## 1NC – NC

#### **Moral realism posits the existence of truths that hold independently of our evaluative attitudes – ought statements are an example**

Street 06 [(Sharon, Professor of Philosophy and Associate Chair of the Department of Philosophy at New York University) “A Darwinian Dilemma for Realist Theories of Value,” Springer, 2006]

The defining claim of realism about value, as I will be understanding it, is that there are at least some evaluative facts or truths that hold independently of all our evaluative attitudes.1 Evaluative facts or truths I understand as facts or truths of the form that X is a normative reason to Y, that one should or ought to X, that X is good, valuable, or worthwhile, that X is morally right or wrong, and so on.2 Evaluative attitudes I understand to include states such as desires, attitudes of approval and disapproval, unreflective evaluative tendencies such as the tendency to experience X as counting in favor of or demanding Y, and consciously or unconsciously held evaluative judgements, such as judgements about what is a reason for what, about what one should or ought to do, about what is good, valuable, or worthwhile, about what is morally right or wrong, and so on.

It is important to note that it is not enough to be a realist to claim that the truth of an evaluative judgement holds independently of one’s making that particular evaluative judgement. Antirealists can agree with that much. Consider, for example, a constructivist view according to which the truth of ‘‘X is a reason for agent A to Y’’ is a function of whether that judgement would be among A’s evaluative judgements in reflective equilibrium. This view is antirealist because it understands truths about what reasons a person has as depending on her evaluative attitudes (in particular, on what those attitudes would be in reflective equilibrium). Yet on this view, it is quite possible for someone to have a reason independently of whether she thinks she does, for whether she has a reason is not a function of whether she (presently) judges she has it, but rather a function of whether that judgement would be among her evaluative judgements in reflective equilibrium. Antirealists can therefore agree with realists that the truth of a given evaluative judgement holds independently of whether one makes that particular judgement. Where antirealists part ways with realists is in denying that there are evaluative truths which hold independently of the whole set of evaluative judgements we make or might make upon reflection, or independently of the whole set of other evaluative attitudes we hold or might hold upon reflection.

The kind of independence from our evaluative attitudes that realists endorse is what Russ Shafer-Landau has called stance-independence. 3 To illustrate: Realists of course agree that the evaluative truth that ‘‘Hitler was morally depraved’’ depends in part on Hitler’s evaluative attitudes in the sense that if Hitler had valued peace and universal human rights instead of dictatorial power and genocide, then it would have been false instead of true that he was morally depraved. But given that Hitler did value dictatorial power and genocide, value realists think that it is true, independent of all of our (and any of Hitler’s other) evaluative attitudes, that Hitler was morally depraved. According to realists, the truth that Hitler was morally depraved holds independently of any stance that we (or Hitler) might take toward that truth, whether now or upon reflection.

There are different brands of realism about value. What unites them is the view that there are evaluative facts or truths that hold independently of all our evaluative attitudes (now keeping in mind the qualification about stance-independence). What separates different kinds of realists from one another is how they construe the nature of these facts or truths. According to what I will call non-naturalist versions of value realism, evaluative facts or truths are not reducible to any kind of natural fact, and are not the kinds of things that play a role in causal explanations; instead, they are irreducibly normative facts or truths.4 This brand of realism has been gaining increasing numbers of adherents in recent years, and it lies squarely within the target of the Darwinian Dilemma.

In contrast to non-naturalist versions of value realism, the position I will call value naturalism holds that evaluative facts are identical with or constituted by (certain) natural facts, and that evaluative facts are the kinds of things that play a role in causal explanations.5 According to such views, much as water is identical with H2O, so evaluative properties are identical with certain natural properties, though we may or may not ever be able to provide a reduction telling exactly which natural properties evaluative properties are identical with (different naturalists taking different views on the possibility of such a reduction).6 Whereas non-naturalist versions of value realism lie straightforwardly within my target in this paper, it is a more complicated matter whether versions of value naturalism lie within my target. Answering this question requires making a distinction (in section 7) between versions of value naturalism which count as genuinely realist on my understanding and versions which don’t; my argument will be that the former, but not the latter, are vulnerable to the Darwinian Dilemma. Before introducing these complexities, however, it is important to get the fundamental dilemma for realism on the table.7

