## OFF

### 1NC – Definitions

#### “Resolved” means enactment of a law.

Words and Phrases 64 Words and Phrases Permanent Edition (Multi-volume set of judicial definitions). “Resolved”. 1964.

Definition of the word **“resolve,”** given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It **is** of **similar** force **to the word “enact,”** which is defined by Bouvier as **meaning “to establish by law”.**

#### Here is a list of the member nations of the WTO – aff is not that

WTO 7/29/16 [World Trade Organization, “Updated Member List”] [DS]

Members and Observers

164 members since 29 July 2016 , with dates of WTO membership.

Click any member to see key information on trade statistics, WTO commitments, disputes, trade policy reviews, and notifications.

A

Afghanistan — 29 July 2016

Albania — 8 September 2000

Angola — 23 November 1996

Antigua and Barbuda — 1 January 1995

Argentina — 1 January 1995

Armenia — 5 February 2003

Australia — 1 January 1995

Austria — 1 January 1995

B

Bahrain, Kingdom of — 1 January 1995

Bangladesh — 1 January 1995

Barbados — 1 January 1995

Belgium — 1 January 1995

Belize — 1 January 1995

Benin — 22 February 1996

Bolivia, Plurinational State of — 12 September 1995

Botswana — 31 May 1995

Brazil — 1 January 1995

Brunei Darussalam — 1 January 1995

Bulgaria — 1 December 1996

Burkina Faso — 3 June 1995

Burundi — 23 July 1995

C

Cabo Verde — 23 July 2008

Cambodia — 13 October 2004

Cameroon — 13 December 1995

Canada — 1 January 1995

Central African Republic — 31 May 1995

Chad — 19 October 1996

Chile — 1 January 1995

China — 11 December 2001

Colombia — 30 April 1995

Congo — 27 March 1997

Costa Rica — 1 January 1995

Côte d’Ivoire — 1 January 1995

Croatia — 30 November 2000

Cuba — 20 April 1995

Cyprus — 30 July 1995

Czech Republic — 1 January 1995

D

Democratic Republic of the Congo — 1 January 1997

Denmark — 1 January 1995

Djibouti — 31 May 1995

Dominica — 1 January 1995

Dominican Republic — 9 March 1995

E

Ecuador — 21 January 1996

Egypt — 30 June 1995

El Salvador — 7 May 1995

Estonia — 13 November 1999

Eswatini — 1 January 1995

European Union (formerly EC) — 1 January 1995

F

Fiji — 14 January 1996

Finland — 1 January 1995

France — 1 January 1995

G

Gabon — 1 January 1995

Gambia — 23 October 1996

Georgia — 14 June 2000

Germany — 1 January 1995

Ghana — 1 January 1995

Greece — 1 January 1995

Grenada — 22 February 1996

Guatemala — 21 July 1995

Guinea — 25 October 1995

Guinea-Bissau — 31 May 1995

Guyana — 1 January 1995

H

Haiti — 30 January 1996

Honduras — 1 January 1995

Hong Kong, China — 1 January 1995

Hungary — 1 January 1995

I

Iceland — 1 January 1995

India — 1 January 1995

Indonesia — 1 January 1995

Ireland — 1 January 1995

Israel — 21 April 1995

Italy — 1 January 1995

J

Jamaica — 9 March 1995

Japan — 1 January 1995

Jordan — 11 April 2000

K

Kazakhstan — 30 November 2015

Kenya — 1 January 1995

Korea, Republic of — 1 January 1995

Kuwait, the State of — 1 January 1995

Kyrgyz Republic — 20 December 1998

L

Lao People’s Democratic Republic — 2 February 2013

Latvia — 10 February 1999

Lesotho — 31 May 1995

Liberia — 14 July 2016

Liechtenstein — 1 September 1995

Lithuania — 31 May 2001

Luxembourg — 1 January 1995

M

Macao, China — 1 January 1995

Madagascar — 17 November 1995

Malawi — 31 May 1995

Malaysia — 1 January 1995

Maldives — 31 May 1995

Mali — 31 May 1995

Malta — 1 January 1995

Mauritania — 31 May 1995

Mauritius — 1 January 1995

Mexico — 1 January 1995

Moldova, Republic of — 26 July 2001

Mongolia — 29 January 1997

Montenegro — 29 April 2012

Morocco — 1 January 1995

Mozambique — 26 August 1995

Myanmar — 1 January 1995

N

Namibia — 1 January 1995

Nepal — 23 April 2004

Netherlands — 1 January 1995

New Zealand — 1 January 1995

Nicaragua — 3 September 1995

Niger — 13 December 1996

Nigeria — 1 January 1995

North Macedonia — 4 April 2003

Norway — 1 January 1995

O

Oman — 9 November 2000

P

Pakistan — 1 January 1995

Panama — 6 September 1997

Papua New Guinea — 9 June 1996

Paraguay — 1 January 1995

Peru — 1 January 1995

Philippines — 1 January 1995

Poland — 1 July 1995

Portugal — 1 January 1995

Q

Qatar — 13 January 1996

R

Romania — 1 January 1995

Russian Federation — 22 August 2012

Rwanda — 22 May 1996

S

Saint Kitts and Nevis — 21 February 1996

Saint Lucia — 1 January 1995

Saint Vincent and the Grenadines — 1 January 1995

Samoa — 10 May 2012

Saudi Arabia, Kingdom of — 11 December 2005

Senegal — 1 January 1995

Seychelles — 26 April 2015

Sierra Leone — 23 July 1995

Singapore — 1 January 1995

Slovak Republic — 1 January 1995

Slovenia — 30 July 1995

Solomon Islands — 26 July 1996

South Africa — 1 January 1995

Spain — 1 January 1995

Sri Lanka — 1 January 1995

Suriname — 1 January 1995

Sweden — 1 January 1995

Switzerland — 1 July 1995

T

Chinese Taipei — 1 January 2002

Tajikistan — 2 March 2013

Tanzania — 1 January 1995

Thailand — 1 January 1995

Togo — 31 May 1995

Tonga — 27 July 2007

Trinidad and Tobago — 1 March 1995

Tunisia — 29 March 1995

Turkey — 26 March 1995

U

Uganda — 1 January 1995

Ukraine — 16 May 2008

United Arab Emirates — 10 April 1996

United Kingdom — 1 January 1995

United States — 1 January 1995

Uruguay — 1 January 1995

V

Vanuatu — 24 August 2012

Venezuela, Bolivarian Republic of — 1 January 1995

Viet Nam — 11 January 2007

Y

Yemen — 26 June 2014

Z

Zambia — 1 January 1995

Zimbabwe — 5 March 1995

Observer governments

Algeria

Andorra

Azerbaijan

Bahamas

Belarus

Bhutan

Bosnia and Herzegovina

Comoros

Curaçao

Equatorial Guinea

Ethiopia

Holy See

Iran

Iraq

Lebanese Republic

Libya

Sao Tomé and Principe

Serbia

Somalia

South Sudan

Sudan

Syrian Arab Republic

Timor-Leste

Turkmenistan

Uzbekistan

#### IP protections cover patents, industrial design, trademarks, geographical indications, and copyright/related rights.

WIPO 20 [World Intellectual Property Organization, an agency of the UN; “What is Intellectual Property?”] [DS]

