## T

#### A. Interpretation: medicine refers to treatments and cures only. Affirmatives must not reduce other medical IP protections.

**B. Violation: they do**

**vaccines are medical interventions, not medicines**

Elbe 10 [Stefan Elbe, director of the Centre for Global Health Policy and a professor of international relations at the University of Sussex. "Security and Global Health," ISBN 0745643744, accessed 8-10-2021, https://www.wiley.com/en-ee/Security+and+Global+Health-p-9780745643731] HWIC

Yet here too we must be careful not to overlook other types of medical intervention simultaneously pursued by the 'social' arm of modern medicine at the population level. Vaccines in particular continue to be particularly important medical interventions that repeatedly surface in a variety of different health security delib- erations. Strictly speaking, vaccines are not medicines because they consist of small concentrations of disease-causing microbes (or their derivatives) used to enhance a person's immuno-response to a future infection. As a public health measure, vaccines have therefore also been largely sidelined in the existing medicalization literature. Yet, generally speaking, vaccines too can be considered as medical inter- ventions. That is certainly how the World Health Organization views them, pointing out that 'vaccines are among the most important medical interventions for reducing illness and deaths' available today (WHO 2009a). Whereas pills and other therapies mark the tools of clinical medicine, vaccines play a crucial part in the arsenal of 'social' medicine and public health. Developing and rolling out of new vaccines against a range of current (and future) diseases therefore represents further evidence of how the rise of health security is also encouraging security to be practised through the introduction of new medical interventions in society.

**Vaccines are different from medicines in the context of intellectual property**

Garrison 04 [Christopher Garrison, Consultant Legal Advisor to WHO. "Intellectual Property Rights and Vaccines in Developing countries," 04-13-2004, accessed 9-2-2021, https://www.who.int/intellectualproperty/events/en/Background\_paper.pdf?ua=1] HWIC

In the last few years, there has been a substantial debate about how intellectual property impacts medicines and in particular how the TRIPS Agreement impacts access to medicines in the developing world. Vaccines are different from medicines in a number of important respects however (at least from the small molecule ‘pill’ medicines if not the newer ‘biotech’ medicines). The issues raised in the access to medicines debate may therefore apply to a greater or lesser extent for vaccines, depending on these differences. This section examines a few of the different forms of intellectual property rights that are relevant in the context of vaccines and outlines the impact of some of the differences between vaccines and medicines.

#### C. Reasons to prefer

#### 1. Limits -- allowing any patented medical intervention includes testing and screening methods, surgery, contact tracing software etc. which takes away generics like innovation bc that applies to pharmaceutical development not distribution of preventative measures which explodes neg prep burden

#### 2. Precision -- we cite the WHO which proves common usage -- they add a whole new caselist based on social medicine which kills predictability -- that's k2 pre-tournament prep and deep clash around the core topic controversy. Reject counter-interps without a positive vision of the topic -- otherwise they can always shift the goalposts

#### D. Paradigm issues

#### 1. Drop the debater -- they skewed the debate from the 1AC and T indicts their advocacy

#### 2. Competing interps -- you can't be reasonably topical and reasonability invites judge intervention

#### 3. No RVIs -- forcing the 1NC to go all in kills substance education and discourages checking abuse

**4. TVAs exist: anything about normal medication like insulin, even covid cures like ventilators and remdeservir, just not vaccines**

## CP

#### Text: The People’s Republic of China should offer Chinese developed vaccines and medical technology related to COVID-19 to the world for free

#### The CP massively ramps up Chinese “vaccine diplomacy” which solves the case

Juecheng and Yuwei 8-13-21

(Zhao and Hu, https://www.globaltimes.cn/page/202108/1231387.shtml)