#### Selective pressures have had a relentless impact on the content of our evaluative judgements – shared values and animal tendencies prove

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To begin, note the potentially phenomenal costs and benefits, as measured in the Darwinian currency of reproductive success, of accepting some evaluative judgements rather than others. It is clear, for instance, how fatal to reproductive success it would be to judge that the fact that something would endanger one’s survival is a reason to do it, or that the fact that someone is kin is a reason to harm that individual. A creature who accepted such evaluative judgements would run itself off cliffs, seek out its predators, and assail its offspring, resulting in the speedy elimination of it and its evaluative tendencies from the world.13 In contrast, it is clear how beneficial (in terms of reproductive success) it would be to judge that the fact that something would promote one’s survival is a reason in favor of it, or that the fact that something would assist one’s offspring is a reason to do it. Different evaluative tendencies, then, can have extremely different effects on a creature’s chances of survival and reproduction. In light of this, it is only reasonable to expect there to have been, over the course of our evolutionary history, relentless selective pressure on the content of our evaluative judgements, or rather (as I discuss below) ‘‘proto’’ versions thereof. In particular, we can expect there to have been overwhelming pressure in the direction of making those evaluative judgements which tended to promote reproductive success (such as the judgement that one’s life is valuable), and against making those evaluative judgements which tended to decrease reproductive success (such as the judgement that one should attack one’s offspring).

The hypothesis that this is indeed very roughly what happened is borne out by the patterns of evaluative judgement that we observe in human beings today. There is, of course, a seemingly unlimited diversity to the evaluative judgements that human beings affirm. Yet even as we note this diversity, we also see deep and striking patterns, across both time and cultures, in many of the most basic evaluative judgements that human beings tend to make. Consider, as a brief sampling, the following judgements about reasons:

(1) The fact that something would promote one’s survival is a reason in favor of it.

(2) The fact that something would promote the interests of a family member is a reason to do it.

(3) We have greater obligations to help our own children than we do to help complete strangers.

(4) The fact that someone has treated one well is a reason to treat that person well in return.

(5) The fact that someone is altruistic is a reason to admire, praise, and reward him or her.

(6) The fact that someone has done one deliberate harm is a reason to shun that person or seek his or her punishment.

What explains the widespread human acceptance of such judgements? There are so many other possible judgements about reasons we could make so why these? Why, for instance, do we view the death of our offspring as a horror, rather than as something to be sought after? Why do we think that altruism with no hope of personal reward is the highest form of virtue, rather than something to be loathed and eliminated? Evolutionary biology offers powerful answers to these questions, very roughly of the form that these sorts of judgements about reasons tended to promote survival and reproduction much more effectively than the alternative judgements. The details of how survival and reproduction were promoted will vary depending on the evaluative tendency in question. In the case of judgement (1), for instance, the rough explanation is obvious: creatures who possessed this general evaluative tendency tended to do more to promote their survival than those who, say, had a tendency to view the fact that something would promote their survival as counting against it, and so the former tended to survive and reproduce in greater numbers. The explanation of evaluative tendencies in the direction of judgements such as (2) and (3) will be somewhat more complicated, drawing on the evolutionary theory of kin selection.14 The explanation in the case of evaluative tendencies in the direction of judgements (4), (5), and (6), meanwhile, will appeal to the biological theory of reciprocal altruism.15

For the sake of contrast, consider the following possible evaluative judgements:

(1) The fact that something would promote one’s survival is a reason against it.

(2) The fact that something would promote the interests of a family member is a reason not to do it.

(3) We have greater obligations to help complete strangers than we do to help our own children.

(4) The fact that someone has treated one well is a reason to do that individual harm in return.

(5) The fact that someone is altruistic is a reason to dislike, condemn, and punish him or her.

(6) The fact that someone has done one deliberate harm is a reason to seek out that person’s company and reward him or her.

