (2011, p. 280) explores. Public domain, more broadly conceived as access to information, may appear, on the surface, to be an important way of increasing engagement with the patent system among communities typically not represented (Foster, 2011, p. 280). Yet Foster highlights how this narrow conception of public domain or open access maintains an essentially Western conception of ownership and property (Foster, 2011, p. 281). Information may be more accessible, but it is simply more accessible to those with the resources needed to make use of that access (Foster, 2011, p. 281). This reinforces a specific community of (male) inventors as the true or natural beneficiary of improved 'equality' in international knowledge resources. This works to both naturalize and render invisible the challenge to equality by framing it in economic terms and as an issue of 'resources'. Uncovering how gender is presented or obscured in patent specifications is, therefore, a small step toward a deeper understanding of how women are marginalized in intellectual property. This represents perhaps a more theoretical consideration, and yet the practical effect can be realized by highlighting—rather than minimizing—how law could bring gender within the technical standards of inventiveness.

Similarly, inventiveness and the character of the 'inventor' have a long history of perceived maleness. This gender dimension is highlighted in Mazzini's expert work, which traces the emergence of technology in modern culture. Mazzini (2024) draws particular attention to the Postwar period and the rise of technology magazines, the sense of masculinity in the mastery of technology, and the prospect of any man's capacity for invention. The author also discusses how this evolved through the 1980s and 1990s to form the basis of modern computer culture and a prominent male-framed discourse (Mazzini, 2024). What we see here, then, is again a conflation of maleness and what it means to be a man. There is a breakdown between the quality (inventiveness) and the implied characteristics of the category of person (inventor), which produces a

sense that to be inventive is not simply male, but it is to be a man. It is to demonstrate mastery of a technology, to be ambitious, and to produce your surroundings through the exercise of your intellectual capabilities. It also aligns with broader cultural myths of invention and popular depictions of the inventor. Both history and fiction are replete with examples of an inventor, crazed or particularly gifted, who single-handedly produces innovation and solves *the problem* (Sontag, 1966, p. 209-210). This type of cultural imaginary reinforces the explicit subject-matter dimension of invention, which is foundational to patent law. Applying the same type of framing to the subject matter, it demonstrates the inverse of the breakdown between inventor and inventiveness. This framing implies that to be a woman is to be engaged in frivolous pursuits, to be creative but not inventive, and that to be female is not to be an inventor. There is again a breakdown between the qualities of a class subject in an area of law and the category itself, which works to naturalize, and thus make invisible, the distinctions that it reinforces. From this perspective, and not looking critically, it makes sense that patent law does not readily recognize custodial knowledge (Judd, 2019, p. 250), embodied community knowledge (Okediji, 2019, p. 272), and their bodies 'as-is' being capable of invention (Gray, 1997, p. 60-61). Equality, then, in a patent context, operates across a variety of legal and non-legal registers that cannot be captured by a narrow disciplinary focus.

One important limitation, or at least a constraint, in the work is its reliance on assumptions about the graphical representation of gender. There is a certain tension in viewing depictions of human forms and inferring, based on a very limited set of characteristics, the implied gender of those forms. It is almost clichéd to recognize that short hair or a flat-chested body does not make a man; the reality of gender expression and experience cannot be comfortably reduced to such simplistic signifiers (Kafai, 2009, p. 1-2). Yet, for the purposes of this study, the sorting and analysis of patent specifications rely on simplistic assumptions about gender, and they do so for two reasons. The first is the nature of patent specifications and the graphical elements within them. These illustrations, photographs, or graphical representations are designed to convey, as clearly as possible, the invention's operation. Though there is still space for stylisation of the subject, the graphics are often simple line drawings. This style relies on communicating with the examiner, assuming that it reflects a physical artefact with specific physical qualities. From this perspective, the reader of a patent specification must make assumptions based on the graphical representations and supporting information; the depictions of the technology cannot be abstract or merely an artistic interpretation, because they represent the technical solution to a technical problem. In terms of design, the graphical elements have a purpose and

this produces a specific type of audience. Depictions of the human body are therefore produced with this in mind, as part of the broader functional patent style or genre. The graphics must, with limited artistic resources, convey the presence of a 'human' or 'body' and thus rely on narrowly interpreted characteristics of the human body as legitimate signifiers of the human form.

