## Shell

#### Interpretation: Affirmatives must reduce intellectual property protections for medicines unconditionally and permanently.

Reynolds 59: Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: The waiver is temporary.

Gupta & Namboodiri 21: Gupta, Vineeta [a maternal and child health physician, human rights advocate, and a passionate activist for health equity. As director, she leads the ACTION Global Health Advocacy Partnership as well as a volunteer-based policy advocacy organization that unites the Indian diaspora to mount a prompt, global response to the COVID-19 crisis in India. Dr. Gupta has more than 20 years of tri-sector experience in leading and supporting projects in more than 25 countries. In addition to conducting organization development, diversity, inclusion, equity, and global health equity workshops, Gupta has designed and facilitated partnership projects to achieve agreements and results on complex issues. She has been invited to speak in more than 60 universities in the US and Europe.] Namboodiri, Sreenath [LLM, LLB, is assistant professor at the School of Ethics, Governance, Culture and Social Systems at Chinmaya Vishwavidyapeeth and a post-graduate on law of intellectual property rights (IPR) from Inter University Centre for IPR Studies, CUSAT, Kochi. His areas of interest are in intellectual property rights vis-à-vis health systems, sustainable development and innovation, pharmaceutical patents, knowledge governance, and technology and law. He is an honorary fellow of the Centre for Economy, Development, and Law since 2013. Namboodiri is part of the editorial team of *Elenchus Law Review*, a biannual peer-reviewed journal from the Centre (CED&L). He has also worked as a guest lecturer in Inter University Centre for IPR Studies, CUSAT, Kochi, where he provided courses on access to medicine and IP, and patents and biotechnology] “America And The TRIPS Waiver: You Can Talk The Talk, But Will You Walk The Walk?,” July 13, 2021 AA

In October 2020, the governments of India and South Africa, with the support of 62 WTO member states, proposed a [TRIPS Agreement waiver proposal](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True) that would temporarily waive intellectual property rights protections for technologies needed to prevent, contain, or treat COVID-19, including vaccines and vaccine-related technologies. More than 100 low-income countries support this proposal, but it is receiving much opposition from many high-income countries, including some European Union (EU) member states, the UK, Japan, Canada, and Australia. On May 5, 2021, the Biden administration announced support for negotiating this waiver, intensifying debate in the US and the EU—but so far the US has not gone further than its announcement of support.

#### No plan text in a vacuum – the offense defines what the plan looks like. Worst case scenario, you vote neg on presumption because all their solvency evidence is about a waiver.

#### Prefer my interpretation:

#### 1] Limits: they open the door to an infinite number of affs – from any condition to any time restriction. Each one becomes its own new aff.

#### 2] Ground: condition and delay counterplans are all ground we are entitled to because they disprove the idea of passing the plan right now.

#### 3] Semantics: There’s no temporal modifier on the resolution. That means you can’t defend the aff as true only during the pandemic. Not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which destroys predictability because they are no longer bounded by the resolution.

#### 4] Mixes Burdens – it requires an evaluation of post fiat arguments about the state of the world in state of PHE to determine tropicality. But t is a pre fiat burden so it has to be evaluated absent any content level arguments about the rez.

**Voters:**

**Fairness is a voter since if the rounds been skewed its impossible to determine who the better debater was. Education- constitutive purpose ie why schools fund.**

**Competing interps: 1. Reasonability causes a race to the bottom where we read increasingly unfair practices that minimally fit the brightline 2. Necessitates judge intervention to see if we meet th brightline and 3 collapses because we use offense defense paradigm.**

**Drop the debater on theory: 1. Drop the arg is the same thing since the argument was their entire advocacy text. 2. Its key to deterring future abuse**

**No RVIs – a] illogical – fairness is a burden just like the aff has the burden of inherency b] norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms c] chilling effect – debaters are scared to check real abuse which means inf abuse goes unchecked d] substance crowdout – prevents 1AR blipstorms and allows us to get back to substance**

## Shell

**Interpretation: The affirmative debater must defend reducing intellectual property protections for substances that treat diseases. To clarify, they may not defend substances that prevent diseases. Medicines treat diseases**

