# Grapevine round 5

### Framework

#### The Meta-Ethic is Moral Pluralism; Clashing viewpoints does not require the exclusion of one over another but instead the acceptance that both can be valuable ethical tools. Prefer

#### 1] Empirics- Subjectivity is inescapable

Pölzler and Wright 19[Thomas Pölzler and Jennifer Cole Wright- “Empirical research on folk moral objectivism” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6686698/> NCBI. Published July 5th 2019]

Examining these studies' results more closely, however, makes it less clear whether this interpretation is appropriate (Pölzler, 2018b). Take again Goodwin and Darley's study. In this study, almost 30% of subjects' responses to the disagreement measure and almost 50% of their responses to the truth‐aptness measure fell on the option that the researchers took to be indicative of subjectivism (Goodwin & Darley, 2008, pp. 1347, 1351). Moreover, while some moral statements were dominantly classified as objective (e.g., the above statement about robbery), many others were dominantly classified as nonobjective (e.g., the stem cell research statement). This suggests that subjects in Goodwin and Darley's study may have actually favored what Wright, Grandjean, and McWhite (2013) called “metaethical pluralism,” i.e., they sometimes sided with objectivism and other times with nonobjectivism. More recent studies have by and large confirmed this hypothesis of folk metaethical pluralism. Wright et al. (2013) and Wright, McWhite, and Grandjean (2014), for example, replicated Goodwin and Darley's results, using the exact same measures, but letting subjects classify the presented statements as moral and nonmoral themselves. Objectivity ratings for statements that were dominantly self‐classified as moral varied between as little as 5% and as much as 85%. Research based on different measures yielded high proportions of intrapersonal variation as well (e.g., Beebe, 2014; Beebe, Qiaoan, Wysocki, & Endara, 2015; Beebe & Sackris, 2016; Fisher, Knobe, Strickland, & Keil, 2017; Goodwin & Darley, 2012; Heiphetz & Young, 2017; Wright, 2018; Zijlstra, forthcoming‐a).2

#### 2] Subject Formation – experiences shape identity because we construct our thoughts based on how we feel.

University at Buffalo Center for Educational Innovation **(U@Buffalo CEI)**. (**2020**, December 08). Constructivism. Retrieved April 14, 2021, from http://www.buffalo.edu/ubcei/enhance/learning/constructivism.html

**Constructivism** is the theory that **says learners construct knowledge rather than** just **passively take in information.** **As people experience the world and reflect** upon those experiences, **they build their own representations and incorporate new information into their pre-existing knowledge (schemas).**

Related to this are the processes of assimilation and accommodation.

* **Assimilation** refers to the process of taking new information and fitting it into an existing schema.
* **Accommodation** refers to using newly acquired information to revise and redevelop an existing schema.

**For example, if I believe** that **friends are always nice, and meet a** new **person who is** always **nice to me I may call this person a friend, assimilating them into my schema.** **Perhaps, however, I meet a different person who sometimes pushes me to try harder and is not always nice.** **I may decide to change my schema to accommodate** this person by deciding a friend doesn’t always need to be nice if they have my best interests in mind. **Further, this may make me reconsider whether the first person still fits into my friend schema.**

Consequences of constructivist theory are that:

* Students learn best when engaged in learning experiences rather passively receiving information.
* Learning is inherently a social process because it is embedded within a social context as students and teachers work together to build knowledge.
* Because knowledge cannot be directly imparted to students, the goal of teaching is to provide experiences that facilitate the construction of knowledge.

This last point is worth repeating. A traditional approach to teaching focuses on delivering information to students, yet constructivism argues that you cannot directly impart this information. Only an experience can facilitate students to construct their own knowledge. Therefore, the goal of teaching is to design these experiences.

#### **Only a pragmatic deliberative model accepts ongoing confrontation as legitimate rather than oppositional.** Thus, the standard is promoting pragmatic deliberation.