The second reason that these assumptions about gendered forms are used in this study is that they are fundamentally *representations* of human bodies—not the bodies themselves. It would certainly be reductive and potentially disrespectful to look at another person and decide for oneself their gender based on stereotypical gender signifiers. Aside from anything else, this approach essentially imputes gender to other bodies on the basis of one's own assumptions and reduces the agency of the other individual (Currah; Mulqueen, 2011, p. 557-558). Here, it is important to recognize the distinction that is produced by patent law, which is between the thing itself and the legal artefact. The patent encodes, though in a necessarily biased way (Gittelman, 2008, p. 21), the technical information and produces a corresponding legal artefact. For law, it is the artefact's presentation of the technical information which is authoritative—it is this interpretation which is the basis for enforcing, licensing, and assigning the right. There is then a distinction between how the technology actually functions and how it has been encoded. Similarly, in the patent specification, the use of human bodies employs conventional or obvious gender signifiers, as these are applied to representations of gendered bodies rather than to gendered bodies themselves. Assuming that a drawing of a body with a stereotypically masculine shape is intended to depict a male is very different from applying these assumptions to an actual human.

2. Patent analysis

2.1. Approach of the analysis

In terms of study design, several decisions limited the scope of the investigation. Patent applications use examination classifications, essentially adopted worldwide, which enable an inventor to classify the 'type' of their invention. An invention may be claimed under A61H (physical therapy apparatus), D21C (production of cellulose), or Y02A (adaptation to climate change). For this study, the A61H3/008 classification, which denotes inventions that apply pressure to the human body for correction in combination with the keyword 'exoskeleton', was used. The choice of classification to start with was informed by a test patent search, which initially used A61B 17/42 to investigate gynaecological or obstetric technologies. It was thought that, given the category's subject matter, there would be many

inventions depicting female bodies. In practice, only one or two could be identified, so the study parameters were revised. By focusing on both 'exoskeleton' and the A61H3/008 category, this approach avoids the explicit gendering that is fundamental to gynaecological or obstetric technologies. There was a sense in which those inventions had no choice but to, if they chose a full body depiction rather than simply of the invention, present a female form. In contrast, there is nothing inherently gendered about rehabilitative or mobility technologies that would immediately skew the use of human figures in their specifications. Although this also applies to other categories of invention, exoskeleton inventions represent an important bridge between the project's objectives. They are inventions in which gender is incidental to their inventive quality (as in, not directly linked to gender), whilst also being fundamentally in contact with the human body. An exoskeleton invention functions only as an exoskeleton when configured for the human user.[1]

Within this category and using the keyword, 251 patents were listed on Google Patents. A Google Patents search was selected because of the international nature of this area, which encompasses technologies filed in multiple patent offices. This also helped eliminate patents that were claimed in multiple patent offices or that were related by claims that used the same illustrations. Of these 251 patents, 94 used unique depictions of full (or very nearly full) human forms. This excluded inventions that incorporated isolated body parts, most often feet or hands, used to demonstrate the operation or manipulation of a technology. Six of the 251 specifications could not be accessed even through their national patent offices and therefore could not be included in the analysis. One patent specification depicted a device for measuring muscle movements in a rat or lizard, and was also excluded.

Some limitations must be acknowledged in the design approach to this analysis. The first is that the analysis examines a single category and uses a single keyword. Although this is discussed later in the findings, it is possible that the way gendered forms are presented is not repeated across classifications. The way that gendered bodies are presented in this classification may be in complete contrast to another examination classification that presents an abundance of female forms. Given both the number of classifications and the number of patents in existence, it would be perhaps not possible to comprehensively or reasonably assess all of the specifications of granted patents. Yet this study makes no claims of general applicability. Instead, the study is intended to deconstruct how gender features in these patent specifications from a theoretical or narrative perspective, rather than as a quantitative contribution. The number of patents that depict full forms (rather than body parts), the manner in which gender is presented, and the absence of human

1. Though, more accurately, 'body' could be interpreted much more broadly, given that one of the inventions was intended for an animal.

forms are all quantitative elements. Yet focusing on the numerical aspect of the dataset fails to fully realise the potential of reframing the patent specification as an aesthetic artefact operating within a legal setting.