One of China’s most valued contributions to the global fair accessibility to COVID-19 vaccines is to enable more developing countries to hone their ability to produce vaccines by themselves, Zha Daojiong, professor of International Political Economy from Peking University, who closely studies the global vaccine equitable allocation framework, told the Global Times in a recent exclusive interview. Sharing his insights on widely discussed “vaccine nationalism,” “wavering vaccine intellectual property,” and “COVAX operation challenges,” Zha believes that China is advocating negotiations among countries on equitable global distribution of vaccines from a humanitarian, and global perspective. China has vowed to make efforts to provide the world with 2 billion doses of COVID-19 vaccines this year and donate $100 million to COVAX to promote global vaccine provision. This commitment comes amid the rampaging Delta variant, which is bringing more challenges for developing countries to access vaccines and combat the pandemic while the West continues to drag its heels in fulfilling its promises. The promise was made at the first meeting of a forum on international cooperation on COVID-19 vaccines held on August 5. Zha suggested that the forum, alongside the Initiative for Belt and Road Partnership on COVID-19 Vaccine Cooperation, reflect China’s efforts to support long-term cooperation in the vaccine industry globally. However, some Western media have labeled China and Russia as the pioneers of the global "vaccine diplomacy" campaign. The choice of vaccines by countries has become the epitome of global geopolitics.   Foreign comments on China using "vaccine diplomacy" in a narrow geopolitical sense reflect the real competition among COVID-19 vaccine providers, Zha told the Global Times. Due to China’s mature vaccine technologies, longer shelf life and lower requirement for storage and transportation, Chinese made vaccines are a more preferable choice for many developing countries with relatively weak vaccination infrastructure . This has been reflected in the approval of Chinese vaccines in more than 100 countries. But the phenomenon of “vaccine nationalism” was never absent in the decision by governments to choose vaccines, Zha suggested. “For example, some countries and regions would include geopolitical factors in choosing vaccines. These countries would reject certain vaccines. Moreover, some media outlets refuse to accept the fact that the professional assessment of vaccine efficacy is also a scientific process. Instead, they made comments on potential vaccines based on their geopolitical interests. This is also a kind of “vaccine nationalism”. Voices blaming “vaccine nationalism” have long been present in developed countries. For instance, Zha recalled how, during the H1N1 pandemic of 2009 which affected more than 200 countries and regions for more than a year, certain developed countries bought out entire stocks of vaccines against H1N1 once they were developed. Though some of those countries had promised to donate vaccines to others after they met their vaccination needs, the virus had long disappeared before their donations were made. Therefore, many in other nations lost the opportunity of a timely vaccination. Providing assistance from one country to another in the field of infectious or non-infectious diseases is often referred to as "health diplomacy." Some international public health research literature support "health diplomacy" because cooperation in this field is conducive to the improvement of political, economic and diplomatic relations, Zha said. China has taken important steps to close the global vaccine gap, including the acceleration of large-scale production, boosting fair distribution, and licensing local production in more countries.

## DA

**Pharma profits are up from COVID vaccines, patent waivers threaten this**

**Buchholz 5-17-21**

(Katharina, https://www.statista.com/chart/24829/net-income-profit-pharma-companies/)

The profitability of coronavirus vaccines has been in the spotlight since U.S. President Joe Biden come out in support of temporarily lifting vaccine patents to make the production of the life-saving inoculations more financially feasible for poorer countries. EU leaders meanwhile remain divided over such a move. Company financial reports show that COVID-19 vaccine makers and developers like Johnson & Johnson, Pfizer, Moderna, AstraZeneca and BioNTech have seen their profits increase since the vaccine rollout, at times majorly. In early May, stocks of several companies that benefit from COVID-19 vaccine sales took a nosedive on the news of Biden’s reversal. Moderna stocks, for example, were still down more than 6 percent at close on May 5, the day of the announcement. Stocks recovered somewhat as German chancellor Angela Merkel came out against patent waivers the following day. While fluctuations in the stock market price have hurt drug makers in the short term, patent waivers would diminish the bottom line of companies involved with the development and production of COVID-19 vaccines in the long term. Pharma giants like Johnson & Johnson and Pfizer bring in billions of dollars of income every quarter from diverse sources, so the COVID bump was smaller for them. In the case of Pfizer, which has been a bigger producer than J&J, the year-over-year profit increase was a handsome 44 percent, however. For smaller AstraZeneca, the COVID year meant that its profits doubled. In the case of Moderna, the past year has turned a Q1 loss into a profit. The case is similar for German company BioNTech, which collaborated with Pfizer on its COVID vaccine. While Q1 2021 brought in a profit of $1.1 billion, the company ran a deficit since its founding in 2008 up until Q4 2020, when it posted a profit for the first time. The $446 million earned stood in contrast to losses of almost $428 million accrued in the first nine months of the year.

#### Innovation is high now – multiple sectors.

Wellesley Primary Care Medicine 9/11

(21, <https://wpcmed.com/pandemic-inspires-and-challenges-medical-innovation/>)

Like wartime medicine, the pandemic inspires and challenges medical innovation. The silver lining of the pandemic is the reinvigorated sense of urgency breaking down cumbersome and expensive barriers to the [FDA’s phased approval process](https://www.fda.gov/drugs/information-consumers-and-patients-drugs/fdas-drug-review-process-continued). While the research- lab-to-patient-arm trials for the highly successful COVID-19 vaccines famously moved the traditional pace to warp speed, other critical and life-altering medicines, devices and therapies also broke through during this period. To be clear, the current surge of medical innovation through clinical trials in immunology, cardiology, multiple sclerosis, oncology and more, is not the result of a rush-to-market panic. All necessary and appropriate testing protocols to ensure quality are still being achieved, but at a more expedient pace in many cases. This is the good news. “In times of crisis, we can accelerate the development and review process,” explains [Andrew Badley, MD](https://newsnetwork.mayoclinic.org/discussion/how-clinical-trials-work-covid-19-and-beyond/), infectious disease specialist, Mayo Clinic. “Throughout the pandemic, many of these steps were accelerated. No steps were skipped. It was just the amount of effort that went into the development and the review that was increased.”

