

**Table 3. Domestic Legislation of Compulsory Patent Licensing in Thailand and South Korea**

Legal ground (condition) for compulsory licensing	No domestic production	No domestic sale	Necessary for the working of another patent involving an important technical advance of considerable economic significance	Government use (for the public service or for the public interest)	During a state of war or emergency	<i>Especially</i> necessary for the public interest	To correct trade practices determined unfair by the judicial or administrative procedure	Necessary for the export of medicine to a country that intends to import the medicine in order to treat diseases threatening the health of the majority of its citizens
<b>Exists in Thailand?</b>	O	O (including sale at unreasonably high prices)	O	O (for the public service)	O (“necessary for the defense and security of the country”)	X*	X	X
Is prior negotiation required?	O	O	O	X	X			
Who may grant compulsory licenses	Director-General	Director-General	Director-General	Any ministry, bureau or department of the government	Prime Minister			
Remuneration	Required (“Royalty”)	Required (“Royalty”)	Required (“Royalty”)	Required (“Royalty”)	Required (“Fair remuneration”)			
Who and How to determine remuneration	As agreed by the patentee and the applicant; if no agreement reached, DG determines.	As agreed by the patentee and the applicant; if no agreement reached, DG determines.	As agreed by the patentee and the applicant; if no agreement reached, DG determines.	As agreed by the ministry or bureau or department and the patentee; if no agreement reached, DG determines.				
Appeal to whom?	Board	Board	Board	Board	Court			
<b>Exists in South Korea?</b>	O* (Limitation: “only for the primary purpose of meeting domestic demand”)	O* (Limitation: “only for the primary purpose of meeting domestic demand”)	O	O (for the public interest)	O (“at the time of national emergency, under extremely emergent circumstances”) * (Limitation: only for the non-commercial use)	O (Limitation: “only for the primary purpose of meeting domestic demand”)	O	O (Limitation: “all the medicine produced must be exported to importing countries”)*
Require prior negotiation?	O	O	O	X		O (X if the patented invention is to be worked <i>non-commercially</i> for the public interest)	X	O

Who may grant compulsory licenses	Commissioner of KIPO	Commissioner of KIPO	Patent Tribunal	Commissioner of KIPO	Commissioner of KIPO	Commissioner of KIPO	Commissioner of KIPO	Commissioner of KIPO
Remuneration	Required (“Considerable remuneration”)	Required (“Considerable remuneration”)		Required (“Just compensation”)		Required (“Considerable remuneration”)	Required (“Considerable remuneration”)	Required (“Considerable remuneration”)
Who and How to determine remuneration?	Commissioner of the KIPO determines	Commissioner of the KIPO determines	(No detailed information)	Commissioner of the KIPO determines		Commissioner of the KIPO determines	Commissioner of the KIPO determines	Commissioner of the KIPO determines
Appeal to whom?	Administrative Appeals Commission*	Administrative Appeals Commission*	Patent Court	(No detailed information)		Administrative Appeals Commission*	Administrative Appeals Commission*	Administrative Appeals Commission*

**Table 4. Public and Out-of-Pocket Health Expenditure of Thailand and South Korea**

Country	Health expenditure, public (% of total health expenditure)												Out-of-pocket health expenditure (% of total health expenditure)											
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Thailand	56.1 (34.0)*	56.4 (33.4)	63.5 (32.7)	63.8 (32.1)	64.9 (31.6)	64.4 (32.0)	72.7 (34.2)	76.3 (35.3)	76.2 (36.0)	74.6 (35.8)	75 (35.4)	75.5 (36.4)	33.7 (59.1)	33.1 (59.7)	27.2 (59.9)	26.8 (60.7)	26.1 (60.8)	27.2 (60.7)	17.4 (58.2)	14.5 (57.2)	14.5 (56.6)	15.1 (56.7)	13.9 (56.4)	13.7 (55.4)
South Korea	48.6 (59.3)	54.9 (59.1)	53.7 (58.9)	52.4 (59.3)	52.6 (59.9)	52.9 (60.0)	55.3 (60.2)	55.8 (60.8)	55.9 (61.8)	58.2 (62.4)	58.2 (62.6)	57.3 (61.4)	41.5 (15.1)	36.3 (14.6)	37.4 (14.4)	38.0 (14.5)	38.3 (14.5)	37.9 (14.3)	35.7 (14.2)	34.7 (14.1)	34.2 (13.9)	32.4 (13.5)	32.1 (13.5)	32.9 (13.5)

(Source: World Development Indicator, the World Bank, available at <http://data.worldbank.org/data-catalog/world-development-indicators>, accessed on Feb. 16, 2014)

\* The number in the parenthesis is the average of public health expenditure (as a percent of total health expenditure) of all countries in the same income group defined by the World Bank. Thailand's income category changed from lower-middle income to upper-middle income in 2011. In 2011, the average public health expenditure (as a percent of total health expenditure) of all countries in the upper-middle income group was 54.9 and the average out-of-pocket health expenditure (as a percent of total health expenditure) was 32.4. South Korea's income group category was high-income (OECD) between 2000 and 2011. The WDI Database does not provide data on the share of public health expenditure yet for 2012 and 2013 (as of Feb. 16, 2014).