2.2. The findings

From analysing patent specifications depicting full human forms, several themes emerged. This resulted in five categories—though in reality there are four substantive classifications and an additional supplemental one—that capture the approach to human forms in specifications. Together, they reflect the full range of human forms observed throughout the specifications examined.

The first category was the most common, as the specification used a line drawing of a male form. These varied in quality and detail, though they typically shared a similar appearance and appeared in 37 of the patents. The second category was less common and appeared only in 8 specifications, depicting a female form. The third category of human form was composed of those that were explicitly genderless—though, importantly, this category displayed a significant range of variance across the 45 patents. Some patents would use an artist's mannequin as the form to demonstrate their invention, whilst others would use very simple stick figures. There was also a significant number that used human forms drawn in such a way that the forms lacked sufficient detail but were clearly not female. The fourth category was the least frequent and depicted children. Of the 4 patents that used children's forms, 2 were for boys, 1 for a girl, and 1 used a diverse range of representations. The use of children's forms is perhaps more specific to the technology under consideration than in other contexts, as it concerns a particular form of rehabilitative and mobility technology. The final category—though it is not a true category of human representation—is that of patent specifications in which a complete absence of human form was particularly conspicuous. These were inventions that described harnesses, apparatuses, and attachments designed for human wear or operation, yet used no representations of people in their specifications.

2.3. Discussion

Turning first to the representations of male forms in patent specifications, several features immediately stand out among the patents examined. Perhaps the most notable is patent *WO2024151684A*, which depicts a 'walk-about platform' and exoskeleton device. Interestingly, the human figure appears to depict a male wearing a hard hat or cap, with a metal frame covering his arms and shoulders. He is standing on a square platform.

This level of detail stands in contrast to the illustration's use or purpose within the patent specification. What does the hard hat or cap add to the technical content of the invention?

Though this is not to argue that depicting a male form as some type of construction worker is a sexist act, approaching it from a more critical perspective does help to unsettle the assumption of default maleness. Why does it not depict a woman? And then, relatedly, if the depiction doesn't matter to the technology, why is the form gendered at all?

This tension was also identified in patent *WO2022105966A1*, which uses a male form that appears to be rendered from a photograph. This necessarily presents an accurate depiction of the technology as it is attached to the human body and the mode of use, yet the level of retained detail is particularly interesting. The form is depicted wearing a t-shirt, with styled hair and a beard. Even as a low-quality rendering of a photograph, there is something striking about the level of detail, precisely because it is incidental to the patent specification and demonstrates the inventive quality of the technology. Other patents, notably *KR101774152B*, incorporate 3D models of men—though not a realistic rendering, the model is shown with short, neat, brown hair.

There are brown shoes and a brown belt. The formal long-sleeve shirt is a deep blue. The level of detail goes well beyond what is required to adequately demonstrate the technology's inventiveness and includes a collar on the model's shirt. This model could simply have been an asset purchased by the patent applicant and uncritically used in preparing the specification. But then, there was still a choice made to depict the invention-in-use in a particular modality, by a particular body type that is significant precisely because the working of the invention is illustrated, enabled by its relation to maleness.

The depictions of women examined in the study are notable both for their infrequency and for the way they appear to represent, aesthetically, a minimum level of gendering. Throughout this group of specifications, the human forms are given the visual signifiers of women – predominantly long hair and clothing—and yet physically are barely different from the male forms. Patent *CN110841245* exemplifies this approach, where there is only the slightest implication of a female form—in body and in face shape—that is combined with long trousers and a long-sleeve shirt. There is a jutting shape at the chest, though the rest of the form is almost decidedly neutral.