Serra 1 [Juan Pablo Serra. What Is and What Should Pragmatic Ethics Be? Some Remarks on Recent Scholarship. EUROPEAN JOURNAL OF PRAGMATISM AND AMERICAN PHILOSOPHY. 2009. Francisco de Vitoria College, Humanities Department, Faculty member]

This separation of theory and practice runs parallel to another split, namely, that of ethics and morals or, better put, of ethical theory and moral practice. Peirce denies that morality is subject to rationality and thinks that ethicsisvaluable as a science in a broad sense. But he also regards ethics as a science which bears on human conduct only indirectly, through the examination of past actions and the self-correction of the self in view of future action. In addition, ethics would be a normative knowledge only in so far as it analyzes the adjustment of actions to ends and in so far as it studies the general way in which a good life can be lived. In morals Peirce appeals to instinct and sentiment, and in ethics he recommends the use of logical thinking —just as scientists do. However, even within the framework of his system, it’s not obvious that scientists may so easily set aside their instincts —in fact, instinct (or ‘rational instinct’ as he called it in 1908) plays a significant role in the economy of re- search. Moreover, the statement that in moral issues there may be no possibility of carrying out an inquiry that is truth-oriented is not an uncontroversial one. After all, moralinquiryisperformedin a deliberativeway**,** weighing up argumentations, beliefs andprinciples**,** andcomparingthem either with their probable or conceivable consequences or with lived as well as possible experiencesthatcan be forceful or impingeuponthe deliberative subject in such a way as to acquire the compulsory resistance due to reality. As Misak puts it succint- ly, “the practice of moral deliberation is responsive to experience, reason, argument, and thought experiments... Suchresponsivenessispartofwhatitistomakea moral decision and part of what it is to try to live a moral life” (2000: 52)3. Likewise, this same deliberativeactivityimpliesanefforttoacquirehabits**,** beliefs and principles thatcontributeto a truly freedeliberation which, in turn, can result in creative conclusions. For Peirce, as you get more habit-governed, you become more creative and free, and your selfhood acquires plas- ticity and receptiveness to experience4. Vincent Colapietro has referred to Peirce’s description of human reason in terms of a deliberative rationality (1999: 24). Also, in another place he has explained that deliberation for Peirce is a process of preparation for future action which has to do with the checking of previous acts, the rehearsal in imagination of different roads to be followed by possible conduct and the nurturing of ideals (Colapietro 1997: 270, 281). It is precisely this experi- ment carried out within imagination that generates habits, because, as Peirce says in “A Survey of Pragmaticism”, “it is not the muscular action but the accompanying inward ef- forts, the acts of imagination, that produce the habit” (CP 5.479, 1907). Habits are regular ways of thinking, perceiving and interpreting that generate actions. As such, habits have a huge influence on human behavior, manifest themselves in the con- crete things we do and, at the same time, are formed within those same activities. Even more, according to Peirce, theactivitytakes the formofexperimentation in the inner world; and the conclusion (if it comes to a definite conclusion), is that under given conditions, the interpreter will have formed the habit of acting in a given way whenever he may desire a given kind of result. The real and living logical conclusionisthat habit (CP 5.491, 1907). Much more evidence could be given to support the view that habits are virtually decided (CP 2.435, c.1893) and also that intelligence comprises inward or potential actions that in- fluence the formation of habits (CP 6.286, 1893). Suffice it to say that, according to Peirce, deliberation is a function of the imagination, and that imagination is in itself an experiment which may have unexpected consequences that impose themselves upon the deliberative subject.

#### Prefer additionally

#### 1] TJFS- A] Inclusion – Pragmatism definitionally is a procedural for allowing almost any argumentation in the debate space which controls the internal link to inclusion which is an impact multiplier B] Resource Disparities- Discursive frameworks ensure big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity and require a higher level of analytic thinking that small schools have.

#### 2] Performativity- Responding to our framework concedes the validity of pragmatism since that in and of itself is a process of contestation that pragmatism would say is valuable and necessary for spaces like debate to function.

#### **3]** Resolves trivialism- a) Discussion between many bodies means that moral uncertainty can be deliberated and resolved. b) Truth only makes sense in groups of people so only they can prescribe action

#### 4] Actor Specificity- A]Governments follow agonistic procedures all the time because they try to include voices and resemble the interests of all of their citizens.B] There is nothing inherent to obligations that guide us on how we ought to follow it, regardless of how correct the obligation is. Only deliberation accounts for the diversity of interpretations of our norms allowing action guidance for states.

