### Plan

#### Plan: Member nations of the World Trade Organization should reduce IP protections on genomic medicines

### Advantage 1 – Innovation

#### Advantage 1 is innovation:

#### A huge influx of patents is coming – most recent data and trends from this year

Mischel 4/27 [(Fiona Mischel, Editor-in-Chief of SynBioBeta. She frequently covers sustainability, CRISPR research, food and agriculture technology, and biotech for space travel.) “Who Owns CRISPR in 2021? It’s Even More Complicated Than You Think” SynBioBeta, 4/27/2021. https://synbiobeta.com/who-owns-crispr-in-2021-its-even-more-complicated-than-you-think/] BC

Still Want To Patent CRISPR? Here’s What You Need To Know

The biggest challenge for anyone trying to sort out CRISPR patent rights is fully understanding just how many patents there are.

A search in the USPTO revealed 262 patents or patent applications listing CRISPR-Cas9 and over 5,000 general CRISPR patents. And these are only the patent applications for Cas9. This doesn’t include the growing number of patents for other Cas molecules or Cas molecules yet to be discovered. This also doesn’t include patent applications in other big synthetic biology regions like China, Europe, the UK, and Israel.

The competition for CRISPR patents is unlikely to diminish in the future as more companies and academic centers clamber to join the race. The race has become increasingly global with more countries filing for CRISPR patents—new patents are filed at a rate of 200 per month.

What isn’t clear is how these enormous numbers of CRISPR patents will affect the future of science. Will they hamper progress by limiting the commercial use of the technology, or will researchers prevail and make new therapies accessible to everyone? When the dust settles—if it does at all—the hope is that CRISPR technology will be accessible for a wide range of applications at a competitive cost. The power to engineer biology should not be limited to the very few. We are now in the Age of Biology. If we are to build a better future, we cannot leave the fundamental promise of science in the dust.

#### Makes development of CRISPR impossible – 3 warrants

#### Patent disputes are imminent -- other entities and foreign governments get involved ensure conflicts

Stramiello 18 [(Michael, PhD, an intellectual property litigation associate in Washington, DC. His practice focuses on the life sciences industry.) “CRISPR: The New Frontier of Biotechnology Innovation” American Bar Association, Jan/Feb 2018. <https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2017-18/january-february/crispr-new-frontier-biotechnology-innovation-digital-feature/>] BC

As the UC-Broad interference winds down, CRISPR watchers should not lose sight of the USPTO, where more challenges may wait in the wings. For example, at least one ex parte reexamination against a foundational patent owned by Broad has already been granted (and suspended until the interference concludes). There is also a looming threat of additional interferences, as mentioned in recent USPTO communications19 and acknowledged in the pre-IPO disclosures of all three CRISPR-centric biotechnology companies publicly traded in the United States (i.e., CRISPR Therapeutics AG, Editas Medicine Inc., and Intellia Therapeutics Inc.). Potential dark horses identified in those filings include: (1) Rockefeller University, a joint applicant on certain Broad applications; (2) ToolGen Inc., whose suggestions of interference against Broad are still pending; and (3) Vilnius University, which has its own US patent for use of CRISPR/Cas9 systems and is party to a cross-licensing agreement with one of UC’s licensees. Other entities may also come out of the woodwork with freedom-to-operate strategies that challenge key patents via inter partes review or post-grant review.

Additional CRISPR disputes will happen overseas in 2018—and if patent grants are any indicator, foreign agencies might not simply follow the USPTO’s lead. The European Patent Office’s (EPO’s) Opposition Division (OD) will kick things off on January 16, when it hears oral arguments in oppositions lodged against a foundational patent owned by Broad. Among other things, challengers have attacked the purported novelty of Broad’s claims, a determination that may hinge on whether Broad validly claimed priority to two of its early applications. If it did not, at least seven of Broad’s other opposed patents may be vulnerable too. The OD has already issued a preliminary opinion indicating that it expects the oppositions to succeed.20 While that opinion is nonbinding, European analysts have stressed that it is usually “very difficult” to sway the OD from its preliminary views.21 In any event, Broad will not be the only foundational patent holder fighting to keep its rights alive across the pond in 2018, as the EPO has also granted noteworthy patent rights to UC, Sigma-Aldrich, and Cellectis, thus opening nine-month windows for would-be challengers to file post-grant oppositions. The fight over UC’s patent, which controversially covers use of CRISPR in both prokaryotes and eukaryotes, may be especially heated. It has already withstood over a half dozen third-party observations (including some filed by Broad),22 and at least two groups have now filed post-grant oppositions.23

