## 1

#### Interpretation – the Affirmative must present a delineated enforcement mechanism for the Plan. There is no normal means since terms are negotiated contextually among member states.

WTO No Date "Whose WTO is it anyway?" <https://www.wto.org/english/thewto_e/whatis_e/tif_e/org1_e.htm> //Elmer

**When WTO rules impose disciplines** on countries’ policies, **that is the outcome of negotiations among WTO members.** The rules are **enforced** **by** the **members themselves** **under agreed procedures that they negotiated**, **including the possibility of trade sanctions**. But those sanctions are imposed by member countries, and authorized by the membership as a whole. This is quite different from other agencies whose bureaucracies can, for example, influence a country’s policy by threatening to withhold credit.

#### Violation: they don’t

#### Standards

#### 1] Shiftiness- They can redefine the 1AC’s enforcement mechanism in the 1AR which allows them to recontextualize their enforcement mechanism to wriggle out of DA’s since all DA links are predicated on type of enforcement i.e. sanctions bad das, domestic politics das off of backlash, information research sharing da if they put monetary punishments, or trade das.

#### 2] Real World - Policy makers will always specify how the mandates of the plan should be endorsed. It also means zero solvency, absent spec, states can circumvent the Aff’s policy since there is no delineated way to enforce the affirmative which means there’s no way to actualize any of their solvency arguments.

#### ESpec isn’t regressive or arbitrary- it’s an active part of the WTO is central to any advocacy about international IP law since the only uniqueness of a reduction of IP protections is how effective its enforcement is.

#### Fairness and education are voters – its how judges evaluate rounds and why schools fund debate

#### DTD – it’s key to norm set and deter future abuse

#### Neg theory is DTD - 1ARs control the direction of the debate because it determines what the 2NR has to go for – DTD allows us some leeway in the round by having some control in the direction

#### Competing interps – Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation – it also collapses since brightlines operate on an offense-defense paradigm

#### No RVIs – A – Going all in on theory kills substance education which outweighs on timeframe B - Discourages checking real abuse which outweighs on norm-setting C – Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly D – its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments E - Kills norm setting since debaters can never admit they’re wrong – outweighs since norm setting is the constitutive purpose of theory F – They are the logic of criminalization that over-punish people-of-color for trying to create productive discourse

#### NC theory first - 1] They started the chain of abuse and forced me down this strategy 2] We have more speeches to norm over it 3] It was introduced first so it comes lexically prior.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology 3] 1st and last speech 4] Infinite perms and uplayering in the 1AR.

## 2

#### Interpretation: Debaters must disclose affirmative frameworks and advocacy texts, thirty minutes before round if they haven’t read the affirmative before

#### Violation: They didn’t

Graphical user interface, text, application, email

Description automatically generated

#### Standards:

#### 1] Clash- Not disclosing incentivizes surprise tactics and poorly refined positions that rely on artificial and vague negative engagement to win debates. Their interpretation discourages third- and fourth-line testing by limiting the amount of time we have to prepare and forcing us to enter the debate with zero idea of what the affirmative is. Negatives are forced to rely on generics instead of smart contextual strategies destroying nuanced argumentation.

#### 2] Reciprocity – They get an infinite amount of time to frontline their aff to write the most efficient and effective answers to anything we could say against it while we get only four minutes in round. This gives them a tremendous advantage over us that makes it impossible to win substance.

#### 3] Shiftiness- Not knowing enough about the affirmative coming into round incentivizes 1ar shiftiness about what the aff is and what their framework/advocacy entails. That means even if we could read generics or find prep, they’d just find ways to recontextualize their obscure advocacy in the 1ar.

