# Speech 1NC Yale Rd 4 vs Mission San Jose 9-18 10AM

## 1

#### Interp – affs must specify intellectual property in a delineated text in the 1AC. To clarify, you can defend whole rez but you just have to specify what IP is.

#### IP is flexible and has too many interps – normal means shows no consensus and makes the round irresolvable since the judge doesn’t know how to compare between types of offense and OW since it’s a side constraint on decision making.

Saha and Bhattacharya 11 [Chandra Nath Saha (Quality Assurance Department, Claris Lifesciences Ltd) and Sanjib Bhattacharya (Pharmacognosy Division, Bengal School of Technology, A College of Pharmacy). “Intellectual property rights: An overview and implications in pharmaceutical industry”. Journal of Advanced Pharmaceutical Technology Research. 2011 Apr-Jun; 2(2): 88–93. Accessed 7/30/21. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/> //Xu]

It is obvious that management of IP and IPR is a multidimensional task and calls for many different actions and strategies which need to be aligned with national laws and international treaties and practices. It is no longer driven purely by a national perspective. IP and its associated rights are seriously influenced by the market needs, market response, cost involved in translating IP into commercial venture and so on. In other words, trade and commerce considerations are important in the management of IPR. Different forms of IPR demand different treatment, handling, planning, and strategies and engagement of persons with different domain knowledge such as science, engineering, medicines, law, finance, marketing, and economics. Each industry should evolve its own IP policies, management style, strategies, etc. depending on its area of specialty. Pharmaceutical industry currently has an evolving IP strategy. Since there exists the increased possibility that some IPR are invalid, antitrust law, therefore, needs to step in to ensure that invalid rights are not being unlawfully asserted to establish and maintain illegitimate, albeit limited, monopolies within the pharmaceutical industry. Still many things remain to be resolved in this context.

#### Violation – you don’t.

#### Prefer –

#### 1] Stable Advocacy – they can redefine in the 1AR to wriggle 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 nuclear deterrence DA’s, Innovation DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### 2] Ground – not defining hurts my strategy since they can shift out as I ask DA questions, so I err on the side of caution and read generics which get destroyed by AC frontlines.

#### 3] Real World – policy makers will always define the entity that they are prohibiting. It also means zero solvency, absent spec, actors circumvent since there’s no specific object of the plan and means their solvency can’t actualize.

#### IP spec isn’t regressive or arbitrary – its core topic lit for what happens when the aff is implemented and cannot be discounted from prohibition policies that require enforcement to function.

## 2

#### Interp can say no neg analytics

#### Intine abuse

## 3

#### Interpretation – The Aff must defend theory interpretations and arguments unconditionally as presented in the 1ac. In other words, the aff may not run cx checks or claim the ability to further specify their advocacy in CX to subvert theory violations.

#### Violation – check the doc

#### 1) Theory recourse – CX checks

#### a) causes sidestepping, encouraging you to have hidden abusive args since I either call you out on it in cx and you kick it or I concede it and you win, which makes debates innocuous

#### b) causes ambiguity – what constitutes a sufficient "check" is unclear. Even if we isolate the abusive practice in CX, the aff can still go for the arg and establish new parameters for checking

#### c) prep skew – even if you don't kick the abuse, you get extra time to prep my interp since you know what I'll indict. That gives you nearly double the time to prep and creates irreciprocal burdens. Theory recourse is key to any voter since it ensures I can check back abusive strategies.

#### 2] CX doesn't solve any of their abuse:

#### a) Judge isn't obligated to flow CX so it's impossible to verify a violation

#### b) Debaters forget to ask which doesn't solve abuse

#### c) They can still be shifty and waste my time and say things like "the aff defends a discussion"

#### Fairness – 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

#### DOD – a) it’s the only way to may up for time spent on theory b) it’s the only way to deter future abuse

#### 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

#### 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.

#### 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.

## Intuitons

#### Virtues cant be defined – only intuitiosn solve

#### 1] not delinated

#### 2] rule following

#### 3] different cultures

#### 4] cant weigh

#### 5] side constiratn

#### The only offense is nitutiosn

#### 1]

#### We have an intuitive preference for the squo.

**Henderson 16,** Rob. 2016. “How Powerful Is Status Quo Bias?” Psychology Today. Retrieved April 19, 2019 (<https://www.psychologytoday.com/us/blog/after-service/201609/how-powerful-is-status-quo-bias).//SS>