China, home to the world’s second-busiest CRISPR patent landscape (after the United States), may host similar turf wars in 2018. UC and Broad, among many others, are already on the scene and may be drawing up battle plans. While Broad’s applications remain pending, China’s State Intellectual Property Office announced in June its intention to grant UC a patent covering CRISPR/Cas9 methods and compositions for applications in any environment. One of UC’s key licensees in human therapeutics praised the decision as “further global recognition that [UC and its collaborators] are the pioneers in the application of CRISPR/Cas9 in all cell types.”24 Not missing a beat, Broad issued an ominous reminder that “[i]n China, patents are subject to invalidation proceedings after they are issued.”25

#### IP disputes foreclose research collaboration between universities, which has historically enabled critical scientific breakthroughs

Sherkow 17 [(Jacob, Professor of Law at the College of Law and Affiliate of the Carl R. Woese Institute for Genomic Biology at the University of Illinois, where his research focuses on the legal and ethical implications of advanced biotechnologies, especially as related to intellectual property. He is a leading expert on IP protection for genome-editing technologies, including CRISPR. He is the author of over 60 articles published in both scientific journals and traditional law reviews, including Science, Nature, the Yale Law Journal, and the Stanford Law Review. Since 2018, Sherkow has also been a Permanent Visiting Professor at the Center for Advanced Studies in Biomedical Innovation Law (“CeBIL”) at the University of Copenhagen Faculty of Law.) “Patent protection for CRISPR: an ELSI review” Journal of Law and the Biosciences 12/7/2017 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5965580/>] BC

One notable aspect of the CRISPR patent dispute is that it is, by and large, a dispute between academic research institutions. It pits lawyers representing the University of California against lawyers representing the Broad Institute of MIT and Harvard.22 To be sure, university rivalries are common.23 But because universities share among themselves a larger mission to create and disseminate knowledge to the public, litigiousness among them has been historically rare.24

University-against-university patent disputes, like CRISPR, complicate interinstitutional research agreements on several levels. First, they have the potential to chill formal interinstitutional research collaborations among universities if the institutions cannot agree on intellectual property issues beforehand.25 Universities may simply be unwilling to enter into such agreements in the first instance, or, perhaps more perniciously, discourage their faculty from informally developing such networks.26 While the empirical evidence for such a diminishment in collaborative efforts is slight—difficult to demonstrate, in part, because it requires the proof of opportunities not taken by universities—some recent survey data have found that ‘institutionally mandated [materials transfer agreements] put sand in the wheels of a lively system of intra-disciplinary exchanges of research tools’.27 Aside from this, there is substantial anecdotal evidence of institutional difficulties in creating such agreements.28 It stands to reason that, at least in some instances, these difficulties have ended some collaborations before they could begin. More immediately, this is a current issue with the CRISPR patent dispute given some internal dissention between Doudna and Charpentier's respective institutions concerning the intellectual property involved. Although Doudna and Charpentier filed their joint patent application in 2012, their institutions did not formally assent to a cross-licensing agreement until December 2016.29 If assenting to a cross-licensing agreement for a single piece of technology has proved difficult, it is unclear how the two institutions will deal with one another on future collaborations.

Second, even with some friction between universities over obtaining patents for their researchers’ work, it has been rare for universities to sue one another regarding inventorship—until now. In 2011, for instance, the University of Utah sued the Max-Planck Institute concerning inventorship over a foundational group of patents concerning RNA interference technology.30 And since 2012, Stanford University and the Chinese University of Hong Kong have battled one another over lucrative patent rights to noninvasive prenatal genetic diagnostics.31 That dispute—despite several rounds of appeals—is still ongoing.32 Such patent disputes are costly, high stakes, and high profile. And while the CRISPR patent dispute itself is not a cause of such conflict, it has become emblematic—and potentially prophetic—of the tenor of such disputes today. Avoiding them in the first instance is a sensible institutional priority. But that sometimes comes at the cost of avoiding one's colleagues.33