If judgements like these ones that would, other things being equal, so clearly decrease rather than increase the reproductive success of those who made them predominated among our most deeply and widely held evaluative judgements across both time and cultures, then this would constitute powerful evidence that the content of our evaluative judgements had not been greatly influenced by Darwinian selective pressures. But these are not the evaluative judgements we tend to see; instead, among our most deeply and widely held judgements, we observe many like those on the first list many with exactly the sort of content one would expect if the content of our evaluative judgements had been heavily influenced by selective pressures. In this way, the observed patterns in the actual content of human evaluative judgements provide evidence in favor of the view that natural selection has had a tremendous influence on that content.

A further piece of evidence in favor of this view is the striking continuity that we observe between many of our own widely held evaluative judgements and the more basic evaluative tendencies of other animals, especially those most closely related to us. It does not seem much of a stretch, for example, to say that chimpanzees, in some primitive, non-linguistic sort of fashion, experience certain things in the world as calling for or counting in favor of certain reactions on their part. Moreover, the content of these evaluative experiences seems to overlap significantly with the content of many of our own evaluative tendencies. Like us, individual chimpanzees seem to experience at some basic motivational level actions that would promote their survival or help their offspring as in some way ‘‘called for.’’ More strikingly, and again at some basic motivational level, chimpanzees seem to experience the fact that another chimpanzee has helped them, whether by sharing food, grooming them, or supporting their position within the group hierarchy, as ‘‘counting in favor of’’ assisting that other individual in similar ways.16 While more work is needed to make such claims precise and subject them to thorough scientific testing, they have a strong basic plausibility, such that the conspicuous continuities between the basic evaluative tendencies of our close animal relatives and our own evaluative judgements lend further support to the view that evolutionary forces have played a large role in shaping the content of our evaluative judgements. We may view many of our evaluative judgements as conscious, reflective endorsements of more basic evaluative tendencies that we share with other animals.

#### Pain’s badness is a contingent truth – if evolution favored those who pursued pain, our evaluative judgements would be different

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Suppose, however, there is remaining doubt and some are still tempted by a realist position on the badness of pain so understood. It’s at this point that the Darwinian Dilemma arises again for the realist. To see how, suppose again that pain is given some definition according to which it is not a necessary feature of pain that we unreflectively experience it as counting in favor of what would avoid, lessen, or stop it. In that case, the following becomes a legitimate scientific question: given that it is perfectly conceivable that we all could have ended up taking pain sensations to count in favor of what would cause them and intensify them rather than in favor of what would lessen them and stop them, what explains the fact that such a huge percentage of us so consistently do the latter? Here, as in earlier cases, there is a powerful evolutionary answer. I’ve left it open how the person opting for the first horn of the Pain Dilemma is defining pain (so long as that definition makes no reference to the idea that pain is a sensation that we unreflectively take to count in favor of what would stop it). But if the proposed definition is to be plausible at all, then it will pick out (predominantly, one assumes) sensations associated with the sorts of bodily conditions that we normally consider painful, such as cuts, burns, bruises, broken bones, and so on. And it is of course no mystery whatsoever, from an evolutionary point of view, why we and the other animals came to take the sensations associated with bodily conditions such as these to count in favor of what would avoid, lessen, or stop them rather than in favor of what would bring about and intensify them. One need only imagine the reproductive prospects of a creature who relished and sought after the sensations of its bones breaking and its tissues tearing; just think how many descendants such a creature would leave in comparison to those who happened to abhor and avoid such sensations.

As in earlier cases, the realist faces a problem when confronted with such an explanation. For once again we see that there is a striking coincidence between the content of the independent evaluative truth posited by the realist, on the one hand, and the content that evolutionary theory would lead us to expect, on the other. The realist tells us that it is an independent evaluative truth that pain sensations (however he or she defines them) are bad, and yet this is precisely what evolutionary theory would have predicted that we come to think. And once again the realist is unable to give any good account of this coincidence. To insist that the coincidence is mere coincidence is implausible. The realist’s alternative, here as in earlier cases, is to defend some sort of tracking account, according to which we were selected to be able to discern independent evaluative truths, among them the truth that these pain sensations (however the realist is defining them) are bad. Yet here as in earlier cases, the tracking account is scientifically unacceptable. In order to explain why we came to think that these sensations are bad, we need make no reference whatsoever to the fact that they are bad; we need only point out how it tended to promote reproductive success to take them to be bad (due to their connection with bodily conditions that tended to diminish reproductive success).

