Affirmative

Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.

For further clarification of today's round, I'd like to offer the following definitions:

Reduce: to decrease in amount. For the context of today's debate, the affirmative interpretation of the term seeks to achieve the resolution by decreasing the intellectual property from all facets: duration, value, and cost by patent holder.

Intellectual property protections: Inventors, designers, developers and authors can protect the ideas they have developed, by means of copyright or patents. The aim is to prevent others from wrongly profiting from their creations or inventions.

Value: The value for today's round is, **"Life"**, which can be defined as the principle of being, in which one's life has value to others. This value is intrinsic in the context of intellectual property protections as they hinder accessibility. Many pharmaceutical companies have formed monopolies which reduce competition and raise prices. Those who desperately need medicines are left unable to afford it.

Standard: The standard for today's round is, **"Minimizing Death"**, which may be expressed simply as the conquest to prevent the most amount of lives lost. This standard is best upheld by the resolution at achieving the value of life. Therefore, today's round will focus on how reducing intellectual property protections results in fewer deaths than by upholding the status quo.

Contention #1: Accessibility to Medicine is Key to Sustaining Life

Sub. A Intellectual Property Protections Have Allowed Monopolies to Substantially Increase Prices on Insulin

Belluz, Julia. "The Absurdly High Cost of Insulin, Explained." Vox, Vox, 3 Apr. 20**19**, www.vox.com/2019/4/3/18293950/why-is-insulin-so-expensive. Accessed 6 Sept. 2021.

When inventor Frederick Banting discovered insulin in 1923, he refused to put his name on the patent. **He felt it was unethical for a doctor to profit from a discovery that would save lives. Banting's co-inventors,** James Collip and Charles Best, **sold the insulin patent to the University of Toronto for a mere $1. They wanted everyone** who needed their medication **to be able to afford it.** Today, Banting and his colleagues would be spinning in their graves: **Their drug, which** many of the **30 million Americans with diabetes rely on,** has become the poster child for pharmaceutical price gouging. The cost of the four most popular types of insulin **has tripled in cost over the past decade, and the out-of-pocket prescription costs patients now face have doubled. By 2016, the average price per month rose to $450** — and costs continue to rise, so much so that as many as one in four people with diabetes are now skimping on or skipping lifesaving doses. Members of Congress have been pressuring drug companies and pharmacy benefit managers to bring insulin costs under control — and there have been several promising moves. In May, Colorado took the unusual step of capping the price of insulin in the state: A new law says people with diabetes won't have to shell out more than $100 per monthly copay for the drug, regardless of how much they use. The state's attorney general will also investigate rising insulin prices and make recommendations for other legislative changes. Before that, the insurance behemoth Cigna, and its pharmacy benefit arm Express Scripts, announced a program that'll cap the 30-day cost of insulin at $25. That's a 40 percent reduction from the $41.50-per-month fee people with Express Scripts benefits were paying in 2018. The program is also expected to launch later this year for insurance plans that work with Express Scripts benefits. And by next year, all diabetes patients on Cigna plans will be able to join, according to the Washington Post. **Federal fixes to reduce insulin prices have also been proposed — like the Affordable Drug Manufacturing Act, introduced by Senator Elizabeth Warren** (D-MA) and Representative Jan Schakowsky (D-IL). **It would have,** among other things, **allowed the federal government to** manufacture drugs or hire an outside contractor, and **set fair prices for essential medicines, such as insulin. But the bill didn't go anywhere.** While these measures suggest the problem of insulin price gouging is finally being tackled, there are several catches to consider. Colorado is just one state, and people with diabetes live in every state in America. The cap also only applies to people who have health insurance coverage. As for Cigna's plan, patients can only participate if their employers opt into the change in plan, Stat reported. Cigna is just one of many insurance companies out there, covering less than 1 percent of the 23 million living with diabetes in America. And new federal laws haven't passed. "As solutions to the insulin-cost crisis are being considered," a new New England Journal of Medicine editorial argues, "there is value in remembering that when the patent for insulin was first drafted in 1923, Banting and Macleod declined to be named on it. Both felt that insulin belonged to the public. **Now, nearly 100 years later, insulin is inaccessible to thousands of Americans because of its high cost."** Most patients with diabetes remain vulnerable to the whims of drug company pricing, since companies can still set whatever prices they wish. And no drug is better for understanding how that happened than insulin.