Third, even apart from the administrative institutional level, patent disputes like these damper the culture of scientific collaboration, clearly something of tremendous import to modern science.34 Putting a price on a loosely defined culture of scientific collaboration is difficult—its loss is difficult to quantify. Nonetheless, many of the most significant breakthroughs of the past century arose in part from a culture of scientific openness and collegiality.35 Abandoning that in favor of inuring patent rights to researchers from a single institution seems, at best, unwise. Relatedly, it may erode scientists’ penchant for honest, if critical assessments, of their own work among collaborators and colleagues. A key piece of evidence used in the U.S. CRISPR patent interference against the University of California was a single one of Doudna's public statements that her collaborators ‘weren’t sure if CRISPR/Cas9 would work in eukaryotes—plant and animal cells’.36 That statement has now echoed throughout laboratories across the USA as a cautionary tale against critical reflections of one's work—at least while patents are pending.37

Lastly, patent conflicts’ hindrance of interinstitutional collaborations may simply be costly. Today, some research benefits from economies of scale, such as where expensive equipment can be shared among institutions.38 The New York Genome Center, for example, is a joint venture among several New York-area research institutions: NYU, Columbia, Cold Spring Harbor Laboratories, to name a few.39 This arrangement allows researchers at these institutions to share a fleet of Illumina X Ten sequencers, the total cost of which—including operations—runs into the millions of US dollars.40 Where research funding is diminishing—as is sadly the case in much of the Anglophone world41—universities may foolishly hesitate to engage in similar cost-saving arrangements in the short-sighted hope of avoiding future patent lawsuits.42 One would hope that the CRISPR patent dispute teaches others that such myopia isn’t warranted.

#### Patent disputes create fears of litigation that deter genome research and investment

Reader 10/10 [(Ruth, a writer for fast company. She covers the intersection of health and technology) “2 women won the Nobel for CRISPR, but the battle for its patent rages on” Fast Company, 10/10/2020 <https://www.fastcompany.com/90561762/nobel-prize-jennifer-doudna-emmanuelle-charpentier-crispr-patent-lawsuit>] BC

CRISPR’S UNCERTAIN FUTURE

While the Nobel award certainly affixes Doudna and Charpentier’s place in history, the ongoing litigation continues to hang heavy over the development of CRISPR Cas-9’s editing capability. Some scientists feel that with so much public money involved in discoveries such as the ones around CRISPR Cas-9, no one should have a right to the intellectual property. This would keep the science open and allow others to innovate on top of it without the fear of litigation or the sometimes high costs of royalties. Meanwhile, investors, ever aware of the legal landscape, are looking to finance new biotechnology that doesn’t infringe on the existing CRISPR patents.

“We’re mindful that that litigation is going to have an impact on the freedom that our companies have to operate in,” says Paul Conley, a managing director at venture capital firm Paladin Capital Group. “We try to remain agnostic by finding the companies who are using CRISPR machinery—these nucleases—that definitely don’t tread on any of the IP that’s being litigated.”

That litigation hasn’t entirely stopped CRISPR exploration. In fact, a whole industry of apparatuses and chemicals has emerged to facilitate CRISPR gene edits. CRISPR Cas-9 is showing promising results as a treatment for rare diseases such as sickle cell anemia as well as an implement for biomanufacturing. But the litigation may be shifting gene-editing research. Like any technology, CRISPR Cas-9 is not perfect. It’s not as precise as some scientists would like, and it can have unanticipated effects outside of the desired outcome. Scientists who don’t already have a claim to the CRISPR Cas-9 system may be more inclined to seek out other gene-editing opportunities rather than improve Cas-9. Conley says scientists may be wary of pushing the technology ahead.

“It has absolutely put fear in the minds of many scientists who frankly could do great things for society,” says Conley. “They are living in terror of, well, if I go down this road a) am I going to be sued? And b) is there any commercial outlet where I’m going to have trouble raising money, because there’s fear and loathing around the CRISPR component”

Much of the new science surrounding CRISPR Cas-9 has come from scientists with a stake in the intellectual property. Last year, David Liu, a scientist at the Broad Institute and cofounder of gene-editing therapeutics company Editas Medicine, [published](https://www.nature.com/articles/d41586-019-03164-5) a way of making more precise edits with fewer unintended effects using a new process called prime editing. One of Doudna’s companies, Scribe Therapeutics, is engineering CRISPR molecules, rather than using the ones found in nature, in order to do away with the natural aspects that get in the way of putting it to good use as a targeted gene editor. The company just raised $20 million and [signed a deal](https://www.fiercebiotech.com/biotech/scribe-therapeutics-emerges-20m-biogen-pact-to-clear-crispr-hurdles) with pharmaceutical company Biogen to implement its technology.