Status quo bias is a cognitive bias that explains our preference for familiarity. Many of us tend to resist change and prefer the current state of affairs. How powerful is this cognitive bias? Consider this thought experiment from the renowned philosopher, Robert Nozick: "Suppose there was an experience machine that would give you any experience you desired. Super-duper neuropsychologists could stimulate your brain so that you would think and feel like you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Of course, while in the tank you won't know that you're there; you'll think that it's all actually happening. Would you plug into this machine for life?" For most of us, our intuition is to say no. We might say something like, “There is more to life than pleasure," and cite the importance of our relationships with loved ones and connection to reality. And perhaps that’s true. But consider this variant on the above proposal: "It is Saturday morning and you are planning to stay in bed for at least another hour when all of the sudden you hear the doorbell. Grudgingly, you step out of bed to go open the door. At the other side there is a tall man, with a black jacket and sunglasses, who introduces himself as Mr. Smith. He claims to have vital information that concerns you directly. Mildly troubled but still curious, you let him in. ‘‘I am afraid I have to some disturbing news to communicate to you’’ says Mr. Smith. ‘‘There has been a terrible mistake. Your brain has been plugged by error into an experience machine created by neurophysiologists. All the experiences you have had so far are n**othing but the product of a computer program** designed to provide you with pleasurable experiences. All the unpleasantness you may have felt during your life is just an experiential preface conducive toward a greater pleasure (e.g. like when you had to wait in that long line to get tickets for that concert, remember?). Unfortunately, we just realized that we made a mistake. You were not supposed to be connected; someone else was. We apologize. That’s why we’d like to give you a choice: **you can either remain connected to this machine (and we’ll remove the memories of this conversation taking place) or you can disconnect**. However, you may want to know that your life outside is not at all like the life you have experienced so far. What would you choose?" This question comes from an experiment by **Felipe De Brigard**, a researcher at Duke University, who challenged the intuitions many of us hold when we read the original happiness machine thought experiment. One might think that individuals, when faced with the choice between reality and simulation, would consider contact with reality to be critical and therefore a clear majority of people would opt to exit the machine. However, when De Brigard posed this question to participants and measured the responses, **he found** the opposite result. Among the respondents, **59 percent stated that they would prefer to remain connected to the machine**, while only 41 percent stated that they would prefer to disconnect. The result of this study has interesting implications for the way we think about our capacity for change and our preference for the familiar. **When individuals are faced with the choice to change their environment or remain in their current state of affairs**, even when the decision is between simulated familiarity and unknown reality, **most will choose the familiar**. It is likely that this is a form of risk aversion that is characteristic of status quo bias—that individuals averse to the risk of losing their current reality will choose to remain, even at the expense of living in real, rather than a virtual, reality. Research from Kahneman and Tversky suggests that losses are twice as psychologically harmful as gains are beneficial. In other words, individuals feel twice as much psychological pain from losing $100 as pleasure from gaining $100. One interpretation is that in order for an individual to change course from their current state of affairs is that the alternative must be perceived as twice as beneficial. This highlights the challenges we may face when considering a change to our usual way of doing things. When military members are considering their choices as their contract comes to an end, many consider re-enlisting simply because they are unaware of the many opportunities that exist for them. Even when we understand our current path is no longer beneficial or no longer makes us happy, we must still overcome the natural urge to stay on the path unless the alternative is sufficiently attractive. In order for us to readily pursue an alternate path, we must believe that the alternative is clearly superior to the current state of affairs. **The status quo effect is pervasive in both inconsequential and major decisions. Oftentimes we are held back by what we believe to be the safe option, simply because it is the default**. Bearing in mind our natural propensity for the status quo will enable us to recognize the allure of inertia and more effectively overcome it.

