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

# Framework

## Value: Morality

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## My Value Criterion is consequentialism

#### **O*nly* pleasure and pain are intrinsically valuable. All other values can be explained with reference to pleasure.**

**Moen 16** [Ole Martin Moen, **Research Fellow in Philosophy** at University of Oslo “An Argument for Hedonism” **Journal of Value Inquiry** (Springer), 50 (2) 2016: 267–281]

I think several things should be said in response to Moore’s challenge to hedonists. First, I do not think the burden of proof lies on hedonists to explain why the additional values are not intrinsic values. If someone claims that X is intrinsically valuable, this is a substantive, positive claim, and it lies on him or her to explain why we should believe that X is in fact intrinsically valuable. Possibly, this could be done through thought experiments analogous to those employed in the previous section. Second, there is something peculiar about the list of additional intrinsic values that counts in hedonism’s favor: the listed values have a strong tendency to be well explained as things that help promote pleasure and avert pain. To go through Frankena’s list, life and consciousness are necessary presuppositions for pleasure; activity, health, and strength bring about pleasure; and happiness, beatitude, and contentment are regarded by Frankena himself as “pleasures and satisfactions.” The same is arguably true of beauty, harmony, and “proportion in objects contemplated,” and also of affection, friendship, harmony, and proportion in life, experiences of achievement, adventure and novelty, self-expression, good reputation, honor and esteem. Other things on Frankena’s list, such as understanding, wisdom, freedom, peace, and security, although they are perhaps not themselves pleasurable, are important means to achieve a happy life, and as such, they are things that hedonists would value highly. Morally good dispositions and virtues, cooperation, and just distribution of goods and evils, moreover, are things that, on a collective level, contribute a happy society, and thus the traits that would be promoted and cultivated if this were something sought after. To a very large extent, the intrinsic values suggested by pluralists tend to be hedonic instrumental values. Indeed, pluralists’ suggested intrinsic values all point toward pleasure, for while the other values are reasonably explainable as a means toward pleasure, pleasure itself is not reasonably explainable as a means toward the other values. Some have noticed this. Moore himself, for example, writes that though his pluralistic theory of intrinsic value is opposed to hedonism, its application would, in practice, look very much like hedonism’s: “Hedonists,” he writes “do, in general, recommend a course of conduct which is very similar to that which I should recommend.”24 Ross writes that “[i]t is quite certain that by promoting virtue and knowledge we shall inevitably produce much more pleasant consciousness. These are, by general agreement, among the surest sources of happiness for their possessors.”25 Roger Crisp observes that “those goods cited by non-hedonists are goods we often, indeed usually, enjoy.”26 What Moore and Ross do not seem to notice is that their observations give rise to two reasons to reject pluralism and endorse hedonism. The first reason is that if the suggested non-hedonic intrinsic values are potentially explainable by appeal to just pleasure and pain (which, following my argument in the previous chapter, we should accept as intrinsically valuable and disvaluable), then—by appeal to Occam’s razor—we have at least a pro tanto reason to resist the introduction of any further intrinsic values and disvalues. It is ontologically more costly to posit a plurality of intrinsic values and disvalues, so in case all values admit of explanation by reference to a single intrinsic value and a single intrinsic disvalue, we have reason to reject more complicated accounts. The fact that suggested non-hedonic intrinsic values tend to be hedonistic instrumental values does not, however, count in favor of hedonism solely in virtue of being most elegantly explained by hedonism; it also does so in virtue of creating an explanatory challenge for pluralists. The challenge can be phrased as the following question: If the non-hedonic values suggested by pluralists are truly intrinsic values in their own right, then why do they tend to point toward pleasure and away from pain?27

# Contention 1: An IP pandemic waiver would allow swifter responses to crises which saves millions especially in developing countries

## a. **Global IP imbalances harm everyone, and fail to accommodate the needs of developing countries. We must take into consideration the ways in which global differences affect access to medicines.**

**Chen, 10** [Ge Chen, Research Fellow, Institute for International Law and European Law, “Fragmentation of International Law: Its Impact on Access to Knowledge in International Copyright Scenario”, World Intellectual Property Organization, May 27th, 2010, <https://www.wipo.int/edocs/mdocs/sme/en/wipo_smes_ge_10/wipo_smes_ge_10_ref_topic10_1.pdf> ] /TriumphDebate

**Under the institutional lens, the redistributive value of knowledge goods is likewise relatively unheeded, though it has been embraced as GPG indispensable to the common progress of the human society**. 99 In terms of neoclassical economics public goods are necessitated by the market failure to satisfy certain basic human needs which shall be in turn accommodated by government regulation in its policy of social welfare. 100 **However, access rights in IP regimes have immanently covered up the complexity of the redistributive uncertainties entailed in welfare disposition of knowledge goods.** 101 **In fact, how to ensure that the social benefits of recouping momentum for cumulative innovation from the current system are not diluted or offset by the social costs of deterring free riders with the relentless ratcheting up of IP standards constitutes a critical question which might otherwise adversely impinge on the provision and distribution of other public goods such as education and scientific research. In particular, when the imbalance is magnified on the global scale, the stakes will be considerably higher**. 102 Presumably, by disentangling the unnecessarily fettered access to copyrighted works, the legislator could redefine the GPG and help the modern media like the Internet become an open marketplace for ideas and business transactions. 103 **While ideas and information should then be used as a resource and management tool that allows the maximization of the value of processes and transactions**, 104 **an open market in the global trade sphere that distributes knowledge goods shall enable all nations including those with poor financial and innovative capacities to benefit from knowledge transfer**. 105 It is the very vision of even distribution of sufficient GPG that has bolstered the uniform pursuit of optimal level of IP protection. 106 **Unfortunately, however, the current paradigm of GPG governance fails to accommodate the needs of access to knowledge in developing countries due to the lack of a legitimate and effective regulatory regime that provides institutional backup to centralize and distribute all these global public resources on a uniform scale, which amounts to the “governance gap” on the international plane**. 107 **While developed countries have always treated knowledge in the form of creative expressions accomplished by their nationals as their exclusive natural resource worthy of strong legal protection,** 108 **knowledge cartels representing unilateral pursuit of private interests have manoeuvred into the centre of IP decision-making with their poignant lobbying capacities at the domestic level.** 109 Moreover, these countries have endeavoured to exert great influence on global norm-setting in copyright fields and managed to impose a universally high standard comparable to their domestic level upon other nations as well. 110 **In contrast, developing countries with limited innovation capacities and financial resources often claim that the benefits virtually accrue to consumers and users in other countries and postulate that divergent social and economic contingencies must be taken into consideration if global coordination in knowledge governance is to be made.** 111