#### Uncertainty about licensing ensures technology is not distributed or developed - smaller firms don’t know where they need to seek approval from

Sterlin 20 [(Ian, JD from the University of Michigan Law School, Executive Editor of the Michigan Technology Law Review) “The CRISPR War Drags On: How the Fight to Patent CRISPR-Cas9 Creates Uncertainty in the Biotechnology Sphere,” Michigan Technology Law Review, 3/2020] JL

On September 10, 2018, the Federal Circuit Court of Appeals (“Federal Circuit”) affirmed the ruling of the United States Patent Trial and Appeals Board (“the Board”) in *Regents of the University of California v. Broad Institute*, finding that there was no interference-in-fact between competing patents that claimed methods of using CRISPR-Cas9 to modify cellular DNA. Rather than settling the patentability issue, however, exhaustive litigation has continued, as both parties seek to protect the results obtained from costly research. Such protracted litigation has created significant uncertainty among members of the scientific, legal, and biotechnology communities as to the exact demarcation of patent ownership and may ultimately reduce the amount of innovation in CRISPR-based technologies and stifle developing industries.

Clustered Regularly Interspaced Short Palindromic Repeats (“CRISPR”) are a family of DNA sequences found naturally in bacteria that, when paired with guiding RNA sequences and CRISPR-associated proteins (Cas), can selectively modify an organism’s genetic material (genome) more effectively and cheaply than comparable gene-editing systems. Since the discovery of CRISPR’s gene-editing capacity by researchers at the University of California, the University of Vienna, and Emmanuelle Charpentier, innovators have applied CRISPR technology in diverse industries, including the medical, industrial, and agricultural sectors. Several thousand CRISPR-related patent applications have already been filed worldwide, with the majority being filed in the United States, China, and Europe.

Researchers at the University of California were the first to (“UC”) demonstrate that isolated CRISPR-Cas9 components could effectively function in an *in vitro* environment. UC subsequently filed a patent application in May 2012 broadly claiming a method to using CRISPR-Cas9 without referencing specific cellular environments. In December 2012, a research team led by Feng Zhang at the Broad Institute filed a patent application directed to a method of using CRISPR-Cas9 in mammal cells. UC unsuccessfully sought to invalidate Dr. Zhang’s patents in an interference proceeding in front of the Board. UC appealed the Board’s ruling to the Federal Circuit, arguing that the Board employed an improperly rigid obviousness test and that it erred in dismissing evidence that other researchers simultaneously applied CRISPR-Cas9 to non-bacterial (eukaryotic).

The Federal Circuit rejected UC’s arguments and affirmed the Board’s finding that substantial evidence indicated there was no reasonable expectation of success a person of ordinary skill in the relevant art (POSITA) could successfully apply CRISPR-Cas9 to eukaryotic genomes. The Federal Circuit approved of the wide range of evidence the Board used to make its determination, including expert testimony, evidence of past failures in the field, simultaneous invention, and statements by members of UC’s research team expressing doubt that CRISPR-Cas9 could be successfully implemented in eukaryotic systems. The Federal Circuit also rejected UC’s contention that evidence of simultaneous evidence alone sufficiently demonstrated an invention’s obviousness. While the fact that six independent research teams successfully applied CRISPR-Cas9 within months of its disclosure by UC was useful evidence in determining obviousness, the weight of such evidence must “be carefully considered in light of all the circumstances.”

It is unclear what the Federal Circuit’s decision means for the non-obviousness standard of CRISPR-related patents. Some observers have praised the ruling as affirming the Board’s comprehensive analysis of available factual evidence while noting that some evidence existed that could support a finding of obviousness. While the Federal Circuit rejected UC’s argument that simultaneous invention alone could not demonstrate a showing of obviousness, it was careful to state that such evidence had not demonstrated “a reasonable expectation of success given the ‘specific context of the art at the time.” This may suggest that evidence of simultaneous invention may gain greater significance in future decisions as advances are made in CRISPR technology. The Federal Circuit further clarified that its ruling determined that the competing sets of patent claims comprised distinct subject matter and did not rule on the validity of either parties’ claims.