## 3

#### Interpretation: Debaters may not justify 1ar theory is dtd, no rvi, competing interps, no new 2n theory paradigm issues , and it’s the highest layer

#### Violation: its all in the underview

#### Standard: Infinite Abuse - their norm justifies the affirmative auto winning every round since they can read a risk free 1AR shell with DTD and Competing interps which I cannot answer since the theory shell since they make paradigm issues like evaluate the theory debate after the 1ar in the 1ar. And since I don’t have 2n paradigm issues I can’t contest it. Even if I try to uplayer the shell and read meta theory to get an out in the 2NR I can’t since your shell is the highest layer and nor can I go for paradigm issues like reasonability to gut check the shell since you denied that as well. Norming is an independent voter since justifying the value of debate necessarily justifies the norms of the activity being good in order for debate to be valuable.

## 4

#### Reject 1ar Theory

#### 7 - 6 time skew

#### No 3nr, so 2ar gets to weigh however they want

#### Judge psychology – judges are more likely to by 2a arguments as they are the last speech

#### Method testing – too many theory flows make it impossible to test the aff method 1ar theory uniquely adds too much

#### Resolvability – 1. Reciprocity you get a 2-1 speech advantage

#### 2. Norming – we only get 2 speeches of new arguments to deliberate over your shell which isn’t enough time and could create worse norms

#### f. there’s no such thing as infinite abuse as nc only has 7 minutes

#### g. 1ar theory used as a strategic advantage means infinite abuse claims should be viewed through grain of salt

#### Evaluate 1AR Theory Debate after 2N not 2A

#### Reciprocity –

#### key for giving us one speech each

#### resolves time skew args as we have to go for the shell and substance but you could just collapse to the shell in the 2A

#### Key to deter friv theory as 1ar will only read a shell if there is real abuse rather than trying to time suck the 2N

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiability

#### Aff gets one 1ar shell: [a] Norming—multiple shells create no risk outs that spread out the 2nr and make testing each of them impossible—if they have 4 minutes on a frivolous shell like spec status they can win on it via brute force even though it’s a bad norm [b] Strat skew—multiple shells make the 2nr impossible by spreading it out too much to win any one layer—the 2nr will always undercover something and can’t win.

#### No new 1ar theory paradigm issues- A] the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B] introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

## CASE

#### Reducing protections of IP leads to theft and the free riding of ideas.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the many reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!

#### Most medicines originate from private companies.

Sullivan 18 [Sullivan, Thomas. "NEJM The Private Sector Discoveries Account for 79–90% of Pharmaceutical Products", 5-5-2018, https://www.policymed.com/2011/02/nejm-the-private-sector-discoveries-account-for-79-90-of-pharmaceutical-products.html, accessed: 8-9-2021.] //Lex VM

The discovery and development of new drugs, medicines, and vaccines to solve unmet medical needs is an extremely long and expensive process. Generally, the public-sector research, such as the work done at the National Institutes of Health (NIH), is focused on “upstream, basic research to elucidate the underlying mechanisms and pathways of disease and identify promising points of intervention.” On the other side of the equation, “corporate researchers have performed the downstream, applied research to discover drugs that can be used to treat diseases and have then carried out the development activities to bring the drugs to market. The intellectual property that protects the investment in developing these drugs is created in the applied-research phase.” In some cases, research conducted by NIH or other Public-sector research institutions (PSRIs) provide the “foundation for the pharmaceutical industry’s discovery of an entirely new class of drugs.” Nevertheless, pharmaceutical companies and industry still take on the heavy burden of carrying out and paying for the applied research phase. Consequently, a recent article in the New England Journal of Medicine (NEJM), focused on the impact of PSRIs, while downplaying the crucial role pharmaceutical companies play. While the article, entitled “The Role of Public-Sector Research in the Discovery of Drugs and Vaccines” notes that “PSRIs have contributed to the discovery of 9.3 to 21.2% of all drugs involved in new-drug applications approved during the period from 1990 through 2007,” it fails to acknowledge where the other 80-90% of drugs come from: the pharmaceutical industry.

#### The aff is a form of restricting the free economic choices of individuals i.e. to set and pursue the end of exchanging goods.