The realist, then, is forced to the other horn of the Pain Dilemma. To salvage realism about the badness of pain, he or she is forced to understand pain as a sensation such that the creature who has it unreflectively takes that sensation to count in favor of whatever would avoid, lessen, or stop it. But now notice what this means. In order to salvage his or her view of pain as bad independently of our evaluative attitudes, the realist must admit that pain’s badness depends on its being a sensation such that the creature who has it is unreflectively inclined to take it to be bad. But this, in turn, is just to admit that its badness depends in an important sense on our evaluative attitudes in particular, on our being unreflectively inclined to take it to be bad. Pain may well be bad, in other words, but if it is so, its badness hinges crucially on our unreflective evaluative attitudes toward the sensation which pain is. The realist is thus forced to recognize the role of our evaluative attitudes in determining the disvalue of pain. Though initially plausible, it is a mistake to say that pain is bad independently of our evaluative attitudes. Pain, if it is plausibly to be construed as bad independently of our other evaluative attitudes, must be understood as a sensation such that we have a certain evaluative attitude toward it and it’s that evaluative attitude which (at least in part) makes the sensation bad.

#### **The Darwinian Dilemma makes moral realism impossible – the realist must defend judgements being true by pure coincidence or an anti-scientific account of evolution**

Street 06 [(Sharon, Professor of Philosophy and Associate Chair of the Department of Philosophy at New York University) “A Darwinian Dilemma for Realist Theories of Value,” Springer, 2006]   
Contemporary realist theories of value claim to be compatible with natural science. In this paper, I call this claim into question by arguing that Darwinian considerations pose a dilemma for these theories. The main thrust of my argument is this. Evolutionary forces have played a tremendous role in shaping the content of human evaluative attitudes. The challenge for realist theories of value is to explain the relation between these evolutionary influences on our evaluative attitudes, on the one hand, and the independent evaluative truths that realism posits, on the other. Realism, I argue, can give no satisfactory account of this relation. On the one hand, the realist may claim that there is no relation between evolutionary influences on our evaluative attitudes and independent evaluative truths. But this claim leads to the implausible skeptical result that most of our evaluative judgements are off track due to the distorting pressure of Darwinian forces. The realist’s other option is to claim that there is a relation between evolutionary influences and independent evaluative truths, namely that natural selection favored ancestors who were able to grasp those truths. But this account, I argue, is unacceptable on scientific grounds. Either way, then, realist theories of value prove unable to accommodate the fact that Darwinian forces have deeply influenced the content of human values. After responding to three objections, the third of which leads me to argue against a realist understanding of the disvalue of pain, I conclude by sketching how antirealism is able to sidestep the dilemma I have presented. Antirealist theories of value are able to offer an alternative account of the relation between evolutionary forces and evaluative facts an account that allows us to reconcile our understanding of evaluative truth with our understanding of the many non-rational causes that have played a role in shaping our evaluative judgements.

#### No new framework warrants – 1NC strategy is premised on the 1AC and late-breaking debates kill clash

#### Our argument doesn’t justify inaction; it may be that the government should do the plan, but that’s not the question the resolution asks. The rez asks: “is there a moral obligation to do the plan?” not “is the plan beneficial?” or “do the benefits of doing the plan outweigh the costs?”

## 1NC – Framework

#### Our interpretation is that the aff must prove that WTO member nations have a moral obligation to eliminate patents for medicines.

#### Ought expresses a moral obligation

Dictionary n.d. [(Dictionary.com) “Ought”] JL

(used to express duty or moral obligation):

#### Ought statements assume moral realism

**Anscombe 58** [(G.E.M. Anscombe) Modern Moral Philosophy, The Journal of the The Royal Institute of Philosophy, 1/1958] DRD

The terms "should" or "ought" or "needs" relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil. According to this conception, of course, "should" and "ought" are not used in a special "moral" sense when one says that a man should not bilk. (In Aristotle's sense of the term "moral" (ijfo/cds), they are being used in connection with a moral subject-matter: namely that of human passions and (non-technical) actions.) But they have now acquired a special so-called "moral" sense—i.e. a sense in which they imply some absolute verdict (like one of guilty / not guilty on a man) on what is described in the "ought" sentences used in certain types of context: not merely the contexts that Aristotle would call "moral"—passions and actions—but also some of the contexts that he would call "intellectual."