**Webster** (Merriam Webster is America's leading and most-trusted provider of language information, accessed on 6-30-21, Merriam Webster, "Definition of MEDICINE,” https://www.merriam-webster.com/dictionary/medicine)// ww pbj

**Definition of medicine 1a: a substance or preparation used in treating disease cough medicine**

**And, Treatment is different than prevention**

**Pflanzer 20** (Lydia Ramsey Pflanzer is a healthcare editor for Business Insider. She joined Business Insider in 2015 after graduating from Northwestern University, 4-29-2020, accessed 6/30/21, "Scientists are racing to discover ways to treat and prevent coronavirus. Here's the difference between a treatment and a vaccine.," Business Insider, <https://www.businessinsider.com/whats-the-difference-between-a-vaccine-and-a-treatment-2020-4)//ww> pbj

**Vaccines are used to prepare the body's immune system to fight off infections. They work by giving the body a small taste of what the virus is like so that way it can produce antibodies that fight off an intruding virus, ideally keeping people from falling ill. Some vaccines protect better than others, and they're typically administered across broad populations**. There are vaccines for some infectious diseases, like the flu, smallpox, measles, and chickenpox. But others, like HIV and hepatitis C, don't have vaccines that protect against them. Vaccines that protect against two other deadly outbreaks, MERS and SARS, have yet to be approved after the outbreaks subsided. There are more than 70 potential coronavirus vaccines in the works, with a number in early human trials. Drugmakers are looking into ways to produce the billions of doses that might be needed to suppress the pandemic. Read more: There are more than 70 potential coronavirus vaccines in the works. Here are the top efforts to watch, including the 16 vaccines set to be tested in people this year. FILE - In this March 2020 photo provided by Gilead Sciences, a vial of the investigational drug remdesivir is visually inspected at a Gilead manufacturing site in the United States. Given through an IV, the medication is designed to interfere with an enzyme that reproduces viral genetic material. (Gilead Sciences via AP) FILE - In this March 2020 photo provided by Gilead Sciences, a vial of the investigational drug remdesivir is visually inspected at a Gilead manufacturing site in the United States. Given through an IV, the medication is designed to interfere with an enzyme that reproduces viral genetic material. (Gilead Sciences via AP) Associated Press **Treatments, on the other hand, are meant to do just that: treat COVID-19, helping patients sickened by the virus survive and recover more quickly. Treatments for disease are there to lessen symptoms and ultimately improve the outcomes of a particular disease**. Sometimes, medications can be used preventatively. For instance, patients with high cholesterol might be prescribed a medication called a statin to prevent heart attacks. Some potential coronavirus treatments are being studied to see if they can prevent people from contracting the virus in the first place. For COVID-19, researchers are testing everything from antimalarial medications to antivirals, to even common heartburn medications in hospitalized patients with the hopes that more patients will survive severe forms of the illness and potentially recover faster. Some are looking at ways to use patients' own bodies to fight the virus with antibody treatments.

**Violation: Vaccines specifically are different from medicines**

**Immunize BC 20** (Immunize British Colombia is a collaborative project of the BC Ministry of Health, the BC Centre for Disease Control (an agency of the BC Provincial Health Services Authority), the regional health authorities (First Nations Health Authority, Fraser Health, Interior Health, Island Health, Northern Health and Vancouver Coastal Health), the BC Pharmacy Association and the Public Health Association of BC. Our mission is to improve the health of British Columbians by continuing to reduce the number of vaccine-preventable diseases, along with the illness, disability and death that they cause, What are vaccines?, Date last reviewed: Thursday, Mar 19, 2020, accessed on 6-30-21, <https://immunizebc.ca/what-are-vaccines)//ww> pbj

Vaccines are products that protect people against many diseases that can be very dangerous and even deadly. **Different than most medicines that treat or cure diseases, vaccines prevent you from getting sick with the disease in the first place.**

**Prefer – A) Intent to delineate – this author compares vaccines vs medicines with the purpose of articulating their differences, which means it’s more specific B) Field Context – It’s from the centre of disease control which is most proximal to the medical industry that controls the legitimate definitions for the topic. We should listen to lawyers about law and medical professionals about what counts as medicine.**

