# Speech 1NC Grapevine Doubles vs Southlake 9-11 9PM

## 1

#### Interp – Debaters must disclose round reports on the NDCA wiki for every round they have debated this season or must disclose past rebuttal strategies.

#### Violation: screenshots

Graphical user interface, application, table

Description automatically generated

#### Standards:

#### 1~ Level Playing Field – In the squo big schools know everyone's 2NRs and 2ARs by collecting flows and scouting, while small school debaters are left guessing. That's key knowledge because it tells you what layers debaters actually go for

#### 2~ Strategy Education – Round reports help young debaters understand what the best debaters go for in the 2NR and 2AR in the context of the round. This is key to education – it teaches us how to make decisions given the big picture.

#### Reject preround checks – 1] norming 2] verifiability 3] prep skew

## 2

#### Interp – the aff must specify the duration of the delay.

#### Violation – they don’t –

**1AC Kellner** “Mitigating the Effects of Intellectual Property Colonialism on Budding Cannabis Markets” Hughie Kellner [Hughie Kellner came from the small farm town of Uvalde, Texas and received a bachelor’s degree in Physics from the University of Texas at Austin. Upon graduation from the Indiana University Maurer School of Law, Hughie will deploy his physics degree while prosecuting patents in the Frankfurt am Main, Germany office of Leydig, Voit, & Mayer. After Hughie’s first year at Maurer, he worked for a law firm in Thailand as a Stewart Fellow.] Indiana Journal of Global Legal Studies Vol. 28 #1 (Winter 2021) <https://www.repository.law.indiana.edu/ijgls/vol28/iss1/9/> SM

* Includes enforcement and duration

**A simple solution to the problem is this: if a nation, or jurisdiction, provides for some new use of cannabis,** be it medicinal, recreational, or scientific, **the legislation or decision doing so should be accompanied by a law stating that patents may not be enforced as they relate to the subject matter legalized (cannabis strains, methods for ingesting/using, etc.) for some determinate amount of time, after which, patents may be acquired.**105 This, at first glance, may seem to some patent attorneys to be a drastic solution as opposed to, for example, compulsory licensing106 or some other means that does not abscond with the rights demanded by international agreements. In support of my proposal, I will first explain why **banning enforcement for a certain period yet keeping patent acquisition is desired, rather than banning patent acquisition altogether**, as a means of highlighting the benefits that will accrue from the proposed change. Second, I will argue that imposing **patent enforcement during the beginning stages of a jurisdiction’s cannabis market development is difficult to justify, as the incentives that patent enforcement are supposed to bring about already exist in great strength, leaving little for the patent sacrifice to provide.**

\*\*Footnote 105: There are many aspects of this solution that this note will not address. One of those aspects is the exact duration. All that is addressed is that **duration should be less than the full term of a patent for reasons advanced herein**. Further, **it is assumed that the exact suitable duration is better adjusted to the economic capabilities of the relevant jurisdiction than uniformly imposed**. Another aspect is **how the solution should be implemented. This effect, of a patent being filed but not yet enforceable for a significant portion of its term of protection, is not uncommon in the pharmaceutical world where a drug may take ten to fifteen, even eighteen years to get approved, and is only enforceable for the remainder of the twenty years since it was filed, leaving possibly two years to do**. Therefore, the solution proposed may occur on its own in some medicinal cannabis markets that have long drug patent examination periods, such as Thailand, specifically. That is why the solution proposed does not come with a specified form of implementation; the same goal may be achieved through controlling varying means and portions of the patent application process.

#### Independently negate for lying – they said that it “Includes enforcement and duration” but it obviously doesn’t – 1] shiftiness – allows them to recontextualize evidence and arguments when challenged which prevents in depth testing 2] academic dishonesty – you straight up just claimed the card said something that it didn’t which has out of round impacts

#### Vote neg for shiftiness – they can shift out of DA’s which kills high-quality engagement and becomes two ships passing in the night – triggers presumption since the aff wasn’t subject to well researched scrutiny. We lose access to Bio tech DA’s, Innovation DAs, basic case turns, and core process counter plans that rely on timeframe as a link differential. Makes the round irresolvable – no international consensus means the judge doesn’t know how to compare between types of offense and OW since it’s a side constraint on decision making.

## 3

#### Interp – Reduce means to cancel.

Black’s Law 90 Black’s Law Dictionary 2ND ED. “Reduce” <https://dictionary.thelaw.com/reduce/> //Elmer

In Scotch law. **To rescind or annul**.

#### That means the Aff has to annul IP protections in their entirety, they can’t just modify it.

#### Violation – They “delay enforcement” which is a modification, not a complete annulment

#### Standards –

#### a] Neg Ground – Core Neg Generics like Innovation and Biotech Heg are predicated on scope of effect – minor modifications in how long a patent lasts for or what it effects allows the 1AR to minimize our links to zero which destroys being Neg on a Topic w/ very little Generic Ground.

#### b] Limits – Allowing Affs to make patent modifications explodes Aff ground by three-fold because for all four intellectual property protections for every medicine MULTIPLIED by different time modifications, different scope modifications which makes predictable preparation and in-depth clash impossible.

