

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

My value in today's debate is that of morality as per the word ought in the resolution. Which implies a moral obligation.

My criterion is that of maximizing the expected well being of the people.

First, let's define the World Trade Organization. It is an international organization made of 164 countries and the main purpose is to ensure that trade flows as smoothly, predictably, and freely as possible.

Now the negative proposes a counterplan. Resolved: The member nations of the World Trade Organization ought to temporarily reduce intellectual property rights for medicines in a pandemic/public health emergency situation after a countermeasure has been made.

Now let's define a pandemic. an epidemic occurring worldwide, or over a very wide area, crossing international boundaries and usually affecting a large number of people

Now onto the negatives first point, access in a pandemic situation.

Khatun 2021 [Dr. Fahmida, Executive Director at the Centre for Policy Dialogue, The Daily Star, "Can patent waiver for Covid-19 treatment bring vaccine equity? July 12, <https://www.thedailystar.net/opinion/macro-mirror/news/can-patent-waiver-covid-19-treatment-bring-vaccine-equity-2127591>

The inequality in accessing vaccines to tackle the Covid-19 pandemic is growing. Since the invention of the vaccines, there was apprehension regarding the accessibility of the vaccines by the citizens of poorer countries. The supply of vaccines is also far less than the demand. And whatever is being manufactured are being purchased by developed countries in advance and in plenty, leaving low and lower middle-income countries far behind in the vaccination drive. Many high-income countries have already managed to vaccinate a large number of their population. Whereas most people in the least developed countries (LDCs) are still waiting for their shots and struggling to recover from the pandemic, both in terms of health and economy.

Pandemics and IPR don't mix

Lindsey, B. (2021, June 2). *Why intellectual property and pandemics don't mix.* Brookings. <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>.

When we take the longer view, **we can see a fundamental mismatch between the policy design of intellectual property protection and the policy requirements of effective pandemic response.** Although patent law, properly restrained, constitutes one important element of a well-designed national innovation system, **the way it goes about encouraging technological progress is singularly ill-suited to the emergency conditions of a pandemic or other public health crisis.** Here is the basic bargain offered by patent law: encourage the creation of useful new ideas for the long run by slowing the diffusion of useful new ideas in the short run. The second half of the bargain, the half that imposes costs on society, comes from the temporary exclusive rights, or monopoly privileges, that a patent holder enjoys. Under U.S. patent law, for a period of 20 years nobody else can manufacture or sell the patented product without the permission of the patent holder. This allows the patent holder to block competitors from the market, or extract licensing fees before allowing them to enter, and consequently charge above-market prices to its customers. **Patent rights thus slow the diffusion of a new invention by restricting output and raising prices.** The imposition of these short-run costs, however, can bring net long-term benefits by sharpening the incentives to invent new products. In the absence of patent protection, the prospect of easy imitation by later market entrants can deter would-be innovators from incurring the up-front fixed costs of research and development. But with a guaranteed period of market exclusivity, inventors can proceed with greater confidence that they will be able to recoup their investment. For the tradeoff between costs and benefits to come out positive on net, patent law must strike the right balance. Exclusive rights should be valuable enough to encourage greater innovation, but not so easily granted or extensive in scope or term that this encouragement is outweighed by output restrictions on the patented product and discouragement of downstream innovations dependent on access to the patented technology. Unfortunately, the U.S. patent system at present is out of balance. Over the past few decades, the expansion of patentability to include software and business methods as well as a general relaxation of patenting requirements have led to wildly excessive growth in these temporary monopolies: the number of patents granted annually has skyrocketed roughly fivefold since the early 1980s. One unfortunate result has been the rise of “non-practicing entities,” better known as patent trolls: firms that make nothing themselves but buy up patent portfolios and monetize them through aggressive litigation. As a result, a law that is supposed to encourage innovation has turned into a legal minefield for many would-be innovators. In the pharmaceutical industry, firms have abused the law by piling up patents for trivial, therapeutically irrelevant “innovations” that allow them to extend their monopolies and keep raising prices long beyond the statutorily contemplated 20 years. Patent law is creating these unintended consequences because policymakers have been caught in an ideological fog that conflates “intellectual property” with actual property rights over physical objects. Enveloped in that fog, they regard any attempts to put limits on patent monopolies as attacks on private property and view ongoing expansions of patent privileges as necessary to keep innovation from grinding to a halt. In fact, patent law is a tool of regulatory policy with the usual tradeoffs between costs and benefits; like all tools, it can be misused, and as with all tools there are some jobs for which other tools are better suited. A well-designed patent system, in which benefits are maximized and costs kept to a minimum, is just one of various policy options that governments can employ to stimulate technological advance—including tax credits for R&D, prizes for targeted inventions, and direct government support. **For pandemics and other public health emergencies, patents’ mix of costs and benefits is misaligned with what is needed for an effective policy response. The basic patent bargain, even when well struck, is to pay for more innovation down the road with slower diffusion of innovation today. In the context of a pandemic, that bargain is a bad one and should be rejected entirely. Here the imperative is to accelerate the diffusion of vaccines and other treatments, not slow it down. Giving drug companies the power to hold things up by blocking competitors and raising prices pushes in the completely wrong direction.**