**Standards:**

**[1] Limits – they explode the topic to include tons of substances that prevent disease rather than treat them like soap, medical supplies, or food and make it so there is *no* unified neg generics. The aff still gets the core of the topic lit: they get medicine, innovation, and global inequality. Explosion of aff ground makes neg prep burden impossible, either killing neg ground or forcing the neg to read generics that barely link, always letting aff win. Force the 1AR to read a definition card with a clear list of what’s included and excluded – otherwise, vote neg since they can’t put a clear limit on the topic. Our interp solves – it establishes a clear bright-line for that gives the neg a chance to predict and prepare for every aff ahead of time. At best, the aff’s extra-T still links to all our offense since they can get extra-T advantages to solve disads and defend whatever they want, magnifying limits.**

## NC

**Being non-alienated is a side constraint on every anticapitalist praxis: a) they presume relationality and movement building which only the nc normatively justifies and b) willing does not occur in a vacuum so we have to look towards how agents are related to their products and others – its def race neutural, ca kirker – proves we need to be non alienated**

**Jaeggi 2, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. The positions of both authors can be reduced to the following common denominator: roles are less alienating than constitutive for the development of persons and personality. They are constitutive in the sense that they are directly bound up with a person’s development and, so, “productive.” At first glance this position might seem to come down on one side of the two alternatives—an unconditional affirmation of roles—but after giving a brief account of the position, I will make use of it to move beyond the two alternatives. Once the “productivity thesis” has been articulated, it will be possible to distinguish between alienating and non-alienating aspects of role behavior. THE HUMAN BEING AS DOPPELGÄNGER Roles are productive. In and through them we first become ourselves. This is the essence of Helmuth Plessner’s conception of the positive significance of roles (which he developed as a direct response to critiques of them as alienating). “The human being is always himself only in ‘doubling’ in relation to a role figure he can experience. Also, all that he sees as comprising his authenticity is but the role he plays before himself and others.22 Roles on this view are not only necessary in order to make social interaction possible, whether this be a “being together” of individuals or a benign “passing each other by;” interaction mediated by roles is also constitutive of an individual’s relation to herself.**

**This culminates in the act of appropriation – the ability to view yourself as a practical agent capable of taking up a project that actively changes your own subject and the role itself. Jaeggi 3, Jaeggi, Rahel. “Alienation.” Columbia University Press, cup.columbia.edu/book/alienation///Scopa. What does it mean to appropriate something?12 If the concept of appropriation refers to a specific relation between self and world, between individuals and objects (whether spiritual or material), what precisely does this relation look like, what are its particular character and its specific structure? Various aspects come together here, and together they account for the concept’s appeal and potential. As opposed to the mere learning of certain contents, talk of appropriation emphasizes that something is not merely passively taken up but actively worked through and independently assimilated. In contrast to merely theoretical insight into some issue, appropriation—comparable to the psychoanalytic process of “working through”—means that one can “deal with” what one knows, that it stands at one’s disposal as knowledge and that one really and practically has command over it. And appropriating a role means more than being able to fill it: one is, we could say, identified with it. Something that we appropriate does not remain external to ourselves. In making something our own, it becomes a part of ourselves in a certain respect. This suggests a kind of introjection and a mixing of oneself with the objects of appropriation. It also evokes the idea of productively and formatively interacting with what one makes one’s own. Appropriation does not leave what is appropriated unchanged. This is why the appropriation of public spaces, for example, means more than that one uses them. We make them our own by making a mark on them through what we do in and with them, by transforming them through appropriative use such that they first acquire a specific form through this use (though not necessarily in a material sense). Although it has one of its roots in an account of property relations, the concept of appropriation, in contrast to mere possession, emphasizes the particular quality of a process that first constitutes a real act of taking possession of something. Accordingly, appropriation is a particular mode of seizing possession.13 Someone who appropriates something puts her individual mark on it, inserts her own ends and qualities into it. This means that sometimes we must still make something that we already possess our own. Relations of appropriation, then, are characterized by several features: appropriation is a form of praxis, a way of relating practically to the world. It refers to a relation of penetration, assimilation, and internalization in which what is appropriated is at the same time altered, structured, and formed. The crucial point of this model (also of great importance for Marx) is a consequence of this structure of penetration and assimilation: appropriation always means a transformation of both poles of the relation. In a process of appropriation both what is appropriated and the appropriator are transformed.**