The ordinary (and quite indispensable) terms "should," "needs," "ought," "must"—acquired this special sense by being equated in the relevant contexts with "is obliged," or "is bound," or "is required to," in the sense in which one can be obliged or bound by law, or something can be required by law.

#### Prefer it:

#### Precision – the resolution says “ought to,” not should – the resolution is the most predictable stasis point for debates, anything outside of that ruins prep and clash by allowing the affirmative to pick any grounds for debate

#### Phil Ed – all of the debates that happen under their interp can still occur; we just also allow for debates about meta-ethics. Those debates are valuable -- saying “we have a moral obligation to do X” is useless if you can’t answer the argument that moral obligations don’t exist.

#### Ground – anti-moral realism is a key negative generic, especially on a topic where there’s an aff about every WTO member and kind of medicine, but no neg args that answer every aff

#### No offense –

#### Stale debates are inevitable because of generics like Nebel T, but generic meta ethics debates are better since they produce transferrable skills

#### Our interp filters out bad arguments – a prioris and paradoxes don’t negate since they don’t disprove that states have a moral obligation to do the plan

## 1NC – DA

#### Biotech industry strong now

Cancherini et al. 4/30 [(Laura, Engagement Manager @ McKinsey & Company, Joseph Lydon, Associate Partner @ McKinsey & Company, Jorge Santos Da Silva, Senior Partner at McKinsey & Company, and Alexandra Zemp, Partner at McKinsey & Company), “What’s ahead for biotech: Another wave or low tide?“, McKinsey & Company, 4-30-2021, https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide] TDI

Belying this downbeat mood, biotech has in fact had one of its best years so far. By January 2021, venture capitalists had invested some 60 percent more than they had in January 2020, with more than $3 billion invested worldwide in January 2021 alone.5 IPO activity grew strongly: there were 19 more closures than in the same period in 2020, with an average of $150 million per raise, 17 percent more than in 2020. Other deals have also had a bumper start to 2021, with the average deal size reaching more than $500 million, up by more than 66 percent on the 2020 average (Exhibit 3).6

What about SPACs?

The analysis above does not include special-purpose acquisition companies (SPACs), which have recently become significant in IPOs in several industries. Some biotech investors we interviewed believe that SPACs represent a route to an IPO. How SPACs will evolve remains to be seen, but biotechs may be part of their story.

Fundamentals continue strong

When we asked executives and investors why the biotech sector had stayed so resilient during the worst economic crisis in decades, they cited innovation as the main reason. The number of assets transitioning to clinical phases is still rising, and further waves of innovation are on the horizon, driven by the convergence of biological and technological advances.

In the present day, many biotechs, along with the wider pharmaceutical industry, are taking steps to address the COVID-19 pandemic. Together, biotechs and pharma companies have more than 250 vaccine candidates in their pipelines, along with a similar number of therapeutics. What’s more, the crisis has shone a spotlight on pharma as the public seeks to understand the roadblocks involved in delivering a vaccine at speed and the measures needed to maintain safety and efficacy standards. To that extent, the world has been living through a time of mass education in science research and development.

Biotech has also benefited from its innate financial resilience. Healthcare as a whole is less dependent on economic cycles than most other industries. Biotech is an innovator, actively identifying and addressing patients’ unmet needs. In addition, biotechs’ top-line revenues have been less affected by lockdowns than is the case in most other industries.

Another factor acting in the sector’s favor is that larger pharmaceutical companies still rely on biotechs as a source of innovation. With the top dozen pharma companies having more than $170 billion in excess reserves that could be available for spending on M&A, the prospects for further financing and deal making look promising.

For these and other reasons, many investors regard biotech as a safe haven. One interviewee felt it had benefited from a halo effect during the pandemic.

