### 1NC – Kant

#### I value morality.

#### Ethics must begin a priori –

#### A] Is-ought gap – empiricism can only observe what is since that’s the only thing in our perception, not what ought to be, but it’s impossible to derive an ought from descriptive premises which requires a priori premises to form morality.

#### B] Empirical uncertainty– evil demon could deceive us, dreaming, simulation, and inability to know other’s experiences makes empiricism an unreliable basis for universal ethics. Outweighs since it would be escapable since people could say they don’t experience the same.

#### C] Infallibility – practical reason is the only unescapable authority because to ask why we should be reasoners is to concede authority to reason since the question itself uses reason – anything else is nonbinding and arbitrary.

#### Reason requires that maxims we act upon must be universalizable – A. Any reasoner would know that two plus two equals four because there is no a priori distinction between agents so norms must be universally valid. B. Any non-universalizable norm justifies someone’s ability to impede on your ends – it’s impossible to will a violation of freedom since deciding to do so would will incompatible ends since it logically entails justifying willing a violation of your own freedom.

#### Individuals must be considered to have a right to property, otherwise it’s impossible to consider them as volitional.

Kant 1797 - Immanuel. Kant: The Metaphysics of Morals (Cambridge Texts in the History of Philosophy) 2nd Edition. by Immanuel Kant (Author, philosopher), Mary J. Gregor (Editor), Roger J. Sullivan (Introduction). Cambridge University Press 1996. 1797

It is possible for me to have any external object of my choice as mine, that is, a maxim by which, if it were to become a law, an object of choice would in itself (objectively) have to belong to no one (res nullius) is contrary to rights.24 [6:251] For an object of my choice is something that I have the physical power to use. If it were nevertheless absolutely not within my rightful power to make use of it, that is, if the use of it could not coexist with the freedom of everyone in accordance with a universal law (would be wrong), then freedom would be depriving itself of the use of its choice with regard to an object of choice, by putting usable objects beyond any possibility of being used; in other words, it would annihilate them in a practical respect and make them into res nullius**, even though** in the use of things choice was formally consistent with everyone’s outer freedom in accordance with universal laws. – But since pure practical reason lays down only formal laws as the basis for using choice and thus abstracts from its matter, that is, from other properties of the object provided only that it is an object of choice, it can contain no absolute prohibition against using such an object, since this would be a contradiction of outer freedom with itself. – But an object of my choice is that which I have the physical capacity25 to use as I please, that whose use lies within my power26 (potentia). This must be distinguished from having the same object under my control27 (in potestatem meam redactum), which presupposes not merely a capacity but also an act of choice. But in order to think of something simply as an object of my choice it is sufficient for me to be conscious of having it within my power. – It is therefore an a priori presupposition of practical reason to regard and treat any object of my choice as something which could objectively be mine or yours.

#### Governments have a burden of being minimally interventionist on liberties so to not infringe upon self-ownership.

**Feser 8/21** [Feser, Edward. "Robert Nozick (1938—2002)." https://iep.utm.edu/nozick/. Web. August 21, 2021.]

Nozick takes his position to follow from a basic moral principle associated with Immanuel Kant and enshrined in Kant’s second formulation of his famous Categorical Imperative: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.” The idea here is that a human being, as a rational agent endowed with self-awareness, free will, and the possibility of formulating a plan of life, has an inherent dignity and cannot properly be treated as a mere thing, or used against his will as an instrument or resource in the way an inanimate object might be. In line with this, Nozick also describes individual human beings as self-owners (though it isn’t clear whether he regards this as a restatement of Kant’s principle, a consequence of it, or an entirely independent idea). The thesis of self-ownership, a notion that goes back in political philosophy at least to John Locke, is just the claim that individuals own themselves – their bodies, talents and abilities, labor, and by extension the fruits or products of their exercise of their talents, abilities and labor. They have all the prerogatives with respect to themselves that a slaveholder claims with respect to his slaves. But the thesis of self-ownership would in fact rule out slavery as illegitimate, since each individual, as a self-owner, cannot properly be owned by anyone else. (Indeed, many libertarians would argue that unless one accepts the thesis of self-ownership, one has no way of explaining why slavery is evil. After all, it cannot be merely because slaveholders often treat their slaves badly, since a kind-hearted slaveholder would still be a slaveholder, and thus morally blameworthy, for that. The reason slavery is immoral must be because it involves a kind of stealing – the stealing of a person from himself.)