1 IP covers a vast range of activities, and plays an important role in both cultural and economic life. This importance is recognized by various laws which protect intellectual property rights. IP law is complicated: there are different laws relating to different types of IP, and different national laws in different countries and regions of the world as well as international law. This booklet introduces the main types of IP and explains how the law protects them. It also introduces the work of the World Intellectual Property Organization (WIPO), the United Nations agency dedicated to making IP work for innovation and creativity. Intellectual property (IP) refers to creations of the mind – everything from works of art to inventions, computer programs to trademarks and other commercial signs. What is IP? What 2 is IP? Why does IP matter? The progress and well-being of humanity depend on our capacity to come up with new ideas and creations. Technological progress requires the development and application of new inventions, while a vibrant culture will constantly seek new ways to express itself. Intellectual property rights are also vital. Inventors, artists, scientists and businesses put a lot of time, money, energy and thought into developing their innovations and creations. To encourage them to do that, they need the chance to make a fair return on their investment. That means giving them rights to protect their intellectual property. IP rights Essentially, intellectual property rights such as copyright, patents and trademarks can be viewed like any other property right. They allow the creators or owners of IP to benefit from their work or from their investment in a creation by giving them control over how their property is used. IP rights have long been recognized within various legal systems. For example, patents to protect inventions were granted in Venice as far back as the fifteenth century. Modern initiatives to protect IP through international law started with the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). These days, there are more than 25 international treaties on IP administered by WIPO. IP rights are also safeguarded by Article 27 of the Universal Declaration of Human Rights. Creativity and inventiveness are vital. They spur economic growth, create new jobs and industries, and enhance the quality and enjoyment of life. What is IP?3 Striking a balance The intellectual property system needs to balance the rights and interests of different groups: of creators and consumers; of businesses and their competitors; of high- and low-income countries. An efficient and fair IP system benefits everyone – including ordinary users and consumers. Some examples: •The multibillion-dollar film, recording, publishing and software industries – which bring pleasure to millions of people worldwide – would not thrive without copyright protection. •The patent system rewards researchers and inventors while also ensuring that they share their knowledge by making patent applications publicly available, which helps stimulate more innovation. •Trademark protection discourages counterfeiting, so businesses can compete on a level playing field and users can be confident they are buying the genuine article. Different types and categories of IP IP is often divided into two main categories: Industrial property includes patents for inventions, industrial designs, trademarks and geographical indications. Copyright and related rights cover literary, artistic and scientific works, including performances and broadcasts. Different types and categories of IP IP is often divided into two main categories: Industrial property includes patents for inventions, industrial designs, trademarks and geographical indications. Copyright and related rights cover literary, artistic and scientific works, including performances and broadcasts. Patents 4 Patents were one of the first types of intellectual property to be recognized in modern legal systems. Today, patented inventions pervade every aspect of life, from electric lighting (patents held by Edison and Swan) to the iPhone (patents held by Apple). Patents By patenting an invention, the patent owner gets exclusive rights over it, meaning that he or she can stop anyone from using, making or selling the invention without permission. The patent lasts for a limited period of time, generally 20 years. In return, the patent owner has to disclose full details of the invention in the published patent documents. Once the period of protection has come to an end, the invention becomes off patent, meaning anyone is free to make, sell or use it. In this way, the patent system aims to benefit everyone: • Firms and inventors can maximize profits from their inventions during the patent protection period. •This rewards them for their effort and so encourages more innovation, which in turn benefits consumers and the general public. • Disclosure of the invention adds to the body of public knowledge, enabling and inspiring further research and invention. Patents What can be patented? An invention can be defined as a product or process that offers a new way of doing something, or a new technical solution to a problem. To qualify for patent protection, an invention must be of some practical use and must offer something new which is not part of the existing body of knowledge in the relevant technical field (what lawyers call the prior art). But these requirements of utility and novelty are not enough; the invention must also involve an inventive step – something non-obvious that could not just have been deduced by someone with average knowledge of the technical field. Furthermore, the invention must not fall under non-patentable subject matter. Patent laws in many countries, for example, exclude scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods and methods of medical treatment (as opposed to medical products) as not generally patentable. 5 Patents 6 Obtaining a patent Like most IP rights, patents are territorial: protection is granted within a country under its national law. Different countries have somewhat different laws, but generally in order to gain protection, an inventor or firm will need to file an application with a patent office describing the invention clearly and in sufficient detail to allow someone with an average knowledge of the technical field to use or reproduce it. Such descriptions usually include drawings, plans or diagrams. The application also contains various claims, that is, information to help determine the extent of protection to be granted by the patent. The application will then be examined by the patent office to determine if it qualifies for protection. Patent rights and enforcement Patent owners have the exclusive right to commercially make, sell, distribute, import and use their patented inventions within the territory covered by the patent during the period of protection. They may choose to make, sell or use the invention themselves, let someone else make or use it for a fee (known as licensing), or sell the patent outright to someone else who then becomes the patent owner. Or they may decide not to use the patented invention themselves, but to stop their competitors from using it during the patent period. If someone else uses a patented invention without the patent owner’s permission, the patent owner can seek to enforce the rights by suing for patent infringement in the relevant national court. Courts usually have the power to stop infringing behavior and may also award financial compensation to the patent owner for the unauthorized use of the invention. But a patent can also be challenged in court, and if it is judged to be invalid, for example because the court decides it is insufficiently novel, it will be struck down and the owner will lose protection in that territory. Patents 7 National, regional and international protection Inventors and firms must decide in which territories they want patent protection. Each patent office usually charges fees for filing and processing applications, plus periodic fees for maintaining a patent once it has been granted. The cost of dealing with different national legal systems can be high, as laws and practices can vary widely and applicants will usually need to pay for representation by an authorized patent agent in each country. Several groups of countries have developed regional patent systems that help reduce these costs, for example the African Regional Intellectual Property Organization (ARIPO). Under most of these systems, an applicant requests protection for an invention in one or more countries in the group, and each country then decides whether to offer patent protection within its borders. WIPO administers the PCT System, an international system that allows applicants to request protection under the Patent Cooperation Treaty in as many signatory states as they wish through a single application. Industrial designs 8 These aesthetic aspects can be hugely important in the modern economy. Nowadays consumers face an enormous choice of products, including many that offer the same basic functionality. So they will tend to choose the one with the design they find most attractive within their price range. Industrial designs are applied to a wide variety of industrial products and handmade goods: cars, telephones, computers, packaging and containers, technical and medical instruments, watches, jewelry, electrical appliances, textile designs, and many other types of goods. Industrial design rights cover those elements of a product that are aesthetic or ornamental – the way it looks and feels. Industrial design designs9 What designs can be protected? Industrial design law only protects those aspects of a product that are ornamental; its technical features may be protected by patent, if they meet the requirements for patent protection. A design may consist of three-dimensional features, such as the shape or surface of an article, or twodimensional features such as patterns, lines or color. To qualify for protection as an industrial design under most national laws, the design must be new and show a degree of originality or individuality, meaning that it is not identical or very similar to any previous design. Moreover, it must be capable of being produced industrially, so unique artworks are not covered. designs Industrial 10 Industrial design rights Industrial design rights entitle the right holder to control the commercial production, importation and sale of products with the protected design. As with most other forms of IP, owners can exploit design rights themselves, or license or sell them to others, and can sue in the relevant national court to prevent infringem™ent of their rights. This means that owners have a fair chance to recoup their investment in design, encouraging such investment. Industrial design rights last for a limited period. This varies among countries, but the maximum period of protection in a country will be at least ten years. In many countries, owners need to renew their registration every few years if they want to keep the design protected for the maximum possible period. Different national design laws Industrial designs are protected in different ways in different countries. In most cases, a firm or designer will need to register their design in order to protect it, but some countries also give limited protection to unregistered designs, and in some countries protection is by means of “design patents”. In certain countries, some industrial designs may be regarded as artistic works covered by copyright. This can be advantageous to the right holder because the term of protection for copyright is much longer than for a registered design. In some countries it may also be possible to protect designs using national laws against unfair competition. designs Industrial 11 Obtaining protection Industrial design rights are territorial, so designers or firms may need to deal with many different national systems if they want protection in many countries. However, regional systems exist for some groups of countries. WIPO administers the Hague System. Under the Hague Agreement Concerning the International Registration of Industrial Designs, applicants can file a single international application covering up to 100 designs in as many signatory states as they choose. Trademarks 12 Trademarks Trademarks have been around for many years. In ancient times, artisans would sign or mark their work to prove they had made it. Gradually, laws evolved to protect such marks. These days, trademarks are essential to business. They take many forms and identify a huge array of goods and services. Enterprises spend enormous amounts of time and money developing their brands and trademarks. Legal protection allows the owner of a mark to control who uses it. This means that enterprises can develop and promote their goods and services without having their reputation undermined by counterfeiters, and consumers can rely on trademarks being genuine. A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks 13 Different types of trademark All sorts of signs may be used as trademarks – words, letters, numbers, symbols, colors, pictures, three-dimensional signs such as shapes and packaging, holograms, sounds, even tastes and smells. To be eligible for registration, the basic principle is that a trademark must be distinctive, so it cannot just be a generic description of the product or service. Nor can it be identical (or very similar) to a trademark already registered or used for that type of product or service. Trademarks are not just used to identify the goods and services of a particular enterprise. There are also collective marks, each owned by an association and used by its members. For example, professional associations of accountants, engineers and architects often use this kind of mark. And there are certification marks which show that a product or service complies with certain standards, such as Ecolabels for products with reduced environmental impacts. Trademarks 14 Protecting trademarks The best way of protecting a trademark is to register it. Owners of a registered mark have the exclusive right to control who uses it: they can use it to identify their own goods or services, or license or sell it for someone else to use. To register a mark in a territory, the applicant needs to submit a reproduction of it to the trademark office plus a full list of the goods or services to which it would apply. As well as being sufficiently distinctive and not conflicting with any existing mark, the mark must not be misleading or deceptive or violate public order or morality. Once a trademark has been granted, the owner can sue in the relevant national court if it is infringed by someone else. Equally, a trademark owner could face a legal challenge from a third party arguing that it is too similar to their own mark. A trademark will only be granted for a limited period – in most countries, ten years – but the mark can be renewed as many times as the owner wishes on payment of additional fees, provided it is still being used, so in practice a trademark can be protected indefinitely. Trademarks15 National, regional and international protection Like most IP law, trademark protection is territorial. However, regional and international systems have developed to make it easier to obtain trademark protection in many countries. WIPO offers international registration under the Madrid System. By filing a single application, users can obtain trademark protection in as many of the countries that have joined the System as they wish. There are also online tools that allow users to search trademark registers and help them manage renewal of their marks in different territories. Geo graphical 16 Geographical indications A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. There are lots of examples of geographical indications – often food and drink, such as Roquefort cheese from France, Darjeeling tea from India and Tequila liquor from Mexico. Consumers buying products with geographical indications want to know that the goods do indeed come from the place in question and conform to relevant standards, so there need to be some controls on the use of geographical indications to protect their valuable reputation. There are different laws protecting geographical indications and different systems of recognition in different countries, so international law is developing ways to strengthen protection across national boundaries. Geo graphical indica tions 17 Different types of geographical indication In order to function as a geographical indication, a sign must identify a product as originating in a given place, and the qualities, characteristics or reputation of the product should be essentially due to that place of origin. This is often the case for agricultural products, because they are influenced by their local climate and environment, but geographical indications may also be used for industrial products where a region has a strong manufacturing tradition and reputation, for instance Swiss watches. Appellations of origin are a type of geographical indication. In some jurisdictions, appellations of origin are protected more strongly than other geographical indications. Geo graphical Protecting geographical indications There are three main ways to protect a geographical indication: • through special on geographical indications laws – so-called sui generis systems; • using collective or certification marks; and • methods focusing on business practices, including administrative product approval schemes. Countries often use more than one of these different approaches, and different approaches may involve differences with respect to important questions, such as the conditions for protection or the scope of protection. However, sui generis systems and collective or certification mark systems are similar in that both set up rights for collective use by those who comply with defined standards. Essentially, such rights allow legitimate producers – those whose products come from the area in question and meet all relevant standards – to use the law to stop a geographical indication being used on goods produced elsewhere, or to a different standard. 18 Geographical indications and trademarks In some respects, geographical indication rights are similar to trademarks. Right holders can prevent infringing use of the geographical indication, and potentially the right lasts forever – although periodic re-registration of collective or certification marks may be required. However, there are also important differences between these two types of sign. A trademark is used by a company to distinguish its goods and services from those produced by others, and the owner can prevent anyone else from using the mark. Furthermore, a trademark can be sold or licensed. Geo graphical indica tions 19 International protection As with other types of IP, international law has developed to complement and reinforce the protection offered in different national and regional jurisdictions. International recognition of appellations of origin and “indications of source” dates back to the Paris Convention of 1883. More recently, the agreement on Trade-Related Aspects of Intellectual Property (TRIPS) included some further provisions to prevent the misuse of GIs. In addition, WIPO administers the international Lisbon System. This used to apply only to appellations of origin, but the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, adopted in 2015, extended the System to make it possible to register other geographical indications internationally too. A geographical indication guarantees to consumers that a product was produced in a certain place and has certain characteristics that are due to that place of production. It may be used by all producers in the relevant place who make products that share certain qualities relating to that place, and it cannot change ownership. Copyright 20 Copyright covers an enormous range of works – not just books, music, paintings, sculpture and films, but also computer programs, databases, advertisements, maps and technical drawings, among other things. There are also rights related to the copyright of the creators that protect the interests of those closely associated with copyrighted works, including performers, broadcasters and producers of sound recordings. Copyright is protected by a mixture of national and international laws. These recognize the cultural and social importance of creative endeavor as well as its considerable economic value. The underlying aim of copyright law is to strike the right balance between the interests of content creators, developers and investors and the public interest in being able to access and use creative content. Copyright and related rights Copyright, or authors’ right, is a legal term used to describe the rights that creators have in their literary, artistic and scientific works. and related rights 21 What works does copyright cover? Copyright applies to the creative expression of ideas in many different forms – text, still or moving pictures, sound works, three-dimensional shapes such as sculptures and architecture, reference works and collections of data. National copyright laws rarely provide an exhaustive list of everything that is covered. However, copyright does not generally cover ideas themselves, procedures, methods of operation, or mathematical concepts. Copyright 22 What rights does copyright provide? Copyright includes both economic and moral rights. Essentially, economic rights involve the right to control the distribution of a work. In other words, a copyright owner can stop anyone from copying or using a work without permission – including, for example, by translating it, reproducing it, performing it or broadcasting it. Exactly how the owner enforces these rights will depend on the national laws of the country concerned, but countries often provide a mixture of civil and criminal penalties for copyright infringement. Copyright also includes certain moral rights of the creator – including, among others, the right to be acknowledged as the author of a work and to prevent it from being altered in a way that might damage the creator’s reputation. Transferring and trading copyright Generally, economic rights can be transferred and divided. A right owner may agree to let someone use a work under certain conditions (licensing), or they may give or sell the rights to someone who then becomes the new owner (assignment). And if a copyright owner dies, their heirs or successors will inherit their economic rights. It is very common for rights to be transferred. For example: • Book authors, music composers and recording artists often license or assign rights to publishers in exchange for payments known as royalties. • In many countries, creators can license or assign their rights to collective management organizations which will monitor how works are used and collect payments from users on the creator’s behalf. • Copyright owners may choose to give away their work for free, or to let other people use it freely based on certain conditions. For example, they may allow use based on standard Creative Commons licenses. and related rights 23 In many countries, moral rights cannot be traded or transferred, but a creator may sometimes agree to waive or refrain from exercising them. Copyright and the public interest Copyright serves the public interest by helping to ensure that creators can earn a fair reward for their work, thus encouraging further creative endeavor, and by making sure that works are properly acknowledged and respected. The law also recognizes that in certain circumstances, known as copyright limitations and exceptions, copyright restrictions should not apply. For example, many countries allow for copyrighted books to be adapted without the rights owner’s permission to create versions that are accessible to people with visual impairment or other physical disabilities that make it difficult for them to use ordinary printed copies. There is now support for this exception under international law through the Marrakesh Treaty of 2013, administered by WIPO, which also provides for the crossborder exchange of accessible books. Furthermore, the economic rights within copyright only last for a limited period, the so-called term of copyright. Once this term has expired, a work enters the public domain, meaning it is free for anyone to use. Moral rights are term-limited in some countries and perpetual in others. National and international copyright law There are different national laws on copyright in different territories, as with other forms of intellectual property. However, international law establishes certain minimum standards of protection: • Copyright arises as soon as a work is created. There is no need for a creator to register a work or complete any other formalities in order to gain protection (though some countries do operate voluntary copyright registration schemes). • Countries are required to protect most copyrighted works throughout the life of the creator and for at least 50 years after the creator’s death. Copyright and related rights 24 • International law means that copyrighted works are generally protected in most countries, not just the country in which they were created. These minimum standards are guaranteed by a series of international treaties administered by WIPO. States that have joined these treaties can provide more than the minimum protection – for example, a longer copyright term – but they cannot provide less. Related rights The law also protects the rights of certain people or groups who are involved in creative work but do not qualify for copyright protection in many jurisdictions, including performers such as singers and actors, broadcasting organizations, and organizations such as record companies that produce sound recordings. These are known as related rights or neighboring rights, because they are related to copyright. The protection offered is similar to copyright. Generally, right owners can stop people from recording, communicating or broadcasting their work without their permission. However, the term of protection is usually shorter than copyright; in most countries, it lasts for 50 years from the date of the performance, recording or broadcast. New challenges Copyright law has to evolve to deal with new technologies and cultural practices. For example, digital technologies make it possible to make and transmit near-perfect copies of works at little cost. In 1996, two new international agreements, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), were concluded in order to help protect copyright and related rights in the Internet age. And in 2012 the Beijing Treaty on Audiovisual Performances was adopted to protect the related rights of audiovisual performers. But other challenges remain. How can the traditional cultural expressions of people in developing countries best be protected in a globalizing economy? Is 3D printing adequately covered by copyright law? What is the best way of ensuring that musicians and artists receive proper payment when their works can be accessed online anywhere in the world? WIPO helps countries develop common responses to the evolving challenges. The World Intellectual Property Organization WIPO is the global forum for intellectual property services, policy, information and cooperation. It was founded in 1967 and became a specialized agency of the United Nations in 1974. There are four main elements of WIPO’s work. Shaping international rules WIPO helps to develop and implement international law on intellectual property. As we have seen, most IP law is limited to a particular national jurisdiction. International law is crucial to facilitate protection across national boundaries. There are now more than 25 international IP treaties administered by WIPO, and negotiations are ongoing to deal with new challenges. WIPO provides a neutral environment in which different countries can come together to negotiate new rules, striking a fair balance between different interests. Delivering global services WIPO delivers international filing and registration services. We have mentioned many examples in this booklet: international patent filing under the PCT System, international trademark registration under the Madrid System, industrial design registration under the Hague System and registration of geographical indications under the Lisbon System. WIPO also provides arbitration and mediation services to help resolve IP disputes. WIPO charges fees for these services. In fact, it earns more than 90% of its income through such fees. This is unusual for an international organization. Most international organizations are funded by their member states – in other words, by those countries’ taxpayers – whereas most of WIPO’s budget is paid for by the people and businesses who use its services. Cooperating with countries and partners to make IP work for development An important part of WIPO’s mission is to help all countries use and benefit from IP laws and protection systems. Many of WIPO’s member states already have very sophisticated and longstanding national IP systems, but some developing countries are working to build this capacity. Providing information and shared infrastructure WIPO aims to be a comprehensive and impartial source of information on global IP issues. This booklet is just one of many WIPO publications – there are also books, magazines, economic studies, statistics and many other reference works. WIPO has also developed infrastructure for accessing and sharing knowledge, including enormous databases of patents, brands, trademarks, appellations of origin and IP legislation. Visit the WIPO website to access a wealth of information: www.wipo.int. World Intellectual Property Organization 34, chemin des Colombettes P.O. Box 18 CH-1211 Geneva 20 Switzerland Tel: +41 22 338 91 11 Fax: +41 22 733 54 28 For contact details of WIPO’s External Offices visit: www.wipo.int/about-wipo/en/offices © WIPO, 2020 First published 2004 Attribution 3.0 IGO (CC BY 3.0 IGO) The CC license does not apply to non-WIPO content in this publication. Photos: Getty Images WIPO Publication No. 450E/20 ISBN 978-92-805-3176-3