**Strong IP protection spurs innovation by encouraging risk-taking and incentivizing knowledge sharing—prefer statistical analysis of multiple studies**

**Ezell and Cory 19**

[Stephen Ezell, vice president & global innovation policy @ ITIF, BS Georgetown School of Foreign Service. Nigel Cory, associate director covering trade policy @ ITIF, MA public policy @ Georgetown. "The Way Forward for Intellectual Property Internationally," Information Technology & Innovation Foundation, 4-25-2019, accessed 8-25-2021, https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally] HWIC

IPRs Strengthen Innovation Intellectual property rights power innovation. For instance, analyzing the level of intellectual property protections (via the World Economic Forum’s Global Competitiveness reports) and creative outputs (via the Global Innovation Index) shows that counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development.46 IPR reforms also introduce strong incentives for domestic innovation. Sherwood, using case studies from 18 developing countries, concluded that poor provision of intellectual property rights deters local innovation and risk-taking.47 In contrast, IPR reform has been associated with increased innovative activity, as measured by domestic patent filings, albeit with some variation across countries and sectors.48 For example, Ryan, in a study of biomedical innovations and patent reform in Brazil, found that patents provided incentives for innovation investments and facilitated the functioning of technology markets.49 Park and Lippoldt also observed that the provision of adequate protection for IPRs can help to stimulate local innovation, in some cases building on the transfer of technologies that provide inputs and spillovers.50 In other words, local innovators are introduced to technologies first through the technology transfer that takes place in an environment wherein protection of IPRs is assured; then, they may build on those ideas to create an evolved product or develop alternate approaches (i.e., to innovate). Related research finds that trade in technology—through channels including imports, foreign direct investment, and technology licensing—improves the quality of developing-country innovation by increasing the pool of ideas and efficiency of innovation by encouraging the division of innovative labor and specialization.51 However, Maskus notes that without protection from potential abuse of their newly developed technologies, foreign enterprises may be less willing to reveal technical information associated with their innovations.52 The protection of patents and trade secrets provides necessary legal assurances for firms wishing to reveal proprietary characteristics of technologies to subsidiaries and licensees via contracts. Counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development. The relationship between IPR rights and innovation can also be seen in studies of how the introduction of stronger IPR laws, with regard to patents, copyrights, and trademarks, affect R&D activity in an economy. Studies by Varsakelis and by Kanwar and Evenson found that R&D to GDP ratios are positively related to the strength of patent rights, and are conditional on other factors.53 Cavazos Cepeda et al. found a positive influence of IPRs on the level of R&D in an economy, with each 1 percent increase in the level of protection of IPRs in an economy (as measured by improvements to a country’s score in the Patent Rights Index) equating to, on average, a 0.7 percent increase in the domestic level of R&D.54 Likewise, a 1 percent increase in copyright protection was associated with a 3.3 percent increase in domestic R&D. Similarly, when trademark protection increased by 1 percent, there was an associated R&D increase of 1.4 percent. As the authors concluded, “Increases in the protection of the IPRs carried economic benefits in the form of higher inflows of FDI, and increases in the levels of both domestically conducted R&D and service imports as measured by licensing fees.”55 As Jackson summarized, regarding the relationship between IPR reform and both innovation and R&D, and FDI, “In addition to spurring domestic innovation, strong intellectual property rights can increase incentives for foreign direct investment which in turn also leads to economic growth.”56

**Biopharmaceutical innovation is key to prevent future pandemics and bioterror**

**Marjanovic and Feijao 20**

[Sonja Marjanovic Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon. "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, accessed 8-8-2021, https://www.rand.org/pubs/perspectives/PEA407-1.html] HWIC

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences 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 context.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 competition 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 pharmaceutical 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 sector. 2 It is therefore unsurprising that we are seeing industry-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 compounds 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 trials 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 accelerate 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 relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure 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 combination product that is being tested for therapeutic potential 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, bioterrorism 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 immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious 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 contributions 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 innovation conditions.

#### Pharmaceutical profits are key to innovation against emerging disease threats

Engelhardt 8 – PhD, MD, Professor of Philosophy @ Rice

(Hugo, “Innovation and the Pharmaceutical Industry: Critical Reflections on the Virtues of Profit,” EBrary)

Many are suspicious of, or indeed jealous of, the good fortune of oth-ers. Even when profit is gained in the market without fraud and with the consent of all buying and selling goods and services, there is a sense on the part of some that something is wrong if considerable profit is secured. There is even a sense that good fortune in the market, especially if it is very good fortune, is unfair. One might think of such rhetorically disparaging terms as "wind-fall profits". There is also a suspicion of the pursuit of profit because it is often embraced not just because of the material benefits it sought, but because of the hierarchical satisfaction of being more affluent than others. The pursuit of profit in the pharmaceu-tical and medical-device industries is tor many in particular morally dubious because it is acquired from those who have the bad fortune to be diseased or disabled. Although the suspicion of profit is not well-founded, this suspicion is a major moral and public-policy challenge. Profit in the market for the pharmaceutical and medical-device industries is to be celebrated. This is the case, in that if one is of the view (1) that the presence of additional resources for research and development spurs innovation in the development of pharmaceuticals and med-ical devices (i.e., if one is of the view that the allure of profit is one of the most effective ways not only to acquire resources but productively to direct human energies in their use), (2) that given the limits of altruism and of the willingness of persons to be taxed, the possibility of profits is necessary to secure such resources, (3) that the allure of profits also tends to enhance the creative use of available resources in the pursuit of phar-maceutical and medical-device innovation, and (4) if one judges it to be the case that such innovation is both necessary to maintain the human species in an ever-changing and always dangerous environment in which new microbial and other threats may at any time emerge to threaten human well-being, if not survival (i.e., that such innovation is necessary to prevent increases in morbidity and mortality risks), as well as (5) in order generally to decrease morbidity and mortality risks in the future, it then follows (6) that one should be concerned regarding any policies that decrease the amount of resources and energies available to encourage such innovation. One should indeed be of the view that the possibilities for profit, all things being equal, should be highest in the pharmaceutical and medical-device industries. Yet, there is a suspicion regarding the pursuit of profit in medicine and especially in the pharmaceutical and medical-device industries.