#### Thus, the standard is consistency with respecting a system of outer freedom. Prefer additionally –

#### 1] Self-ownership is a prerequisite to any form of just government existing in the first place.

**Feser 8/21** [Feser, Edward. "Robert Nozick (1938—2002)." https://iep.utm.edu/nozick/. Web. August 21, 2021.]

But if individuals are inviolable ends-in-themselves (as Kant describes them) and self-owners, it follows, Nozick says, that they have certain rights, in particular (and here again following Locke) rights to their lives, liberty, and the fruits of their labor. To own something, after all, just is to have a right to it, or, more accurately, to possess the bundle of rights – rights to possess something, to dispose of it, to determine what may be done with it, etc. – that constitute ownership; and thus to own oneself is to have such rights to the various elements that make up one’s self. These rights function, Nozick says, as side-constraints on the actions of others; they set limits on how others may, morally speaking, treat a person. So, for example, since you own yourself, and thus have a right to yourself, others are constrained morally not to kill or maim you (since this would involve destroying or damaging your property), or to kidnap you or forcibly remove one of your bodily organs for transplantation in someone else (since this would involve stealing your property). They are also constrained not to force you against your will to work for another’s purposes, even if those purposes are good ones. For if you own yourself, it follows that you have a right to determine whether and how you will use your self-owned body and its powers, e.g. either to work or to refrain from working. So far this all might seem fairly uncontroversial. But what follows from it, in Nozick’s view, is the surprising and radical conclusion that taxation, of the redistributive sort in which modern states engage in order to fund the various programs of the bureaucratic welfare state, is morally illegitimate. It amounts to a kind of forced labor, for the state so structures the tax system that any time you labor at all, a certain amount of your labor time – the amount that produces the wealth taken away from you forcibly via taxation – is time you involuntarily work, in effect, for the state. Indeed, such taxation amounts to partial slavery, for in giving every citizen an entitlement to certain benefits (welfare, social security, or whatever), the state in effect gives them an entitlement, a right, to a part of the proceeds of your labor, which produces the taxes that fund the benefits; every citizen, that is, becomes in such a system a partial owner of you (since they have a partial property right in part of you, i.e. in your labor). But this is flatly inconsistent with the principle of self-ownership. The various programs of the modern liberal welfare state are thus immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, the only sort of state that can be morally justified is what Nozick calls a minimal state or “night-watchman” state, a government which protects individuals, via police and military forces, from force, fraud, and theft, and administers courts of law, but does nothing else. In particular, such a state cannot regulate what citizens eat, drink, or smoke (since this would interfere with their right to use their self-owned bodies as they see fit), cannot control what they publish or read (since this would interfere with their right to use the property they’ve acquired with their self-owned labor – e.g. printing presses and paper – as they wish), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens’ rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect – tending to produce bad unintended consequences like unemployment and housing shortages – but violate citizens’ rights to charge whatever they want to for the use of their own property).

#### 2] Innate rights necessitates the ability to own objects external to yourself

Ripstein 9 Ripstein, Arthur. Force and Freedom: Kant's Legal and Political Philosophy. Cambridge, MA: Harvard UP, 2009. Print.

Innate right is an incomplete account of independence, because it regulates only a person’s entitlement to his or her own person and reputation. This opens the possibility that there could be other means available that a person might use in setting and pursuing purposes. This possibility re- quires a further “postulate,” an extension consistent with but not con- tained in innate right.30 Kant argues that it would be inconsistent with right if usable things could not be rightfully used. The ability to use things for your purposes could be satisfied through a system of usufruct, in which things are borrowed from a common pool for particular uses. How- ever, because of the way that Kant conceives of the relation between hav- ing means and setting ends, permissibly using things is not enough to ex- tend your freedom; it would merely enable you to succeed at some particular purpose or other. [but] Freedom requires that you be able to have usable things fully at your disposal, to use as you see fit, and so to decide which purposes to pursue with them, subject only to such constraints im- posed by the entitlement of others to use whatever usable things they have. Any other arrangement would subject your ability to set your own ends to the choice of others, since they would be entitled to veto any par- ticular use you wished to make of things other than your body. The innate equality of all persons entails that nobody could have standing to limit the freedom of another person, except to protect his or her own independence. Nobody else is deprived of his means simply because you have external things as yours. At most, your use of what is yours deprives him of things that he might wish for, but frustrating the wishes of others is not inconsistent with their freedom, because nobody is entitled to have oth- ers organize their pursuits around his or her wishes. So it must be possi- ble to have external means as your own. All persons are symmetrically situated with respect to innate right; private right introduces the space for an asymmetry, because it allows different people to have different claims. You and I can own different things, and we can stand in different contrac- tual and status relations.