More innovation on the horizon

The investors and executives we interviewed agreed that biotech innovation continues to increase in quality and quantity despite the macroeconomic environment. Evidence can be seen in the accelerating pace of assets transitioning across the development lifecycle. When we tracked the number of assets transitioning to Phase I, Phase II, and Phase III clinical trials, we found that Phase I and Phase II assets have transitioned 50 percent faster since 2018 than between 2013 and 2018, whereas Phase III assets have maintained much the same pace. There could be many reasons for this, but it is worth noting that biotechs with Phase I and Phase II assets as their lead assets have accounted for more than half of biotech IPOs. Having an early IPO gives a biotech earlier access to capital and leaves it with more scope to concentrate on science.

#### Lack of IP protection makes medical innovation prohibitively risky and expensive

Grabowski et al 15 [(Henry, Professor of Economics, member of the faculty for the Health Sector Management Program, and Director of the Program in Pharmaceuticals and Health Economics at Duke University) “The Roles of Patents and Research And Development Incentives In Biopharmaceutical Innovation,” Health Affairs, 2/2015] JL

The essential rationale for patent protection for biopharmaceuticals is that long-term benefits in the form of continued future innovation by pioneer or brand-name drug manufacturers outweigh the relatively short-term restrictions on imitative cost competition associated with market exclusivity. Regardless, the entry of other branded agents remains an important source of therapeutic competition during the patent term.

Several economic characteristics make patents and intellectual property protection particularly important to innovation incentives for the biopharmaceutical industry. **5** The R&D process often takes more than a decade to complete, and according to a recent analysis by Joseph DiMasi and colleagues, per new drug approval (including failed attempts), it involves more than a billion dollars in out-of-pocket costs. **6** Only approximately one in eight drug candidates survive clinical testing. **6**

As a result of the high risks of failure and the high costs, research and development must be funded by the few successful, on-market products (the top quintile of marketed products provide the dominant share of R&D returns). **7**,**8** Once a new drug’s patent term and any regulatory exclusivity provisions have expired, competing manufacturers are allowed to sell generic equivalents that require the investment of only several million dollars and that have a high likelihood of commercial success. Absent intellectual property protections that allow marketing exclusivity, innovative firms would be unlikely to make the costly and risky investments needed to bring a new drug to market.

Patents confer the right to exclude competitors for a limited time within a given scope, as defined by patent claims. However, they do not guarantee demand, nor do they prevent competition from nonidentical drugs that treat the same diseases and fall outside the protection of the patents.

New products may enter the same therapeutic class with common mechanisms of action but different molecular structures (for example, different statins) or with differing mechanisms of action (such as calcium channel blockers and angiotensin receptor blockers). 9 Joseph DiMasi and Laura Faden have found that the time between a first-in-class new drug and subsequent new drugs in the same therapeutic class has been dramatically reduced, from a median of 10.2 years in the 1970s to 2.5 years in the early 2000s. 10 Drugs in the same class compete through quality and price for preferred placement on drug formularies and physicians’ choices for patient treatment.

Patents play an essential role in the economic “ecosystem” of discovery and investment that has developed since the 1980s. Hundreds of start-up firms, often backed by venture capital, have been launched, and a robust innovation market has emerged. **11** The value of these development-stage firms is largely determined by their proprietary technologies and the candidate drugs they have in development. As a result, the strength of intellectual property protection plays a key role in funding and partnership opportunities for such firms.

#### IP enables critical information sharing

Simon 6/25 [(Brenda, professor at California Western School of Law, research interests focus on how technological developments affect intellectual property and information law, former teaching fellow for the Law, Science and Technology LL.M. Program at Stanford Law School, and a research fellow in the Stanford Center for Law and the Biosciences, JD from UC Berkeley School of Law) “Patents, Information, and Innovation,” Brooklyn Law Review, 6/25/2020] JL

Patents play numerous roles in encouraging the exchange of information during the investment-seeking process in the medical device industry. One role is reducing the likelihood that the medical device will be expropriated. The risks of expropriation at this stage vary depending on the circumstances, which were set forth from a theoretical perspective in Part I and will be contextualized with examples from the medical device industry in this Part. Some of the variables in assessing expropriation risks, and consequently the function of patents in enabling information exchange, include whether the medical device is self-disclosing and easily reverse engineered, the importance of reputational and industry norms, and whether staging disclosure over time is an option.222 Time and resource constraints may limit the efficacy of some of these alternative mechanisms to patents in mitigating the risks of expropriation.223

