## T – Permanent

#### Interp: The aff must permanently reduce intellectual property protections on medicines.

#### Reduce implies permanency

**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.

#### Viol: you don’t; TRIPS waivers just temporarily suspend IP protections

WTO 20

WTO Communication from India and South Africa, Oct. 2, 2020, No. 20-6725 IP/C/W/669 <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True> -CAT

WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19 COMMUNICATION FROM INDIA AND SOUTH AFRICA 1. On 11 March 2020, the World Health Organization (WHO) declared the coronavirus disease 2019 (COVID-19) to be a global pandemic, after having announced a related public health emergency of international concern (PHEIC) on 30 January 2020. 2. The World Trade Organization (WTO) has cautioned that the "Pandemic represents an unprecedented disruption to the global economy and world trade, as production and consumption are scaled back across the globe".1 We have witnessed a break down in global supply chains coupled with growing supply-demand gaps. 3. Given this present context of global emergency, it is important for WTO Members to work together to ensure that intellectual property rights such as patents, industrial designs, copyright and protection of undisclosed information do not create barriers to the timely access to affordable medical products including vaccines and medicines or to scaling-up of research, development, manufacturing and supply of medical products essential to combat COVID-19. 4. The COVID-19 pandemic is now widespread, affecting most WTO Members. As at 1 October 2020, there were about 333,722,075 confirmed cases globally with 1,009,270 confirmed deaths.2 To date, there is no vaccine or medicine to effectively prevent or treat COVID-19. All WTO Members are struggling to contain the spread of the pandemic and provide health care services to those affected. Many developed, developing and least developed countries have declared a national emergency with the aim to curb the growing outbreak, and as advised by the WHO implemented social distancing measures with significant consequences for society and the economy. Notably, developing countries and least developed countries are especially disproportionately impacted. 5. An effective response to COVID-19 pandemic requires rapid access to affordable medical products including diagnostic kits, medical masks, other personal protective equipment and ventilators, as well as vaccines and medicines for the prevention and treatment of patients in dire need. 6. The outbreak has led to a swift increase in global demand with many countries facing acute shortages, constraining the ability to effectively respond to the outbreak. Shortages of these products has put the lives of health and other essential workers at risk and led to many avoidable deaths. It is also threatening to prolong the COVID-19 pandemic. The longer the current global crisis persist, the greater the socio-economic fallout, making it imperative and urgent to collaborate internationally to rapidly contain the outbreak. 7. As new diagnostics, therapeutics and vaccines for COVID-19 are developed, there are significant concerns, how these will be made available promptly, in sufficient quantities and at affordable price to meet global demand. Critical shortages in medical products have also put at grave risk patients suffering from other communicable and non-communicable diseases. 1 https://www.wto.org/english/tratop\_e/covid19\_e/covid19\_e.htm. 2 https://covid19.who.int. IP/C/W/669 - 2 - 8. To meet the growing supply-demand gap, several countries have initiated domestic production of medical products and/or are modifying existing medical products for the treatment of COVID-19 patients. The rapid scaling up of manufacturing globally is an obvious crucial solution to address the timely availability and affordability of medical products to all countries in need. 9. There are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients.3 It is also reported that some WTO Members have carried out urgent legal amendments to their national patent laws to expedite the process of issuing compulsory/government use licenses. 10. Beyond patents, other intellectual property rights may also pose a barrier, with limited options to overcome those barriers. In addition, many countries especially developing countries may face institutional and legal difficulties when using flexibilities available in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). A particular concern for countries with insufficient or no manufacturing capacity are the requirements of Article 31bis and consequently the cumbersome and lengthy process for the import and export of pharmaceutical products. 11. Internationally, there is an urgent call for global solidarity, and the unhindered global sharing of technology and know-how in order that rapid responses for the handling of COVID-19 can be put in place on a real time basis. 12. In these exceptional circumstances, we request that the Council for TRIPS recommends, as early as possible, to the General Council a waiver from the implementation, application and enforcement of Sections 1, 4, 5, and 7 of Part II of the TRIPS Agreement in relation to prevention, containment or treatment of COVID-19. 13. The waiver should continue until widespread vaccination is in place globally, and the majority of the world's population has developed immunity hence we propose an initial duration of [x] years from the date of the adoption of the waiver. 14. We request that the Council for TRIPS urgently recommends to the General Council adoption of the annexed decision text.

#### Standards

#### 1] Ground—lets affs de-link from core neg DA’s by justifying specific instances a] raises the bar for entry into debate, that independently kills debate b] losing core neg ground incentives a race to the margins—we don’t get depth of education

#### 2] predictability--the AC has infinite prep time, the NC has 4 minutes, unpredictable affs mean that NCs can’t utilize reactive positions—killing all neg ground

#### Paradigm issues

#### 1] DTD, the argument is the whole 1AC

#### 2] Competing interps—you were either topical or you weren’t

#### 3] jurisdiction—the judge can only vote on args that are about the resolution

#### 4] NO RVIs a] you don’t win by meeting a prima facie burden b] going for RVIs prove the 1AC is non-T; if you were T you could just beat back the shell with a legit competing interp and then win on case offense

#### 5] Fairness is a voter and comes first— a] debate is fundamentally a game – if it’s not fair, people won’t play; that controls the internal link to education. b] that O/Ws because every argument implicitly concedes to the validity of fairness, meaning if they win fairness bad vote neg because you have no obligation to fairly evaluate their arguments.