#### Now negate –

#### [1] Reducing IP is a form of free riding that fails the universality test, but also uses the creators of the medicine as means to an end.

Dyke 18 [Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/>] //DD PT

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

#### [2] Restrictions of intellectual property rights are violations of liberty.

**Pozzo 06** [Pozzo, Riccardo (2006), “Immanuel Kant on intellectual property”, <https://www.scielo.br/j/trans/a/rLfb3yPN3p4KPsYpxp8LQCp/?format=pdf&lang=en>] //DD PT

The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on his work confers him a moral right that is indeed a personal right. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other. In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. Kant, however, was firm in embracing intellectual property. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to intellectual property as an “inalienable right (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411).

### 1NC – AT: Evergreening

#### **Innovation is high now – IP protections are key in developing vaccines for diseases like COVID.**

**Bacchus 20** [James Bacchus; James Bacchus is a member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the chairman—the chief judge—of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland.; 12‐16‐2020; ”An Un‐ necessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID‐19 Vaccines”; https://www.cato.org/free‐trade‐bulletin/unnecessary‐proposal‐wto‐waiver‐ intellectual‐property‐rights‐covid‐19‐vaccines#, Cato Institute, accessed 7‐21‐2021; JPark

With the belief that medicines should be “public goods,” there is literally no support in some quarters for the application of the WTO TRIPS Agreement to IP rights in medicines. Any protection of the IP rights in such goods is viewed as a violation of human rights and of the overall public interest. This view, though, does not reflect the practical re‐ ality of a world in which many medicines would simply not exist if it were not for the existence of IP rights and the protections they are afforded. Technically, IP rights are exceptions to free trade. A long‐standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be ex‐ tended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID‐19 is but the latest global occasion for this ongoing discussion. The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long‐term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”18 The knowledge from innovations inspired by IP rights spills over to inspire other innova‐ tions. The protection of IP rights promotes the diffusion, domestically and internation‐ ally, of innovative technologies and new know‐how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas‐based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation. In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable De‐ velopment Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.19

#### And, IP protections are key for 5 reasons – eliminating IP kills innovation destroying modes of information sharing and killing productivity growth.

**McDole and Ezell 21** Jaci Mcdole and Stephen Ezell; McDole is a senior policy analyst covering intellectual property (IP) and innovation policy at the Information Technology and Innovation Foundation (ITIF). Ezell is vice president, global innovation policy, at the Information Technology and Innovation Foundation (ITIF). He focuses on science and technology policy, international competitiveness, trade, manufacturing, and services issues.; 4‐29‐2021; ”Ten Ways IP Has Enabled Innovations That Have Helped Sustain the World Through the Pandemic”; https://itif.org/publications/2021/04/29/ten‐ways‐ip‐has‐enabled‐innovations‐have‐helped‐sustain‐world‐through, ITIF, accessed 7‐29‐2021; JPark

There are at least five principal benefits strong IP rights can generate, for both developing and developed countries alike.31 First, stronger IP protection spurs the virtuous cycle of innovation by increasing the appropriability of returns, enabling economic gain and catalyzing economic growth. Second, through patents—which require innovators to disclose certain knowledge as a condition of protection—knowledge spillovers build a platform of knowledge that enables other innovators. For instance, studies have found that the rate of return to society from corporate R&D and innovation activities is at least twice the estimated returns that each company itself receives.32 Third, countries with robust IP can operate more efficiently and productively by using IP to determine product quality and reduce transaction costs. Fourth, trade and foreign direct investment enabled and encouraged by strong IP protection offered to enterprises from foreign countries facilitates an accumulation of knowledge capital within the destination economy. That matters when foreign sources of technology account for over 90 percent of productivity growth in most countries.33 There’s also evidence suggesting that developing nations with stronger IP protections enjoy the earlier introduction of innovative new medicines.34 And fifth, strong IP boosts exports, including in developing countries.35 Research shows a positive correlation between stronger IP protection and exports from developing countries as well as faster growth rates of certain industries.36

#### Strong intellectual protection laws for drugs are key to encouraging innovation for biopharmaceuticals – the plan guts that.