Impact: When observing the aftermath of the University of Toronto patent after nearly 100 years, it is evident that Banting's idea went completely awry from its intended goal. Dependence on drugs such as insulin to sustain everyday life is not an optional matter for those who suffer from diabetes. However, government sanctioned monopolies have chosen

to exploit this right to intellectual property regardless, and continue to capitalize on human lives. Imposing a reduction of these intellectual property rights would in turn minimize as many deaths as possible by increasing accessibility to crucial medicines.

Sub. B Generic Medicines are a Vital Product of Pharmaceutical Innovation, Status Quo Prevents Development

Ragavan 17, Professor at Texas A&M University School of Law, (The Significance of the Data Exclusivity and Its Impact on Generic Drugs, 1 J. Intell. Prop. Stud. 131, https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1816&context=facscholar) KD

There are three reasons why generics have become a part of the global pharmaceutical industry. First, **generics are a necessary part of the food-chain of global pharmaceuticals. They** are required to not just **cater to the health needs of the poorer countries but also to kick-start innovation in these nations. Second,** historically, **copying has been the first step for innovation even in the developed world.** Thus for innovation in pharmaceuticals to proliferate all over the world, generics will serve as the first step to kick-start the industry. **Especially for least-developed countries,** the leap to **innovation in pharmaceuticals** in the future **will occur only when they take the first step** of being able **to establish generic drug manufacturing facilities locally.** Third, **even in developed nations** that are obsessed **with patents,** like the United States, **the astronomical cost of medication has resulted in an increased appreciation for the role of generics.** Thus **generics are viewed as important components to enable market competition as well as to challenge bad patents.** In all, **the generic drug industry represents an important industry catering to the healthcare needs** of a large segment **of the global population.**

Contention #2: IPR Protections Harm Indiginous Proprietors

Sub. A Imposition of Intellectual Property Protections and IP Waivers Harm Sole Individuals Responsible for the Intellectual Property

1AC Breske 4 [Ashleigh, visiting assistant professor of international studies in the global politics and societies (GPS) department @ Hollins University. She earned her Ph.D. in planning, governance, and globalization at Virginia Tech, her M.A.L.S. in social sciences with a focus on Roman history from Hollins University, and her B.S. in biology with a concentration in classical studies and chemistry. Her current research explores how institutions and cultural values mediate changes in repatriation policy for indigenous cultural property, "Biocolonialism: Examining Biopiracy, Inequality, and Power", Spectra, 6(2), pp.58–73. DOI: http://doi.org/10.21061/spectra.v6i2.a.6]//pranav

Looking at the production of pharmaceuticals, **we can see the importance of Intellectual Property Rights (IPRs) in the debate over the accessibility of indigenous knowledge to outside corporations and investors.** IPRs impact many different fields: healthcare, biodiversity, technology, human and cultural rights, research and development, and agricultural innovations; but, the international system that established international intellectual property rights was hastily organized and linked to trade agreements. xli Shiva claims **IPR laws, under the development of TRIPS and the World Trade Organization (WTO), "have unleashed an epidemic of the piracy of nature's creativity and millennia of indigenous innovation."** xlii Transnational corporations are taking advantage of slight "innovations" on traditional knowledge to maintain many of their IPRs. xliii **Together, IPRs and TRIPS, work to suppress indigenous peoples' ability to control their traditional way of life.** The regulatory system includes domestic laws of developed areas of the world, like the United States, Japan, and Europe, and broader international intellectual property rights agreements. **These agreements resemble doctrines promoting colonialism since they are legal documents fostering the idea of ownership by the dominant colonizers.** Xliv Attempts have been made to establish a declaration that would negate corporate intellectual property rights if public health issues were brought forward by struggling nations' governments. xlv **But this does not address the issue of restoring indigenous intellectual property rights. Large pharmaceutical corporations in the United States and the European Union have used their vast corporate wealth to prevent the nullification of their IPRs. The inability to invalidate their IPRs means that pharmaceutical companies have ensured rigidity in the trade agreements and prevented generics from being manufactured. This has also ensured their continued legal right to Indigenous knowledge, if not an ethical right.** xlvi Patents are an apparatus of power with universal political and social consequences. Patent policies are developed in western countries but affect poorer, marginalized areas of the world. Unfortunately, there is no international governing body through which all patents are channeled, and they are granted according to individual national domestic laws. These patents are generally established in western countries like Canada, the European Union, and the United States. For all intents and purposes, pharmaceutical companies have more legal rights than people due to trade liberalization.