## T- No Spec

#### Interp: The affirmatives must not specific a certain IP protection.

#### Violation: They specified TRIPS waivers.

### Standards

#### Textuality

#### Generic resolutions cannot be affirmed by particular instances. Nebel 19:

[Jake Nebel, 8-12-2019, "Genericity on the Standardized Tests Resolution," VBIBriefly, (https://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/)//BWSLE]

Existential statements say that there exist some things that satisfy a certain property. For example, “Some bees don’t sting” is an existential statement. It is true because there are indeed some bees that don’t sting. Existential statements can be affirmed by pointing to particular examples—e.g., mason bees. Universal statements say that all things satisfy a certain property. For example, “All bees sting” is a universal statement. It is false because, as we just saw, some bees don’t sting—so it’s not the case that all of them do. Universal statements cannot be affirmed by pointing to particular examples, but they can be negated by pointing to particular counterexamples—again, e.g., mason bees. Generic generalizations are neither existential nor universal. Generics are distinct from existential statements because they cannot be affirmed by particular instances. For example, “Birds swim” is a generic. It’s false even though there are some birds that do swim: namely, penguins. You can’t affirm that birds swim by observing that penguins swim .Generics are distinct from universal statements because they can tolerate exceptions. For example, “Birds fly” is a generic. It’s true even though there are some birds that don’t fly: namely, penguins. You can’t negate that birds fly by observing that penguins don’t. Both distinctions are important. Generic resolutions can’t be affirmed by specifying particular instances. But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions. “Colleges and universities” is a generic bare plural. I don’t think this claim should require any argument, when you think about it, but here are a few reasons. Second, “colleges and universities” fails the upward-entailment test for existential uses of bare plurals. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; it cannot plausibly be generic in the isolated case but existential in the resolution.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals. Third, “colleges and universities” fails the adverb of quantification test for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universities generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that “colleges and universities” is generic rather than existential in the resolution. For present purposes, however, these subtle distinctions don’t matter, because the resolution says “ought not.” Why does this matter? Consider again “Unicycles have wheels.” This sentence means, roughly, that each unicycle has at least one wheel (“roughly” because I’m glossing over the distinction between generic and universal for simplicity). By contrast, consider “Unicycles don’t have wheels.” This sentence means, roughly, that each unicycle has no wheels. It’s not just the logical negation of the original proposition, which would be the following: it’s not the case that, for every unicycle, there’s a wheel that it has—i.e., that some unicycle lacks a wheel. This means that, if “standardized tests” is a dependent plural with respect to “colleges and universities,” the resolution means that colleges and universities not consider any standardized tests. Compare: if the resolution were “Unicycles don’t have wheels,” they would have to argue that unicycles don’t have any wheels, not just that there are some wheels unicycles don’t have (e.g., the wheels on my car). This is because the negation of an existential statement (“it’s not the case that some do”) is a universal statement (“all of them don’t”). This is the observation about quantifier scope I made about the Jan–Feb 2019 resolution, and it applies straightforwardly to the standardized tests topic because of the “ought not” wording. So, if “Colleges and universities ought to consider standardized tests” means roughly that colleges and universities ought to consider at least one standardized test, then the sentence “Colleges and universities ought not consider

#### The resolution is the only predictable point for dividing ground—deviation justifies the aff reinterpreting the resolution at their whim. This decks neg ground and prep if the aff is no longer bound by the resolution, fairness is impossible.

#### Clash – specifying only one protection kills clash because the aff can arbitrarily choose, which pushes the neg to t, k, and phil positions because the DA and CP ground changes drastically- we never see topical, substantive clash that is key to real-world education.

#### Topic Literature –Mo guarantee of quality lit negating every possible aff– l shallow debates

#### Limits – Being able to spec a explodes limits

#### TVA solves - read your aff as an advantage under a whole res aff. We don’t prevent new FWs, mechanisms, or advantages. Reject the 1ar’s PICs argument – it leads to absurd conclusions that since the neg could potentially be abusive the aff is justified in flat-out not being T, which leads to infinite abuse in justifying aff abuse.

### Voters:

#### 1] DTD, the argument is the whole 1AC

#### 2] Competing interps—you were either topical or you weren’t

#### 3] jurisdiction—the judge can only vote on args that are about the resolution

#### 4] NO RVIs a] you don’t win by meeting a prima facie burden b] going for RVIs prove the 1AC is non-T; if you were T you could just beat back the shell with a legit competing interp and then win on case offense

#### 5]Fariness and education— a] debate is fundamentally a game – if it’s not fair, people won’t play; that controls the internal link to education. b] that O/Ws because every argument implicitly concedes to the validity of fairness, meaning if they win fairness bad vote neg because you have no obligation to fairly evaluate their arguments.

#### c) we do debate because of education and the skills we get are rooted in education

## K

#### The current IP system is just a tool of the capitalist structure – the current pandemic provides the moment to overhaul the system, so action must be taken immediately.

**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," TWAILR, https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/

What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### The WTO reinforces a politically assertive form of capitalism and globalizes the economic system for corporate benefit Harry Naio, E-International Relations, "The WTO: Development or the Dollar?", 2012, https://www.e-ir.info/2012/03/02/the-wto-development-or-the-dollar/ Within a Marxist narrative, the declared aims of the WTO and the policy actions that it hast taken, the WTO is seeking to reduce the state to little more than a vehicle for economic development. (Heuben, 447:2006) The case made is that the WTO helps to facilitate the growth of corporations at the expense of the third world in particular but of the working classes generally as the primary gain from increased commerce is going to the largest companies. (Heuben, 455:2006) The role of nations in this picture is to lobby and campaign for free trade and other legislation that is favourable to the corporations based inside them. This is coupled with the desire to maintain areas of influence both economically and politically. (Heuben 456:2006) In order to maintain some sort of hegemonic dominance, the US has attempted to bring as many countries as possible into the WTO in order to force their involvement in the increasingly globalised economic system. The WTO has come under pressure in recent years precisely because of its image as a capitalist vehicle for control. Much of the protest in Seattle was aimed at that very problem. This is attributed to the lack of transparency in its formation by Philip McMichael of Cornell University. This is particularly interesting given the context of increased globalisation in which the WTO was born. (1:2000) The nature of the WTO is fundamentally hidden from the public, with most of its affairs being carried out behind closed doors through bureaucratic tribunals and then making it so that the rulings issued are forced on the governments, who are in turn forced to undermine social protections and regulations at the bequest of an accountable grouping. A good example of this is seen in the potential threat to the welfare state and other such ideas, which would be sacrificed subject to what McMichael describes as; “A politically assertive form of capitalism” (467:2000). This politically assertive capitalism is backed primarily by the US with its entrenched corporate interests but enjoys support from the majority of European states as well. To conclude, the World Trade Organisation is a clear vehicle for the interests of capital through its dominant members, whether it’s by proposing TRIM agreements in or by enforcing patent laws. It is fundamentally better to be a corporate entity working within a WTO nation given the restrictions placed on their governments ability to legislate in any genuine regulatory capacity. This is to the particular cost of developing countries as they are left having to compete against much much more advanced economies without being able to invest in the benefits that the first world obtained during its developmental phase.