### 1NC – Impacts

#### Vote negative for predictable limits and ground—-allowing the affirmative to pick any grounds for the debate makes negative engagement impossible, by skirting a predictable starting point and making our preparation and research useless. Because debate is a competitive game, there is an incentive to revert to truisms that give the negative no chance at engagement. The lack of a plan also means the affirmative can shift their advocacy in later speeches instead of being tied to a particular text, which obviates negative arguments.

#### This has two impacts –

#### Fairness – A predictable limit is the only way to give the neg a chance to win—-radical aff choice shifts the grounds for the debate and puts the aff far ahead. Pre-tournament negative preparation is structured around topical plans as points of offense, which means anything other than a topical plan structurally favors the affirmative. Fairness is an intrinsic good—-debate is fundamentally a game and requires effective competition between the aff and the neg—-the only way for any benefit to be produced from debate and the reason why people are incentivized to do prep and research is to help them do better in their next round is if the judge can make a decision between two sides who have had a relatively equal chance to prepare for a common point of debate. Fairness also comes before substance—-deciding any other argument in this debate cannot be disentangled from our inability to prepare for it—-any argument you think they’re winning is a link, not a reason to vote for them, because it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it.

#### Second is Argument Engagement---advocacy tied to the resolution incentivizes nuanced research and CLASH with a well prepared opponent---They turn debate into one with no negative counterargumentation which causes confirmation bias and less good affirmatives. It also doesn’t subject the aff to rigorous arugmentation which eliminates the skills necessary to make real material change in the world and doesn’t generate real productive discussions – turns their offense.

#### Topical version of the aff – critique the use of trade secrets to block access to clinical trial data that would reveal racial patient discrepancies – free COVID vaccines for Africa through eliminating IP for only those countries – big pharma biocolonialism – etc – use sufficiency when evaluating the TVA because all deficits are neg ground. This and reading it on the neg solve their offense by re-centering debate on abjection.

#### Topicality must be a voting issue—the role of the ballot is to vote for whoever does the better debating over the resolutional question. Any aff role for debate must explain why we switch sides and why there has to be a winner and a loser—switching sides within the competitive yet limited bounds of the topic performs the labor of the negative which avoids group polarization and untested advocacy

#### Theory is an issue of competing interpretations because reasonability invites arbitrary judge intervention based on preference rather than argumentation and encourages a race to the bottom in which debaters will exploit a judge’s tolerance for questionable argumentation.

## OFF

### NC

#### **Genocidal settlement is not a one-off event, but a structuring ontological logic of elimination constantly manifested in the everyday reiteration of the very modes of spatial inhabitance and subjective modes of being that define settler identity**

Rifkin 14 – Associate Professor of English & WGS @ UNC-Greensboro

(Mark, ‘Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance,’ pp. 7-10)

If nineteenth-century American literary studies tends to focus on the ways Indians enter the narrative frame and the kinds of meanings and associa- tions they bear, recent attempts to theorize settler colonialism have sought to shift attention from its effects on Indigenous subjects to its implications for nonnative political attachments, forms of inhabitance, and modes of being, illuminating and tracking the pervasive operation of settlement as a system. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—invasion is a structure not an event” (2).6 He suggests that a “logic of elimination” drives settler governance and sociality, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an organizing principle of settler-colonial society rather than a one-off (and superceded) occurrence” (388). Rather than being superseded after an initial moment/ period of conquest, colonization persists since “the logic of elimination marks a return whereby the native repressed continues to structure settler- colonial society” (390). In Aileen Moreton-Robinson’s work, whiteness func- tions as the central way of understanding the domination and displacement of Indigenous peoples by nonnatives.7 In “Writing Off Indigenous Sover- eignty,” she argues, “As a regime of power, patriarchal white sovereignty operates ideologically, materially and discursively to reproduce and main- tain its investment in the nation as a white possession” (88), and in “Writ- ing Off Treaties,” she suggests, “At an ontological level the structure of subjective possession occurs through the imposition of one’s will-to-be on the thing which is perceived to lack will, thus it is open to being possessed,” such that “possession . . . forms part of the ontological structure of white subjectivity” (83–84). For Jodi Byrd, the deployment of Indianness as a mobile figure works as the principal mode of U.S. settler colonialism. She observes that “colonization and racialization . . . have often been conflated,” in ways that “tend to be sited along the axis of inclusion/exclusion” and that “misdirect and cloud attention from the underlying structures of settler colonialism” (xxiii, xvii). She argues that settlement works through the translation of indigeneity as Indianness, casting place-based political collec- tivities as (racialized) populations subject to U.S. jurisdiction and manage- ment: “the Indian is left nowhere and everywhere within the ontological premises through which U.S. empire orients, imagines, and critiques itself ”; “ideas of Indians and Indianness have served as the ontological ground through which U.S. settler colonialism enacts itself ” (xix).

