Made in China: How Chinese Innovation is Changing the Patent Landscape

Jay Kesan

Professor, University of Illinois College of Law Champaign, IL

Although many developing economies are increasingly impacting the global economy, China's impact has been the greatest by far. Once hindered from competition by political and economic restrictions, China is now a major economic player. Curiously, China's increased impact has coincided with an increased demand for intellectual property protection for technologies originating from China, with rising application rates from the Chinese at SIPO and the USPTO. Indeed, more patents may be sought after to protect the myriad range of technological innovations emerging from China. This Article examines Chinese patenting trends in the United States over the last several decades, comparing those trends to those from other nations such as Japan, South Korea, Brazil, Russia and India. Additionally, we identify the technology mix of patent applications that the Chinese are submitting to the USPTO and how they are changing with time. The Article also compares China's patenting trends in the past decade to other patenting trends for other Asian countries from earlier decades, and we find some rather striking similarities. Ultimately, we determine that patenting from China is not unique, as a historical matter, but rather an accelerated version of earlier Asian patenting trends.

Biography: Research interests: patent law/policy, empirical work, software.

Email: kesan@illinois.edu