#### Capitalism causes every impact.

**Foster 19** (John, PhD from York University, Professor at the University of Oregon Department of Sociology, “Capitalism Has Failed—What Next?,” Monthly Review, 2/1/19, <https://monthlyreview.org/2019/02/01/capitalism-has-failed-what-next/>, JLin)

Less than two decades into the twenty-first century, it is evident that capitalism has failed as a social system. The world is mired in **economic stagnation, financialization, and the most extreme inequality in human history,** accompanied by mass unemployment and underemployment, precariousness, **poverty, hunger, wasted output and lives, and** what at this point can only be called a planetary **ecological “death spiral**.”1 The digital revolution, the greatest technological advance of our time, has rapidly mutated from a promise of free communication and liberated production into **new means of surveillance, control, and displacement** of the working population. The institutions of **liberal democracy are at the point of collapse, while fascism**, the rear guard of the capitalist system, **is again on the march**, along with patriarchy, racism, imperialism, and war. To say that capitalism is a failed system is not, of course, to suggest that its breakdown and disintegration is imminent.2 It does, however, mean that it has passed from being a historically necessary and creative system at its inception to being a historically unnecessary and destructive one in the present century. Today, more than ever, the world is faced with the epochal choice between “the revolutionary reconstitution of society at large and the common ruin of the contending classes.”3 Indications of this failure of capitalism are everywhere. Stagnation of investment punctuated by bubbles of financial expansion, which then inevitably burst, now characterizes the so-called free market.4 **Soaring inequality** in income and wealth has its counterpart in the **declining material circumstances of a majority of the population.** Real wages for most workers in the United States have barely budged in forty years despite steadily rising productivity.5 Work intensity has increased, while work and safety protections on the job have been systematically jettisoned. Unemployment data has become more and more meaningless due to a new institutionalized underemployment in the form of contract labor in the gig economy.6 Unions have been reduced to mere shadows of their former glory as **capitalism has asserted totalitarian control over workplaces**. With the demise of Soviet-type societies, social democracy in Europe has perished in the new atmosphere of “liberated capitalism.”7 The capture of the surplus value **produced by overexploited populations in the poorest regions** of the world, via the global labor arbitrage instituted by multinational corporations, is leading to an unprecedented amassing of financial wealth at the center of the world economy and relative poverty in the periphery.8 Around $21 trillion of offshore funds are currently lodged in tax havens on islands mostly in the Caribbean, constituting “the fortified refuge of Big Finance.”9 Technologically driven monopolies resulting from the global-communications revolution, together with the rise to dominance of Wall Street-based financial capital geared to speculative asset creation, have further contributed to the riches of today’s “1 percent.” Forty-two billionaires now enjoy as much wealth as half the world’s population, while the three richest men in the United States—Jeff Bezos, Bill Gates, and Warren Buffett—have more wealth than half the U.S. population.10 **In every region of the world, inequality has increased sharply in recent decades**.11 The gap in per capita income and wealth between the richest and poorest nations, which has been the dominant trend for centuries, is rapidly widening once again.12 More than 60 percent of the world’s employed population, some two billion people, now work in the impoverished informal sector, forming a massive global proletariat. The global reserve army of labor is some 70 percent larger than the active labor army of formally employed workers.13 Adequate health care, housing, education, and clean water and air are increasingly out of reach for large sections of the population, even in wealthy countries in North America and Europe, while transportation is becoming more difficult in the United States and many other countries due to irrationally high levels of dependency on the automobile and disinvestment in public transportation. Urban structures are more and more characterized by gentrification and segregation, with cities becoming the playthings of the well-to-do while marginalized populations are shunted aside. About half a million people, most of them children, are homeless on any given night in the United States.14 New York City is experiencing a major rat infestation, attributed to warming temperatures, mirroring trends around the world.15 In the United States and other high-income countries, **life expectancy is in decline**, with a remarkable resurgence of Victorian illnesses related to poverty and exploitation. In Britain, gout, scarlet fever, whooping cough, and even scurvy are now resurgent, along with tuberculosis. With inadequate enforcement of work health and safety regulations, black lung disease has returned with a vengeance in U.S. coal country.16 **Overuse of antibiotics, particularly by capitalist agribusiness, is leading to an antibiotic-resistance crisis, with the dangerous growth of superbugs** generating increasing numbers of deaths, which by mid–century could surpass annual cancer deaths, prompting the World Health Organization to declare a “global health emergency.”17 These dire conditions, arising from the workings of the system, are consistent with what Frederick Engels, in the Condition of the Working Class in England, called “social murder.”18 At the instigation of giant corporations, philanthrocapitalist foundations, and neoliberal governments, public education has been restructured around corporate-designed testing based on the implementation of robotic common-core standards. This is generating massive databases on the student population, much of which are now being surreptitiously marketed and sold.19 The corporatization and privatization of education is feeding the progressive subordination of children’s needs to the cash nexus of the commodity market. We are thus seeing a dramatic return of Thomas Gradgrind’s and Mr. M’Choakumchild’s crass utilitarian philosophy dramatized in Charles Dickens’s Hard Times: “Facts are alone wanted in life” and “You are never to fancy.”20 Having been reduced to intellectual dungeons, many of the poorest, most racially segregated schools in the United States are mere pipelines for prisons or the military.21 More than two million people in the United States are behind bars, a higher rate of incarceration than any other country in the world, constituting a new Jim Crow. The total population in prison is nearly equal to the number of people in Houston, Texas, the fourth largest U.S. city. African Americans and Latinos make up 56 percent of those incarcerated, while constituting only about 32 percent of the U.S. population. Nearly 50 percent of American adults, and a much higher percentage among African Americans and Native Americans, have an immediate family member who has spent or is currently spending time behind bars. Both black men and Native American men in the United States are nearly three times, Hispanic men nearly two times, more likely to die of police shootings than white men.22 Racial divides are now widening across the entire planet. **Violence against women and the expropriation of their unpaid labor**, as well as the higher level of exploitation of their paid labor, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence. Women’s bodies, in particular, are **objectified, reified, and commodified as part of the normal workings of monopoly-capitalist marketing.