Levine, A. (2021, August 21). *Lambda and B.1.621: New covid variants could be the worst yet, doctor warns.* WFLA.

<https://www.wfla.com/community/health/coronavirus/lambda-and-b-1-621-new-covid-variants-could-be-the-worst-yet-doctor-warns/>

We cant afford to do this when other countries like Africa or India are being hitting hard by covid. It is not morally acceptable.

Nadeau, B. L. (2021, May 18). *India's COVID Nightmare is now officially Africa's problem*. The Daily Beast.

<https://www.thedailybeast.com/indias-covid-nightmare-is-now-officially-africas-problem?ref=scroll>.

Africa is slowly nearing the edge of the COVID-19 cliff. The World Economic Forum says the delays “**could have further long-lasting consequences on Sub-Saharan Africa’s economies**” since **without vaccine protection, the pandemic will continue there unhindered, giving way to the development of new vaccine-resistant variants, stifling already sluggish economies, and taxing health systems that will quickly buckle under any more pressure.**

Speaking of Covid 19 variants we keep having more and more and that slowly become vaccine resistant so we need to be able to react fast and reduce IPR.

The lambda variant, along with another one so new it doesn’t even have a Greek letter name yet, are the causes of concern according to Dr. Gregory Poland, director of the Vaccine Research Group at the famed Mayo Clinic in Rochester, MN. So far, the new variant has been called B.1.621. There now are about 1,500 known cases of the lambda virus mutation in the United States, Dr. Poland said to WPIX. “**What makes it dangerous is that it’s highly infectious and can resist some of the vaccine-induced immunity and spread easily between people,**” he said. Virus variations compete for supremacy and the stronger and most resistant forms are the ones that take over and become the most common strains. With relatively few U.S. cases so far, Dr. Poland said it’s not yet clear that lambda will supplant the delta variant sweeping so much of the country. **But he pointed out that lambda is now responsible for about 88% of all COVID-19 cases in Peru “and has really started to spread through South America.”** The B.1.621 variant was discovered early this year in Colombia. **“It recently caused an outbreak in a nursing home in Belgium and killed seven people that were fully vaccinated,”** Dr. Poland told PIX11. “What is concerning about [it] is that it is now 9% of the cases that have been seen in Miami, Florida.” Those new variants could spread to the New York City area and the rest of the country. **Current vaccines, of course, were not designed to fight the variations that previously didn’t exist. Ideally, we would have new vaccines to battle these variants instead of the plan to provide booster shots of the current vaccine. But Dr. Poland is doubtful that new vaccines can be available in time.**

Covid is rapidly evolving and by reducing IPR we increase access to vaccines which can help end the pandemic faster.