**Thus, the standard is consistency with non-alienated relations.**

**Prefer –**

**1. Performativity – Every exercise you engage in is an instance of using your volition to establish some relation to the world and only non-alienation can establish that relationship as normatively legitimate.**

**2. Action theory – Only viewing an agent as an active body capable of generating intentions can hold agents culpable and decipher the difference between actions and wishes. That’s a necessary feature of ethics since we must be able to warrant a coherent conception of what motivates our actions in order to provide a method to actually implement ethical principles.**

**I contend that member nations of the WTO ought not reduce intellectual property protections for medicine.**

**[1] Intellectual property is a self-expression of the subject. When it’s used in a way that doesn’t reflect the framer’s intent, it is alienating.**

Justin **Hughes 98**, "The Philosophy of Intellectual Property," 77 Georgetown L.J. 287, 330-350 (1988) [https://cyber.harvard.edu/IPCoop/88hugh2.html] AHS//MAK recut emi Accessed 8/10/21

"On the Hegelian perspective, payments from intellectual property users to the property creator are acts of recognition." 3. Intellectual Property Under Hegel. For Hegel, intellectual property need not be justified by analogy to physical property. In fact, the analogy to physical property may distort the status Hegel ascribes to personality and mental traits in relation to the will. Hegel writes: Mental aptitudes, erudition, artistic skill, even things ecclesiastical (like sermons, masses, prayers, consecration of votive objects), inventions, and so forth, become subjects of a contract, brought on to a parity, through being bought and sold, with things recognized as things. It may be asked whether the artist, scholar, &c., is from the legal point of view in possession of his art, erudition, ability to preach a sermon, sing a mass, &c., that is, whether such attainments are "things." We may hesitate to call such abilities, attainments, aptitudes, &c., "things," for while possession of these may be the subject of business dealings and contracts, as if they were things, there is also something inward and mental about it, and for this reason the Understanding may be in perplexity about how to describe such possession in legal terms. . . . n205**.** Intellectual property provides a way out of this problem, by "materializing" these personal traits.Hegel goes on to say that "[a]ttainments, eruditions, talents, and so forth, are, of course, owned by free mind and are something internal and not external to it, but even so, by expressing them it may embody [\*338] them in something external and alienate them." n206.Hegel takes the position that one cannot alienate or surrender any universal element of one's self. Hence slavery is not permissible because by "alienating the whole of my time, as crystallized in my work, I would be making into another's property the substance of my being, my universal activity and actuality, my personality." n207 Similarly, there is no right to sacrifice one's life because that is the surrender of the "comprehensive sum of external activity." n208 This doctrine supplies at least a framework to answer the question of intellectual property that most concerns Hegel. It is a question we ignore today, but one that is not easy to answer: what justifies the author in alienating copies of his work while retaining the exclusive right to reproduce further copies of that work. A sculptor or painter physically embodies his will in the medium and produces one piece of art.When another artist copies this piece Hegel thinks that the hand-made copy "is essentially a product of the copyist's own mental and technical ability" and does not infringe upon the original artist's property. n209 The **problem arises when a creator of intellectual property does not embody** his **will in an object** in **the** same **way the artist does**. The writer physically manifests his will only "in a series of abstract symbols" which can be rendered into "things" by mechanical processes not requiring any talent. n210 The dilemma is exacerbated by the fact that "the purpose of a product of mind is that people other than its author should understand it and make it the possession of their ideas, memory, thinking, &c." n211 This concern for the common of ideas is familiar. In resolving this dilemma, Hegel says that the alienation of a single copy of a work need not entail the right to produce facsimiles because such reproduction is one of the "universal ways and means of expression . . . which belong to [the author]." n212 Just as he does not sell himself into slavery, the author keeps the universal aspect of expression as his own. The copy sold is for the buyer's own consumption; its only purpose is to allow the buyer to incorporate these ideas into his "self." Hegel also identifies the instrumentalist-labor justification as a consideration against granting full rights of reproduction to buyers of individual copies [\*339] of a work. Hegel admits that protecting intellectual property is "[t]he purely negative, though the primary, means of advancing the sciences and arts." n213 Beyond this, Hegel says little. He declares that intellectual property is a "capital asset" and explicitly links this label to a later section in which he defines a "capital asset." n214 There is considerable literature on how Hegel did not develop the idea of "capital" to its logical conclusions, n215 but here "capital asset" can be understood as property which has a greater tendency to permanence and a greater ability than other property to give its own economic security