**23 The mass media-propaganda system, part of the larger corporate matrix, is now merging into a social media-based propaganda system that is more porous and seemingly anarchic, but more universal and more than ever favoring money and power. Utilizing modern marketing and surveillance techniques, which now dominate all digital interactions, vested interests are able to tailor their messages, largely unchecked, to individuals and their social networks, creating concerns about “fake news” on all sides.24 Numerous business entities promising technological manipulation of voters in countries across the world have now surfaced, auctioning off their services to the highest bidders.25 The elimination of net neutrality in the United States means further concentration, centralization, and control over the entire Internet by monopolistic service providers. **Elections are increasingly prey to unregulated “dark money” emanating from the coffers of corporations and the billionaire class**. Although presenting itself as the world’s leading democracy, the United States, as Paul Baran and Paul Sweezy stated in Monopoly Capital in 1966, “is democratic in form and plutocratic in content.”26 In the Trump administration, following a long-established tradition, 72 percent of those appointed to the cabinet have come from the higher corporate echelons, while others have been drawn from the military.27 War, engineered by the United States and other major powers at the apex of the system, has become perpetual in strategic oil regions such as the Middle East, **and threatens to escalate into a global thermonuclear exchange**. During the Obama administration, the United States was engaged in wars/bombings in seven different countries—Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Pakistan.28 Torture and assassinations have been reinstituted by Washington as acceptable instruments of war against those now innumerable individuals, group networks, and whole societies that are branded as terrorist. A new Cold War and nuclear arms race is in the making between the United States and Russia, while Washington is seeking to place road blocks to the continued rise of China. The Trump administration has created a new space force as a separate branch of the military in an attempt to ensure U.S. dominance in the militarization of space. Sounding the alarm on the increasing dangers of a nuclear war and of climate destabilization, the distinguished Bulletin of Atomic Scientists moved its doomsday clock in 2018 to two minutes to midnight, the closest since 1953, when it marked the advent of thermonuclear weapons.29 Increasingly severe economic sanctions are being imposed by the United States on countries like Venezuela and Nicaragua, despite their democratic elections—or because of them. Trade and currency wars are being actively promoted by core states, while racist barriers against immigration continue to be erected in Europe and the United States as some 60 million refugees and internally displaced peoples flee devastated environments. Migrant populations worldwide have risen to 250 million, with those residing in high-income countries constituting more than 14 percent of the populations of those countries, up from less than 10 percent in 2000. Meanwhile, ruling circles and wealthy countries seek to wall off islands of power and privilege from the mass of humanity, who are to be left to their fate.30 More than three-quarters of a billion people, over 10 percent of the world population, are chronically malnourished.31 Food stress in the United States keeps climbing, leading to the rapid growth of cheap dollar stores selling poor quality and toxic food. Around forty million Americans, representing one out of eight households, including nearly thirteen million children, are food insecure.32 Subsistence farmers are being pushed off their lands by agribusiness, private capital, and sovereign wealth funds in a global depeasantization process that constitutes the greatest movement of people in history.33 Urban overcrowding and poverty across much of the globe is so severe that one can now reasonably refer to a “planet of slums.”34 Meanwhile, the world housing market is estimated to be worth up to $163 trillion (as compared to the value of gold mined over all recorded history, estimated at $7.5 trillion).35 The Anthropocene epoch, first ushered in by the Great Acceleration of the world economy immediately after the Second World War, has generated enormous rifts in planetary boundaries, **extending from climate change to ocean acidification, to the sixth extinction,** to disruption of the global nitrogen and phosphorus cycles, to the loss of freshwater, to the disappearance of forests, to **widespread toxic-chemical and radioactive pollution**.36 It is now estimated that 60 percent of the world’s wildlife vertebrate population (including mammals, reptiles, amphibians, birds, and fish) have been wiped out since 1970, while the worldwide abundance of invertebrates has declined by 45 percent in recent decades.37 What climatologist James Hansen calls the “species exterminations” resulting from accelerating climate change and rapidly shifting climate zones are only compounding this general process of biodiversity loss. Biologists expect that half of all species will be facing extinction by the end of the century.38 If present climate-change trends continue, the “global carbon budget” associated with a 2°C increase in average global temperature will be broken in sixteen years (while a 1.5°C increase in global average temperature—staying beneath which is the key to long-term stabilization of the climate—will be reached in a decade). Earth System scientists warn that the world is now perilously close to a Hothouse Earth, in which catastrophic climate change will be locked in and irreversible.39 The ecological, social, and economic costs to humanity of continuing to increase carbon emissions by 2.0 percent a year as in recent decades (rising in 2018 by 2.7 percent—3.4 percent in the United States), and failing to meet the minimal 3.0 percent annual reductions in emissions currently needed to avoid a catastrophic destabilization of the earth’s energy balance, are simply incalculable.40 Nevertheless, major **energy corporations continue to lie about climate change, promoting and bankrolling climate denialism**—while admitting the truth in their internal documents. These corporations are working to accelerate the extraction and production of fossil fuels, including the dirtiest, most greenhouse gas-generating varieties, reaping enormous profits in the process. The melting of the Arctic ice from global warming is seen by capital as a new El Dorado, opening up massive additional oil and gas reserves to be exploited without regard to the consequences for the earth’s climate. In response to scientific reports on climate change, Exxon Mobil declared that it intends to extract and sell all of the fossil-fuel reserves at its disposal.41 Energy corporations continue to intervene in climate negotiations to ensure that any agreements to limit carbon emissions are defanged. Capitalist countries across the board are putting the accumulation of wealth for a few above combatting climate destabilization, threatening the very future of humanity. Capitalism is best understood as a competitive class-based mode of production and exchange geared to the accumulation of capital through the exploitation of workers’ labor power and the private appropriation of surplus value (value generated beyond the costs of the workers’ own reproduction). The mode of economic accounting intrinsic to capitalism designates as a value-generating good or service anything that passes through the market and therefore produces income. It follows that the greater part of the social and environmental costs of production outside the market are excluded in this form of valuation and are treated as mere negative “externalities,” unrelated to the capitalist economy itself—whether in terms of the shortening and degradation of human life or the destruction of the natural environment. As environmental economist K. William Kapp stated, “capitalism must be regarded as an economy of unpaid costs.”42 We have now reached a point in the twenty-first century in which the **externalities** of this irrational system, **such as the costs of war, the depletion of natural resources, the waste of human lives, and the disruption of the planetary environment, now far exceed any future economic benefits that capitalism offers to society** as a whole. The accumulation of capital and the amassing of wealth are increasingly occurring at the expense of an irrevocable rift in the social and environmental conditions governing human life on earth.43 Some would argue that China stands as an exception to much of the above, characterized as it is by a seemingly unstoppable rate of economic advance (though carrying with it deep social and ecological contradictions). Yet Chinese development has its roots in the 1949 Chinese Revolution, carried out by the Chinese Communist Party headed by Mao Zedong, whereby it liberated itself from the imperialist system. This allowed it to develop for decades under a planned economy largely free of constraints from outside forces, establishing a strong agricultural and industrial economic base. This was followed by a shift in the post-Maoist reform period to a hybrid system of more limited state planning along with a much greater reliance on market relations (and a vast expansion of debt and speculation) under conditions—the globalization of the world market—that were particularly fortuitous to its “catching up.” Through trade wars and other pressures aimed at destabilizing China’s position in the world market, the United States is already seeking to challenge the bases of China’s growth in world trade. China, therefore, stands not so much for the successes of late capitalism but rather for its inherent limitations. The current Chinese model, moreover, carries within it many of the destructive tendencies of the system of capital accumulation. Ultimately, China’s future too depends on a return to the process of revolutionary transition, spurred by its own population.44 How did these disastrous conditions characterizing capitalism worldwide develop? An understanding of the failure of capitalism, beginning in the twentieth century, requires a historical examination of the rise of neoliberalism, and how this has only served to increase the destructiveness of the system. Only then can we address the future of humanity in the twenty-first century.