Apart from their ability to ensure exclusivity, patents have an independent function of providing a useful signal to investors about information distinct from the medical device invention, such as resource allocation and the experience of the executive team, similar to their role in the biotechnology industry.224 An issued patent can also provide an indication about the viability of the invention, such as the ability to limit competition, extend the first mover advantage, and provide an independent source of value to the company through licensing or sale.225

One survey of twenty venture capital fund managers looked at the importance of intellectual property protection in assessing the risk-return ratio of portfolio companies .226 For medical device companies, respondents ranked intellectual property protection third, after reimbursement and regulatory concerns at the FDA.227 The authors of the survey reasoned that intellectual property protection was a concern of venture fund managers, given the high patenting rates among venture-backed companies and that the size of medical device companies necessitated "their reliance on patent protection to maintain barriers to market entry by competitors ."228 Additionally, court decisions that cast doubt on whether patent protection would be available for some medical devices have also raised concerns.229

#### MRNA solves a litany of diseases, but continued innovation is key

Gupta 5/7 [(Swati, vice president and head of emerging infectious diseases and scientific strategy at IAVI, a nonprofit scientific research organization that develops vaccines and antibodies for HIV, tuberculosis, emerging infectious diseases (including COVID-19) and neglected diseases, PhD and MPH from Yale University) “The Application and Future Potential of mRNA Vaccines,” Yale School of Public Health, 5/7/2021] JL

The implications of mRNA technology are staggering. Several vaccine developers are studying this technology for deployment against rabies, influenza, Zika, HIV and cancer, as well as for veterinary purposes. Its potential utility is based upon its being a “platform technology” that can be developed and scaled rapidly. Given that only the genetic code for a protein of interest is needed, synthetically produced mRNA vaccines can be made rapidly, in days. Other vaccine approaches involve growing and/or producing proteins in cells, a process that can take months. Messenger RNA vaccines are generally regarded as safe, since they do not integrate into our cells’ DNA and naturally degrade in the body after injection. They also can be safely administered repeatedly, as we are seeing with the two-dose regimen for both the Pfizer-BioNTech and Moderna vaccines.

Despite the current success of mRNA vaccines for COVID-19, scientists continue to work on making the technology better. A number of laboratories are testing more thermostable formulations of mRNA vaccines, which currently must be kept at freezing or ultra-cold temperatures. Others are investigating second-generation vaccines that will only require a single shot, and “universal” coronavirus vaccines that could protect against future emerging coronaviruses. Messenger RNA vaccines that target a broad range of different diseases, all in one shot, are also in development; this approach has the potential to greatly simplify current vaccination schedules.

Taken together, these advantages and potential future developments position mRNA vaccines as an increasingly important technology in our arsenal of tools against infectious disease outbreaks, and are likely to be critical to fighting future epidemics and pandemics. Global partnerships like the Coalition for Epidemic Preparedness and Innovation (CEPI), tasked with facilitating the development of vaccines to stop future epidemics, have called for vaccines to be able to be tested in the clinic within months after a new pathogen is identified. With the latest discoveries in mRNA technology, we are well on our way to this goal; the ability of this platform technology to be transformative is no longer a hope, but more likely to be a reality in the very near future.

#### Disease causes extinction – defense is wrong

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

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 theWestern Abenaki (which suffered a staggering 98% loss of population).

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 biotechnology 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.19-2

## 1NC – CP

#### CP: Member nations of the World Trade Organization should enter into a prior and binding consultation with the World Health Organization over eliminating patents for medicines. Member nations will support the proposal and adopt the results of consultation.