#### 5] Hijacks any ethical theory- if your framework is really key to morality then we would come to that conclusion after deliberation

#### 6] Value Pluralism- Other ethical theories rely on minimalistic criteria as their foundation, our framework resolves this by using these criteria to better inform our judgments

#### 7] Permissibility and Presumption affirm

**A] Otherwise we’d have to justify neutral actions like drinking water.**

**B] We wouldn’t be able to start a strand of reasoning since we’d have to question that reason.**

**C] Presuming obligations is logically safer since it’s better to be supererogatory than fail to meet an obligation.**

#### D] Negative arguments presuppose the aff being true since they begin with a descriptive premise about the affirmative such as the aff does x, and then justify why x is bad. However, if the aff does not have truth value, that entails the descriptive premise would also not have truth value, which is contradictory.

### Offense

#### Plan – Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by implementing a one-and-done approach for patent protection.

#### 1] Reducing IP is a method of global solidarity by manifesting intra-country cooperation.

Jecker and Atuire 7/7 [Nancy S Jecker (professor of bioethics and philosophy at the University of Washington School of Medicine, Department of Bioethics and Humanities) and Caesar A Atuire (PhD in Philosophy from the Athenaeum Regina Apostolorum, Rome, Lecturer in the Department of Philosophy and Classics at the University of Ghana, Legon). “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines”. Journal of Medical Ethics. July 7 2021. Accessed 7/22/21. <https://jme.bmj.com/content/early/2021/07/06/medethics-2021-107555> //Xu]

We turn next to positive ethical arguments for temporarily waiving IP protections, which appeal to the values of globally solidarity and corporate responsibility. Global solidarity underscores that during the COVID-19 pandemic, each nation’s interests are entwined with the interests of every other.22 Just as it is impossible for any nation standing alone to address the threat to human health climate change raises, it is impossible for any single nation to meet the challenge that COVID-19 and future pandemics present. Instead, humanity must stand together. In the past, nations have failed to do so. The epidemic of HIV/AIDS in Africa illustrates. Shamefully, it took nearly a decade for the first antiretroviral drugs to reach the African continent, even though Africa was the hardest hit region and antiretroviral drugs provided 90% mortality reduction. Although the US government was an early investor in research that produced antiviral drugs for HIV, distribution was controlled by big pharmaceutical companies driven by profit. The USA and other wealthy countries repeated this mistake during the COVID-19 pandemic, supporting vaccine developers without requiring technology transfers and donations to COVAX (the multilateral partnership supplying vaccines to LMICs). Ethically, the task ahead is fixing a problem of human making. A second argument, based on corporate social responsibility, stresses expectations for and benefits of socially responsible behaviour by for-profit companies. Increasingly, companies appreciate the potential impact that socially responsible behaviour has on competitive advantage, reputation, retention of workers and customers, employee morale and relationships with stakeholders.23 IP protections shield pharmaceutical companies from competition, enabling them to monopolise markets and generate above-normal profits. During a pandemic, social responsibility requires temporarily limiting profits and requiring companies to give back, rather than allowing above-normal profits to accrue unchecked. Even Locke, who conceived of our modern notion of property rights, held that fundamental rights like property could be justly overridden under certain conditions, namely, when the goods are perishable and would go to waste or when their extraction may intrude on the common good, in which case they extend only to what leaves enough behind for others.24 Building on this analysis, we submit that displays of social responsibility fall along a continuum. During the COVID-19 pandemic, a high degree of responsibility would be shown by temporarily sharing patents for products aimed at preventing, containing, or treating COVID-19, which is India and South Africa’s proposal; moderate responsibility would be demonstrated by temporarily sharing licenses to manufacture COVID-19 vaccines, as the WTO Director General proposes; and minimal responsibility would be shown by sending vaccines directly to nations in response to pleas for help, which Pfizer did when it pledged up to 40 million doses of its vaccine to COVAX (which represents under 2% of the 2.5 billion doses Pfizer will produce in 2021).25

#### 2] IP protections are enforced under threat of sanction for noncompliance.

Moschini 04 [GianCarlo Moschini (professor of economics and Pioneer Hi-Bred Endowed Chair in Science and Technology Policy, Department of Economics, Iowa State University). “Intellectual Property Rights and the World Trade Organization: Retrospect and Prospects”. Preprint version of Chapter 19 of “Agricultural Policy Reform and the WTO: Where Are We Heading?” Edward Elgar Publishing, 2004. Accessed 8/16/21. <https://www.card.iastate.edu/faculty/profiles/giancarlo_moschini/moschini-trips-preprint-oct-04.pdf> //Xu]