**Globerman et al. 16** [Steven Globerman, Kristina M.L. Acri, née Lybecker, Christopher Sands, Tomas J. Philipson, 10-14-2016, "Intellectual Property Rights and the Promotion of Biologics, Medical Devices, and Trade in Pharmaceuticals," Fraser Institute, <https://www.fraserinstitute.org/studies/intellectual-property-rights-and-the-promotion-of-biologics-medical-devices-and-trade-in-pharmaceuticals>] //DD PT

The prices of prescription drugs and medical devices have been a long-standing and controversial public policy issue in both developed and developing countries. One particular focus of the controversy is the “appropriate” degree of intellectual property (IP) protection that governments should provide manufacturers of innovative prescription drugs and medical devices. Stronger IP protection (say in the form of a longer allowable time period before patents expire), can be expected to encourage the discovery of new drugs and medical devices that improve the quality of medical care and, in many cases, reduce the overall long-run costs of treating specific medical conditions. At the same time, stronger IP protection can mean longer periods of higher prices for patented drugs and devices that have already been introduced to the marketplace. Policymakers therefore face a trade-off between encouraging innovation in the longer-run and promoting increased access to existing drugs and devices through lower prices. Policy choices with respect to this trade-off will reflect the economic and political circumstances of individual countries, as well as the dynamics of political lobbying that take place within those countries. This book presents several papers that focus on different aspects of the environment surrounding IP protection for prescription drugs and medical devices. In particular, the chapters make a collective argument that the current IP regimes of national health care systems likely provide too little IP protection from the standpoint of overall economic welfare. An implication is that initiatives by governments to strengthen IP protection will likely convey benefits on society in the form of increased rates of innovation that exceed any related costs resulting from reduced access to already developed drugs and medical devices due to higher prices. One reason for the net benefits of strengthening IP protection of biopharmaceuticals is the emergence of biologic or large molecule drugs for which strong and effective IP protection is particularly important to encourage innovation. A second is the emergence and growth of advanced manufacturing and automation that makes it possible for imitators or counterfeiters to quickly and cheaply design (or reverse engineer) drugs and devices, thereby reducing the expected returns to risky innovation. A third is a public goods problem whereby individual countries have incentives to limit their spending on patented drugs and devices and “free-ride” on the spending of other countries. This public goods problem argues that there will be too little innovation from an efficiency perspective absent collective efforts to strengthen IP protection regimes.

### 1NC – AT: COVID

#### The waiver causes a chilling effect in the pharmaceutical industry that prevents further innovation, development, and distribution.

**Staudt 6/15** [Daniel J. Staudt, 6-15-2021, "Waiving IP Rights: The Wrong Path to the Right Goals," IPWatchdog, <https://www.ipwatchdog.com/2021/06/15/waiving-ip-rights-the-wrong-path-to-the-right-goals/id=134546/>] //DD PT

“If the U.S. is sincere and serious about ending the pandemic as soon as possible, leveling the IP playing field internationally, and pursuing a worker-centric trade policy, waiving IP rights is the exact wrong way to go.” Waiving intellectual property (IP) protections for COVID-19 vaccines will hinder rather than further three meritorious objectives of the current U.S. Presidential Administration: ending the pandemic as soon as possible, leveling the IP playing field with China, and pursuing a worker-centric trade policy. Ensuring equitable, widespread, and successful distribution of vaccines across the globe to meet the challenges of COVID-19, ending the erosion of U.S. IP at the hands of China, and putting Americans back to work are goals that most of us in the U.S. share. An examination of the facts, however, demonstrates that waiving IP rights in the name of COVID-19 relief undermines each of these three U.S. government goals. Waiver Would Hurt, Not Help In terms of ending the pandemic as soon as possible, the Washington Post got it right in its [May 4 editorial](https://www.washingtonpost.com/opinions/global-opinions/how-to-help-the-poorest-countries-get-vaccinated/2021/05/03/18d5b79a-ac3a-11eb-acd3-24b44a57093a_story.html) when it stated, “Sharing doses and know-how is better than stripping patents.” It is noteworthy that, during this global debate over whether IP protections should be waived, there have been no instances identified where IP has been used to limit access to vaccines or other COVID-related technologies. In contrast, there are many examples of innovator companies from a wide array of industries who have partnered and shared IP to create testing, vaccines, and therapies to address this pandemic. In fact, IP has enabled this innovation and facilitated this collaboration by providing the incentives that have enabled innovators to devote the resources, technical knowledge, and know-how necessary to counter the pandemic. As a result, our innovative industries have been able to create vaccines and other measures to fight the pandemic. Should an IP waiver be implemented, however, there would not be a stable framework in place to provide confidence to innovators that they can take the necessary risks associated with their inventions and creations as we continue to combat COVID-19. In fact, a waiver would have an immediate chilling effect on continued research and collaborations that are needed, for example, to overcome new variants of the virus, create vaccines for special populations, and develop new tools to help defeat the pandemic and for future vaccine development for other infectious deceases.