**Richman 12**, Sheldon. “The free market doesn’t need government regulation.” Reason, August 5, 2012. // AHS RG

Order grows from market forces. But where do **market forces** come from? They **are the result of human action. Individuals select ends and act to achieve them by adopting suitable means.** Since means are scarce and ends are abundant, **individuals economize in order to accomplish more rather than less.** And they always seek to exchange lower values for higher values (as they see them) and never the other way around. In a world of scarcity, tradeoffs are unavoidable, so one aims to trade up rather than down. (One’s trading partner does the same.) **The result of this**, along with other **features of human action**, and the world at large **is what we call market forces. But really, it is just men and women acting rationally in the world.**

#### IPR is well established under iLaw – it overwhelmingly negates.

Osei-Tutu 17 [Bracketed for G-Lang. Julia Janewa Osei-Tutu (she is the current Editor in Chief of the African Journal of Legal Studies, and one of the founding directors of the Center for International Law and Policy in Africa, Ghanaian-Canadian, Associate Professor of Law @ Florida International University, LL.M. from McGill University, J.D. from Queen’s University, B.A. from the University of Toronto. “Humanizing Intellectual Property: Moving Beyond the Natural Rights Property Focus”. Florida International University College of Law. 2017. Accessed 8/24/21. <https://ecollections.law.fiu.edu/cgi/viewcontent.cgi?article=1353&context=faculty_publications> //Xu]

There is an international human rights basis for claiming IP protection as a human right. 92 Both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) contain language that is suggestive of copyright and patent protection.93 Furthermore, European jurisprudence has recognized trademark and copyright property interests as human rights under the European Convention on Human Rights. 94 The UDHR is an important instrument because, although it is not a binding treaty, it is largely considered customary international law.9 5 Its status as customary international law means that it is part of the accepted law of nations.96 Article 27(2) of the UDHR states: "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." 97 Similar language is found in Article 15(1)(c) of the ICESCR, which also provides for the protection of material and moral interests.98 Arguably, Article 27 of the UDHR and Article 15 of the ICESCR acknowledge a human right to IP.99 In particular, copyright and patents seem to intersect with the human rights enunciated both in the UDHR and in the ICESCR. 100 Copyright protects literary and artistic works, while patents protect new, useful, and inventive products or processes. 101 The right to the protection of moral and material interests resulting from any scientific production of which one is the author is less clearly related to patents, trademarks, or copyrights than the rights related to literary and artistic works. 102 This is because a scientific production may not be the same thing as a new, useful, and non-obvious invention. However, the language of these human rights provisions has been interpreted as overlapping with patent protection as well. 103 The UDHR also recognizes property rights. 104 To the extent that patents, trademarks, copyrights, and other intangible rights are considered property, this provides an additional basis for claiming a human right to IP.105 The natural rights property-based IP model more closely aligns with the notion of an absolute right to property. 106 It is important to note, however, that property as a human right is not universally accepted.107

#### IP protections are key free market competition and trade of goods.

Zeidman and Gupta 16 [Bob Zeidman (one of the leading experts on intellectual property, particularly as it relates to software. He is the president and founder of Zeidman Consulting, a premier contract research and development firm in Silicon Valley that focuses on engineering consulting to law firms about intellectual property disputes) & Eashan Gupta (Investment Banking Analyst at William Blair). “Why Libertarians Should Support a Strong Patent System”. IP Watchdog. January 5, 2016. Accessed 9/3/21. <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/> //Xu]

Libertarians believe in property rights and government protection of those rights as one of the few necessary requirements of government. Ownership of property and free markets leads to competitive production and trade of goods, which in turn leads to prosperity for all of society. Intellectual property is property like other forms of property, and so government must protect IP as it protects other forms of property because it too leads to competition and trade and prosperity. Libertarians should encourage a strong patent system and object to any “reforms” that limit intellectual property ownership or introduce more government regulation than is required.