#### The frontier has always been defined by a chaotic blurring of borders both physical and not – reject their mystification and confusion of meaning and signification as a quintessential settler tactic

**Young 2013** [Alex Trimble, graduate student at the University of Southern California. He is at work on a dissertation on the use of frontier rhetoric and the origins of postmodernism in the post-1945 countercultural literatures of the United States, “Settler Sovereignty and the Rhizomatic West, or, The Significance of the Frontier in Postwestern Studies,” *Western American Literature*, Volume 48, Numbers 1 & 2, Spring/Summer]

While discussion of Weizman’s work on the Israeli military’s use of A Thousand Plateaus has almost become a commonplace in contemporary critiques of Deleuze and Guattari, his less-discussed work on the spatial forms that Israeli settlers have employed in their efforts to colonize the West Bank since 1967 offers an equally important analysis of the relationship of rhizomatic assemblages to settler state power. In a chapter titled “Frontier Architecture” in his 2007 monograph Hollow Land: Israel’s Architecture of Occupation, Weizman tracks the growth of a single Israeli settlement in the West Bank, the “illegal” outpost of Migron. In Weizman’s description of the “elastic geography” of the development of this Israeli frontier, the rhetorical parallels to Deleuze and Guattari’s description of the rhizome are striking: The frontiers of the Occupied Territories are not rigid and fixed at all; rather, they are elastic, and in constant transformation. The linear border, a cartographic imaginary inherited from the military and political spatiality of the nation state has splintered into a multitude of … border-synonyms. … These borders are dynamic, constantly shifting, ebbing, andflowing. … The anarchic geography of the frontier is an evolving image of transformation. Like so many settler colonies on the United States’ nineteenth-century western frontier (the Deadwood camp perhaps being the most familiar example), the rhizomatic nature of Israel’s frontier outposts often defies containment by its juridical order: the founding of Migron was not sanctioned by the arborescent power structure of the state. That said, the pioneers of this frontier, “equally influenced by the myth of rough and rugged Western heroes as by the Israeli myth of the pioneering Zionist settlers of the early twentieth century,” while acting outside the law, could hardly be said to be acting in a manner contrary to the interests of the expanding settler society itself (4). The Israeli state has long cast a blind eye on the expansion of illegal settlements such as Migron, and many once-illegal frontier outposts have been incorporated into Israel’s legally sanctioned network of West Bank settlements.14 Weizman argues that the plenary power of the Israeli state is, in fact, extended by the rhizomatic nature of frontier settlement even as the letter of Israeli law condemns it. This “selective absence of government intervention promotes an unregulated process of violent dispossession” (5), in which the erratic and unpredictable nature of the frontier is exploited by the government. Chaos has its peculiar structural advantages. It supports one of Israel’s foremost strategies of obfuscation: the promotion of complexity—geographical, legal, or linguistic. Sometimes, following a terminology pioneered by Henry Kissinger, this strategy is openly referred to as “constructive blurring.” This strategy seeks simultaneously to obfuscate and naturalize the facts of domination. Across the frontiers of the West Bank it is undertaken by simultaneously unleashing processes that would create conditions too complex and illogical to make any territorial solution in the form of partition possible. Through this process of “constructive blurring,” settler sovereignty is not established through a “gridding” process of rationalizing space but rather through chaotic and often extralegal acts of expansion: settlers follow “lines of flight” made possible by the “smoothing” of indigenous space.

#### Vote negative for a stable, land-based decolnization project premised on the objective right of indigenous people to land sovereignty

**Collard, Dempsey, and Sundberg 15** [Rosemary-Claire Collard, Assistant Professor, Department of Geography, Planning and Environment (Concordia University, Montreal), Jessica Dempsey, Assistant Professor in the School of Environmental Studies at the University of Victoria, & Juanita Sundberg, Associate Professor, Department of Geography, University of British Columbia, “A Manifesto for Abundant Futures,” *Annals of the Association of American Geographers*, Volume 105, Issue 2, 2015, p. 322-330]

Another Path Is Possible! Abundant Futures Manifesto If anything, the Anthropocene is a spark that will light a fire in our imaginaries. This is a time to think big, to dream. We dream about abundant futures. In what follows, we offer this dream in the form of a manifesto, a declaration of strategies to create the conditions for supporting diverse forms of life and ways of living. Decolonizing frameworks, politics, and ethics guide our thinking about the conditions needed to generate abundance. Although “the desired outcomes of decolonization are diverse and located at multiple sites in multiple forms” (Sium, Desai, and Ritskes 2012, 2), our decolonizing sensibility builds from scholarship and movements in settler societies that are premised on Indigenous self-determination. In this context, we draw particular attention to the ways Nature is steeped in colonial patterns of power and knowledge. Nature, we argue, must be confronted as an artifact of empire, although not “as dead matter or remnants of a defunct regime” that can be ignored (Stoler 2008, 196). Rather, as Stoler (2008, 195) notes, imperial ruins have a political life; they “impinge on the allocation of space, resources, and on the contours of material life” in the present. Discerning how the residues of Nature are reactivated in contemporary conservation politics in ways that continue to dispossess is crucial to the practice of decolonizing. The violence of settler colonialism is ongoing (Wolfe 2006) as “land is remade into property and human relationships to land are restricted to the relationship of the owner to his property” (Tuck and Yang 2012, 5). Anishinaabeg scholar and activist Leanne Simpson beautifully articulates this transformation of land and bodies (cited in Klein 2013): Extraction and assimilation go together. Colonialism and capitalism are based on extracting and assimilating. My land is seen as a resource. My relatives in the plant and animal worlds are seen as resources. My culture and knowledge is a resource. My body is a resource and my children are a resource because they are the potential to grow, maintain, and uphold the extraction–assimilation system. The act of extraction removes all of the relationships that give whatever is being extracted meaning. Extracting is taking. Actually, extracting is stealing—it is taking without consent, without thought, care or even knowledge of the impacts that extraction has on the other living things in that environment. That's always been a part of colonialism and conquest. Colonialism has always extracted the indigenous. As Simpson suggests, colonial extraction also implies attempts to erase distinct ways of bringing worlds into being. Transforming these conditions requires political struggle grounded in decolonizing. Inspired by Simpson and others, we now turn to three concrete political strategies necessary to create conditions for generating abundance rather than postnatural conservation. These strategies are informed by transformative efforts already occurring around the globe. Strategy 1: Reckoning with Colonial-Capitalist Ruination Like postnatural conservationists, we do not support a conservation oriented around the colonial myth of a pristine past. Yet the tendency to relentlessly focus on the future is not the answer. When considering how to intervene responsibly and ethically, an ongoing and active reckoning with the past is crucial. We can look to the past not to provide an Edenic benchmark but to understand the discursive material infrastructure we have inherited: How did we arrive where we are today, to a world of social asymmetries and ecological impoverishment? Galeano (1973) and Davis (2002) contend that we arrived at contemporary “underdevelopment” through colonialism and imperial capitalist development. Violence was central to these processes. “Millions died,” Davis (2002, 11) writes, “not outside the ‘modern world system,’ but in the very process of being forcibly incorporated into its economic and political structures.” The Capitalocene, Haraway's (2014) counterconcept to the Anthropocene, specifically foregrounds capitalist modes of political economy (and their attachment to fossil fuels) as drivers of impoverished ecologies. To recall this violence is neither nostalgic nor anachronistic but central to understanding that any intervention today is unavoidably linked to processes of imperial ruination. Equally, we need to pay attention to histories of nonhuman abundance and the violences that led to their diminishment. MacKinnon (2013) sees the past as a measure of possibility for what “may be again.” For MacKinnon, this is not a call for “some romantic return to a pre-human Eden.” Rather, he posits, “A story of loss is not always and only a lament; it can also be a measure of possibility. What once was may be again.” For MacKinnon, this means taking past abundance as a marker for what might be; looking back shows us what rich socioecological worlds looked like (as in Denevan 2001; Raffles 2002; Mann 2005). “Our systems are designed to promote more life,” says Leanne Simpson about her Anishinaabeg community (cited in Klein 2013). Working with the Anishinaabeg concept of mino bimaadiziwin, variously translated as “the good life” and “continuous rebirth,” Simpson identifies an alternative to worlds that are enacted through utilitarianism and extraction. “The purpose of life,” she says, “is this continuous rebirth, it's to promote more life. In Anishinaabeg society, our economic systems, our education systems, our systems of governance, and our political systems were designed with that basic tenet at their core.” The concept of promoting life differs considerably from a core aspect of sustainability and earth systems science, which focuses on figuring out the limits to development or the extent to which ecosystems may be degraded before ecological function is impaired or beyond repair. As Simpson says, her community considers “how much you can give up to promote more life” (cited in Klein 2013; also Simpson 2011). We ally ourselves with such strategies to produce abundance. For Tewolde Egziabher (2002), the tireless Ethiopian advocate for farmers’ rights and agricultural diversity, supporting conditions to create and sustain biological diversity involves refusing capitalist processes of enclosure over land, waters, and living things, including patents on life. We ally with Via Campesina (2008) and its more than 200,000 members throughout the globe in defending the “collective rights of peasant farmers to access land” from those who appropriate land “for profit.” Peasant farmers affiliated with Via Campesina fight relentlessly against the status quo, against the World Trade Organization and other trade agreements that privilege corporate actors, against the governments who facilitate land grabs, and against corporate enclosures. In so doing, they are creating institutions and alliances that go far beyond national borders, including the World Social Forum, farmer–farmer exchanges, and seed-saving networks. Strategy 2: Acting Pluriversally Recognizing entanglement is not enough to undo colonial formations such as Nature. Hence, we ally with others fostering the capacity to act in pluriversal instead of universal ways (Blaser, de la Cadena, and Escobar 2014). The universe is enacted through the ontological assumption of reality or nature as singular, with different cultures offering distinct conceptions of this reality (Blaser 2013). This approach equates ontology with mental maps or culture and leaves intact the assumption that differing perspectives on the world can be understood through and reduced to Eurocentric categories. Building on Indigenous thought as well as some science studies scholarship, Blaser (2009, 2013) frames ontology in terms of practices and performances of worlding—of being, doing, and knowing; reality “is done and enacted rather than observed” (Mol 1999, 77). Worlding practices bring worlds into being; different stories enact different worlds that may be coemergent, partially connected, or in conflict. Blaser (2013, 552) proposes the pluriverse as a “heuristic proposition,” a commitment to enacting ontological multiplicity, to shift us away from continuously performing the universe. If different stories perform different yet interconnected worlds, then worlding practices can be evaluated in terms of their effects; some worldings might be wrong in the sense that “they enact worlds (edifices) in which or with which we do not want to live, or that do not let us live—or lets some live and not others” (Blaser, de la Cadena, and Escobar 2014). Creating abundant futures, we believe, means supporting already existing worlding practices that enact worlds different from those produced by European imperialism and settler colonialism. We ally ourselves with Idle No More, a Canada-wide Indigenous movement sparked by federal efforts in 2012 to enact legislative changes that weaken Indigenous sovereignty and environmental regulations. Started by four women, the movement spread like wildfire, drawing national attention to ongoing Indigenous struggles, sparking, revitalizing, and supporting decolonizing efforts in a multitude of communities. Activists and authors Simpson (cited in Klein 2013) and Glen Coulthard (2013) articulate the movement's role in supporting a “resurgence of Indigenous political thought” in relation to governance models and “Indigenous political-economic alternatives.” We respond to Idle No More's invitation “to join in a peaceful revolution, to honour Indigenous sovereignty, and to protect the land and water” (Idle No More n.d.). Enacting abundance means different ways of building relationships across vast differences, best described as solidarity or collective movement in support of conditions that enable differently situated people and other-than-humans to realize abundance, to build a world of many worlds. In thinking about how to move collectively, we take inspiration from the concept of walking with put forth in the Zapatista movement's Sixth Declaration of the Selva Lacandona (Zapatista Army of National Liberation 2005). In this framing of solidarity, walking with implies engaging in activism wherever one lives in support of a common struggle against neoliberalism and for democracy, liberty, and justice. As such, solidarity supports autonomous forms of worlding. Strategy 3: Recognizing Animal Autonomy Recognizing multispecies entanglement is not a license to intensify human control over other-than-human life. Abundant futures include nonhuman animals, not as resources or banks of natural capital that service humans but as beings with their own familial, social, and ecological networks, their own lookouts, agendas, and needs. An abundant future is one in which other-than-humans have wild lives and live as “uncolonized others” (Plumwood 1993). We follow Cronon, likely the most widely cited troubler of wilderness, who actually argues for retaining the idea of wildness. As Cronon (1995, 89) writes, “Honoring the wild” is a matter of “learning to remember and acknowledge the autonomy of the other.” Whereas wilderness refers to an impossible pure Nature, wildness refers to the autonomy, otherness, and sentience of animals (Plumwood 1993; Collard 2014). By autonomy we mean the fullest expression of animal life, including capacity for movement, for social and familial association, and for work and play. These capacities have been profoundly diminished with the confinement, control, and managerialism that have come to characterize humans’ relationships with the wider world in humanist colonial and capitalist regimes. In particular, animals’ spatial and bodily enclosure (in public zoos and aquariums, laboratories, and factory farms) impedes their autonomy and abundance. Of course, an autonomous life is never a discrete life. Whether enclosed or not, animals are always inescapably part of socionatural networks (as are we). So what is the difference between these networks? The wild one offers—within limits—openness, possibility, a degree of choice, and self-determination. The enclosed one is controlled, cramped, contained, and enclosed. But neither do wildness or animal autonomy mean no human intervention; in a world that has always been far too entangled to permit “stepping outside,” wildness and autonomy are relational. We are not advocating a return to conservation's old misanthropy but an orientation in which wildness is understood relationally, not as the absence of humans but as interrelations within which animals have autonomy. The degree to which an animal is wild thus has little to do with its proximities to humans and everything to do with the conditions of living, such as spatial (can the animal come and go), subjective (can the animal express itself), energetic (can the animal work for itself), and social (can the animal form social networks). These are conditions of possibility, of potential, not forced states of being. We ally ourselves with the few conservationists who make the well-being of individual animals a priority (Paquet and Darimont 2010) and with efforts such as the recent campaign by Zoocheck and other Toronto and international organizations that led to the transfer of three elephants from the Toronto Zoo to a wildlife sanctuary in California. Part of a wider movement to end elephant captivity, the release of these three elephants is a sign of growing recognition of the effects of captivity on such social creatures. Orienting toward abundant futures requires walking with multiple forms of resistance to colonial and capitalist logics and practices of extraction and assimilation. Decolonization is our guide in this process. A profoundly unsettling process, decolonization “sets out to change the order of the world,” as Fanon (1963, 36) suggested fifty years ago. As the organizations, movements, and people discussed here show, unsettlings are already taking place, pluriversally. Although never perfect, they are our best chance for abundant socioecological futures.