Impact: Maintaining intellectual property protections to the degree to which they are held as of now have tremendous effects on smaller businesses or individual inventors. The intended goals and purposes of these ideas are being capitalized upon by larger corporations with government provided IPRs. Not providing credit to source material turns smaller businesses away from innovation since they are unable to reap the benefits of their independent research.

Contention #3: Current Alternatives in the Status Quo are Flawed

Sub. A TRIPS Waivered Intellectual Property Protections Reinforce a Structure Where Profits are Maintained at the Cost of Lives.

Vanni 21 - Amaka Vanni[Phd(University of Warwick), LLM International Economic Law(University of Warwick), BA International Relations and Politics, Lecturer in Law at the University of Leeds], 3-23-2021, "On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism," TWAILER, https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/

From the onset, **the TRIPS IP regime created an imbalance between innovation, market monopoly, and medicines access, because it failed to take into consideration the health burden, development needs and local conditions of the various countries that make up the WTO.** This has led to several issues. First, **the market monopoly of IP rights,** which allows the corporation to set the market for drugs, **has created a privileged societal class with access to lifesaving medication** distinguishing them from those excluded from access to available medications. **This phenomenon** is vividly **illustrated in the HIV/AIDS crisis of the 1990s** and early 2000s. **While HIV/AIDS patients in developed countries were able to afford** antiretroviral (ARVs) **treatments**, which had been developed, approved and patented as early as 1987, **many patients in Africa and other parts of the developing world could not afford the approximately USD 12,000** per annum **treatment at that time. By 2001, approximately 2.4 million people in the region had died of AIDS. The South African government intervened to reduce the cost** of ARVs **by amending its domestic patent laws to allow** the authorization of parallel **imports of patented pharmaceuticals and to encourage the use of generic drugs, but it was sued by the US industry group** Pharmaceutical Research and Manufacturers of America **(PhRMA)**. Though the lawsuit was eventually dropped, **it highlights the measures pharmaceutical corporations**, backed by some national governments, **are willing to take to protect their profits at the cost of human lives.** Significantly, we see how law (or the threat of legal action) is used not only to protect and expand the profitability of a certain kind of property but, as Anjali Vats and Deidré Keller have taught us, also reveals IP law's racial investments in whiteness and its continuing implications for racial (in)equality, particularly in the way it informs systems of ownership, circulation, and distribution of knowledge. Similarly, Natsu Saito takes up the analysis of IP, race and capitalism by theorizing some of the ways in which 'value' in IP law concentrated in the hands of large corporations is calculated in terms of its profitability rather than what it contributes to the well-being of society. However, the proverbial chickens have come home to roost as even rich countries are beginning to feel the bite of the dysfunctional IP system.

Impact: When discussing the effect of intellectual property protections, it is important to consider those who are disenfranchised and unable to access modern technologies. The status quo attempted to tackle this disadvantage through the implementation of a TRIPS proposal in 2020, but failed to receive full support by many members of the WTO. Trying to make the assertion that the status quo solves for providing more Covid-19 vaccines

For these reasons and more, I *urge* an **affirmative** ballot.

A/T

WTO Pharmaceuticals Agreement is invalid in the context of the resolution because it only concerns a handful of nations, not even half of the member nations of the WTO:

According to the World Health Organization,
https://www.wto.org/english/tratop_e/pharma_ag_e/pharma_agreement_e.htm

The 1994 Agreement on Trade in Pharmaceutical Products (also **known as** the Pharmaceutical Agreement or **the Pharma Agreement) eliminates tariffs and** other duties and **charges on a large number of pharmaceutical products and** the **substances used to produce them, permanently binding them** at duty-free levels. Concluded **during the Uruguay Round of trade negotiations, the Agreement was signed by** and applied to only a group of participants, who also committed to implement the outcomes on a most-favoured nation basis. **Canada, the European Union, Japan, Macao (China), Norway, Switzerland, the United Kingdom and the United States currently participate in this Agreement**