The Federal Circuit’s holding has also generated a heated discussion outside of the legal field. Many members of the scientific community have criticized the decision, with some indicating that they believe the Board’s factual determination does not reflect the practices found within the field of molecular biology. The uncertainty resulting from the Federal Circuit’s decision is also reflected in the confusion among third party innovators regarding who they should seek a license from in order to commercially exploit existing CRISPR patents. This confusion is further compounded by the fact that the “surrogate companies” the Broad Institute and UC have created to manage the licensing of their patents grant differing levels of exclusivity when licensing their patents.

Further complicating the determination of patent rights in the foundational CRISPR-Cas9 patent is a lack of uniformity among the various national (and multinational) patent offices. Even before the Federal Circuit’s ruling, China’s State Intellectual Property Office (now renamed National Intellectual Property Administration or CNIPA) granted UC a patent for its CRISPR technology, and the European Patent Office (EPO) granted UC a patent for use CRISPR-Cas9 in both prokaryotic and eukaryotic organisms. The EPO subsequently rescinded a patent grant it had issued to the Broad Institute in 2015, finding that the prior art from UC’s patent demonstrated a lack of novelty for the invention. On January 17, 2020, the EPO’s Board of Appeal dismissed the Broad Institute’s appeal against the rescission, and in February, the Board of Appeal rejected the Broad Institute’s opposition proceeding against UC’s patent. Rather than creating a clear standard within Europe, however, the EPO’s rulings have resulted in greater uncertainty, with both the Broad Institute and UC, as well as other patentholders, having overlapping patent rights that may result in further litigation. In addition, several of the Broad Institute’s EPO patents for CRISPR remain valid and the CNIPA has granted three patents to the Broad Institute for CRISPR technologies.

Perhaps the most worrying development has been the renewal of UC and the Broad Institute’s legal battle in the United States. In June 2019, the Board filed documents to commence interference proceedings between the Broad Institute and UC’s patents that will address the question of priority. These new interference proceedings, which will examine who first invented the use of CRISPR-Cas9 in eukaryotic organisms, have already begun with both parties accusing the other of engaging in questionable legal conduct. Although some observers are optimistic that the new interference proceedings may induce the parties to reach a settlement, it is equally possible that the proceedings may result in a protracted legal battle and another appeal to the Federal Circuit. The protracted legal battles surrounding the UC and the Broad Institute’s CRISPR patents have created significant uncertainty as to the final determination of ownership and patentability. What is certain, however, is the need for greater clarity in patent rights in order to make researchers feel secure in developing further technological innovations using CRISPR-.

#### CRISPR solves disease, but continued innovation is key

Thorne 20 [(Lucy, PhD, received a BSc. in Biochemistry from University of Leeds and a Ph.D. in Biological Sciences from University of Liverpool in the UK. She is currently working as a freelance consultant in Cambridge, UK writing CRISPR-related content for Biocompare.) “CRISPR-Cas Gene Editing: A New Weapon against Infectious Disease” Biocompare, 1/14/2020. <https://www.biocompare.com/Editorial-Articles/559757-CRISPR-Cas-Gene-Editing-A-New-Weapon-against-Infectious-Disease/>] BC

Infectious disease is a common cause of death worldwide, but the rise of antibiotic-resistant bacterial strains and lack of effective antiviral treatments means a potential future risk of increased mortality and global economic burden due to untreatable infections. This article discusses how CRISPR-Cas gene-editing technology is helping in the fight against increasingly resistant bacterial infections and rapidly mutating viruses—from facilitating a better understand of host-pathogen interactions and improving diagnosis, to potentially providing a new way to treat infectious disease.

The CRISPR revolution

The CRISPR locus (short for clustered regularly interspersed short palindromic repeats) was first discovered in E.coli in 1987 and found to be the basis of a bacterial adaptive immune system, providing prokaryotes with protection against foreign genetic material.1 The CRISPR-Cas system has since been repurposed into a powerful but relatively simple programmable gene-editing technology. A short single-guide RNA molecule (sgRNA) guides the Cas9 endonuclease to the target site, where a double-strand break is introduced. This activates intrinsic cellular DNA repair pathways, either the non-homologous end joining (NHEJ) pathway that results in a disabling deletion of the target gene, or homologous repair (HR) that allows the integration of a donor sequence at the target locus. As well as gene knockout and targeted changes to the genetic sequence, gene expression can be regulated. Other modifications at the target site are also possible with the use of a catalytically inactive version of Cas9 (dCas9)—the expanded CRISPR toolkit also includes modulation of gene expression (CRISPRi and CRISPRa) and base editing.