**That causes extinction, which outweighs.**

**Millett & Snyder-Beattie 17**

Millett, Ph.D., Senior Research Fellow, Future of Humanity Institute, University of Oxford; and Snyder-Beattie, M.S., Director of Research, Future of Humanity Institute, University of Oxford. 08-01-2017. “Existential Risk and Cost-Effective Biosecurity,” Health Security, 15(4), PubMed

In the decades to come, advanced bioweapons could **threaten human existence**. Although the **probability** of human extinction from bioweapons **may** be low, the **expected value** of **reducing** the risk could **still** be **large**, since such risks jeopardize the existence of **all future generations**. We provide an overview of biotechnological extinction risk, make some rough initial estimates for how severe the risks might be, and compare the cost-effectiveness of reducing these extinction-level risks with existing biosecurity work. We find that reducing human extinction risk can be more cost-effective than reducing smaller-scale risks, even when using conservative estimates. This suggests that the risks are not low enough to ignore and that more ought to be done to prevent the worst-case scenarios. How worthwhile is it spending resources to study and mitigate the chance of human extinction from biological risks? The risks of such a catastrophe are presumably low, so a skeptic might argue that addressing such risks would be a waste of scarce resources. In this article, we investigate this position using a cost-effectiveness approach and ultimately conclude that the expected value of reducing these risks is large, especially since such risks jeopardize the existence of all future human lives. **Historically, disease events have been responsible for the greatest death tolls** on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world's population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization. A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to **remote populations**, overcome **rare genetic resistances**, and **evade detection**, cures, and **countermeasures**. Even evolution itself may work in humanity's favor: **Virulence and transmission is often a trade-off**, and so **evolutionary pressures** could push against maximally lethal wild-type pathogens.5,6 While these arguments point to a very small risk of human extinction, they **do not rule** the possibility **out** entirely. Although rare, there are recorded instances of **species going extinct due to disease**—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also **historical examples of large human populations being almost entirely wiped out** by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include **native American tribes** exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and the Western Abenaki (which suffered a staggering 98% loss of population).9 In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But **many diseases are proof** of principle that **each worst-case attribute can be realized independently**. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, **natural evolution** would be an **unlikely** source for pathogens with the **highest possible levels of transmissibility, virulence, and global reach**. But **advances in biotech**nology might allow the creation of diseases that **combine such traits**. Recent controversy has **already emerged** over a number of **scientific experiments** that resulted in viruses with enhanced **transmissibility**, **lethality**, and/or the ability to overcome **therapeutics**.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-21 Although these experiments had scientific merit and were not conducted with malicious intent, their implications are still worrying. This is especially true given that there is also a **long historical track record** of **state-run bioweapon research** applying cutting-edge science and technology to design agents not previously seen in nature. The Soviet bioweapons program developed agents with traits such as enhanced virulence, resistance to therapies, greater environmental resilience, increased difficulty to diagnose or treat, and which caused unexpected disease presentations and outcomes.22 Delivery capabilities have also been subject to the cutting edge of technical development, with Canadian, US, and UK bioweapon efforts playing a critical role in developing the discipline of aerobiology.23,24 While there is no evidence of state-run bioweapons programs directly attempting to develop or deploy bioweapons that would pose an existential risk, the logic of deterrence and **m**utually **a**ssured **d**estruction could create such incentives in more unstable political environments or following a breakdown of the Biological Weapons Convention.25 The **possibility of a war** between great powers could also increase the pressure to use such weapons—during the World Wars, bioweapons were used across multiple continents, with Germany targeting animals in WWI,26 and Japan using plague to cause an epidemic in China during WWII.27

## Case

### Framing

#### Governments must use util.

Goodin 95 Robert, 1995, Philosopher of Political Theory, Public Policy, and Applied Ethics. Utilitarianism as a Public Philosophy, Cambridge University Press, pg. 26-27