## OFF

### NC

#### Pharmaceutical innovation is accelerating now – new medicines are substantially better than existing treatments.

Wills, MBA, and Lipkus, PhD, 20 – Todd J. Wills [Managing Director @ Chemical Abstracts Service, MBA from THE Ohio State University] and Alan H. Lipkus [Senior Data Analyst @ Chemical Abstracts Service, PhD Physical Chemistry from the University of Rochester], “Structural Approach to Assessing the Innovativeness of New Drugs Finds Accelerating Rate of Innovation,” ACS Medicinal Chemistry Letters, Vol. 11, 2020, <https://pubs.acs.org/doi/pdf/10.1021/acsmedchemlett.0c00319> C.VC

Despite recent concerns over an innovation crisis, this analysis shows pharmaceutical innovation has actually increased over the last several decades based on the structural novelty of approved NMEs. The higher proportion of Pioneers over the most recent decade is a sign that innovation within the industry is accelerating rather than slowing. It is also an encouraging sign for the state of innovation in drug discovery that these Pioneers are significantly more likely to be the source of promising new therapies that are expected to provide substantial clinical advantages over existing treatments. Drug hunters are discovering Pioneers in newer and less explored regions of chemical space as they are increasingly found on scaffolds first reported in the CAS REGISTRY five or less years prior to their IND year or on scaffolds populated with 50 or less other compounds at the time of IND.

As scale becomes less of a strategic advantage, Big Pharma’s share of Pioneers has decreased even though the number of Big Pharma originated Pioneers has increased. This has created a structural innovation gap between Big Pharma and the Rest of Ecosystem which has widened over the last two decades as the Rest of Ecosystem is now responsible for originating almost 3 out of every 4 Pioneers. Pioneers originated by the Rest of Ecosystem are increasingly on new scaffolds, while a majority of Big Pharma originated Pioneers have historically been on new scaffolds.

The work presented here was intended as a study of drug innovation at a macro level. As a result, it included substances of various sizes with different degrees of complexity belonging to a range of functional and drug classes. Even though it was outside the scope of the present work to study specific subsets, such focused studies could yield additional insights into how innovation at a more micro level has changed over time. Other interesting subsets of our data set are the shapes and scaffolds of the Settlers and Colonists. Many of these shapes and scaffolds are privileged in the sense that they are seemingly capable of serving as ligands for a diverse array of target proteins. A separate study of the Settlers and Colonists as well as their side chains could provide insights into possible target-specific innovation trends.

As it often takes more than 10 years after initial discovery for an experimental drug to gain FDA approval, any measure of drug innovation that relies on the time of approval incorporates a significant time lag between initial discovery and ultimate approval. However, characterizing drug innovation based on structural novelty provides a means to assess the forward-looking innovation potential of an experimental drug at the time of initial discovery by comparing its framework information (at the scaffold and shape level) with prior FDA-approved drugs. Therefore, a separate study of drug candidates with publically disclosed structures currently in clinical development could provide additional insights into innovation trends at an FDA regulatory review level and serve as a leading indicator of innovation trends at an FDA approval level.

Given the tremendous opportunity represented by the vast amount of chemical space yet to be explored, drug-hunters of all types will continue pushing the boundaries to find promising new therapies in previously unexplored areas of chemical space. The race to discover these new drugs will be fueled by further advancements in screening approaches and in-silico methods (including innovations related to machine learning algorithms and molecular representations). However, comprehensive data on known shapes and scaffolds can fast track the identification of meaningful open areas of chemical space (shapes or scaffolds that are potentially important but have never been used as the basis for a molecule) to further explore.

#### The biopharmaceutical industry is uniquely reliant on IP protections – undermining them would kill innovation by making an already expensive process completely unfeasible.

Kristina M. Lybecker, PhD, 17 [PhD Economics, Associate Professor of Economics @ Colorado College], “Intellectual Property Rights Protection and the Biopharmaceutical Industry: How Canada Measures Up,” Fraser Institute, January 2017, <https://www.fraserinstitute.org/sites/default/files/intellectual-property-rights-protection-and-the%20biopharmaceutical-industry.pdf> C.VC

The unique structure of the innovative biopharmaceutical industry necessitates a variety of intellectual property protection mechanisms. In particular, the industry is characterized by a research and development (R&D) process that is lengthy, expensive, uncertain, and risky. According to DiMasi and colleagues, the estimated cost of developing a new medicine is US$2.6 billion (DiMasi, Grabowski, and Hansen, 2016).2 In addition, the time required to develop a new drug is also significant, averaging 10 to 15 years without any guarantee of success (PhRMA, n.d.). While these figures are highly controversial, biopharmaceutical innovation is unquestionably an expensive and lengthy undertaking.3 For the biopharmaceutical industry, innovation and its protection are essential and the source of both profits and growth. As such, patent protection is disproportionally more important for ensuring that the innovator appropriates the returns to R&D for the biopharmaceutical industry than virtually any other. Extending the findings of the 1987 “Yale Survey” (Levin, Klevorick, Nelson, and Winter, 1987), the “Carnegie Mellon Survey” established that while patents are again considered “unambiguously the least effective appropriability mechanisms,” the drug industry and other scholars regard them as strictly more effective than alternative mechanisms (Cohen, Nelson, and Walsh, 1996). The industry’s disproportionate reliance on patents and other forms of intellectual property protection is confirmed in numerous other studies.4

In essence, IPR protections provide innovative biopharmaceutical firms with an assurance of some return on their investment, thus creating incentives for the development of new technologies that could otherwise be easily replicated and sold by competitors. Due to the tremendous fixed costs required to develop new treatments and cures, a significant potential exists for free riding by follower firms, a market failure that would prevent investment in innovation were it not for the patents and other forms of intellectual property protections that provide a limited period of market exclusivity or other such incentives. Fundamentally, patents amount to an efficiency tradeoff. Society provides innovators with a limited period of market exclusivity to encourage innovation in exchange for public access to this knowledge. In exchange for the temporary static loss from market exclusivity, society gains complete knowledge of the innovation through disclosure, a permanent dynamic gain. Through this tradeoff, the existing patent system corrects the market failure that would stymie innovation. In its Apotex Inc. v. Wellcome Foundation Ltd. finding, Justice Binnie wrote for the Supreme Court of Canada, “A patent, as has been said many times, is not intended as an accolade or civic award for ingenuity. It is a method by which inventive solutions to practical problems are coaxed into the public domain by the promise of a limited monopoly for a limited time. Disclosure is the quid pro quo for valuable proprietary rights to exclusivity which are entirely the statutory creature of the Patent Act” (para. 37).

The biopharmaceutical industry is characterized by a number of legal and economic issues that distinguish it from other research-intensive industries. Danzon (1999) describes three features that are particularly noteworthy. First, given that the biopharmaceutical industry is characterized by an unusually high rate of R&D, intellectual property protection provides for the potential for significant market power and monopoly pricing that raises numerous public health policy questions surrounding prices and profits. Second, virtually every aspect of the industry is heavily regulated, from safety and efficacy to promotion and advertising, to pricing and reimbursement. Danzon describes the impact of these regulations as “profound and multidimensional even within a single country, affecting consumption patterns, productivity, R&D and hence the supply of future technologies” (Danzon, 1999: 1056). Lastly, while research and development costs are borne solely by the innovator, the resulting product is a global public good. “Each country faces an incentive to adopt the regulatory policies that best control its pharmaceutical budget in the short run, free-riding on others to pay for the joint costs of R&D and ignoring cross-national spillovers of national regulatory policies through parallel trade and international price comparisons” (Danzon, 1999: 1056). The combination of these characteristics defines a set of unique economic and legal challenges for the innovation of new drugs and the public health policies that surround their production, marketing, and distribution.

Innovative companies make far greater investments in time, resources, and financial support than do generic firms. Notably, innovation-based companies spend more than 200 times that which generic companies spend on the development of a particular drug (CIPC, 2011: 10). In addition, the investment of time, from laboratory to market, is also close to double for innovative companies relative to generic producers. Table 1 highlights the differences in the drug development processes of innovative and generic companies. For innovative biopharmaceutical companies, the development process is expensive, risky, and time consuming, all of which points to the need for strong IP protection to encourage investment and ensure companies are able to recover their investments.

The risk involved in biopharmaceutical development is starkly illustrated in a recent report by Biotechnology Innovation Organization (BIO), which reports that less than one of every 10 drugs that enter clinical trials is ultimately approved by the Food and Drug Administration in the United States. The report finds a success rate of merely 9.6%, a calculation that is significantly smaller than the widely-cited 11.8% figure from a 2014 study by the Tufts University’s Center for the Study of Drug Development.5 The International Federation of Pharmaceutical Manufacturers and Associations (2012) estimates that more than 3,200 compounds were at different stages of development globally in 2011, but only 35 new medicines were launched (Dawson, 2015).