Since the first CRISPR gene-editing experiments were demonstrated in 2012, the CRISPR-Cas9 technology has exploded into the biological sciences and been rapidly adopted by the scientific community. CRISPR has already shown promise in the prevention of malaria, tuberculosis, and herpes simplex virus.2 Below, we highlight a few ways in which CRISPR has been recently applied to improving our understanding, treatment, and ongoing diagnosis of infectious disease.

Functional genomics with CRISPR to determine new antimicrobial targets

There is currently a distinct lack of new antibiotics and antiviral drugs making it to the clinic. Understanding host-pathogen mechanisms that govern how microbes induce pathogenesis is crucial for identifying new targets for rapid drug discovery and vaccine development. Soon after its debut, CRISPR-Cas9 was applied to functional genomic screening. Using a pooled sgRNA library workflow, CRISPR-Cas9 was successfully used at scale to enable high-throughput, genome-wide loss of function studies. CRISPR-Cas9 genome-wide screening has since been employed in a variety of pathogens to determine the molecular pathways that drive pathogenesis. These include identifying how the α-hemolysin virulence factor S.aureus causes cytotoxicity and genes involved in host-cell dependencies from Zika virus.3,4

CRISPR-Cas9 as a next-generation diagnostic for antimicrobial-resistance genes

Since the discovery of penicillin in 1928, antibiotics have been the main treatment against bacterial infections, reducing mortality and significantly improving life expectancy the world over. But the ability of microbes to rapidly mutate and share genetic information, as well as the overprescription of antibiotics, has led to the emergence of superbugs—strains that are resistant to existing treatments. According to the UN, antibiotic resistance is thought to cause around 700,000 deaths per year, which could rise to 10 million by 2050.

Determining whether genes responsible for antimicrobial resistance (AMR) are present is crucial when formulating an optimal treatment strategy to limit the spread of drug resistance. Unfortunately, real-time metagenomic analysis is hampered by the low abundance of resistant pathogens against a high background. Recent work from the Crawford lab at the University of California, San Francisco used CRISPR to develop a novel NGS-targeted enrichment system called FLASH (finding low abundance sequences by hybridization), which they use as a diagnostic.5 By using sgRNA to guide Cas9 to AMR genes, those sequences are cleaved ready for next-generation sequencing. FLASH enables amplification of AMR targets and high levels of multiplexing and was shown to successfully identify AMR genes in patient samples, including those infected with pneumonia-causing bacteria and Plasmodium falciparum, the malaria parasite.

Selectively controlling the microbiome

The human microbiome is a complex ecosystem of species that all play a role in health —but treatment with broad-spectrum antibiotics to destroy pathogens also kills the “good” bacteria, upsetting the delicate balance and the positive symbiotic relationships that help control pathogens. This blunt instrument also provides a selective pressure that can lead to the further development of antibiotic-resistant strains.

In a recent Nature Communications paper, Hamilton et al used CRISPR-Cas9 to selectively target and kill Salmonella enterica but leave other bacteria species in a co-culture unharmed.6 Their work utilizes a conjugative plasmid to put the delivery machinery together with the necessary Cas9 molecules in a cis-conjugative system to selectively target essential genes in S. enterica cells and destroy them. The authors also suggest their new delivery system could be beneficial in controlling microbial imbalances on biofilms with potential applications in medicine, healthcare, and industrial processes—for example in treating Clostridium difficile, a hospital-acquired infection that is placing an increasing economic burden on healthcare systems worldwide.

CRISPR: as nature intended?

In nature, CRISPR is an endogenous bacterial system used to protect from foreign genetic material, so it makes sense that it is now being used in medicine against the bacteria themselves to fight infectious disease. And not only bacteria—recent work from the Broad Institute used the Cas13 protein from the CRISPR system to selectively target and destroy single-stranded RNA viruses, including Influenza A, significantly and rapidly reducing viral load and infectiousness.7

The programmable nature of the CRISPR gene-editing system means that as microbes continue to evolve and mutate, the CRISPR machinery can be quickly altered to destroy the new target as an antimicrobial drug, or detect it as a diagnostic. Work will now move onto demonstrate that these CRISPR-based antimicrobial applications can work in the clinic and help combat the growing specter of antimicrobial resistance and infectious disease.