#### The alt is socializing pharma by replacing patent monopolies with public funding – deconstructs capitalism and solves the affirmative by making medicine accessible globally

Baker, Dean, “Replace Patent Monopolies with Direct Public Funding For Drug Research”, Truthout, Center For Economic And Policy Research, July 1 2019

It is impressive to see many of the leading Democratic candidates put forward bold progressive proposals. Unfortunately, in the case of prescription drugs, their imagination has been notably weak. While there have been proposals for lowering drug prices, none of them have been willing to attack the fundamental problem: government makes prices high by granting patent monopolies.This is a simple but incredibly important point that is often lost in the debate. We frequently hear comments about how progressives want the government to intervene in the free market to bring drug prices down through various mechanisms. That story turns logic on its head. In almost all cases, drugs are cheap to manufacture. It is government-granted patent monopolies or some other form of exclusivity that makes drugs expensive. In a truly free market, drugs are cheap. The restrictions on prices being proposed are simply efforts to limit the extent to which drug companies can exploit the monopolies the government has given them. That should lead to the next question: Why give drug companies monopolies in the first place? The obvious reason under the current system is that it is expensive to develop new drugs. This requires initial preclinical research and then an extended period of clinical testing to establish their safety and effectiveness, and ultimately bring them through the Food and Drug Administration’s (FDA) approval process. Most leads for new drugs end up going nowhere, which means that the drug company has spent a great deal of money for no return. No pharmaceutical company would undertake major expenditures for developing new drugs if they would have to compete with generics, which are every bit as good, from the day they were approved by the FDA. The declared intent of government patent monopolies is to give companies an incentive to develop new drugs.There is nothing natural about this mechanism for financing research, and even now, the government does not rely exclusively on patent monopolies for financing research. It spends nearly [$40 billion a year](https://www.nih.gov/about-nih/what-we-do/budget) on research through the National Institutes of Health (NIH) and other agencies. While most of this funding goes to more basic research, many important drugs have been developed with government funding. In addition, the NIH has supported thousands of clinical trials. In principle, there is no reason that Congress could not double or triple the amount of funding for medical research and replace the [$70 billion](https://truthout.org/articles/sanders-khanna-bill-would-stop-propping-up-drug-prices/) that is now supported by patent monopolies. The NIH, or a new agency, could parcel out this money through long-term contracts to private companies. The condition of getting the funding is that all research findings would be posted on the web as soon as practical so that other researchers could benefit from it. The other major condition of the funding is that [and] all patents are placed in the public domain, so newly developed drugs could be sold immediately as generics. The savings to consumers from going this route would be enormous. Cutting-edge drugs that sell for tens or even hundreds of thousands of dollars would instead sell for a [few hundred dollars](https://www.thebodypro.com/article/1000-fold-mark-up-for-drug-prices-in-high-income-c). People would no longer have to struggle with insurers or use GoFundMe pages to pay for necessary medications. The savings to the economy would also be huge. We will spend roughly $460 billion this year on drugs that would likely sell for less than $80 billion in a true free market. The difference of $380 billion a year is more than twice the size of the Trump tax cut and five times the size of the food stamp (SNAP) budget. The benefits go beyond just the savings. Patent monopolies give drug companies an enormous incentive to push their drugs as widely as possible, even when they may not be the most effective drug or have harmful side effects. Purdue Pharma would not have been pushing OxyContin so vigorously if it were selling at generic prices. While the opioid crisis is an extreme case, drug companies exaggerate the benefits of their drugs and conceal negative side effects [all the time](https://www.cepr.net/patent-monopolies-and-the-costs-of-mismarketing-drugs/). If we went the route of direct public funding, the savings would go beyond prescription drugs. Medical equipment and tests are also made expensive because of government-granted patent monopolies. NPR recently did a [piece](https://www.npr.org/sections/health-shots/2019/06/17/732497053/a-year-after-spinal-surgery-a-94-000-bill-feels-like-a-backbreaker) about a woman who had a surprise bill of $94,000 for neuromonitoring services during a surgery on her spine. The reason this process could be billed for $94,000, as opposed to perhaps 1/20th of this amount, is that the process is patented. If the neuromonitoring system had been developed with public funds, there would be no huge bill with which to surprise patients. Given the many bold progressive proposals that Senators Elizabeth Warren, Bernie Sanders and some of the other candidates have put forward, it is surprising that they have not proposed to reform the financing of drug and other medical research. This failure is especially peculiar, since both Sanders and Warren (along with Senators Cory Booker, Kirsten Gillibrand and Amy Klobuchar) were sponsors of a [bill](https://www.brown.senate.gov/newsroom/press/release/brown-introduces-prop) that would provide some public funding for research that would lead to new drugs being introduced as generics.The patent monopoly system of financing the development of new drugs and medical equipment is a disaster in just about every way. Many of the leading Democratic contenders know how to do better, they need to add this to their agenda.