The great advantage of utilitarianism as a guide to public conduct is that it avoids gratuitous sacrifices, it ensures as best we are able to ensure in the uncertain world of public policy-making that policies are sensitive to people’s interests or desires or preferences. The great failing of more deontological theories, applied to those realms, is that they fixate upon duties done for the sake of duty rather than for the sake of any good that is done by doing one’s duty. Perhaps it is permissible (perhaps it is even proper) for private individuals in the course of their personal affairs to fetishize duties done for their own sake. It would be a mistake for public officials to do likewise, not least because it is impossible. The fixation on motives makes absolutely no sense in the public realm, and might make precious little sense in the private one even, as Chapter 3 shows. The reason public action is required at all arises from the inability of uncoordinated individual action to achieve certain morally desirable ends. Individuals are rightly excused from pursuing those ends. The inability is real; the excuses, perfectly valid. But libertarians are right in their diagnosis, wrong in their prescription. That is the message of Chapter 2. The same thing that makes those excuses valid at the individual level – the same thing that relieves individuals of responsibility – makes it morally incumbent upon individuals to organize themselves into collective units that are capable of acting where they as isolated individuals are not. When they organize themselves into these collective units, those collective deliberations inevitably take place under very different circumstances and their conclusions inevitably take very different forms. Individuals are morally required to operate in that collective manner, in certain crucial respects. But they are practically circumscribed in how they can operate, in their collective mode. And those special constraints characterizing the public sphere of decision-making give rise to the special circumstances that make utilitarianism peculiarly apt for public policy-making, in ways set out more fully in Chapter 4. Government house utilitarianism thus understood is, I would argue, a uniquely defensible public philosophy.

#### Magnitude first- epistemic perfection is impossible because the nature of risk-calculus is imperfect, but still necessary because we can’t afford to be wrong once

-precautionary principle= default

Jablonowski 10

(Mark, April, Lecturer in Economics at the University of Hartford, “Implications of Fuzziness for the Practical Management of High-Stakes Risks,” International Journal of Computational Intelligence Systems, Vol.3, No. 1, JKS)

“Danger” is an inherently fuzzy concept. Considerable knowledge imperfections surround both the probability of high-stakes exposures, and the assessment of their acceptability. This is due to the complex and dynamic nature of risk in the modern world. ¶ Fuzzy thresholds for danger are most effectively established based on natural risk standards. This means that risk levels are acceptable only to the degree they blend with natural background levels. This concept reflects an evolutionary process that has supported life on this planet for thousands of years. By adhering to these levels, we can help assure ourselves of thousands more. While the level of such risks is yet to be determined, observation suggest that the degree of human-made risk we routinely subject ourselves to is several orders of magnitude higher. ¶ Due to the fuzzy nature of risk, we can not rely on statistical techniques. The fundamental problem with catastrophe remains, in the long run, there may be no long run. That is, we can not rely on results “averaging out” over time. With such risks, only precautionary avoidance (based on the minimax’ing of the largest possible loss) makes sense. Combined with reasonable natural thresholds, this view allows a very workable approach to achieving safe progress.

#### Their rationalization argument isn’t reverse causal- even if they win that the way we’ve talked about magnitude is bad, that doesn’t alter institutions or dispute the impact

Jerdén 14

(Björn, research associate @ Utrikespolitiska institutet

The Assertive China Narrative: Why It Is Wrong and How So Many Still Bought into It, Chinese Journal of International Politics (Spring 2014) 7 (1): 47-88. doi: 10.1093/cjip/pot019, http://cjip.oxfordjournals.org/content/7/1/47.full)

The ‘practice turn’ in International Relations theory, among other things, urges discourse analysts to be wary of neglecting how discourses affect social action.171 In other words, we should pay attention to not only what people say, but also to what they do. Similarly, a change in how people talk and write should not invariably and straightforwardly be expected to lead to a change in how they act. A number of accounts of China’s new assertiveness arguably commit this ‘discursive fallacy’ and mistake changes in Chinese non-official discourses for a change in foreign policy.172 Attention to the (re)formation of China’s national identity is of course indispensable to our understanding of its foreign policy, not least when it comes to predicting its likely future development. Nevertheless, the level of influence of public discourse and identity construction on official policy is an empirical question and should not be treated as a fact prior to analysis. Needless to say, discursive changes in the broader society need to be mediated by changes in political priorities and the institutional set-up in order to have any long-lasting impact on policy.173 Moreover, the study of China’s foreign policy might have been especially receptive to discursive determinism, particularly in recent years. First, due to the non-transparent nature of China’s policymaking processes, ‘Pekingological’ analyses of subtle nuances in news media outputs have long been indispensable to the study of its foreign policy. Discourse-centred approaches have a long and impressive pedigree in the field. The downside of this is that analysis sometimes tilts too heavily towards discourse and away from policy. Second, China’s current debate over foreign policy includes more voices and viewpoints than it used to.174 Not surprisingly, many have expected this noteworthy discursive change to bring with it a corresponding policy change. The assertiveness narrative thus confirmed a development that many had expected.