**Case**

### Offense

**They can’t solve most of their harms bc cap as a system still exists post aff and contributes to alt issues like skill disparities, lack of resources, the production system which are at the heart of the problem.**

#### Can never solve for cap – means ur impacts are nu

#### Some turns –

**1] Developing countries benefit through Western patents because of collaboration. Patents have a positive and sustained benefit for economic development and R&D for emerging countries.**

**Meir Perez Pugatch, David Torstensson & Rachel Chu, Pugatch Consilium , June 2012**["", [https://www.bio.org/sites/default/files/Pugatch%20Consilium%20-%20Taking%20Stock%20Final%20Report%20(2).pdf]msa](https://www.bio.org/sites/default/files/Pugatch%20Consilium%20-%20Taking%20Stock%20Final%20Report%20(2).pdf%5dmsa)

The report outlines how IPRs have encouraged collaboration between biotechnological entities and, as a result, enabled further research and development of new biotechnologies, specifically in emerging and developing economies. In particular, technology transfer mechanisms such as Bayh-Dole styled frameworks are discussed in the context of emerging and developing economies. 7) The key findings that have emerged from this report include: • IPRs, especially patents, are actively facilitating and contributing to upstream and downstream biotechnology activities in both developed and developing countries. • Today, not only mature economies but also major emerging economies are making growing use of the patent system to facilitate biotechnology research and commercialization. • Accordingly, biotechnology alliances for research and technology transfer have increased markedly since the early 1990s. • Case study analysis suggests that strengthening IPRs and introducing technology transfer frameworks based on IPRs in combination with other reforms can have a positive and sustained impact on innovation, economic development and growth, biopharmaceutical R&D and access to biotech products in emerging economies.

**3] The affirmatives utopian reimagining of countries without explicit praxis to overcome the structural realities of oppression is not a benign political demand – it is empty rhetoric and symbology that reduces the subject to an object of our own sadistic enjoyment**

**Lundberg 12** Christian O. Lundberg, Director of Cultural Studies and Associate Professor of Rhetoric at The University of North Carolina at Chapel Hill, 2012, Lacan in Public: Psychoanalysis and the Science of Rhetoric, pub. University Alabama Press, p. 165-175 // recut ahs ss

The first reading, which focuses on Mel Gibson’s *The Passion of the Christ,* takes up the economic exchange between identitarian practices and the ontological register of public making by tracing the metaleptic exchanges that constitute an evangelical Christian public around the metaphor of constitutive violence. i engage in a close reading of *The Passion* and the tropological exchanges it performs in constituting an evangelical public through, around, and beyond the film. The sec ond reading focuses less on a close reading than on characterizing the logic of investment and formal rhetorical processes that animate a specific kind of demand: in this case, the demands of radical antiglobalization protestors to be recognized as dangerous. Thus, my reading of radical anti-globalization protest takes up the political possibilities of the democratic demand, arguing that a purely formal account of the demand eschews attention to the rhetorical production of enjoyment and therefore overstates the political potential both of the democratic demand and a politics of resistance. Here i would like to show how a rhetorically inflected reading of Lacan’s work provides an analytic prescription for public politics that moves beyond enjoyment and aims at the articulation of collective political desire. if the first reading is focused on the relationship between the specific imaginary contents that underwrite a public bond, the sec ond is engaged in understanding the ways that symbolically constituted practices of address and investment imply determinate political consequences. Both of these readings imply critiques of conventional rhetorical practices of interpretation, suggesting an alternative analytic practice of engaging the nexus between trope and affective investment. Thus, these readings form a criti cal-inter pretive couplet: in reading *The Passion,* i would like to demonstrate the shortcomings of fetishizing the imaginary in isolation from the broader symbolic economy that underwrites it; conversely, in reading the demands of radical antiglobalization protest, i would like to show the shortcomings of a purely formal account of the demand that operates in isolation from the practices of enjoyment and the imaginary relations of address under writing radical demands.