Now onto the second point, why IPR are important when not in a pandemic.

Puthran, E. (2019, March 12). *IPR (Intellectual Property Rights) and Healthcare*. GENOMEDEN.
<http://genomeden.com/ipr/>.

Patents and various other forms of IP form a crucial factor in innovation, ensuring that companies have the possibility of being rewarded for the enormous investments needed to research and develop new medicines and medical devices which are vitally important in healthcare.

Patents lead to innovation in the healthcare industry allowing us to solve problems previously unsolved. Patents also let consumers know what to pick

Global Innovation Policy Center, g. (2009). *Why are intellectual property rights important?*
Global Innovation Policy Center Why Are Intellectual Property Rights Important Comments.

<https://www.theglobalipcenter.com/why-are-intellectual-property-rights-important/#:~:text=Strong%20and%20Enforced%20Intellectual%20Property,that%20consumers%20recognize%20and%20expect.>

Strong and Enforced Intellectual Property Rights Protect Consumers and Families. Strong IP rights help consumers make an educated choice about the safety, reliability, and effectiveness of their purchases. Enforced IP rights ensure products are authentic, and of the high-quality that consumers recognize and expect.

Patents give consumers the ability to recognize quality products and lead to innovations. Even more so patents are an integral part of economy which is extremely important in our current time of economic crisis.

USPTO, g. (2016, September 26). *Intellectual property and the U.S. economy*. United States Patent and Trademark Office - An Agency of the Department of Commerce.
<https://www.uspto.gov/learning-and-resources/ip-motion/intellectual-property-and-us-economy>.

IP-intensive industries continue to be an important and integral part of the U.S.

economy. This report identifies 81 industries (from among 313 total) as IP-intensive. These IP-intensive industries directly accounted

for 27.9 million jobs in 2014, up 0.8 million from 2010. **Trademark-intensive industries are the largest in**

number **and contribute the most employment with 23.7 million jobs in 2014** (up from 22.6 million in 2010). Copyright-intensive industries supplied 5.6 million jobs (compared to 5.1 million in 2010) followed by patent-intensive industries with 3.9 million jobs (3.8 million in 2010). While jobs in IP-intensive industries increased between 2010 and 2014, non-IP-intensive jobs grew at a slightly faster pace. Consequently, the proportion of total employment in IP-intensive industries declined slightly to 18.2 percent (from 18.8 percent in 2010). In contrast, the value added by IP-intensive industries increased substantially in both total amount and GDP share between 2010 and 2014. **IP-intensive industries accounted for \$6.6(GDP) trillion in value added in 2014**, up more than \$1.5 trillion (30 percent) from \$5.06 trillion in 2010. Accordingly, the share of total U.S. GDP attributable to IP-intensive industries increased from 34.8 percent in 2010 to 38.2 percent in 2014. Revenue specific to the licensing of IP rights totaled \$115.2 billion in 2012, with 28 industries deriving revenues from licensing. Total merchandise exports of IP-intensive industries increased to \$842 billion in 2014 from \$775 billion in 2010.

The economy is one of the most important things right now.

Szmigiera, S. (2021). *Topic: Coronavirus: Impact on the global economy*. Statista.
<https://www.statista.com/topics/6139/covid-19-impact-on-the-global-economy/>.

While **there is no way to tell exactly what the economic damage from the global COVID-19 coronavirus pandemic will be**, **there is widespread agreement among economists that it will have severe negative impacts on the global economy**. **Early estimates** predicted that, should the virus become a global pandemic, **most major economies will lose at least 2.9 percent of their gross domestic product (GDP) over 2020**. This forecast was already restated to a GDP loss of 4.5 percent. To put this number in perspective, **global GDP was estimated at around 87.55 trillion U.S. dollars in 2019 – meaning that a 4.5 percent drop in economic growth results in almost 3.94 trillion U.S. dollars of lost economic output**.

Now after all this I think we need to move onto the affirmative side of the flow.