#### Structural violence obscures analysis necessary to reduce poverty and violence

KennethBoulding, Prof Univ. of Michigan and UC Boulder, Journal of Peace Research 1977; 14; 75 p. Boulding p. 83-4

Finally, we come to the great Galtung metaphors of ’structural violence’ and ’positive peace’. They are metaphors rather than models, and for that very reason are suspect. Metaphors always imply models and metaphors have much more persuasive power than models do, for models tend to be the preserve of the specialist. But when a metaphor implies a bad model it can be very dangerous, for it is both persuasive and wrong. The metaphor of structural violence I would argue falls right into this category. The metaphor is that poverty, deprivation, ill health, low expectations of life, a condition in which more than half the human race lives, is ’like’ a thug beating up the victim and taking his money away from him in the street, -or it is ’like’ a conqueror stealing the land of the people and reducing them to slavery. The implication is that poverty and its associated ills are the fault of the thug or the conqueror and the solution is to do away with thugs and conquerors. While there is some truth in the metaphor, in the modem world at least there is not very much. Violence, whether of the streets and the home, or of the guerilla, of the police, or of the armed forces, is a very different phenomenon from poverty. The processes which create and sustain poverty are not at all like the processes which create and sustain violence, although like everything else in the world, everything is somewhat related to everything else. There is a very real problem of the structures which lead to violence, but unfortunately Galtung’s metaphor of structural violence as he has used it has diverted attention from this problem. Violence in the behavioral sense, that is, somebody actually doing damage to somebody else and trying to make them worse off, is a ’threshold’ phenomenon, rather like the boiling over of a pot. The temperature under a pot can rise for a long time without its boiling over, but at some threshold boiling over will take place. The study of the structures which underlie violence are a very important and much neglected part of peace research and indeed of social science in general. Threshold phenomena like violence are difficult to study because they represent ’breaks’ in the system rather than uniformities. Violence, whether between persons or organizations, occurs when the ’strain’ on a system is too great for its ‘~s~trength’. The metaphor here is that violence is like what happens when we break a piece of chalk. Strength and strain, however, especially in social systems, are so interwoven historically that it is very difficulty to separate them. The diminution of violence involves two possible strategies, or a mixture of the two; one is the increase in the strength of the system, ~the other is the diminution of the strain. The strength of systems involves habit, culture, taboos, and sanctions, all these things, which enable a system to stand Increasing strain without breaking down into violence. The strains on the system are largely dynamic in character, such as arms races, mutually stimulated hostility, changes in relative economic position or political power, which are often hard to identify. Conflict of interest are only part of the strain on a system, and not always the most important part. It is very hard for people to know their interests, and misperceptions of interests take place mainly through the dynamic processes, not through the structural ones. It is only perceptions of interest which affect people’s behavior, not the ’real’ interests, whatever these may be, and the gap between perception and reality can be very large and resistant to change. However, what Galitung calls structural violence (which has been defined by one unkind commentator as anything that Galltung doesn’~t like) was originally defined as any unnecessarily low expectation of life, an that assumption that anybody who dies before the allotted span has been killed, however unintentionally and unknowingly, by somebody else. The concept has been expanded to include all the problems off poverty, destitution, deprivation, and misery.

These are enormously real and are a very high priority for research and action, but they belong to systems which are only peripherally related to the structures which, produce violence. This is not to say that the cultures of violence and the cultures of poverty are not sometimes related, though not all poverty cultures are culture of violence, and certainly not all cultures of violence are poverty cultures. But the dynamics of poverty and the success or failure to rise out off ’it are of a complexity far beyond anything which the metaphor of structural violence can offer. While the metaphor of structural violence performed a ’service in calling attention to a problem, it may have done a disservice in preventing us from finding the answer.

### Vaccine Apartheid

#### Covid-19 is being brought under control now—vaccination efforts, immunity, etc

Byjillian **Kramer,** 8-06-20**21**,

"How will the pandemic end? The science of past outbreaks offers clues.," Science, <https://www.nationalgeographic.com/science/article/how-will-the-pandemic-end-the-science-of-past-outbreaks-offers-clues>

When the worldwide spread of a disease is brought under control in a localized area, it’s no longer a pandemic but an epidemic, according to the WHO. If COVID-19 persists globally at what the WHO judges to be “expected or normal levels,” the organization will then re-designate the disease “endemic.” At that stage, SARS-CoV-2 will become a circulating virus that’s “less consequential as we build immunity,” says [Saad Omer](https://medicine.yale.edu/yigh/profile/saad_omer/), an epidemiologist and director of the Yale Institute for Global Health. ([Read more about how we’ll live with COVID-19 as an endemic disease](https://www.nationalgeographic.com/science/article/covid-19-will-likely-be-with-us-forever-heres-how-well-live-with-it).) Only [two diseases](https://asm.org/Articles/2020/March/Disease-Eradication-What-Does-It-Take-to-Wipe-out) in recorded history that affect humans or other animals have ever been eradicated: smallpox, a life-threatening disease for people that covers bodies in painful blisters, and rinderpest, a viral malady that infected and killed cattle. In both instances, intensive global vaccination campaigns brought new infections to a halt. The [last confirmed case of rinderpest](https://www.theguardian.com/science/2010/oct/14/rinderpest-virus-eradicated) was detected in Kenya in 2001, while the [last known smallpox case](https://www.cdc.gov/smallpox/history/history.html) occurred in the U.K. in 1978. [Joshua Epstein](https://publichealth.nyu.edu/faculty/joshua-epstein), professor of epidemiology in the New York University School of Global Public Health and founding director of its Agent-Based Modeling Laboratory, argues that eradication is so rare that the word should be wiped from our disease vocabulary. Diseases “retreat to their animal reservoirs, or they mutate at low levels,” he says. “But they don’t typically literally disappear from the global biome.” There is no one definition of what the end of a pandemic means. RACHAEL PILTCH-LOEBHARVARD T.H. CHAN SCHOOL OF PUBLIC HEALTH Most causes of past pandemics are still with us today. More than [3,000 people caught the bacteria that cause both bubonic and pneumonic plague](https://www.who.int/en/news-room/fact-sheets/detail/plague) between 2010 and 2015, according to the WHO. And the virus behind the 1918 flu pandemic that ravaged the globe, killing at least 50 million people, ultimately morphed into less lethal variants, with its [descendants becoming strains of the seasonal flu](https://www.nejm.org/doi/full/10.1056/nejmp0904819). As with the 1918 flu, it’s likely the SARS-CoV-2 virus will continue to mutate, and the human immune system would eventually adapt to fend it off without shots—but not before many people fell ill and died. “Developing immunity the hard way is not a solution that we should be aspiring to,” Omer says. Finding ways to slow the spread of a disease and manage its effects is by far the safer path, experts say. Today, for instance, pest control and advanced hygiene keep the plague at bay, while any new cases can be treated with antibiotics. For other diseases, such as the flu, vaccines can also make a difference. The available COVID-19 vaccines are highly safe