Counterfeit medicine

a. **aff outweighs.**
b. **counterfeits are non unique. They happen in the status quo regardless of whether IPR are there or not.**
c. **Generic drug access resolves this issue as it is always about price and generic drugs bring prices down to a viable level.**
d. **People often have a tough time trusting drugs non-government solicited (ex. Covid vaccine)**

TRIPS Solves

1. **TRIPS is a temporary concept. It is only designed to administer covid vaccines for the next three years, and to extend rights to LDCs until 2034.**
2. **TRIPS exist within the AFF world and the resolution works in conjunction with this.**

USMCA IPs

USMCA runs counter to US trade interests – their evidence misunderstands its effects

Polaski & Capaldo 19 (Sandra, senior research fellow at the Global Development Policy Center, Boston University, Jeronim, research fellow at Tufts University's Global Development and Environment Institute, The Hill, "New NAFTA brings high risks and few rewards," https://thehill.com/opinion/finance/451775-new-nafta-brings-high-risks-and-few-rewards, 7/7/2019, 7/24/2019) DG

(USMCA), will not restore industrial jobs, worker rights and living wages; nor will it provide the needed protections for affordable health care and the environment, which the original NAFTA has eroded. It also introduces serious new restrictions on the right of the three governments to regulate privacy and harmful content on the Internet. Based on our review of the terms of the agreement and projections of its impact, we argue that the **USMCA will shift the balance** further **against working households and local communities. If our interest is sustainable, shared prosperity, the USMCA is a step in the wrong direction.** Recent research and data indicate that trade agreements have adversely affected jobs and wages. For example, a 2016 study that looks at the effects of NAFTA by measuring each industry's vulnerability to Mexican imports and each locality's dependence on vulnerable industries finds that wage growth was dramatically lower for blue-collar workers in the most affected industries and localities, with negative effects on service-sector workers in those localities as well. Will the USMCA remedy the adverse distributional effects of NAFTA and avoid new distortions? Based on the official US government study, the answer is no. The U.S. International Trade Commission **(USITC) projects that the USMCA will bring small and skewed economic gains in the U.S., including: a one-time increase in GDP of only 0.35 percent; a one-time increase in total employment of a small fraction of one percent, mainly in low-paid service sector jobs; and a one-time wage increase of about a quarter of 1 percent** on average. It is important to note that **the USITC study finds any positive effects** at all only **because it attributes economic value to the reduction of "policy uncertainty"** for investors as a result of increased protections for firms in a few sectors, including

pharmaceuticals and information technology. Without this imputation of value for the private sector, the study finds that **the impact of USMCA on economic growth, employment and wages will be negative.** Furthermore, **the idea of policy certainty arising from the USMCA sits uncomfortably with** the recent threats to impose high tariffs on all imports from Mexico. Turning to the specific provisions of most concern to the public and many legislators, **on labor the USMCA expands the scope of commitments to protect labor rights but does nothing to strengthen their enforcement, meaning that even seeming improvements will have little impact in practice. The experience with NAFTA and subsequent U.S. free trade agreements demonstrates that replicating the weak enforcement provisions will mean that there is no leverage to achieve progress on rights and wages in trading partner countries.** On environment, the USMCA fails to even mention climate change, despite that the World Trade Organization and the United Nations have shown that trade expansion increases carbon dioxide emissions and that North American fossil fuel emissions are the second largest of any region in the world. The chapter on environment eliminates NAFTA provisions that parties should heed commitments under Multilateral Environmental Agreements even if they conflict with NAFTA rules. And there is a loophole (in Annex 14E of the text) whereby U.S. oil and gas companies with Mexican government contracts can still sue the Mexican government if it adopts higher environmental and public health standards. **The USMCA introduces new restrictions on the right of the parties** – including the US government – **to adopt new regulations that would protect the public interest.** For example, the chapter on "digital trade" would prevent the U.S. from instituting new requirements that US individuals' personal and financial data must be kept in the U.S. to protect it from malign or less secure handling abroad. **USMCA intellectual property protections would constrain the U.S.** (as well as Canada and Mexico) **from future efforts to reduce prescription drug prices** by locking in the number of years biotechnology companies can avoid competition based on their test data. **This will allow firms to keep high drug prices for longer periods also reducing incentives for new research.**