Fundamentally, research-based biopharmaceutical companies incur greater expenses and risk in the development of their products than do generic manufactures. These investments of time and financial resources should be recognized and the effective patent life should be sufficient to recoup these investments. Continued investment and innovation are contingent upon strong, effective intellectual property protection and the ability of innovative firms to recoup their investments. Patents and other forms of intellectual property protection are disproportionally important to the research-based biopharmaceutical industry. Consequently, the legal architecture necessary to foster a robust innovation-based industry is multifaceted and is a powerful force shaping the biopharmaceutical industry, its profitability, productivity, and innovative future.

**Pharmaceutical innovation is key to protecting against future pandemics, bioterrorism, and antibiotic resistance.**

**Marjanovic and Fejiao ‘20** Marjanovic, Sonja, and Carolina Feijao. Sonja Marjanovic, Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitive biology, Imperial College London; B.Sc. in biology, University of Lisbon. "Pharmaceutical Innovation for Infectious Disease Management: From Troubleshooting to Sustainable Models of Engagement." (2020). [Quality Control]

As key actors in the healthcare innovation landscape, pharmaceutical and life sci-ences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a **bioterrorism con-text**.1 The general threat to public health that is posed by **antimicrobial resistance** is also **well-recognised** as an area **in need of pharmaceutical innovation**. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and compe-tition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an **indispensable** partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceu-tical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is **essential** for socially responsible companies in the sec-tor.2 It is therefore unsurprising that we are seeing indus-try-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing com-pounds to assess their utility in the fight against COVID-19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating tri-als for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accel-erate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to **benefit patients** and wider **population health**. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be rela-tively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pres-sure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing com-bination product that is being tested for therapeutic poten-tial against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other **infectious diseases**, **bioterror-ism** agents **and antimicrobial resistance**) are **urgently in need of pharmaceutical innovation**, **even if their impacts are not as visible** to society **as COVID**-19 is in the imme-diate term. The pharmaceutical industry has responded to previous public health emergencies associated with infec-tious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contribu-tions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still **low**.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innova-tion conditions.

#### Bioterrorism and future pandemics cause extinction.

Hamish De Bretton-Gordon, CBRN Expert @ British Army, 20 [Director @ DBG Defense, Consultant on CBRN and Biosecurity], “Biosecurity in the Wake of COVID-19: The Urgent Action Needed,” Combatting Terrorism Center Sentinel, November/December 2020, Volume 13, Issue 11, <https://ctc.usma.edu/biosecurity-in-the-wake-of-covid-19-the-urgent-action-needed/> C.VC

Policymakers around the world did not grasp just how large the impact of a bio threat could be. Beyond the enormous human and economic impact, the current pandemic has exposed the weakness, lack of preparedness, and poor responsiveness of healthcare systems of even highly developed countries like the United States and the United Kingdom. And the virus has inflicted carnage, even though SARS-CoV-2 (the virus that causes COVID-19) is not especially virulent. The world may be confronted with other viruses in the future whose combination of virulence (the harm a pathogen does to its host), transmissibility, and other characteristics pose much greater danger.

While overwhelming evidence points to SARS-CoV-2 spontaneously spreading to humans, the advances in synthetic biology and the growth in the number of Level 3 and 4 biocontainment facilities around the world storing deadly viruses1 mean there is also the very real possibility that in the future, bad actors will try to engineer or steal/obtain a highly transmissible and highly virulent virus and unleash it onto the world. Another risk is accidental releases from such biocontainment facilities.

COVID-19, a highly transmissible but not very virulent pathogen, has had a devastating global impact, a fact that will not have gone unnoticed by rogue states and terror organizations. Advances in synthetic biology have created tools that could be put to malevolent use. In the last two decades, scientists synthesized the poliovirus from its genetic sequence,2 recreated the 1918 Spanish flu virus,3 and succeeded in modifying the H5N1 avian flu virus so that it resulted (in a research laboratory) in airborne transmission among mammals.4 In the future, we should think of weaponized biology as no less of an existential threat to the planet than weaponized atomic science. It should also be noted that the fear and panic that even a medium-scale bioterror attack could create could have dangerous implications that may rival or even surpass the immediate loss of life.

The Need to Rethink Likelihood

Given the fact that in late 2019 when, as far as is known, COVID-19 cases first started emerging in China, it had been more than a century since the previous catastrophic outbreak (the 1918-1919 “Spanish flu” pandemic),d it was unsurprising that many thought of such pandemics as a one-in-a-100-year event. Such assumptions should no longer hold. The encroachment of human settlements into areas that had previously been sanctuaries for wildlife5 and the popularity in some parts of the world of markets where people and wild animals are brought into proximity have made it more likely viruses will make the species leap to human beings.e And when they do, as the COVID-19 pandemic illustrated, the interconnectedness of a world in which millions of people fly each day6 means they can spread very rapidly.

There is also growing concern about engineered viruses. Not only have advances in synthetic biology (SynBio) created growing capacity for extremely dangerous viruses to be engineered in a laboratory, but the number of people with access to potentially dangerous ‘dual use’ technology has greatly expanded and continues to expand, making malevolent use of such technology ever more likely.

In the August 2020 issue of this publication, scientists at the U.S. Military Academy at West Point warned that:

The wide availability of the protocols, procedures, and techniques necessary to produce and modify living organisms combined with an exponential increase in the availability of genetic data is leading to a revolution in science affecting the threat landscape that can be rivaled only by the development of the atomic bomb. As the technology improves, the level of education and skills necessary to engineer biological agents decreases. Whereas only state actors historically had the resources to develop and employ biological weapons, SynBio is changing the threat paradigm.

The cost threshold of engineering viruses is also lowering, with the West Point scientists warning that synthetic biology has “placed the ability to recreate some of the deadliest infectious diseases known well within the grasp of the state-sponsored terrorist and the talented non-state actor.”7

As already noted, another source of vulnerability is that deadly viruses could be stolen from or escape from a research laboratory. There are now around 50 Biosafety Level 4f facilities around the world, where the deadliest pathogens are stored and worked on, and this figure is set to increase in the next few years.g This is a large increase over the last 30 years, creating bigger risk of a breach. Of equal, if not greater concern are the thousands of Biosafety Level 3 labs globally,8 which handle deadly pathogens like COVID-19.9

Given what has been outlined above, the risk of a future destructive biological attack or another devastating global pandemic should no longer be seen as low. From this point forward, there should no higher priority for the international community than biosecurity.

## Case

### NC – Top

#### the claim that thought and relationality is over-coded by signification is a linguistic relic entirely refuted by modern social science

Pullum 18 [Geoffrey K. Pullum is Professor of general Linguistics in the School of Philosophy, Psychology, and Language at the University of Edinburgh. “Linguistics: Why it Matters.” Page 55-57]

The largely false tale of the many words for snow in Eskimoan languages often plays a role in discussions of what is commonly called the Sapir-Whorf Hypothesis. It’s supposed to be a hypothesis about how language shapes or determines thought, but it isn’t really a hypothesis at all. It’ a vaguely defined cluster of very different claims.

Some variants appear to suggest that the way you think about the world is entirely determined by your language: a person who speaks a different language cannot think the same thoughts, and doesn’t really even see the same world. Such an idea might seem fascinating at first. But on closer inspection it loses any claim to be a scientific thesis.

It has this curious property: if it were true, its truth could never be explained to the people it was true of. For example, if my language gave me a concept that you couldn’t grasp because your language didn’t equip you with that concept, I could never convince you that this was so, because you could never see what I meant. The key thing I would have to get across to you would involve a concept hat you just don’t have and cannot form.

That makes global claims of this sort (claims about our language defining our world) untestable even in principle. It’s not a scientific hypothesis; it’s a rather strange (and in my view implausible) metaphysical claim that no one can ever confirm or refute. That is part of why linguists are so much less intrigued by global Sapir-Whorf-style claims than nonlinguists.

There are testable claims about how language shapes thinking, however. They are much more modest, and generally involve tasks that involve speaking as well as thinking. For example, it has been shown that when someone has to sort a set of presented objects into their different colour categories, they can distinguish one shade of colour from another somewhat faster if their language has distinct words for those two shades.

But this only says that if you have lifelong experience with a language that uses a certain distinction as the crucial meaning difference between a pair of words, that may enhance the rapidity of your response to the distinction. It says nothing about your not being able to see the difference between a pair of colours that share the same word.

### AT: ROTB

#### No Arbitrary roles of the judge or ballot – the judge should vote for the side that produces the best material consequences. Anything else moots the NC and lets the aff choose a self-serving starting point for discussion.

### NC – Presumption

Our presumption argument is a double bind:

1. Either they are NOT a change from the status quo and therefore not inherent, or

2. they ARE a departure from the status quo, but the aff is TOO SMALL to solve the impacts of the 1AC.

### NC – Webb

#### Imagining that symbolic and representational disruptions in benign academic spaces implicate material violence buys off material tactics for resistance

Webb, 18—Senior Lecturer in Education at the University of Sheffield (Darren, “Bolt-holes and breathing spaces in the system: On forms of academic resistance (or, can the university be a site of utopian possibility?),” Review of Education, Pedagogy, and Cultural Studies, 40:2, 96-118, dml)

It is easy to be seduced by the language of the undercommons. Embodying and enacting it, however, is difficult indeed. Being within and against the university, refusing the call to order through insolent obstructive unprofessionalism, is almost impossible to sustain. Halberstam (2009, 45) describes the undercommons as “a marooned community of outcast thinkers who refuse, resist, and renege on the demands of rigor, excellence, and productivity.” A romantic and appealing notion for sure but refusing and reneging on “the university of excellence” will cost you your job. When Moten describes subversion as a “series of immanent upheavals” expressed through “vast repertoires of high-frequency complaints, imperceptible frowns, withering turns, silent sidesteps, and ever-vigilant attempts not to see and hear” (2008, 1743), one is reminded instantly of Thomas Docherty, disciplined and suspended for his negative vibes.7

Being with and for the maroon community is difficult too. First of all, “Where and how can we find/see the Undercommons at work?” (Ĉiĉigoj, Apostolou-Hölscher, and Rusham 2015, 265). Where and how can one find those liminal spaces of sabotage and subversion, and how does one occupy them in a spirit of hapticality, study, and militant arrhythmia that brings the utopic underground to the surface of the fierce and urgent now? Beautiful language, but how does one live it? Networks do, of course, exist—the Undercommoning Collective, the Edu-Factory Collective, the International Network for Alternative Academia, to name but a few. These are promising spaces for bringing together and harboring the maroons and the fugitives. But networks are typically short-lived, and—as Harney and Moten warned—there is a danger of institutionalization, of taking institutional practices with you into alternative spaces “because we’ve been inside so much” (Harney and Moten 2013, 148). And so, predictably, meetings of the fugitives come with structure, order, an official agenda, and circulated minutes. The outcasts convene in conventional academic conferences, with parallel sessions, panels of papers, lunch breaks, wine and nibbles (e.g., Edu-Factory 2012). These spaces offer time out, welcome respite, a breathing space, a trip abroad, and then one returns to work.