and effective, which means getting enough people vaccinated can end this pandemic faster and with lower mortality than natural infections alone. Why we need vaccines for all WHO Director Tedros Adhanom Ghebreyesus last week reinstated a goal of vaccinating at least 10 percent of every nation’s population by September, with the loftier goal of reaching 40 percent global inoculation by year’s end and 70 percent by mid-2022.

### Solvency

**Recut of Public Citizen shows that IP is not sufficient to solve; tech transfer and trade secrets still stand in the way (rehighlight in green)**

**Public Citizen 3/29 -** Public Citizen [“Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power and work to ensure that government works for the people – not for big corporations. Founded in 1971, we now have 500,000 members and supporters throughout the country. We don’t participate in partisan political activities or endorse any candidates for elected office. We take no government or corporate money, which enables us to remain fiercely independent and call out bad actors – no matter who they are or how much power and money they have.”], “Waiver of the WTO’s Intellectual Property Rules: Facts vs. Common Myths,” *Public Citizen Global Trade Watch Series*. March 29, 2021. Accessed Aug. 10, 2021. <https://www.citizen.org/article/waiver-of-the-wtos-intellectual-property-rules-myths-vs-facts/> AT

In the press and on Capitol Hill, Big Pharma is pushing a Big Lie. The claim is that a lack of manufacturing capacity, not pharmaceutical corporation’s monopoly intellectual property (IP) protections, are thwarting greater production of COVID-19 vaccines. A related argument, with decidedly racist overtones, is that COVID-19 vaccines are too complicated for producers in developing countries to make successfully. The reality is that in every region of the world, there are multiple producers that could be greatly increasing global vaccine supplies if the technology and know-how were shared.¶ Just in Africa, “Biovac and Aspen in South Africa, Institute Pasteur in Senegal, and Vacsera in Egypt could rapidly retool factories to make mRNA vaccines,” notes a group of medicine-production experts in a recent Foreign Policy article. Indeed, a former Moderna director of chemistry revealed that with enough technology transfer and know- how-sharing, a modern factory should be able to get mRNA vaccine production online in, at most, three to four months. The Serum Institute in India already is slated to produce the AstraZeneca and Novavax vaccines, while Moderna declined to partner with a qualified Bangladeshi vaccine maker, claiming its engineers were too busy to focus beyond U.S. and EU production. In Latin America, existing facilities in Brazil, Argentina and Mexico under contract to monopoly holders are already pumping out vials, and in countries like Chile and Colombia, the pharmaceutical industry has expressed willingness to kickstart vaccine production.¶ Existing and planned contract manufacturing arrangements prove facilities in developing countries certainly can produce COVID-19 vaccines. But unless technology and know-how are shared more openly, the monopoly holders maintain absolute control over how much can be produced, what the price is and where it will be sold. So, 91% of the Johnson & Johnson vaccine that South African firm Aspen will manufacture must be shipped for sale outside South Africa, according to South Africa’s WTO Counselor. And the Serum Institute is barred from supplying upper- middle-income and high-income countries with the AstraZeneca vaccines it makes, meaning AstraZeneca can artificially segment the global market and ensure that it is the only supplier of the Oxford vaccine in the most profitable national markets, according to Doctors Without Borders.¶ Most critically, there simply is not enough supply to go around now or for every year in the future during which the whole world will need regular COVID vaccination to keep the virus under control. Thankfully, scores of countries are ready to invest in building new or repurposing existing production capacity. That is why more than 100 countries support a waiver of the WTO’s Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). These countries seek certainty that if they adjust their domestic laws and practices to support that investment by providing access to the necessary technology, they will not get dragged into expansive WTO litigation or face retaliatory sanctions from countries claiming WTO violations. The waiver will also serve as a worldwide buffer against the political pressure and legal harassment to which Big Pharma subjects countries that seek to promote affordable access to medicines.¶ In many countries, the regulatory authorities that had to approve domestic use of various vaccines and other COVID-related medical products have significant information from the firms that they could share with skilled teams from local universities, government agencies and pharmaceutical manufacturers — if they were not obliged by WTO rules to guarantee monopoly control of it. And world-class pharmaceutical firms already are making generic versions of new cutting-edge HIV-AIDS medicines and pumping out vaccines based on the platform that, for instance, the Johnson & Johnson vaccine uses.

