Reviewer's report

Title: A review of the health and economic implications of patent protection, with a specific focus on Thailand

Version: 1 Date: 14 March 2012

Reviewer: Kannikar Kijtiwatchakul

Reviewer's report:

Major Compulsory Revisions

On Conceptual framework and Methodology

1. As we know that the two main concepts of patent system are, first, to award an inventor exclusive rights on his/her new invention for a specified period of time (ie; not more than 20 years) to encourage the research and development of new innovations and, second, to allow technological transfer for augmentation into other new inventions, which strike a balance between monopolization and the benefit to public health. However, this study’s framework did not consider the technological transfer derived from patenting system, so, it seems that there is not balance between health and economics.

2. The assumption from the framework (Fig.1) revealed that patent has a direct association with price while having indirect effects on both present and future access to medicine, with some influences of price factor. Similarly, patenting has indirect relation with international trade and investment with a more considerable impact of price. However, access to medicine can be affected by other factors beyond price. The authors should not explain the association of patent and access to medicine and also international trade and investment in terms of causal-relation due to the reason mentioned above.

3. New medicine registration and new invented medicine may not represent access to medicine in the future directly, therefore, they should be dealt as two separate variables. The study should then seek to explain the relations between the two variables and patenting system.

4. The publishing dates of literature referred to in this study span over 30 years (1980-2009). Some studies may not applicable to current situation or out of date. The author should state the reason for referring to them.

Content

5. The author’s conflict of interest of each studies selected into this study should be elaborated (presented).

6. Some studies in the reference cannot be considered as either articles, working papers or reports (references 28 and 29). In addition, some relevant reports on Thailand are not included; for example, Impact on Access to Medicine from

The result of this study

7. The presentation should be adjusted to explain based on the study framework as recommended above.

8. Presentation on Thailand should be done as a case study to demonstrate the gap of research on patenting system in Thailand, in order to offer information for policymakers.

9. Verify the relevance of studies used in this research. For instance, there are so many provisions in FTA, not only the chapter of intellectual property rights.

10. Change (the comparison) “strengthening versus weakening” to “restricted versus unrestricted.”

**Level of interest:** An article of importance in its field

**Quality of written English:** Acceptable

**Statistical review:** No, the manuscript does not need to be seen by a statistician.

**Declaration of competing interests:**

I declare that I have no competing interests'