KR101390219B1 is representative of the remainder of human forms in the female representations category. Here, the patent depicts a woman in motion, drawn with long hair and what appears to be underwear. The face lacks any real detail, and the eyes and mouth are both indicated with small markings. The category in general seems to be, practically and aesthetically, very similar to the way in which male forms are depicted. Indeed, one of the standout elements of the male forms was the level of detail (though this is also in part due to the greater number of male forms in the set of patents analysed). In contrast, the female forms generally lack facial detail, have no hair detail, and clothing either covers the entire body or is represented as a vest top.

The degendered category of specifications represent, visually, some of the fundamental tensions of exploring gender in the context of patent law. These representations propose a potential answer to the appropriate role of gender in patent specifications, exploring whether a fully gender-neutral approach would resolve tensions in gender presentation. Examining the category of gender-neutral forms in patent specifications revealed two distinct approaches: constructed or abstract representations of the human form, and a lack of gender through a lack of detail.

Turning first to the constructed approaches, patent *EP4454627A1* is perhaps representative of the category's main features. The patent depicts a platform and walking-harness apparatus, with a rendering of an artist's mannequin. The model is drawn explicitly, with all the proportions, joints, and shapes of the physical artefact, and represents a distinct break from gendered human forms. Yet this also impacts how we interpret the second category of depictions, which are gender neutral through a lack of detail. The artist's mannequin, though it reflects a physical artefact, is certainly closer in form to a typical 'male' body than a 'female'. Again, there is the sense that de-gendering or choosing not to present a particularly gendered form is somehow 'neutral'—but in doing so, this essentially reinforces a specific vision of the human body as neutral, natural, and legitimate both within and outside of the patent law setting.

The following category, produced by a lack of detail, also has a similar effect. The forms identified in this category display characteristics of faint outlines, no facial features, and no fingers, and altogether present a form which cannot be said to be gendered. This also creates a significant overlap between the categorisation of a patent specification as depicting either a male form or a genderless one. Viewing the 'genderless' specifications nevertheless elicited an intuitive response upon first seeing the illustrations. There was an almost unconscious recognition that they represented a male form but lacked the level of detail that characterised the category of male forms.

ES2919624T3 is representative of this type of approach. The human form, walking or suspended by a large frame apparatus in a straight line, appears as a sketch. The lines are uneven, the proportions of the body are imprecise, and there are no details (or even presence) of hair or hands.[2] Yet it effectively conveys the place of the human within the invention, within the working of the invention. However, we return to the sense of neutrality—the form lacks specific gender characteristics but, in doing so, essentially presents as 'neutral' the form of a male. An immediate response to this, and to the broader approach of this article, is that these concerns are minor relative to the global challenge of gender equality. That these are simply drawings in a patent specification.

2. This is not to say that it is an inadequate illustration, as it is highly effective at conveying and supporting the function of the invention.

Yet, by examining the illustrations in these patents, it is evident that the human forms they depict are essentially male. There is not just an asymmetry in the representation of women, but a complete imbalance occurring in a legal artefact produced by the broader imaginary (and assumptions) of a non-legal actor within a society.

The final substantive category, that of children in patent specifications, is perhaps the most restrictive when examined with respect to the gender dimension. This stems from both the scarcity of patents that depict children and the fundamental nature of the technologies being protected. The development of a prosthetic device for children faces different limitations than one developed for adult rehabilitation. The distinction made between a child and an adult is substantive in a way that, in the context of rehabilitative devices, the decision to depict a male or female figure is not. The use of children's forms is also in contrast to the objective of the study and its theoretical justification—the child's form is not incidental to the technology being claimed and therefore *is* a central element of assessing the technology's function and inventiveness.