### Framework

#### Rejecting and spotting discrepancies within the aff’s use of the state is crucial to lay the groundwork for future policies that avoid the harms that we’ve outlined – it proves the mutual exclusivity of the alt because any distraction from attacking capitalism dilutes our knowledge production

**Michalowski 10** Michalowski, Raymond [Michalowski is Regents' Professor of Criminal Justice at the Department of Criminology and Criminal Justice at Northern Arizona University]. 2010. "Keynote Address: Critical Criminology for a Global Age." Western Criminology Review 11(1):3-10.  (http://wcr.sonoma.edu/v11n1/Michalowski.pdf)//mb

While there is much to recommend a deviance rather than a legalist model as the meta-theoretical starting point for critical criminological inquiry, doing so relies on a priori social constructions of a particular situation or outcome as problematic (Blumer 1971). However, many harmful consequences of domination may not generate even this level of social recognition and approbation, yet they remain injurious nevertheless**. To the extent that criminologists identify socially injurious outcomes of domination, these can and should be incorporated within the criminological arena, regardless of their juridical or social movement status.** Some years ago, I had suggested that a possible alternative to legalist and deviance-based approaches to the critique of domination might be the concept of analogous social injury (Michalowski 1985). Specifically, analogous social injuries are actions that produce “death, injury, financial loss, fear, emotional distress or **deprivation  of the rights of political participation that are equivalent or greater in gravity to similar consequences resulting from actions defined as criminal by law**” (Michalowski 2007). As a starting point in the conception of our subject matter this approach directs criminologists to actively seek, identify, and analyze social forces that generate individual, collective, and organizational actions whose injurious consequences are equivalent to actions defined as crime by law. It is in this space between accepting and condemning socially injurious actions that states reveal the truth and the contours of domination. Put simply, murder kills people. War kills people. Thus, why nations commit war and who are its victims ought be at least as central to criminological inquiry as why and whom individuals murder. Similarly, robbery, burglary, and theft use force or guile in ways that make people poorer. Many practices fostered by neo-liberal capitalism also use force or guile to make people poorer (Perkins 2005). Thus, I suggest, it makes little sense, but for the ideology of domination, to claim that robbery, burglary, and theft are legitimate topics of criminological inquiry, but global manipulations of credit, the expropriation of hereditary lands or resources under the guise of development, or mandated “structural adjustments” that impoverish many while benefiting few, are not. John Braithwaite (1985:18) once suggested that casting such a broad net is an effort to shape criminological inquiry to fit individual moral preferences. However, I suggest that the concept of analogous social injury does just the opposite. It substitutes an analytic measure – degree of injury – for the moral and political preferences inherent in all legal systems. Those attempting to begin their inquiry from an analogous social injury Michalowski/ Western Criminology Review 11(1), 3-10 (2010) 9 standpoint would, of course, face the challenge of making a compelling factual case that the injuries being studied are indeed analogous in the gravity of injury to criminal acts. Doing this, in itself, however, would play an important role in expanding the horizons of criminological inquiry. A critical criminology formed around a broad vision of social injury is well suited to the challenge of pursuing social justice in the twenty-first century. The globe has been reshaped into a highly integrated, if fragile, capitalist network, with a class structure arrayed as much across nations as within them. While domination remains to be challenged within the advanced capitalists states, I suggest that the dominion that advanced states exert over those situated lower in the global class structure is an even graver challenge to the ideals of social justice that animate critical criminologies of all flavors. Insofar as many of these injurious actions exist in the “space between laws” created by international structures of dominance and subaltern states, it is imperative that critical criminology transcend legalism and strike out toward a new vision that begins with social injury, not with law. As we reveal the discrepant choices through which political systems tolerate grave harms while aggressively repressing lesser ones, we contribute to peeling back the many layers of ideological construction that normalize domination. While doing so does not automatically provoke justice or limit domination, it does contribute to the formulation of new understandings and **new policy options to be tried when and if the political climate surrounding justice policy undergoes significant change.**

#### Epistemology first – it determines whether the aff research project is good or bad which is the prerequisite to good education. Only a new political framework pushes inequality to the forefront of your agenda and address the root causes of the aff’s impacts

**Giroux 20** Henry A. Giroux [Giroux currently is the McMaster University Professor for Scholarship in the Public Interest and The Paulo Freire Distinguished Scholar in Critical Pedagogy], 6-19-2020, "Racist Violence Can’t Be Separated from the Violence of Neoliberal Capitalism," Socialist Project, https://socialistproject.ca/2020/06/racist-violence-neoliberal-capitalism//mb