TRIPS is remarkable from both the viewpoint of past trade liberalization efforts undertaken under the aegis of the General Agreement on Tariffs and Trade (GATT), the precursor to the WTO, and from the perspective of international coordination of IPRs as pursued by numerous previous treaties and agreements in the context of the World Intellectual Property Organization (WIPO). From the perspective of trade institutions and traditions, TRIPS broke from the past by attacking the somewhat arcane issues of IPRs, an entirely new subject matter. In so doing the agreement reaches beyond the border measures that had been, up to that point, the almost exclusive domain of trade liberalization efforts. The need to justify such a less-than-obvious extension of the reach of GATT was very much emphasized by the carefully worded prefix ‘trade-related’ that was used to characterize the new subject matter. From the perspective of previous international efforts at coordinating national IPR rules, TRIPS is remarkable because it bundled together the main provisions of themajor (and hitherto separate) international IPR agreements, because it strengthened the requirements of existing agreements in some crucial areas, and because it included the final package as a required element for participation in the WTO (as part of the ‘single undertaking’ process for ratification). Furthermore, enforcement of international IPRs, essentially nonexistent under WIPO, under TRIPS can rely on the WTO dispute settlement mechanism and on the threat of trade sanctions for noncompliance. This expansion of the scope of WTO activities is likely to have important long-run consequences. As one observer put it soon after the conclusion of the Uruguay round, “The farmers and the issues of agricultural subsidies have the limelight. TRIPS, however, will over time play a bigger role in the global economic drama” (Drahos, 1995).

#### Sanctions are a form of power-over that employs coercive strategies and runs perpendicular to deliberative procedures.

Hendriks 17 [Carolyn M. Hendriks (Crawford School of Economics and Government, Australian National University). “Deliberative governance in the context of power.” Policy and Society. Pg 173-184. 3/3/17. Accessed 6/16/20. https://www.tandfonline.com/doi/full/10.1016/j.polsoc.2009.08.004 //Xu]

‘Power-over’ occurs when the powerful exert control or domination overthe powerless for a desired outcome.6 This is sometimes referred to as coercion where an actor (or set of actors) uses force or threat of sanction to pursue their interests. In other words, ‘A exercises power-over B when A affects B in a manner contrary to B interests’ (Lukes, 1974, p. 27). This is a zero-sum understanding of power where someone’s gain, is another’s loss. ‘Power-over’ has at least three different dimensions (Lukes, 1974):Primary or first dimension power refers to the direct domination of A over B in an observable conflict arena (Gaventa, 1980, pp. 13–14; Lukes, 1974, pp. 11–15). This dimension of ‘power-over’ is the one most closely associated with interest group pluralism for it refers to a bargaining or decision-making process in which there are clear winners and losers. 2. Second dimension power is a more indirect form of ‘power-over’ where A manipulates the rules of the game so that B does what A wants (Gaventa, 1980, pp. 14–15; Guinier & Torres, 2002, pp. 327, fn 313; Lukes, 1974, pp. 16–20). This kind of power creates a ‘mobilising bias’, for example, by excluding certain participants or issues from politics, or through non-decisions (Bachrach & Baratz, 1962, 1963). 3. The third dimension of ‘power-over’ refers to more subtle forms of control and domination, which can be exerted through observable or physiological means. It occurs when A uses symbols, myths and narratives to manipulatively influence B’s reality, including how she perceives her own wants and the inequalities around her (Guinier & Torres, 2002, pp. 327, fn 313; Lukes, 1974, pp. 21–25). It can also involve A shaping how B views the possibilities for change, to the extent where B sees it as inappropriate or even pointless to challenge A’s power (Gaventa, 1980, p. 20). Given its subtle and tacit nature, the third dimension of power is difficult to place under surveillance and monitor. ‘Power-over’ is pervasive feature in all democracies and one at the centrepiece of interest group politics. This is the kind of power that is intentionally designed out of structured (micro) deliberative procedures. The general thrust of this argument is that forms of strategic action such as control, domination, manipulation and deception are inconsistent with the communicative conditions necessary for deliberation (see Cohen, 1997). The idea that deliberative procedures contain and expose coercive forms of power has been the source of much of the critique lodged against deliberative democracy. For example, realists are sceptical that micro deliberation could ever proceed in such a manner given the prevalence of competing interests and conflicts in contemporary policy settings (Shapiro, 1999). Other critics argue that the presence of power-over in most policy settings means that for some groups it might not be in their strategic interests to engage in public deliberation (Hendriks, 2006b; Simon, 1999).