#### Tech Transfer is distinct from IP and requires significantly different action than the plan – IP is relevant but not synonymous

TWI 02/21

The Welding Institute, (assists companies with tech transfer) 02-05-21 (Visible by doing inspect element), "Joining Innovation with Expertise," The Welding Institute, [https://www.twi-global.com/technical-knowledge/faqs/what-is-technology-transfer //](https://www.twi-global.com/technical-knowledge/faqs/what-is-technology-transfer%20//) AW

Technology transfer is the movement of data, designs, inventions, materials, software, technical knowledge or trade secrets from one organisation to another or from one purpose to another. The technology transfer process is guided by the policies, procedures and values of each organisation involved in the process. Also known as transfer of technology (ToT), technology transfer can take place between universities, businesses and governments, either formally or informally, to share skills, knowledge, technologies, manufacturing methods, and more. This form of knowledge transfer helps ensure that scientific and technological developments are available to a wider range of users who can then help develop or exploit it. This transfer can occur horizontally across different areas or vertically by moving technologies, for example, from research centres to research and development teams. Tech transfer is promoted at conferences organised by groups like the Association of University Technology Managers, so that investors can assess the prospect of commercialisation for a ground breaking new product or service. This commercialisation can involve the creation of joint ventures, licensing agreements and partnerships to share the risks and rewards. This can also be coupled with the raising of venture capital, which is generally more common in the United States than in Europe, for example. Research institutions, governments and businesses may also use the services of technology transfer offices to help with the process. These offices may include economists, engineers, lawyers, marketing experts and scientists. An important part of tech transfer is the protection of intellectual property (IP) associated with innovations developed at research institutions. This can mean licensing patented intellectual property to outside businesses or the creation of start-up companies to license the IP. However, before innovations can be brought to market they need to be developed through [technology readiness levels (TRL)](https://www.twi-global.com/technical-knowledge/faqs/technology-readiness-levels). TRLs 1-3 focus on research while levels 6-7 and higher sees a product move towards production. Bridging the gap between these different levels can be complex and time-consuming, as it requires the development of research into prototypes and then to fully tested and reliable finished products.

#### Tech transfer is key and not included under IP

Smith 05/05

(Laura Smith-Spark; Newsdesk Editor, CNN Digital; (05-05-21) Rich nations urged to share vaccine knowledge while WTO debates waiving patents; CNN; <https://www.cnn.com/2021/05/05/world/covid-19-vaccine-patents-wto-intl/index.html>; CKD)

Thomas Bollyky, director of the Global Health Program at the Council on Foreign Relations, told CNN on Friday that what's really needed to scale up global manufacturing of vaccines is technology transfer. "It's not just a matter of intellectual property. It's also the transfer of know-how," he said. "I don't think there's clear evidence that a waiver of an intellectual property is going to be the best way for that technology transfer to occur." Waiving patents will not work in the same way for vaccines as it has for drugs, Bollyky said. For HIV drugs, for example, manufacturers were more or less able to reverse engineer them without much help from the original developer. "It's very different for vaccines, where it's really a biological process as much as a product. It's hard to scale up manufacturing in this process for the original company, let alone another manufacturer trying to figure this out without assistance," he said. "It requires a lot of knowledge that's not part of the IP."

The deal between AstraZeneca and the Serum Institute of India is a successful example of such technology transfer, Bollyky said, where the licensing of IP happened voluntarily. "The question is what can we do to facilitate more deals like the one between AstraZeneca and the Serum Institute of India to have this transfer," he said. Michael Head, senior research fellow in global health at the University of Southampton, in England, told CNN that increasing regional manufacturing capacity, particularly in the global south, was key -- and should be a focus between pandemics. "Sharing intellectual property during the pandemic is something that should happen but that doesn't resolve the issues," he said. "Manufacturing vaccines is hard. It's hard to rapidly set up a new site with all the equipment, infrastructure, all the vaccine ingredients, with suitable staff to produce a large number of high quality vaccine products." Philanthropist Bill Gates, a major supporter of [global Covid-19 vaccine equity](https://www.cnn.com/2021/02/05/world/covax-explainer-intl/index.html) through the Bill & Melinda Gates Foundation, also [told Sky News](https://news.sky.com/story/covid-19-bill-gates-hopeful-world-completely-back-to-normal-by-end-of-2022-and-vaccine-sharing-to-ramp-up-12285840) last month that he did not believe overriding IP rules was the answer. "There's only so many vaccine factories in the world and people are very serious about the safety of vaccines," he said. "The thing that's holding things back in this case is not intellectual property. There's not, like, some idle vaccine factory with regulatory approval that makes magically safe vaccines. You've got to do the trials on these things and every manufacturing process has to be looked at in a very careful way."