If hapticality, the touch of the undercommons, is “a visceral register of experience … the feel that what is to come is here” (Bradley 2014, 129–130), then this seems elusive. It is hard to detect a sense of the utopic undercommons rising to the surface of the corporate-imperial university. Moten describes the call to disorder and to study as a way to “excavate new aesthetic, political, and economic dispositions” (Moten 2008, 1745). But this notion of excavating is highly problematic. It is common within the discourse of “everyday utopianism”—finding utopia in the everyday, recovering lost or repressed transcendence in “everydayness” (Gardiner 2006)—to describe the process of utopian recovery in terms of excavating: excavating repressed desires, submerged longings, suppressed histories, untapped possibilities. But the fundamental questions of where to dig and how to identify a utopian “find” are never adequately addressed (see Webb 2017). Gardiner defines utopia as “a series of forces, tendencies and possibilities that are immanent in the here and now, in the pragmatic activities of everyday life” (2006, 2). But how are these forces, tendencies and possibilities to be identified and recovered? For Harney and Moten, it is through study, hapticality and militant arrhythmia. These are slippy concepts, however, evading concrete material referents.

What is it to inhabit the undercommons? Those who have written of their experiences refer to “small acts of marronage” such as poaching resources and redeploying them in ways at odds with the university’s designs and demands (Reddy 2016, 7), or exploiting funding streams “to form cracks in the institution that enable the Others to invade the university” (Smith, Dyke, and Hermes 2013, 150). For Adusei-Poku (2015), the undercommons is a space of refuge which is all about survival (2015, 4–5). We who feel homeless in the university are forced into refuge. We gather together to survive. We may gain satisfaction from small acts of marronage, but this is less about bringing the utopic common underground to the surface as it is a form of “radical escapism” (Adusei-Poku 2015, 4). Benveniste (2015, v) tells us that: “The undercommons has no set location and no return address. There is no map for entering and no guide for staying. The only condition is a living appetite. Listen to its hunger for difference.” We need more than poetry, however. And we need more than a series of minor acts of resistance. As Srnicek and Williams rightly emphasize, resistance is a defensive, reactive gesture, resisting against. Resistance is not a utopian endeavour: “We do not resist a new world into being” (Srnicek and Williams 2016, 47). The undercommons, when one can find it, is a bolt hole, a place of refuge, a breathing space in the system. We need something more.

The occupation Can the occupied building operate as a site of utopian possibility within the corporate-imperial university? Reflections on, and theorizations of, two recent waves of occupation—“Occupied California” 2009–2010 and the UK Occupations 2010–2011—have answered this question affirmatively. The “occupation” should not be understood here as solely or necessarily “student occupation.” It goes without saying—though sadly so often does need saying —that “faculty also have a responsibility to fight with and for students” (Smeltzer and Hearn 2015, 356). Though led by a new historical subject, “the graduate without a future” (Schwarz-WeinStein 2015, 11), the importance of faculty support for the occupations was emphasized on both sides of the Atlantic (Research and Destroy 2010, 11; Dawson 2011, 112; Holmes and R&D and Dead Labour 2011, 14; Ismail 2011, 128; Newfield and EduFactory 2011, 26). Long before Occupy took shape in Zuccotti Park, “occupation” was being heralded as the harbinger of a new society and a new way of being. If we return to the notion of creating utopian spaces, the key aim for some of the occupiers was to create communes within the university walls—to communize space (Inoperative Committee 2011, 6).8 Communization here is understood as a form of insurrectionary anarchism that refuses to talk of a transition to communism, insisting instead upon the immediate formation of zones of activity removed from exchange, money, compulsory labor, and the impersonal domination of the commodity form (Anon 2010a, 5). As one pamphlet declared: We will take whatever measures are necessary both to destroy this world as quickly as possible and to create, here and now, the world we want: a world without wages, without bosses, without borders, without states. (Anon 2010d, 34) This is a revolutionary anarchism that takes the university campus as the site for a practice—communization—that not only prefigures but also realizes the vision of a free society. Heavily influenced by The Coming Insurrection (Invisible Committee 2009), but tapping into a long tradition of anarchist theory and practice from Hakim Bey’s Temporary Autonomous Zones (Bey 1985) to David Graeber’s Direct Action (Graeber 2009), occupation becomes “the creation of a momentary opening in capitalist time and space, a rearrangement that sketches the contours of a new society” (Research and Destroy 2010, 11). It is “an attempt to imagine a new kind of everyday life” (Hatherley 2011, 123). Firth (2012) refers to these momentary openings as critical, experimental utopias: Such utopias are … simultaneously immanent and prefigurative. They are immanent insofar as they allow space for the immediate expression of desires, satisfaction of needs and also the articulation of difference or dissent. They are prefigurative to the extent that they allow one to practice and exemplify what one would like to see at a more proliferative range in the future (26) The ultimate aim is for the practice to spread beyond the campus through a dual process of provocative rupture—the idea that insurrectionary moments can unleash the collective imagination and stimulate an outpouring of creativity that blows apart common sense and offers glimpses of a future world (Gibson-Graham 2006, 51; Shukaitis and Graeber 2007, 37)—and “contaminationism,” that is, spreading by means of example (Graeber 2009, 211). It may well have been the case that communism was realized on the campuses of Berkeley and UCL, that a momentary opening in capitalist space/time appeared through which another world could be glimpsed. The occupation, however—whether California, London, or anywhere else—is likely always to remain a localized temporary disruptive practice. A practice with utopian potency, for sure, in terms of suspending normalized forms of discipline and opening new egalitarian discursive spaces (Rheingans and Hollands 2013; Nişancioğlu and Pal 2016). In terms of wider systemic change, however, “small interventions consisting of relatively non-scalable actions are highly unlikely to ever be able to reorganise our socioeconomic system” (Srnicek and Williams 2016, 29). What “the occupation” demonstrates more than anything is the reality of the corporate-imperial university, as the institutional hierarchy, backed by the carceral power of the police and criminal justice system, inevitably disperses the occupiers—often using militarized force—and repossesses the occupied space in a strong assertion of its ownership rights not only to university buildings but also to what constitutes legitimate thought and behavior within them (on this see Docherty 2015, 90). The significance, and utopian potential, one attaches to campus occupations depends in part upon the significance one attaches to the university as a site of struggle. For the Edu-Factory Collective: As was the factory, so now is the university. Where once the factory was a paradigmatic site of struggle between workers and capitalists, so now the university is a key space of conflict, where the ownership of knowledge, the reproduction of the labour force, and the creation of social and cultural stratifications are all at stake. This is to say the university is not just another institution subject to sovereign and governmental controls, but a crucial site in which wider social struggles are won and lost. (Caffentzis and Federici 2011, 26) Clearly, if this is true, then the form the struggle takes, and the example it sets, is of immense significance. Srnicek and Williams describe as “wishful thinking” the idea that the occupation might spread beyond the campus by means of rupture or contamination (2016, 35). However, if the university really is a key site of class struggle (Seybold 2008, 120; Haiven and Khasnabish 2014, 38), a site through which wider struggles are refracted and won or lost, then the transformative potential of the occupation needs to be attended to seriously. The analysis of the university offered by the Edu-Factory Collective is, however, outdated. Sounding like Daniel Bell writing in 1973 about how universities had become the “axial structures” of post-industrial society (Bell 1973, 12), the analysis does not hold water today. Moten overdoes it when he tells us that “the university is a kind of corpse. It is dead. It’s a dead institutional body” (Moten 2015, 78). What is clear, however, is that “focusing on the university as a site of radical transformation is a mistake” (Holmes and R&D and Dead Labour 2011, 13). As has been widely noted, there is very little distinguishing universities from other for-profit corporations (Readings 1996; Lustig 2005; Washburn 2005; Shear 2008, Tuchman 2009). What does separate them is their inefficiency, due in large part to the fact that universities operate also as medieval guilds, with faculties “ruled by masters who lord over journeymen and apprentices in an artisanal system of production” (Jemielniak and Greenwood 2015, 77). If the university is a sinister hybrid monstrosity—part medieval guild, part criminal corporation—which has no role other than reproducing its own privilege, then no special status can be attributed to campus protests. In this case, “A free university in the midst of a capitalist society is like a reading room in a prison” (Research and Destroy 2010, 10). A reading room in a prison. Another apposite metaphor. The occupation is a safe space, offering temporary respite, a place to hide, a refuge, a bolt-hole, a breathing space. As with the utopian classroom and the undercommons, what the occupation suggests is that “defending small bunkers of autonomy against the onslaught of capitalism is the best that can be hoped for” (Srnicek and Williams 2016, 48). Conclusion Zaslove was right to characterize utopian pedagogy within the corporateimperial university as the search for bolt-holes and breathing spaces in the system. He himself suggests that, “All university classes should become dialogic-experiential models that educate by expanding the zones of contact with wider communities” (2007, 102). Like so many others, Zaslove sees dialogic-experiential models of education beginning in the classroom then expanding outward. The literature is full of references to “exceeding the limits of the university classroom” (Coté, Day, and de Peuter 2007a, 325), “extend [ing] beyond the boundaries of the campus” (Ruben 2000, 211), and “breeching the walls of the university compounds and spilling into the streets” (Research and Destroy 2010, 10). This all brings to mind Giroux’s notion of academics as border crossers (Giroux 1992), but it also paints a picture of academics taking as their starting point the university and from there crossing the border into the community and the street.

The University can be the site for fleeting, transitory, small-scale experiences of utopian possibility—in the classroom, the undercommons, the occupation. It cannot be the site for transformative utopian politics. It cannot even be the starting point for this. Given the corporatization and militarization of the university, academics are increasingly becoming “functionaries of elite interests” inhabiting a culture which serves to reproduce these interests (Shear 2008, 56). Within the university, “radical” initiatives or movements will soon be co-opted, recuperated, commodified, and neutralized (Gibson-Graham 2006, xxvi; Seybold 2008, 123; Neary 2012b, 249; Rolfe 2013, 21). Institutional habitus weights so heavily that projects born in the university will be scarred from the outset by a certain colonizing “imaginary of education” (Burdick and Sandlin 2010, 117). And we have long known that the university is but one space of learning, and perhaps not a very important one at that. Identifying the academy as the starting point for a utopian pedagogy privileges this arcane space over sites of public pedagogy such as film, television, literature, sport, advertising, architecture, media in its various forms, political organizations, religious institutions, and the workplace (Todd 1997).

Perhaps the emphasis on creating radical experimental spaces within the academy needs to shift toward operating in existing spaces of resistance outside it. Haiven and Khasnabish argue that many social movements function already as “social laboratories for the generation of alternative relationships, subjectivities, institutions and practices” (2014, 62), providing “a space for experiments in knowledge production, radical imagination, subjectification, and concrete alternative-building” (Khasnabish 2012, 237). Why locate utopian pedagogy in the university when “critical utopian politics” can take place in “infrastructures of resistance” such as intentional communities, housing collectives, squats, art centers, community theatres, bars, book shops, health collectives, social centers, independent media and, increasingly of course, the digital sphere (Firth 2012; Shantz 2012; Amsler 2015; Dallyn, Marinetto, and Cederstrom 2015)? Moving beyond short-term, localized, temporary modes of resistance, utopian pedagogy would work across these sites to develop a long-term strategy and vision.