### Underview

#### I don’t take a stance on if theory is coherent, but if it is

#### 1] 1AR theory is legit – anything else means infinite abuse – drop the debater, competing interps, no rvis– 1AR is too short to make up for the time trade-off – no RVIs or 2NR theory and paradigm issues– 6 min 2NR means they can brute force me every time.

#### Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.

**2] RVI on NC theory – you can read arguments such as T that are exclusively neg so I need them to compensate**

#### 3] No neg meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, uplayering my attempt means we never get to the best norm. This means reject any reason why an aff spike is bad since they claim aff theory is unfair.

#### 4] Reject neg fairness concerns since

#### a) 13-7 time skew and 6-minute collapse gives the negative the strategic advantage and means the AFF must split 1AR time.

#### b) The NC has the ability to uplayer and restart the round and have time to generate offense that matters.

#### c) You have access to more positions due to generic backfiles and bidirectional shells which means neg theory is impossible to avoid.

#### 5] Interp: the neg must defend the squo-The res is a stasis point for both sides so if you do anything other than defending the converse there is no way to plan the 1n strategy. That is supercharged by disclosure which means the neg knows all of the aff, but we go in blind

#### 6] If I win one layer vote aff- The NC has the ability to uplayer for 7 minutes and moot 6 minutes of case

#### 7] Affirming is harder. A] Empirics.

Shah 19 [Sachin Shah, 2019, "A Statistical Analysis of Side-Bias on the 2019 January-February Lincoln-Douglas Debate Topic," NSD Update, http://nsdupdate.com/2019/a-statistical-analysis-of-side-bias-on-the-2019-january-february-lincoln-douglas-debate-topic/] AG accessed 6-22-2019

As a final note, it is also interesting to look at the trend over multiple topics. In the rounds from 93 TOC bid distributing tournaments (2017 – 2019 YTD), the negative won 52.99% of ballots (p-value < 0.0001) and 54.63% of upset rounds (p-value < 0.0001). This suggests the bias might be structural, and not topic specific, as this data spans six different topics.

#### 8] No new 2nr responses, kills 2ar strat cuz they can dump on all our 2ar outs with a 6-3 skew causing inf abuse

#### 9] No theory or Ks on spikes – moots AC offense since I don’t have anything to leverage in the 1AR

#### 10] Neg a priori’s do not negate a) they all assume I didn’t already meet my burden after the ac, b) Resolved is defined as[[1]](#footnote-1) firm in purpose or intent; determined and I’m determined,

#### 11] No overview answers to aff arguments – they can uplayer all aff arguments for 7 minutes and the 1ar has to shift through it all.

#### 12]. If I win one layer, vote aff a) they have 7 minutes to uplayer and nullify my offense b) forces engagement with the aff since they have to defend all arguments which means they read better ones.

### Adv

#### The Plan solves Evergreening.

Feldman 3 Robin Feldman 2-11-2019 "‘One-and-done’ for new drugs could cut patent thickets and boost generic competition" <https://www.statnews.com/2019/02/11/drug-patent-protection-one-done/> (Arthur J. Goldberg Distinguished Professor of Law, Albert Abramson ’54 Distinguished Professor of Law Chair, and Director of the Center for Innovation)//SidK + Elmer