This final category serves as a reflection on the relationship among gender, invention, and broader society. The majority of specifications that were considered in this project did not depict humans in their inventions. Though there is certainly a technical justification for this (that perhaps the technology is easier to depict without a human form), the lack of a human form does produce a certain distance between the invention and its 'subject'. Inventions which depict walking frames, leg braces, or an entire mobility apparatus appear to hang in the air, empty. There is something of a dissonance when considering these patents in terms of this emptiness precisely because their actual working, the use of these technologies, is so human-centred, a result of their technological category. We return again to the sense of incidental human forms. For these technologies, the human is not incidental to their functioning, whether understood in a limited technical sense or in a broader societal one, and the importance of representation is evident. Their inventiveness is not adjacent to the function or presence of a human form but is, in fact, reliant on the presence of one. A device for leg support in mobility ceases to be an invention when there is no human leg to operate within it. Certainly, the impact of gender presentation in a patent specification is limited relative to the broader struggle for equality. It is important to recognize that human users of these technologies face a range of legal and social challenges that cannot be addressed through graphical representations in patent specifications. Yet returning to the aesthetic experience of the patent illustrations, there is something particularly impactful about a detailed leg brace with no human form within it—especially as it would be a natural place to represent the diversity of human bodies (in gender or beyond). There is something about the visual absence of a human form that makes

explicit the technology as machinery, metal, and a distinct embodiment that is separate from, though linked to, the human body.

3. Reflections

3.1. Implications and limitations of the work

Though the deconstruction of a single patent category may be theoretically interesting from the perspective of gender representations, it raises a fundamental question: what can (or should) we do with this information in terms of actual equality action? Fundamentally, there are two ways in which this information can be used within the patent system. The first is simply to discard it. It is important to recognise that the express purpose of patent law, whether national or international, is the protection and advancement of technological development. In this sense, the precise quality or nature of some line drawings in a patent specification is not a legitimate concern. This builds on a broader concern that feminist struggles in 2025 are already confronting difficult, sustained issues. Continued violence against women (Fitz-Gibbon; Walklate, 2023, p. 237), lack of prosecution for criminal acts against them (Wieberneit *et al.*, 2024, p. 3744), and legal access to reproductive health are pressing issues (Gardner, 2024, p. 1). In contrast, some drawings in a patent specification appear to operate at a completely different intensity and scale. Yet even here, it is important to recognise that the minimisation or marginalisation of women, functionally and at the aesthetic level, is fundamentally connected to the broader history of patent law (and law itself), which supports the systems that enable this violence.

Returning to this sense of 'legitimate concerns' or scope of the patent system, is there a way of incorporating gendered forms and equality within these conventional principles of patent law? Inventiveness is perhaps the aspect of patent law that could be most clearly responsive to an expanded vision of gender equality. Several of the patents identified in this study were devices that form rigid attachments to the human body. Do these inventions work equally well with diverse body types, or are there limitations? Framing the use of gendered forms and a presumption of equality in this way essentially recasts the question of representation as one of inventiveness—does the technical solution to a technical problem function on all body types? This is not merely an abstract concern about female bodies in patent law; it speaks directly to the purpose of the patent system. To this end, a patent application may require a statement that specifically addresses the gender implications of the invention. An invention that does not work on all types of bodies does not mean that the invention lacks inventiveness, but it certainly does constrain it to a degree. This would also work to further highlight the relationship

between the abstract protection provided by the patent system and the grounded reality in which its inventions function. The patent may indeed protect an abstract technical solution, but such solutions (depending on the classification of the invention) can have profound physical interactions or configurations with the human body. Two further considerations are important here, though the first is a practical approach to minimise additional administrative burden. This type of statement would not be required for all inventions; it would be required only when it makes sense. An obstetric or gynaecological invention, of course, relies on specific anatomy, which would render a statement as to the gendered practice of the invention pointless.