It should be clear that questions of economic and social justice cannot be addressed by a neoliberal pedagogy that enshrines self-interest and privatization while converting every social problem into individualized market solutions or regressive matters of personal responsibility. Under neoliberalism’s disimagination machine, individual responsibility is coupled with an ethos of greed, avarice, and personal gain. One consequence is the tearing up of social solidarities, public values, and an almost pathological disdain for democracy. This radical form of privatization is also a powerful force for the rise of fascist politics because it depoliticizes individuals, immerses them in the logic of social Darwinism, and makes them susceptible to the dehumanization of those considered a threat or disposable. Just as the spread of the pandemic virus in the United States was not an innocent act of nature, neither is the rise and pervasive grip of inequality. What is clear is that neoliberal support for unbridled individualism has weakened democratic pressures and eroded democracy and equality as governing principles. Moreover, as a mode of public pedagogy, it has undercut social provisions, the social contract, and support for public goods such as education, public health, essential infrastructure, public transportation, and the most basic elements of the welfare state. As a form of pedagogical practice, neoliberalism has morphed into a form of pandemic pedagogy that sacrifices social needs and human life in the name of an economic rationality that values reviving economic growth over human rights. As a lived system of meaning and values, self-reliance and rugged individualism are the only categories available for shaping how individuals view themselves, and their relationship to others and to the planet. The individualization of everyone and the reduction of social problems to private troubles is paralleled by sanctioning a world marked by borders, walls, racism, hate, and a rejection of government intervention in the interest of the common good. Most importantly, neoliberal individualization personalizes power, creating a depoliticized subject whose only obligation as a citizen is defined by consuming and living in a world free from ethical and social responsibilities. In many ways, it does not just empty politics of any substance, it destroys its emancipatory prospects. The neoliberal strategists use education not only to mask their abuses and the effects of their criminogenic policies, they also – in a time of crisis, when dissatisfaction of the masses might lead to chaos, revolts, and dangerous levels of resistance – move dangerously close to creating the conditions for a fascist politics. The noted theologian Frei Betto is right in stating that under such conditions, “…they cover up the causes of social ills and cover up their effects with ideologies that, by obscuring causes, fuel mood in the face of the effects. That’s why neoliberalism is now showing its authoritarian face – building walls that divide countries and ethnic groups, executive power over legislature and judiciary, disinformation about digital networks, the cult of the homeland, the brazen offensive against human rights.” Neoliberalism and its regressive notion of individualism and individual responsibility has undermined the belief that human beings both make the world and can change it. The pandemic has ushered in a crisis that undermines that belief and opens the door for rethinking what kind of society and notion of politics will be faithful to the creation of a socialist democracy that speaks to the core values of justice, equality, and solidarity. Under such circumstances, private resistance must give way to collective resistance, and personal and political rights must include economic rights. If inequality is to be defeated, the social state must replace the corporate state, and social rights must be guaranteed for all. There can be no adequate struggle for economic justice and social equality unless economic inequality on a global level is addressed along with a movement for climate justice, the elimination of systemic racism, and a halt to the spiraling militarism that has resulted in endless wars. **This can only take place if the anti-democratic ideology of neoliberalism, with its collapse of the public into the private and its institutional structures of domination, are fully addressed and discredited.** Étienne Balibar is right in stating that the triumph of neoliberalism has resulted in the “death zones of humanity.” Following Balibar, what must be made clear is that neoliberal capitalism is itself a pandemic and a dangerous harbinger of an updated fascist politics. Overcoming Pandemic Pedagogy The kinds of societies that will emerge after the pandemic is up for grabs. In some cases, the crisis will give way to authoritarian regimes such as Chile, Hungary, and Turkey, all of which have used the urgency of COVID-19 as an excuse to impose more state control and surveillance, squelch dissent, eliminate civil liberties, and concentrate power in the hands of an authoritarian political class. As is well documented, history in a time of crisis also has the potential to change dominant ideologies, rethink the meaning of governance, and enlarge the sphere of justice and equality through a vision that fights for a more generous and inclusive politics. It is crucial to rethink the project of politics in order to imagine forms of resistance that are collective, inclusive and global, and capable of producing new democratic arrangements for social life, more radical values, and a “global economy which will no longer be at the mercy of market mechanisms.” This is a politics that must move beyond siloed identities and fractured political factions in order to build transnational solidarities in the service of an alternative radically democratic society. Making the pedagogical more political means challenging those forms of pandemic pedagogy that turn politics into theater, a favorite tactic of Trump. In this case, the performance works to suspend disbelief, hold power accountable, and unravel one’s sense of critical agency. Pandemic pedagogy does more than undermine critical thinking and informed judgments; it dissolves the line between the truth and lies, fantasy and reality, and in doing so, destroys the foundation for understanding, engaging, and promoting that social and economic justice. The endgame under the rubric of a pandemic pedagogy is not simply the destruction of the truth, but the elimination of democracy itself. Central to developing an alternative democratic vision is development of a language that refuses to look away and be commodified. Such a language should be able to break through the continuity and consensus of common sense and appeal to the natural order of things. At stake here is the need to reclaim both critical and redemptive elements of a radical democracy in order to address the full spectrum of violence that structures institutions and everyday life in the United States. This is a language connected to the acquisition of civic literacy, and it demands a different regime of desires and identifications to enable us to move from “shock and stunned silence toward a coherent visceral speech, one as strong as the force that is charging at us.” Of course, there is more at stake here than a struggle over meaning; there is also the struggle over power, over the need to create a formative culture that will **produce informed critical agents who will fight for and contribute to a broad social movement that will translate meaning into a fierce struggle for economic, political, and social justice**. Agency in this sense must be connected to a notion of possibility and education in the service of radical change. **Reimagining the future only becomes meaningful when it is rooted in a fierce struggle against the horrors and totalitarian practices of a pandemic pedagogy that falsely claims that it exists outside of history.** Václav Havel, the late Czech political dissident-turned-politician, once argued that politics follows culture, by which he meant that changing consciousness is the first step toward building mass movements of resistance. What is crucial here in the age of multiple crises is a thorough grasp of the notion that critical and engaged forms of agency are a product of emancipatory education. Moreover, at the heart of any viable notion of politics is the recognition that politics begins with attempts to change the way people think, act, and feel with respect to both how they view themselves and their relations to others. There is more to agency than the neoliberal emphasis on the “empire of the self,” with its unchecked belief in the virtues of a form of self-interest that despises the bonds of sociality, solidarity, and community. The US is in the midst of a political and pedagogical crisis. This is a crisis defined not only by a brutalizing racism and massive inequality, but also by a constitutional crisis produced by a growing authoritarianism that has been in the making for some time. The recent attacks by the police on journalists, peaceful protesters, and even elderly people marching for racial justice, echoes the violence of the Brownshirts in the 1930s. Let’s stop the futile debate about whether or not the US is in the midst of a fascist state and shift the register to the more serious question of how to resist it and restore a semblance of real democracy. Under such circumstances, education should be viewed as central to politics, and it plays a crucial role in producing informed judgments, actions, morality, and social responsibility at the forefront not only of agency, but politics itself. In this scenario, truth and politics mutually inform each other to erupt in a pedagogical awakening at the moment when the rules are broken. Taking risks becomes a necessity, self-reflection narrates its capacity for critically engaged agency, and thinking the impossible is not an option, but a necessity. Without an informed and educated citizenry, democracy can lead to tyranny, even fascism. Trump represents the malignant presence of a fascism that never dies and is ready to re-emerge at different times in different context in sometimes not-so-recognizable forms. The COVID-19 crisis and the pandemic of inequality and racism have revealed elements of a fascist politics that are more than abstractions. The struggle against a fascist politics is now visible in the rebellions taking place across the United States. While there are no political guarantees for a victory, there is a new sense that the future can be changed in the image of a just and sustainable society. There is a new energy for reform taking place in the aftermath of the killing of George Floyd. Massive protests for racial, economic, and social justice are emerging all over the globe. As I have argued in The Terror of the Unforeseen, at stake here is the need for these protests to transition from a pedagogical moment and collective outburst of moral anger to a progressive international movement that is well organized and unified. Such a movement must build solidarity among different groups, imagine new forms of social life, make the impossible possible, and produce a revolutionary project in defense of equality, social justice, and popular sovereignty. The racial, class, ecological, and public health crisis facing the globe can only be understood as part of a comprehensive crisis of the totality. **Immediate solutions such as defunding the police and improving community services are important, but they do not deal with the larger issue of eliminating a neoliberal system structured in massive racial and economic inequalities**. David Harvey is right in arguing that the “immediate task is nothing more nor less than the self-conscious construction of a **new political framework for approaching the question of inequality**, through a deep and profound critique of our economic and social system.” This is a crisis in which different threads of oppression must be understood as part of the general crisis of capitalism. The various protests now evolving internationally at the popular level offer the promise of new global anti-fascist and anti-capitalist movements. In the current moment, democracy may be under a severe threat and appear frighteningly vulnerable, but with young people and others rising up across the globe – inspired, energized and marching in the streets – the future of a radical democracy is waiting to breathe again. •