I believe that one period of protection **should be enough**. We should make the legal changes necessary to prevent companies **from building patent walls** and piling up mountains of rights. This could be accomplished **by a “one-and-done” approach** for patent protection. Under it, a drug would receive just one period of exclusivity, and no more. The choice of which “one” could be left entirely in the hands of the pharmaceutical company, with the election made when the FDA approves the drug. Perhaps development of the drug went swiftly and smoothly, so the remaining life of one of the drug’s patents is of greatest value. Perhaps development languished, so designation as an orphan drug or some other benefit would bring greater reward. The choice would be up to the company itself, based on its own calculation of the maximum benefit. The result, however, is that a pharmaceutical company chooses whether its period of exclusivity would be a patent, an orphan drug designation, a period of data exclusivity (in which no generic is allowed to use the original drug’s safety and effectiveness data), or something else — but **not all of the above** and more. Consider Suboxone, a combination of buprenorphine and naloxone for treating opioid addiction. The drug’s maker has extended its protection cliff eight times, including obtaining an orphan drug designation, which is intended for drugs that serve only a small number of patients. The drug’s first period of exclusivity ended in 2005, but with the additions its protection now lasts until 2024. That makes almost two additional decades in which the public has borne the burden of monopoly pricing, and access to the medicine may have been constrained. Implementing a one-and-done approach in conjunction with FDA approval underscores the fact that these problems and solutions are designed for pharmaceuticals, not for all types of technologies. That way, one-and-done could be implemented through **legislative changes to the FDA’s drug approval system**, and would apply to patents granted going forward. One-and-done would apply to both patents and exclusivities. A more limited approach, a baby step if you will, would be to invigorate the existing patent obviousness doctrine as a way to cut back on patent tinkering. Obviousness, one of the five standards for patent eligibility, says that inventions that are obvious to an expert or the general public can’t be patented. Either by congressional clarification or judicial interpretation, many pile-on patents could be eliminated with a ruling that the core concept of the additional patent is nothing more than the original formulation. Anything else is merely an obvious adaptation of the core invention, modified with existing technology. As such, the patent would fail for being perfectly obvious. Even without congressional action, a more vigorous and robust application of the existing obviousness doctrine could significantly improve the problem of piled-up patents and patent walls. Pharmaceutical companies have become adept at maneuvering through the system of patent and non-patent rights to create mountains of rights that can be applied, one after another. This behavior lets drug companies keep competitors out of the market and beat them back when they get there. We shouldn’t be surprised at this. Pharmaceutical companies are profit-making entities, after all, that face pressure from their shareholders to produce ever-better results. If we want to change the system, we must change the incentives driving the system. And right now, the incentives for creating patent walls are just too great.

#### Reforming the Patent Process would lower Drug Prices and incentivize Pharma Innovation by revitalizing the Market.

Stanbrook 13, Matthew B. "Limiting “evergreening” for a better balance of drug innovation incentives." (2013): 939-939. (MD (University of Toronto) PhD (University of Toronto))//Elmer

At issue in the Indian case was “evergreening,” a now widespread practice by the pharmaceutical industry designed to extend the monopoly on an existing drug by modifying it and seeking new patents.2 Currently, half of all drugs patented in Canada have multiple subsequent patents, extending the lifetime of the original patent by about 8 years.3 Manufacturers, in defence of these practices, predictably tout the advantages of new versions of their products, which often represent more potent isomers or salts of the original drugs, longer-lasting formulations or improved delivery systems that make adherence easier or more convenient. But the new versions are by definition “**me too” drugs**, and demonstration that the resulting **incremental benefits** in efficacy and safety are clinically meaningful **is often lacking**. Moreover, the original drugs have often been “blockbusters” used for years to improve the health of millions of patients. It seems hard to argue convincingly why such beneficial drugs require an upgrade, often just before their patents expire. Rather than the marginal benefits accrued from tinkering with already effective agents, patients worldwide are in desperate need of new classes of pharmaceuticals for the great many health conditions for which treatments are presently inadequate or entirely lacking. But developing truly innovative drugs is undeniably a high-risk venture. It is important and necessary that pharmaceutical companies continue to take these risks, because they are usually the only entities with sufficient resources to do so. Therefore, companies must continue to perceive **sufficient incentives** to continue investing in innovation. Indeed, there is evidence that the prospect of future evergreening has become part of the incentive calculation for innovative drug development.4 But surely it is perverse to extend unpredictably a period of patent protection that the government intended to be clearly defined and predictable, and to maintain incentives that drive companies to divert their **drug-development resources away from innovation**. **Current patent legislation may not be optimal** for striking the right balance between encouraging innovation and facilitating profiteering. Given the broad societal importance of patent legislation, ongoing research to enable active governance of this issue should be a national priority. In the last decade, Canada’s laws have been among the friendliest toward evergreening in the world.5 We should now reflect on whether this is really in our national interest. Governments, including Canada’s, would do well to take inspiration from India’s example and tighten regulations that currently facilitate evergreening. This might involve **denying future patents for modifications** that currently would receive one. An overall reduction in the duration of all secondary patents on a therapy might also be considered. Globally, a more flexible and individualized approach to the length of drug patents might be a more effective strategy to align corporate incentives with population health needs. Limits on evergreening would likely reduce the **extensive patent litigation** that contributes to the **high prices of generic drugs** in Canada.3 Reducing economic pressure on generic drug companies may facilitate current provincial initiatives to lower generic drug prices. As opportunities to generate revenue from evergreening are eliminated, research-based pharmaceutical companies would be left with no choice but to invest more in innovative drug development to maintain their profits.