## b. **Speed is necessary to pandemic response; John Hopkins data shows that countries that responded slower had significantly higher COVID death rates**

**Whiteaker 20** [Chloe Whiteaker, journalist for Bloomberg, Adrian Leung, data visual journalist for Bloomberg, and Jeremy Scott Diamond, data and development designer for Bloomberg graphics, July 16 2020, “Why Acting Fast Is the Key to Beating a Second Wave of Covid-19,” Bloomberg, <https://www.bloomberg.com/graphics/2020-swift-covid-19-lockdowns-more-effective/>] Triumph Debate

**Many nations are emerging from lockdowns even as experts are predicting a second wave of Covid-19 infections. Based on the first wave, they can avoid the worst if they move deftly. Governments that hesitated to mount a broad containment response when the virus first emerged ended up with eight times as many deaths per 100,000 citizens, on average, compared to those that sprung into action soon after—or even before—confirming their first case**. **That’s according to a Bloomberg News analysis of the Stringency Index—which measures the strictness of “lockdown style” policies tracked by Oxford University’s Blavatnik School of Government—and data on Covid-19 infections compiled by Johns Hopkins University. “If you’re slow, you have a much larger base number of infections and that’s much more difficult to control,” according to Mark Dybul, a professor of global health at Georgetown University Medical Center and former head of the Global Fund to Fight AIDS, Tuberculosis and Malaria**. “Even when you put really severe restrictions in place, you’ve already got spread happening at a level that’s very difficult to contain.” Every Day Counts **Countries that reacted slower had higher death tolls, on average, regardless of how tough their restrictions were** Avg. deaths per million people 3 Slow & Weak 2 Slow & Strong Fast & Weak 1 Fast & Strong 0 0 25 50 75 100 125 150 Days since first case Note: Data as of June 14. Deaths are shown as a seven-day rolling average. Sources: Johns Hopkins University Center for Systems Science and Engineering, Oxford COVID-19 Government Response Tracker, Blavatnik School of Government, analysis by Bloomberg Fast responses were those where the full suite of containment measures went into effect within 35 days of reporting a first case—the average length of time for all countries analyzed. Slow responses entailed waiting to react—including the U.K.’s initial “herd immunity” strategy—or increasing restrictions gradually as infections rose. Strong responses included a broad array of measures related to everything from the size of gatherings to domestic travel, and restrictions were often mandated for the entire country. Weak responses utilized fewer measures, with only regional mandates or mere recommendations. That includes Japan, where the federal government recommended staying inside, working from home and canceling events, but didn’t place limits on gatherings nor on its infamously crowded metro lines, and let prefectures determine school closures. Almost all countries placed some limits on schools and international arrivals, but those with the strongest responses went far beyond that. **Argentina earned the highest score on Oxford’s Stringency Index after bringing all semblance of normal daily life to a halt**. Every school and non-essential business in the country was closed; all intercity buses, trains and domestic flights were suspended; international borders were sealed even for citizens; and checkpoints were set up on roads to catch those breaking quarantine—an offense punishable by up to two years in prison. **Neighboring Brazil took the opposite approach: a delayed response led by states and opposed by President Jair Bolsonaro, who encouraged people to get back to work. Brazil’s death toll is more than 11 times higher than Argentina’s, per 100,000 people, and is still rising rapidly.** Most countries started ramping up safety measures around the time the World Health Organization declared Covid-19 a pandemic in mid-March. By that time, dozens of countries had more than 100 cases.

## c. A waiver provides desperately needed vaccines to developing countries which reduces death and suffering

**Donohue. (2021**, July 12). *Paper asks WTO to waive IP protections for vaccine makers*. UW Medicine Newsroom. <https://newsroom.uw.edu/news/paper-asks-wto-waive-ip-protections-vaccine-makers>

The World Trade Organization (WTO) should temporarily waive an agreement that protects intellectual property rights held by pharmaceutical manufacturers of COVID-19 vaccines, and thereby enable more companies to produce the vaccines, says a [**paper published July 8 in the Journal of Medical Ethics**](http://jme.bmj.com/cgi/content/full/medethics-2021-107555?ijkey=SV1sUGWEj1X3e3K&keytype=ref).

A waiver is the best way to speed vaccine distribution in low- and middle-income nations, where vaccinations have lagged badly due to wealthy nations hoarding available doses, said lead author Nancy Jecker, a professor of bioethics and humanities at the University of Washington School of Medicine.

“Over 100 Nobel laureates and 75 former heads of state, as well as President Biden, have expressed support for a waiver,” she said. “Opponents seem not to be defending intellectual property protections on ethical grounds but in the interest of profits."