Another consideration is that this approach risks, precisely because it operates through the legal system, contributing to a sense of biological essentialism that reifies binary understandings of the human body. We return to the considerations of gender in practice that were raised at the beginning—it is dehumanising to interpret humans through the binary lens of conventional gender (sex) characteristics. The patent specification which defines the qualities of an invention in terms of 'male' and 'female' bodies risks providing a perceived 'technical' or 'objective' basis for addressing gender divisions in broader society. The tension of incorporating gender in this way is particularly complex because it is simultaneously recognising the importance of gendered bodies whilst also trying to present that information as technical, rather than social,[3] data. Particularly for governments or participants in the system who have complex relationships with gender equality (Ellis, 2025), the request to include diverse body considerations would not necessarily be for equality, but rather to more comprehensively evaluate the inventive technology under consideration. This incorporation within the technical language and remit of patent law also supports a move away from, or beyond, the de-gendering of human forms in patent specifications. Fundamentally, highlighting gendered forms exposes how male forms have effectively become neutral. This is not unique to patent law; it also exemplifies the assumed central role that maleness plays in medicine and law (Criado-Perez, 2020). This represents a small aesthetic challenge to make explicit the assumptions being made in patent law and to contribute to a broader marginalisation of women in society. In doing so, there is certainly value in making the implicitly gendered vision of a patent specification explicit. Even when the gender of the inventive subject would not meaningfully impact the functioning of the invention, specifically highlighting this as a relevant concern works to reaffirm both the purpose of the patent system and the contextualised nature of inventiveness. Such a requirement for disclosure about whether the functioning of the invention is impacted by the gender of the user would reaffirm

3. Or 'ideological,' if one considers the language of the US administration (Kassam, 2025).

that the patent system is fundamentally connected to human welfare—the inventions, the disclosure, the exclusivity, are all elements in how the patent system supports greater human development. This is in addition to the more specific consideration of the project, which centres women as inventive subjects.

Conclusion

The issue of gender equality seems to have reached new heights already in 2025. In contrast to the global challenges of violence against women and access to healthcare, gender presentation in patent specifications may at first appear to be an unusual area of investigation. However, the way in which patent law interacts with gender has been an important area of scholarship—exploring how invention has typically been taken as a male-inflected concept (Mazzini, 2024), the exclusion of specific subject matter from the conception of 'inventiveness', and the continued low rates of recognised women inventors (Tahmooresnejad; Turkina, 2022, p. 1-2). This type of work within patent law also aligns with broader developments in intellectual property that explicitly challenge or interpret legal provisions through a queer or more radical gender lens to advance equality (Sarid, 2022, p. 93). This article has taken perspectives from feminist legal scholarship, art criticism, and queer studies to deconstruct the use of illustrations in patent specifications. In doing so, the work explores how human bodies are deployed within these specifications, given that the human form is incidental to the patent system's explicit objectives and purposes.

The illustrations in a patent specification occupy a particular legal role because they are an effective means of communicating how the invention is used and, by extension, a visual representation of the novel technological development. The human form, as a result, is completely incidental to the innovation itself. One of the categories identified in Part 1 specifically covered not only the absence of a human form in the patent specification, but a particular type of conspicuous absence. These illustrations, when they do appear, constitute a distinct type of visual or aesthetic artefact that can also carry gendered signifiers.

The study analysed 251 patents in the category *A61H3/008* that were tagged with the word 'exoskeleton'. These devices were primarily used for human rehabilitation and mobility. After examining the illustrations, 94 of the 251 contained unique full- or nearly full-body depictions. These were then analysed by drawing on a combination of theoretical perspectives from feminist legal scholarship, gendered aesthetic work, and art criticism. This analysis identified 5 distinct categories that encompass all

patents in the dataset: male-as-default; female; ungendered; children; and, finally, no body. Approaching patent specifications from this perspective not only highlights the importance of challenging assumptions about maleness in patent law and beyond, but also raises the question of what to *do* with these insights. There is a particular value in exposing the gendered dimension of specifications precisely because they are typically invisible and contrast with public engagement in more high-profile areas of law. The article suggests that patent applications could include a brief section on the gendered presentation of the invention and whether this affects its functionality. Incorporating increased gender diversity in the patent specifications through the language of inventiveness—that is, more comprehensively presenting the limitations or contributions of the technology—is important because it avoids some of the currently contentious framing of gender equality in law and policy. Concretely, the question of whether an invention is affected by the identity of its subject or user fits neatly within the technical language of the inventive step. Gender in patent specification illustrations is not interpreted through the lens of equality; rather, it represents the potential to deploy the strategic language of conservative governance in ways that can be claimed to further the conventional aims of the patent system.

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