#### Evergreening keeps Drug Prices high.

Amin 18 Tahir Amin 6-27-2018 "The problem with high drug prices isn't 'foreign freeloading,' it's the patent system" [High drug prices caused by US patent system, not 'foreign freeloaders' (cnbc.com)](https://www.cnbc.com/2018/06/25/high-drug-prices-caused-by-us-patent-system.html) <https://www.cnbc.com/2018/06/25/high-drug-prices-caused-by-us-patent-system.html> (co-founder of nonprofit I-MAK.org)//Elmer

**'Evergreening'** Instead of going to new medicines, the study finds that 74 percent of new patents during the decade went to drugs that already existed. It found that 80 percent of the nearly 100 best-selling drugs extended their exclusivity protections at least once, and 50 percent extended their patents more than once—with the effect of **prolonging** the **time before generics** could reach the market **as drug prices continued to rise**. The strategy is called “evergreening”: drug makers add on new patents to prolong a drug’s exclusivity, even when the additions aren’t fundamentally new, non-obvious, and useful as the law requires. One of the most expensive cancer drugs on the market, **Revlimid**®, is a case in point: **priced at** over $**125,000** per year of treatment, Celgene has sought **105 patents** on Revlimid®, many of which have been granted, extending its monopoly until the end of 2036. That gives the Revlimid® patent portfolio a lifespan of 40 years, which is being used to block or deter generic competitors from entering the market. But a recent I-MAK analysis finds that several of Celgene’s patents are mere add-ons—not fundamentally new to deserve a patent. And because of the thicket of patents around Revlimid®, **payers** are **projected to spend $45 billion** **in excess costs** on that drug alone as compared to what they could be paying if generic competitors were to enter when the first patent expires in 2019. Meanwhile, Celgene is also among the pharmaceuticals that have been recently scolded by the FDA for refusing to share samples with generic makers so they can test their own products against the brands in order to attain FDA approval. **In the absence of** genuine **competition** in the U.S. prescription drug market, **monopolies are yielding reckless pricing schemes and prohibitively expensive drugs** for Americans (and people around the world) who need them. In 2015, for example, U.S. Senators Wyden and Grassley found after an 18-month bipartisan investigation that the notorious $84,000 price tag for the hepatitis C drug made by Gilead was based on “a pricing and marketing strategy designed to maximize revenue with little concern for access or affordability.” Gilead’s subsequent hepatitis C drug Harvoni® was introduced to the market at a still higher cost of $94,500. Who benefits when drugs are priced so high? Not the 85 percent of Americans with hepatitis C who are still not able to afford treatment.

#### That pushes people into poverty – our internal is causal.

Hoban 10 Rose Hoban 9-13-2010 "High Cost of Medicine Pushes More People into Poverty" <https://www.voanews.com/science-health/high-cost-medicine-pushes-more-people-poverty> (spent more than six years as the health reporter for North Carolina Public Radio – WUNC, where she covered health care, state health policy, science and research with a focus on public health issues. She left to start North Carolina Health News after watching many of her professional peers leave or be laid off of their jobs, leaving NC with few people to cover this complicated and important topic. ALSO cites Laurens Niens who is a Health Researcher at Erasmus University Rotterdam)//Elmer

Health economist Laurens Niëns found that drugs needed to treat chronic diseases could be considered unaffordable **for many people in poor countries**. Medicines can be expensive and often make up a large portion of any family's health care budget. And the burden can be even greater for people in poor countries, where the **cost of vital medicines can push them into poverty**. The problem is growing as more people around the world are diagnosed with chronic diseases such as high blood pressure and diabetes. Being diagnosed with a chronic disease usually compells patients to seek treatment for a prolonged period of time. That increases the eventual price tag for health, says health economist Laurens Niëns at Erasmus University in the Netherlands. Niëns examined medication pricing data from the World Health Organization and also looked at data from the World Bank on household income in many countries. Using the data, he calculated how much people need to spend on necessities such as food, housing, education and medicines. "The medicines we looked at are medicines for patients who suffer from asthma, diabetes, hypertension and we looked at an adult respiratory infection," Niëns says. "Three conditions are for chronic diseases, which basically means that people need to procure those medicines each and every day." Niëns focused on the cost of medicine for those conditions. He found the essential drugs could be considered unaffordable for many people in poor countries - so much so that their cost often pushes people into abject poverty. "The proportion of the population that is living below the poverty line, plus the people that are being pushed below the poverty line, can **reach up to 80 percent** in some countries for some medicines," Niëns says. He points out that generic medicines - which are more affordable than brand-name medications - are often **not available in the marketplace**. And, according to Niëns, poor government policies can drive up the cost of medications. "For instance, a lot of governments actually tax medicines when they come into the country," he says. "[They] have no standard for the markups on medicines through the distribution chain. So often, governments think they pay a good price for the medicines when they procure them from the producer. However, before such a medicine reaches a patient, markups are sometimes up to 1,000 percent."