#### 2] extempt

**Barnhill** [Anne Barnhill (Research Scholar with the Global Food Ethics and Policy Program at the Berman Institute of Bioethics at Johns Hopkins University). “The most plausible pro-coercion view: requiring informed agreement while penalizing non-participation in research.” Journal of Law and the Biosciences. Pg 118–122. 2015. Accessed 9/11/20. https://watermark.silverchair.com/lsu034.pdf?token=AQECAHi208BE49Ooan9kkhW\_Ercy7Dm3ZL\_9Cf3qfKAc485ysgAAApowggKWBgkqhkiG9w0BBwagggKHMIICgwIBADCCAnwGCSqGSIb3DQEHATAeBglghkgBZQMEAS4wEQQMXUTG1lRF67gVruEDAgEQgIICTYWMcklfuR3dup290acF1igUlErFHwXwcbmPD1GYY2KLgGbKEMvF1mfbBCQ18Lrw4QQuusL8VGFaMi1efyA7s-TcMdeQrzEa-lo-J28rCMVtfqFie4FqHMXBvLHKmJEis10MJikXlfKV4qujc6nxsSsN4hIDsQUbYhxQ6tBBXF5WBpp77ADKrtgjYKPHpbbp3tBq5at\_inTUsKQiy9ELWgOqhisJhkt1u\_so9bi1\_zu7qHxVQDcs3dbnuIPzIlRWamkUE93yXlRQ3IbebDUpq7eYwZyWdYM7D8aTCd1\_NhAgdh\_qqNeyNZuWOuv002fzs4dMn3u31DyrAvgpZDATk04lqTEOR\_Z520xJJQtyeJIVbcbDc0nctP5N-G6W9LUeVQi7euZ-OZ6tmjOQLigfF8wKflxyXaL0taSj67VPxIalGFnL-z\_yTb9hOWjb2NWWQV7xeqFgMwxmxz3SATVdgCWJIE6ZoaTeetegHq5jqpJBZxIEM77CrnsMkdyUCLFDrccWdsT6Lu8p3jFouR1fDN19O5LJfV9Tt8oOZx4qJpFkZrEjQ6ycdIsOq4plJe7qotdA4Snxn6K5Nwq1j2lKntXJfkQGO1IPiXWlb6KAxOZ4JxcRHNH-41Ly2aPuFtwt8WOqBllO7U-RjDYwfYYVZDd8S1\_SFiIUrVlYfqmegUB0-JvAQ4mER31MBtNWByfJk\_u3xlmMm0Uzsmkco-2mYNL1RmphrTmt9Bhv9N9nCX8-BtMvVjq9Od6m6hkLlq88yePsr6YQ7i\_NFaVR6no //Houston Memorial DX]

On the other hand, the following passage suggests that the view under consideration in Wertheimer’s paper is whether the state may penalize or punish non-participation in research not whether the state may physically force people to participate in research: I suspect that coercive participation is rarely taken seriously because it conjures up images of Nazi-like experimentation on people’s ability to survive in freezing water. But that is, to say the least, not what I have in mind. Rather, I have in mind a scheme under which prospective subjects are required to participate in research on pain of some sanction for refusal. It might be objected that to subject someone to a penalty that they could easily accept rather than participate is not really coercive. I don’t think much turns on words here, so I will just stipulate that this is the type of coercion that I have in mind. (p. 144) Thus, the best interpretation of Wertheimer is that the view he’s entertaining is the combination of (i) and (ii): interventional research should proceed only when the subject has given her informed agreement, and so it is morally impermissible to force people to participate in interventional research or involve them without their informed agreement, but it is morally legitimate to penalize or punish people for refusing to participate. This strikes me as the most plausible version of a ‘pro-coercion’ view. While I stop short of endorsing this view, it is a compelling view that captures some of the important intuitions that Wertheimer discusses in his paper. The view that it is legitimate for the state to penalize or punish non-participation captures the ‘pro-coercion’ view that the state may legitimately require individuals to participate in valuable collective endeavors. Wertheimer gives the examples of jury duty and recycling our cans and bottles as examples of behavior that the state requires of us and penalizes us for not engaging in. If it is legitimate to require people to serve on juries (which can take days or weeks of their time), and it is legitimate to require people to recycle (which takes time on a daily or weekly basis), doesn’t it seem legitimate to require people to participate in medical research, so long as this research poses very little risk of injury? Medical research is unlikely to be as burdensome as jury duty is for those citizens who get impaneled on juries and spend days or weeks engaged in a task they might find unpleasant. The view that the state may not force people to participate in interventional research captures ‘anti-coercion’ intuitions about the importance of bodily integrity and intuitions supporting ‘body exceptionalism’—that is, the view that ‘interventions that trespass the boundaries of a person’s body or personal resources are of much greater moral significance than interventions with a person’s “external resources”’ (p. 156). There’s a strong intuition that the state (or individuals, or institutions) may not breach the boundaries of adults’ bodies without their permission, except in very limited circumstances. If someone requires medical care and he is incapable of giving consent, then it may be legitimate to breach the boundaries of his body without this agreement. But there is a strong intuition that we may not breach the boundaries of individuals’ bodies, without their agreement, in order to help others or to promote the common good. Wertheimer probes and problematizes intuitions in favor of ‘body exceptionalism’. I interpret Wertheimer as rejecting the view that interfering with someone’s body is intrinsically of greater moral significance than taking her external resources, though Wertheimer would allow that interfering with the body may have greater moral significance in many contexts given contingent facts about how people experience interference with the body.