## Case

#### Waivers will not solve the problems that are most responsible for preventing vaccine distribution.

**Tabarrok 21** (Alex Tabarrok, 5-6-2021, "Patents are Not the Problem!," Marginal REVOLUTION, <https://marginalrevolution.com/marginalrevolution/2021/05/ip-is-not-the-constraint.html>)

Patents are not the problem. All of the vaccine manufacturers are trying to increase supply as quickly as possible. Billions of doses are being produced– more than ever before in the history of the world. Licenses are widely available. AstraZeneca have licensed their vaccine for production with manufac‐ tures around the world, including in India, Brazil, Mexico, Argentina, China and South Africa. J&J’s vaccine has been licensed for production by multiple firms in the United States as well as with firms in Spain, South Africa and France. Sputnik has been licensed for production by firms in India, China, South Korea, Brazil and pending EMA approval with firms in Germany and France. Sinopharm has been licensed in the UAE, Egypt and Bangladesh. Novavax has licensed its vaccine for production in South Korea, India, and Japan and it is desperate to find other licensees but technology transfer isn’t easy and there are limited supplies of raw materials:

“Virtually overnight, [Novavax] set up a network of outside manufacturers more ambitious than one outside executive said he’s ever seen, but they struggled at times to transfer their technology there amid pandemic travel restrictions. They were kicked out of one factory by the same government that’s bankrolled their effort. Competing with larger competitors, they’ve found themselves short on raw materials as diverse as Chilean tree bark and bioreactor bags. They signed a deal with India’s Serum Institute to produce many of their COVAX doses but now face the realistic chance that even when Serum gets to full capacity — and they are behind — India’s government, dealing with the world’s worst active outbreak, won’t let the shots leave the country.”

Plastic bags are a bigger bottleneck than patents. The US embargo on vaccine supplies to India was precisely that the Biden administration used the DPA to prioritize things like bioreactor bags and filters to US suppliers and that meant that India’s Serum Institute was having trouble getting its production lines ready for Novavax. CureVac, another potential mRNA vaccine, is also finding it difficult to find supplies due to US restrictions (which means supplies are short everywhere). As Derek Lowe said:

“Abolishing patents will not provide more shaker bags or more Chilean tree bark, nor provide more of the key filtration materials needed for production. These processes have a lot of potential choke points and rate‐limiting steps in them, and there is no wand that will wave that complexity away.”

Technology transfer has been difficult for AstraZeneca–which is one reason they have had production difficulties–and their vaccine uses relatively well understood technology. The mRNA technology is new and has never before been used to produce at scale. Pfizer and Moderna had to build factories and distribution systems from scratch. There are no mRNA factories idling on the sidelines. If there were, Moderna or Pfizer would be happy to license since they are producing in their own factories 24 hours a day, seven days a week (monopolies restrict supply, remember?). Why do you think China hasn’t yet produced an mRNA vaccine? Hint: it isn’t fear about violating IP. Moreover, even Moderna and Pfizer don’t yet fully understand their pro‐ duction technology, they are learning by doing every single day. Moderna has said that they won’t enforce their patents during the pandemic but no one has stepped up to produce because no one else can. The US trade representative’s announcement is virtue signaling to the anti‐market left and will do little to nothing to increase supply.4

#### Waiving IP protections increases the chance of unsafe vaccines.

**Ossowoski 21** (YaËL Ossowski, 5-10-2021, "We Don’t Need to Lift Patents to Make Vaccines More Accessible," Consumer Choice Center, https://consumerchoicecenter.org/we-dont-need-to-lift-patents-to-make-vaccines-more-accessible/)

There are a few reasons that a TRIPS waiver is unlikely to be the most efficient solution. The vaccines require specialized knowledge to develop and produce these vaccines, and the mRNA vaccines require cold storage. As economist Alex Tabarrok has pointed out, vaccine makers have been scouring the globe for adequate vaccine facilities but fallen short. It seems implausible that any of this could be achieved outside the traditional procurement contracts we’ve seen in the European Union and the U.S. (According to Bill Gates, What is more likely is an increase of botched and unsafe vaccines that would be risky for vulnerable populations, as philanthropist Bill Gates has claimed in his opposition to the waiver.⁵

#### Harmful vaccines would only diminish trust in government vaccines, and drastically hurt the chance of a safe vaccine being distributed in the future.