#### Inequality drives diversionary nationalism which sparks international conflict.

Solt 11, Frederick. "Diversionary nationalism: Economic inequality and the formation of national pride." The Journal of Politics 73.3 (2011): 821-830. (Ph.D. in Political Science from University of North Carolina at Chapel Hill, currently Associate Professor of Political Science at the University of Iowa, Assistant Professor, Departments of Political Science and Sociology, Southern Illinois at the time of publication)//Elmer

One of the oldest theories of nationalism is that states instill the nationalist myth in their citizens to divert their attention from great economic inequality and so forestall pervasive unrest. Because the very concept of nationalism obscures the extent of inequality and is a potent tool for delegitimizing calls for redistribution, it is a perfect diversion, and states should be expected to engage in more nationalist mythmaking when inequality increases. The evidence presented by this study supports this theory: across the countries and over time, where economic inequality is greater, nationalist sentiments are substantially more widespread. This result adds considerably to our understanding of nationalism. To date, many scholars have focused on the international environment as the principal source of threats that prompt states to generate nationalism; the importance of the domestic threat posed by economic inequality has been largely overlooked. However, at least in recent years, domestic inequality is a far more important stimulus for the generation of nationalist sentiments than the international context. Given that nuclear weapons—either their own or their allies’—rather than the mass army now serve as the primary defense of many countries against being overrun by their enemies, perhaps this is not surprising: nationalism-inspired mass mobilization is simply no longer as necessary for protection as it once was (see Mearsheimer 1990, 21; Posen 1993, 122–24). Another important implication of the analyses presented above is that growing economic inequality may increase ethnic conflict. States may foment national pride to stem discontent with increasing inequality, but this pride can also lead to more hostility towards immigrants and minorities. Though pride in the nation is distinct from chauvinism and outgroup hostility, it is nevertheless closely related to these phenomena, and recent experimental research has shown that members of majority groups who express high levels of national pride can be nudged into intolerant and xenophobic responses quite easily (Li and Brewer 2004). This finding suggests that, by leading to the creation of more national pride, higher levels of inequality produce environments favorable to those who would inflame ethnic animosities. Another and perhaps even more worrisome implication regards the likelihood of war. Nationalism is frequently suggested as a cause of war, and more national pride has been found to result in a much greater demand for national security even at the expense of civil liberties (Davis and Silver 2004, 36–37) as well as preferences for “a more militaristic foreign affairs posture and a more interventionist role in world politics” (Conover and Feldman 1987, 3). To the extent that these preferences influence policymaking, the growth in economic inequality over the last quarter century should be expected to lead to more aggressive foreign policies and more international conflict. If economic inequality prompts states to generate diversionary nationalism as the results presented above suggest, then rising inequality could make for a more dangerous world. The results of this work also contribute to our still limited knowledge of the relationship between economic inequality and democratic politics. In particular, it helps explain the fact that, contrary to median-voter models of redistribution (e.g., Meltzer and Richard 1981), democracies with higher levels of inequality do not consistently respond with more redistribution (e.g., Bénabou 1996). Rather than allowing redistribution to be decided through the democratic process suggested by such models, this work suggests that states often respond to higher levels of inequality with more nationalism. Nationalism then works to divert attention from inequality, so many citizens neither realize the extent of inequality nor demand redistributive policies. By prompting states to promote nationalism, greater economic inequality removes the issue of redistribution from debate and therefore narrows the scope of democratic politics.

1. http://www.dictionary.com/browse/resolved [↑](#footnote-ref-1)