#### The TRIPS waiver doesn’t solve for mass manufacturing and sets a dangerous precedent for future pandemics.

**Winegarden et al. 6/21** [Wayne Winegarden, Robert Popovian, Peter Pitts, 06-21-2021, "Waiving Covid-19 Vaccine Patents Is a Bad Idea and Sets a Dangerous Precedent”, Center for Medical Economics and Innovation, https://medecon.org/waiving-covid-19-vaccine-patents-is-a-bad-idea-and-sets-a-dangerous-precedent/] //DD PT

It all sounds so simple: to hasten the end of the pandemic globally, suspend intellectual property protections on Covid-19 vaccines to allow swift production of low-cost copies the world over. The Biden administration has bought into exactly that strategy at the World Trade Organization. But some simple ideas are also simplistic, and this one is dangerously so. Waiving patent rights for Covid-19 vaccines will actually slow their availability in the developing world, thereby prolonging the pandemic. The production of these breakthrough Covid-19 vaccines requires sophisticated processes, procedures, staff training, material, and manufacturing. Under typical patent-protected arrangements for new global production facilities, patent-holders voluntarily license their product information to qualified third party-manufacturers. The patent-owners work closely with the licensees to stand up facilities that meet rigorous technological specifications and standards for safety. Even under ideal conditions, it can take a year or longer to build out this infrastructure the right way. The WTO waiver blows up this careful process by allowing pretty much anyone to go into the business of producing Covid-19 vaccines. Suddenly, it’s the wild west out there, with legitimate producers trying to compete with aggressive cost and corner-cutters, to say nothing of the outright fraud that has long driven the lucrative counterfeit drug trade. All the research demonstrating the safety and efficacy of the Covid-19 vaccines goes out the window under such conditions. Nor is such a process going to produce faster results. Historically, under compulsory rather than voluntary licensing arrangements, it has taken even legitimate generic manufacturers years to receive the formulas, work out logistical challenges, and scale up production. In one case of compulsory licensing, it [took over four years](https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1184&context=jipl) to bring a generic AIDS drug to Rwanda. The World Health Organization regularly publishes a list of “essential” medications, the vast majority of which patent protections have long expired. Any generic manufacturer can therefore set itself up producing them. Yet the WHO reports that availability of these medicines in many parts of the developing world remains spotty, at best. The quality of many of these essential medicines is also questionable. Yet none of the drugs on the WHO list are in the same universe of complexity as the Covid-19 vaccines. The patent system is not the problem here. But, some ask, why should private companies enjoy the property rights to innovation driven by government funding? This question likewise misses the mark. In a study of 478 drugs less than [10 percent had a public-sector patent](https://www.researchgate.net/publication/49805993_What_Are_The_Respective_Roles_Of_The_Public_And_Private_Sectors_In_Pharmaceutical_Innovation) associated with it. While providing no gain, compulsory licensing promises lots of pain. Shunting aside patent and intellectual property rights sends a dangerous signal to innovative biopharmaceutical companies and their investors. Biopharmaceutical research is risky. It [costs almost $3 billion](https://pubmed.ncbi.nlm.nih.gov/26928437/), on average, to bring a single medicine to pharmacy shelves. Biotech investors take these risks because of [strong patent protection](https://pubs.aeaweb.org/doi/pdf/10.1257/jep.27.1.23) like those in the United States. Scientists in America now [develop over half of all new drugs worldwide](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2866602/). It’s important to understand the current advocacy for a “temporary” IP waiver. A small but vocal and influential public health policy cohort believes that IP protections are the most significant cause of global healthcare disparities. Their philosophies repeat and reinforce many misconceptions about the problem of improving global access to medicines. The reality is that, in order to save the world, we must all work together as partners. A free-market healthcare paradigm for drug development, although far from perfect, works. A well-appointed armamentarium of Covid-19 diagnostic tools, therapeutics, and vaccines – all invented in under one year, speaks to the power of today’s innovation ecosystem. That ecosystem is built on IP protections. Right now, under voluntary licensing, global production capacity for Covid vaccines and treatments is expanding and accelerating. A move to nullify IP will not result in a single resident of the developing world getting vaccinated one minute sooner.