#### TVA – eliminate the enforcement of all cannabis patents – solves their offense.

#### Fairness – a) you conceded the judge will fairly evaluate your argument b) its constitutive to debate as competitive activity that requires objective evaluation

#### Education – it’s the only portable impact to debate

#### CI – a) brightlines are arbitrary and self-serving which doesn’t set good norms b) it collapses since weighing between brightlines rely on offense defense

#### Neg theory is drop the debater – a) Prep skew – aff’s infinite prep means they can frontline every shell marginally enough to be efficient at DA and skew substance enough to deflate theory and win b) 1AR Flex – It’s key to check 1ar flexibility since you can moot all 6 min of my offense and restart the debate on unpredictable layers while kicking the arguments that were abusive.

#### No RVI’s- a) logic – you shouldn’t win for being fair b) clash – people go all in on theory which decks substance engagement c) chilling effect – people will be too scared to read theory because RVI’s encourage baiting theory

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier.

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

## 4

#### The litmus test for ethics is certainty and non-arbitrariness – blurry guidelines for ethics allows agents to inconsistently understand morality or arbitrarily opt out which renders ethics useless since it can’t serve as a guide to action.

#### Ethics must be derived from practical reason –

#### 1] Action Theory – any action can be divided into infinite parts. Any other theory is incoherent because there are infinite ends to look to. Prefer reason because it’s the only thing unifying all those actions.

#### 2] Is-Ought Gap – descriptive claims cannot prescribe action – “arsenic is poison” doesn’t mean “one ought not drink arsenic” because it doesn’t ought to be that way. Only a nonnatural a priori premise can form ought statements.

#### 3] Infinite Regress – We can ask why for any other framework but to ask why for reasons concedes the authority of reasons which means they are inescapable and binding and outweighs because they are the only ones that can guide action which is the purpose of ethics.

#### 4] External Worlds Fallacy- the only thing constitutive to subjectivity is reason. I could be a brain in a vat but so all other forms of knowledge are unreliable and doubtful. The only thing I know is that I am doubting and reasoning.

#### Reason is universal and applies to everyone – it doesn’t make sense to say 2+2=4 for me but not for anyone else.

#### The standard is consistency with universalizable maxims –

#### 1] Performativity – when you enter debate, you presume that you will be free to set and pursue ends in the round because of a system of reciprocally enforced constraints.

#### 2] Ideal Theory Good –

#### a] end point – we’d constantly be fixing injustices as a precondition to ethical action so we never get to the bottom of what is actually ethical

#### b] relevance – every society has different injustices that occur – the resolution is a universal values statement which means you cannot universalize any theory under nonideal theory

#### 3] tjf

#### Resocure

#### Phi led

#### I negate and defend the squo

#### 1] IP rights are necessary for subject formation – creators are isolated and properly conceived under IP which is a sequencing question to understanding the function of agency.

Kanning 12 [Michael A. Kanning (Graduate School at University of South Florida). “A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism”. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts Department of Philosophy College of Arts and Sciences University of South Florida. January 2012. Accessed 8/22/21. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5290&context=etd> //Xu]

As noted previously in my discussion of the utilitarian justification, determining precisely how to maximize something like innovation or creative expression through the use of intellectual property is a difficult and complicated task. I have argued that this difficulty was not sufficient grounds to reject the utilitarian or instrumentalist accounts as a foundation. Much to the contrary, for the instrumentalist, this empirical task is the most important project in the analysis and development of intellectual property policies. One way to proceed in this analysis would be to engage in a kind of armchair economics, speculating about what motivates people to create, and then speculating about how institutions and rewards can be arranged to help encourage creative efforts. But this method is decidedly unempirical. Nonetheless, something like this is what is usually offered as a utilitarian justification - that intellectual property rights reward people who engage in costly and risky creative efforts. Without such a system of reward, we would not have as much creativity and innovation in the world. This is taken as an axiomatic truth. I do not intend to argue that this is false, only that is needs to be proven. The instrumentalist is committed to an empiricism that necessitates a more scientific and well-documented analysis about what best facilitates creative and innovative processes. This task cannot be taken up here. In fact, as Merges noted, there is much work already done in this area, but the verdict is still out. What can be done here is a brief conceptual analysis of the things that make up the creative process, broadly conceived. Most prominent in the rhetoric of intellectual property law is the concept of creator who serves as the ultimate or efficient cause of some new thing. As an illustration of this, recall that most of the classical justifications covered in Chapter 1 centered around a solitary creator, conceived of as a laborer (in Lockean theory), or as an self-contained individual or personality (in the Kantian and Hegelian theories). Creators, whether inventors, authors, artists or innovators, are isolated and identified, granted ownership rights and rewarded. If we are to have an ideally-functioning set of intellectual property laws that best achieve their established ends, it is important that creators are properly conceived of. A clear notion of the creative entity will allow us to ensure that whatever incentives or pecuniary rewards are distributed are done so in a way that best achieves the goals of the intellectual property system.

#### 2] 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

#### Neg conteintion choice - anything else allows them to concede all our framework interactions and just go for 4 minutes of turns against our NC which o/w since phil is the only thing unique to LD Debate and time is the only quantifiable metric of abuse