There is a role for the academic in utopian politics, but not in the university-as-such. The utopian pedagogue has a responsibility to exploit their own privilege and to work with students, communities and movements outside and divorced from the university. As Shear rightly notes, academics (and especially those working in the humanities and social sciences) “inhabit a privileged space in which critical inquiry concerning social hegemony and political-economic domination” is possible (Shear 2008, 56). Within the university, however, spaces for embodying and enacting this kind of inquiry have become constrained, compromised, monitored, surveilled, co-opted, and recuperated. As I have argued throughout this article, utopian pedagogy has become a search for bolt-holes and breathing spaces in the system. Beyond the academy, however, there is a role to play. As Chomsky (2010) tells us, with privilege comes responsibility. And as Giroux frames it, this is an ethical and political responsibility to provide “theoretical resources and modes of analysis” to help forge “a utopian imaginary” (Giroux 2014a; 153; 2014b, 200). This means putting one’s knowledge and resources to use in the service of a collaborative process of memory- and story-making, pulling together disparate inchoate dreams and yearnings in order to generate a utopian vision that can help inform, guide, and mobilize long-term collective action for systemic change.

### NC – Util

#### Use util – it’s impartial, specific to public actors, and resolves infinite regress which explains all value. Reject flawed calc indicts that misunderstand happiness and rely on problematic intuitions.

Greene 15 — (Joshua Greene, Professor of Psychology @ Harvard, being interviewed by Russ Roberts, “Joshua Greene on Moral Tribes, Moral Dilemmas, and Utilitarianism”, The Library of Economics and Liberty, 1-5-15, Available Online at <https://www.econtalk.org/joshua-greene-on-moral-tribes-moral-dilemmas-and-utilitarianism/#audio-highlights>, accessed 5-17-20, HKR-AM) \*\*NB: Guest = Greene, and only his lines are highlighted/underlined

Guest: Okay. So, I think utilitarianism is very much misunderstood. And this is part of the reason why we shouldn't even call it utilitarianism at all. We should call it what I call 'deep pragmatism', which I think better captures what I think utilitarianism is really like, if you really apply it in real life, in light of an understanding of human nature. But, we can come back to that. The idea, going back to the tragedy of common-sense morality is you've got all these different tribes with all of these different values based on their different ways of life. What can they do to get along? And I think that the best answer that we have is--well, let's back up. In order to resolve any kind of tradeoff, you have to have some kind of common metric. You have to have some kind of common currency. And I think that what utilitarianism, whether it's the moral truth or not, is **provide** a kind of **common currency**. So, what is utilitarianism? It's basically the idea that--it's really two ideas put together. One is the idea of impartiality. That is, at least **as social decision makers**, we should regard everybody's interests as of equal worth. Everybody counts the same. And then you might say, 'Well, but okay, what does it mean to count everybody the same? What is it that really matters for you and for me and for everybody else?' And there the utilitarian's answer is what is sometimes called, somewhat accurately and somewhat misleadingly, happiness. But it's not really happiness in the sense of cherries on sundaes, things that make you smile. It's really the quality of conscious experience. So, the idea is that if you start with anything that you value, and say, 'Why do you care about that?' and keep asking, 'Why do you care about that?' or 'Why do you care about that?' you ultimately come down to the quality of someone's conscious experience. So if I were to say, 'Why did you go to work today?' you'd say, 'Well, I need to make money; and I also enjoy my work.' 'Well, what do you need your money for?' 'Well, I need to have a place to live; it costs money.' 'Well, why can't you just live outside?' 'Well, I need a place to sleep; it's cold at night.' 'Well, what's wrong with being cold?' 'Well, it's uncomfortable.' 'What's wrong with being uncomfortable?' 'It's just bad.' Right? At some point if you keep asking why, why, why, it's going to come down to the conscious experience--in Bentham's terms, again somewhat misleading, the pleasure and pain of either you or somebody else that you care about. So the utilitarian idea is to say, Okay, we all have our pleasures and pains, and as a moral philosophy we should all count equally. And so a good standard for **resolving** **public** **disagreements** is to say we should go with whatever option is going to produce the best overall experience for the people who are affected. Which you can think of as shorthand as maximizing happiness--although I think that that's somewhat misleading. And the solution has a lot of merit to it. But it also has endured a couple of centuries of legitimate criticism. And one of the biggest criticisms--and now we're getting back to the Trolley cases, is that utilitarianism doesn't adequately account for people's rights. So, take the footbridge case. It seems that it's wrong to push that guy off the footbridge. Even if you stipulate that you can save more people's lives. And so anyone who is going to defend utilitarianism as a meta-morality--that is, a solution to the tragedy of common sense morality, as a moral system to adjudicate among competing tribal moral systems--if you are going to defend it in that way, as I do, you have to face up to these philosophical challenges: is it okay to kill on person to save five people in this kind of situation? So I spend a lot of the book trying to understand the psychology of cases like the footbridge case. And you mention these being kind of unrealistic and weird cases. That's actually part of my defense. Russ: Yeah, there's some plus to it, I agree.

Guest: Right. And the idea is that your amygdala is responding to an act of violence. And most acts of violence are bad. And so it is good for us to have a gut reaction, which is really a reaction in your amygdala that's then sending a signal to your ventromedial prefrontal cortex and so on and so forth, and we can talk about that. It's good to have that reaction that says, 'Don't push people off of footbridges.' But if you construct a case in which you stipulate that committing this act of violence is going to lead to the greater good, and it still feels wrong, I think it's a mistake to interpret that gut reaction as a challenge to the theory that says we should do whatever in general is going to promote the greater good. That is, our gut reactions are somewhat limited. They are good for everyday life. It's good that you have a gut reaction that says, 'Don't go shoving people off of high places.' But that shouldn't be a veto against a general idea that otherwise makes a lot of sense. Which is that in the modern world, we have a lot of different competing value systems, and that the way to resolve disagreements among those different competing value systems is to say, 'What's going to actually produce the best consequences?' And best consequences measured in terms of the quality of people's experience. So, that's kind of completing or partially completing the circle between the tragedy of the commons, that discussion, and how do we get to the Trolleys.

#### Extinction o/ws under any framework, even under moral uncertainty – infinite future generations

Pummer 15 — (Theron Pummer, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford, “Moral Agreement on Saving the World“, Practical Ethics University of Oxford, 5-18-2015, Available Online at http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/, accessed 7-2-2018, HKR-AM) \*\*we do not endorse ableist language=

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### Progress is possible--- even if there are setbacks, optimism is still a far more effective mindset than pessimism

Randall Kennedy 14, Michael R. Klein Professor of Law at Harvard University, “Black America's Promised Land: Why I Am Still a Racial Optimist,” 11/10/14, http://prospect.org/article/black-americas-promised-land-why-i-am-still-racial-optimist

I am hopeful first and foremost because of the predominant trajectory of African Americans—a history that John Hope Franklin framed with the apt title From Slavery to Freedom. In 1860, four million African Americans were enslaved while another half-million were free but devoid of fundamental rights in many of the jurisdictions where they lived. In 1860, the very term “African American” was something of an oxymoron because the Supreme Court had ruled in Dred Scott v. Sandford that no black, free or enslaved, could be a citizen of the United States. But within a decade, the Thirteenth Amendment (1865) abolished slavery, the Fourteenth Amendment (1868) established birthright citizenship and required all states to accord all persons due process and equal protection of the laws, and the Fifteenth Amendment (1870) prohibited states from withholding the right to vote on account of race, color, or previous condition of servitude. People who had been sold on the auction block as youngsters helped to govern their locales as public officials when they were adults. In 1861, Jefferson Davis of Mississippi resigned from the United States Senate to join the Confederate States of America, which he led as president. In 1870, Hiram Revels, the first black member of Congress, occupied the seat that Davis abandoned.

The First Reconstruction was overwhelmed by a devastating white supremacist reaction. But the most fundamental reforms it established proved resilient, providing the basis for a Second Reconstruction from the 1950s to the 1970s. During that period, too, the distance traveled by blacks was astonishing. In 1950, segregation was deemed to be consistent with federal constitutional equal protection. No federal law prevented proprietors of hotels, restaurants, and other privately owned public accommodations from engaging in racial discrimination. No federal law prohibited private employers from discriminating on a racial basis against applicants for jobs or current employees. No federal law effectively counteracted racial disenfranchisement. No federal law outlawed racial discrimination in private housing transactions. In contrast, by 1970 federal constitutional law thoroughly repudiated the lie of separate but equal. The 1964 Civil Rights Act forbade racial discrimination in privately owned places of public accommodation and many areas of private employment. The 1965 Voting Rights Act provided the basis for strong prophylactic action against racial exclusion at the ballot box. The 1968 Fair Housing Act addressed racial exclusion in a market that had been zealously insulated against federal regulation. None of these interventions were wholly successful. All were compromised. All occasioned backlash. But the racial situation in 1970 and afterwards was dramatically better than what it had been in 1950 and before.

Today, at a moment when progress has stalled, we need to recall how dramatically and unexpectedly conditions sometimes change. Until recently who’d-a thunk it possible for the president to be an African American? In the 1980s, I used to ask law students how long affirmative action programs ought to last. Champions of such programs, seeking to ensure their longevity, would say that affirmative action would be needed until the country elected a black president. That reply would elicit appreciative laughter as listeners supposed that that formula would preserve affirmative action for at least a century. But then along came Barack Obama and with him the remark that soon became a cliché: “I never thought that I’d live to see a black president.”

Obama’s election is much more than a monument to one politician’s talent and good fortune. Changes in public attitudes, law, and custom have clearly elevated the fortunes of African Americans as individuals and black America as a collectivity. Hard facts may give plausibility to the pessimistic tradition, but they make the optimistic tradition compelling. Despite the many wrongs that remain to be righted, blacks in America confront fewer racist impediments now than ever before in the history of the United States. The courage, intelligence, persistence, idealism, and sacrifice of Fannie Lou Hamer and Rosa Parks, Julian Bond and Bob Moses, Medgar Evers and Bayard Rustin, Viola Liuzzo and Vernon Dahmer—and countless other tribunes for racial justice—have not been expended for naught. The facts of day-to-day life allow blacks to sing more confidently than ever before James Weldon Johnson’s magnificent hymn “Lift Every Voice and Sing,” often referred to as the Black National Anthem:

Sing a song full of the faith that the dark past has taught us Sing a song full of the hope that the present has brought us Facing the rising sun of our new day begun Let us march on till victory is won.

The belief that we can overcome makes more realistic the possibility that we shall overcome. Optimism gives buoyancy to thinking that might otherwise degenerate into nihilism

My optimism involves more than a sociological prediction. I am also swayed by my intuition regarding which of these hypotheses—the pessimistic or the optimistic—will do the most good. Hope is a vital nutrient for effort; without it, there is no prospect for achievement. The belief that we can overcome makes more realistic the possibility that we shall overcome. Optimism gives buoyancy to thinking that might otherwise degenerate into nihilism, encourages solidarity in those who might otherwise be satisfied by purely selfish indulgence, invites strategic planning that can usefully harness what might otherwise be impotent indignation, and inspires efforts that might otherwise be avoided due to fatalism.

### AT: Mitchell

#### Agrees with consequentialism – “focus on intent allows white Australians to imagine their relationship is non-genocidal.” Only util stops them from eliding their relationship with systematic genocide.

#### Particularity – Mitchell says “extinction is not real for Western subjects, it is a fantasy of negation” – this card is about using extinction as a metaphor – we win the DA we didn’t.