#### WHO says yes – it supports increasing the availability of generics and limiting TRIPS

Hoen 03 [(Ellen T., researcher at the University Medical Centre at the University of Groningen, The Netherlands who has been listed as one of the 50 most influential people in intellectual property by the journal Managing Intellectual Property, PhD from the University of Groningen) “TRIPS, Pharmaceutical Patents and Access to Essential Medicines: Seattle, Doha and Beyond,” Chicago Journal of International Law, 2003] JL

However, subsequent resolutions of the World Health Assembly have strengthened the WHO’s mandate in the trade arena. In 2001, the World Health Assembly adopted two resolutions in particular that had a bearing on the debate over TRIPS [30]. The resolutions addressed:

– the need to strengthen policies to increase the availability of generic drugs;

– and the need to evaluate the impact of TRIPS on access to drugs, local manufacturing capacity, and the development of new drugs

#### Consultation displays strong leadership, authority, and cohesion among member states which are key to WTO legitimacy

Gostin et al 15 [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University) “The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### WHO diplomacy solves great power conflict

Murphy 20 [(Chris, U.S. senator from Connecticut serving on the U.S. Senate Foreign Relations Committee) “The Answer is to Empower, Not Attack, the World Health Organization,” War on the Rocks, 4/21/2020] JL

The World Health Organization is critical to stopping disease outbreaks and strengthening public health systems in developing countries, where COVID-19 is starting to appear. Yemen announced its first infection earlier this month, and other countries in Africa, Asia and the Middle East are at severe risk. Millions of refugees rely on the World Health Organization for their health care, and millions of children rely on the WHO and UNICEF to access vaccines.

The World Health Organization is not perfect, but its team of doctors and public health experts have had major successes. Their most impressive claim to fame is the eradication of smallpox – no small feat. More recently, the World Health Organization has led an effort to rid the world of two of the three strains of polio, and they are close to completing the trifecta.

These investments are not just the right thing to do; they benefit the United States. Improving health outcomes abroad provides greater political and economic stability, increasing demand for U.S. exports. And, as we are all learning now, it is in America’s national security interest for countries to effectively detect and respond to potential pandemics before they reach our shores.

As the United States looks to develop a new global system of pandemic prevention, there is absolutely no way to do that job without the World Health Organization. Uniquely, it puts traditional adversaries – like Russia and the United States, India and Pakistan, or Iran and Saudi Arabia – all around the same big table to take on global health challenges. It has relationships with the public health leaders of every nation, decades of experience in tackling viruses and diseases, and the ability to bring countries together to tackle big projects. This ability to bridge divides and work across borders cannot be torn down and recreated – not in today’s environment of major power competition – and so there is simply no way to build an effective international anti-pandemic infrastructure without the World Health Organization at the center.

#### WHO is critical to disease prevention – it is the only international institution that can disperse information, standardize global public health, and facilitate public-private cooperation

Murtugudde 20 [(Raghu, professor of atmospheric and oceanic science at the University of Maryland, PhD in mechanical engineering from Columbia University) “Why We Need the World Health Organization Now More Than Ever,” Science, 4/19/2020] JL

WHO continues to play an indispensable role during the current COVID-19 outbreak itself. In November 2018, the US National Academies of Sciences, Engineering and Medicine organised a workshop to explore lessons from past influenza outbreaks and so develop recommendations for pandemic preparedness for 2030. The salient findings serve well to underscore the critical role of WHO for humankind.

The world’s influenza burden has only increased in the last two decades, a period in which there have also been 30 new zoonotic diseases. A warming world with increasing humidity, lost habitats and industrial livestock/poultry farming has many opportunities for pathogens to move from animals and birds to humans. Increasing global connectivity simply catalyses this process, as much as it catalyses economic growth.

WHO coordinates health research, clinical trials, drug safety, vaccine development, surveillance, virus sharing, etc. The importance of WHO’s work on immunisation across the globe, especially with HIV, can hardly be overstated. It has a rich track record of collaborating with private-sector organisations to advance research and development of health solutions and improving their access in the global south.

It discharges its duties while maintaining a dynamic equilibrium between such diverse and powerful forces as national securities, economic interests, human rights and ethics. COVID-19 has highlighted how political calculations can hamper data-sharing and mitigation efforts within and across national borders, and WHO often simply becomes a convenient political scapegoat in such situations.

International Health Regulations, a 2005 agreement between 196 countries to work together for global health security, focuses on detection, assessment and reporting of public health events, and also includes non-pharmaceutical interventions such as travel and trade restrictions. WHO coordinates and helps build capacity to implement IHR.

## 1NC – Case