#### The plan can’t solve manufacturing expertise and reduces international distribution.

**Pooley 21** [James Pooley, 5-25-2021, "The Big Secret Behind the Proposed TRIPS Waiver," IPWatchdog, <https://www.ipwatchdog.com/2021/05/25/big-secret-behind-proposed-trips-waiver/id=133905/>] //DD PT

So, this is why a temporary waiver of TRIPS—which would suspend national obligations to enforce IP rights—can’t possibly help countries like India get more vaccines to its citizens. The know-how required to manufacture at scale is owned by the companies like Pfizer and Moderna that are producing doses in record volumes. To effect the demanded “technology transfer,” governments would have to secure the agreement of those companies not just to hand over their entire “cookbook” but also to send qualified scientists and technicians to spend time at the foreign facilities, basically consulting on how to implement the secret processes to produce a safe vaccine. And even if that transfer happened tomorrow, getting to the point of actually manufacturing in volume would take more than a year. Not only would the TRIPS waiver not produce the results the proponents want, it would likely reduce the current level of international distribution of vaccines, by interfering with access to the limited supplies of required ingredients. In fact, this supply chain disruption was recently cited by none other than the government of India in pushing back against popular demands for a compulsory license on Gilead’s Remdesivir and other COVID-19 treatments, noting that the “main constraint” was not intellectual property rights but preventing competition for scarce “raw materials and other essential inputs.”

#### The plan doesn’t do anything – most pharma companies are already mass manufacturing vaccines.

**Wright 21** [Elizabeth Wright, 5-10-2021, "Biden Trips Badly on Intellectual Property in TRIPS," Citizens Against Government Waste, <https://www.cagw.org/thewastewatcher/biden-trips-badly-intellectual-property-trips>] //DD PT

The waiver is not only dangerous, it is also superfluous, because Johnson & Johnson, Moderna, and Pfizer are already producing tens of millions of doses of vaccines and gearing up to produce more, and all have plans to distribute them around the world without any need for the WTO to intervene or allow their IP to be stolen. Moderna [stated](https://investors.modernatx.com/news-releases/news-release-details/moderna-announces-agreement-sanofi-fillfinish-manufacturing) on April 26 that it was working with Sanofi to produce 200 million doses by September 2021 and [announced](https://investors.modernatx.com/news-releases/news-release-details/moderna-announces-supply-agreement-gavi-500-million-doses-covid) on May 3 a supply agreement with Gavi (the Vaccine Alliance that supplies vaccines to the COVAX Facility) to make up to 500 million doses to help end the pandemic in the lowest income countries. Moderna is [also](https://www.expresspharma.in/covid19-updates/who-issues-emergency-use-listing-for-modernas-covid-19-vaccine/) working with the World Health Organization for the emergency use of their vaccine and UNICEF to help with distribution of vaccines. Pfizer is in the [process](https://www.pfizer.com/news/press-release/press-release-detail/pfizer-and-biontech-supply-us-100-million-additional-doses) of delivering 200 million doses in the U.S. by July 31, 2021 and [stated](https://news.yahoo.com/pfizer-supply-4-5-million-174132337.html) on May 2 it would be shipping 4.5 million doses of its COVID-19 vaccine to South Africa by June. While the company is still [waiting](https://www.msn.com/en-us/news/politics/pfizer-ceo-discussing-expedited-vaccine-approval-with-india/ar-BB1gk2qO) for India to register its COVID-19 vaccine (making it highly suspicious that the waiver is simply an attempt to steal the patents since it would be faster to finalize approval), Pfizer is already [sending](https://www.msn.com/en-us/news/politics/pfizer-ceo-discussing-expedited-vaccine-approval-with-india/ar-BB1gk2qO) other free medicines to assist their public hospitals in fighting COVID-19. Johnson & Johnson, in spite of some setbacks, resumed production on April 23 and had administered [6.8 million](https://www.baltimoresun.com/coronavirus/bs-hs-jj-returns-in-maryland-20210430-zabqvbxhwrb3dpswdtthehl3be-story.html) single-shot doses.