#### 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

### Solvency

#### Harmonized approaches to CRISPR solve misapplication – answers any impact turn

Wachowicz 19 [(Jessica, a third-year student at the University of Washington School of Law whose primary area of study is emerging technologies and the legal issues associated therewith.) “The Patentability of Gene Editing Technologies such as CRISPR & the Harmonization of Laws Relating to Germline Editing, “ Intellectual Property Breif, 2019 https://digitalcommons.wcl.american.edu/ipbrief/vol10/iss1/2/] RR

At present, countries take different approaches in applying the ordre public doctrine to cases involving germline editing. In Japan, the patent office examines scientific guidelines pertaining to stem cell research in rendering its decisions.8 1 Others simply look to the values held by that particular country in determining whether the invention would benefit society.82

Looking at the values held by a particular community will lead to varying results. Some countries may value the welfare of individuals over the progression of science.83 Others argue that because these inventions can dramatically improve healthcare, and because healthcare is a human right, this public interest should override any bans on germline editing. 84

A similar dispute arose under TRIPS with respect to pharmaceuticals. As stated previously, some countries, India in particular, argued that patenting pharmaceuticals was immoral because it raised the cost of healthcare. In 2016, the World Health Organization published the "Guidelines for the examination of patent applications relating to pharmaceuticals."86 The purpose of this guideline was to assist legislators in crafting laws that would allow for the patentability of pharmaceuticals generally, while imposing limitations that would prevent healthcare from becoming unaffordable.

One plausible solution is for the World Health Organization to create a set of guidelines for determining the patentability of technologies such as CRISPR. The guideline can look to other international treaties that focus on the preservation of human rights and the improvement of healthcare.87 By encouraging countries to take these agreed upon policy objectives into consideration when examining these controversial patents, results among different patent offices may be slightly less varied. A guideline from the World Health Organization (WHO) or a similar organization may assist countries' legislatures in crafting laws that allow for progression in this field of science while protecting their communities from potential human rights violations, such as the destruction of viable embryos.

Attempts at harmonization have been made in the past. There are currently numerous international instruments that prohibit inventions involving genomes, such as the UNESCO Universal Declaration on Bioethics and Human Rights and the Oviedo Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biotechnology and Medicine: Convention on Human Rights and Biomedicine. The former states that public welfare should be prioritized over the progress of science, and the latter states that genetic modification techniques should only be allowed if "serious hereditary sexrelated disease[s] [are] to be avoided."89 These agreements make clear that public welfare is of primary importance, and that germline editing techniques should only be applied where serious risks can be avoided. The Oviedo Convention limited the scope of the exception to the avoidance of sex-related diseases, but perhaps with the introduction of CRISPR, countries may need to consider the circumstances under which genome and germline editing may be permissible.

CONCLUSION

In summary, relying on the ordre public doctrine to determine the patentability of CRISPR technology will lead to dramatically varying results around the world. The need for a more harmonized approach is present. Despite countries' general avoidance of genome and germline editing, technology has developed in such a way that these practices may be highly beneficial to public welfare. Countries should reconsider their stances on such practices in light of the potential benefits CRISPR technology can offer and should attempt to reach a general consensus on the proper uses of CRISPR. Given recent events, the WHO should promptly issue guidelines to assist legislatures in crafting laws that promote progress in this area while maintaining consistency with concepts of morality.

### Framing

**The standard is maximizing expected wellbeing**

**First, pleasure and pain are intrinsically valuable. People consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues**.** This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values**.** If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable**.** You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes**:** “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

**Moreover, *only* pleasure and pain are intrinsically valuable. All other values can be explained with reference to pleasure; Occam’s razor requires us to treat these as instrumentally valuable.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

I think several things should be said in response to Moore’s challenge to hedonists. First, **I do not think the burden of proof lies on hedonists to explain why the additional values are not intrinsic values. If someone claims that X is intrinsically valuable, this is a substantive, positive claim, and it lies on him or her to explain why we should believe that X is in fact intrinsically valuable.** Possibly, this could be done through thought experiments analogous to those employed in the previous section. Second, **there is something peculiar about the list of additional intrinsic values** that counts in hedonism’s favor**: the listed values have a strong tendency to be well explained as things that help promote pleasure and avert pain.** To go through Frankena’s list, life and consciousness are necessary presuppositions for pleasure; activity, health, and strength bring about pleasure; and happiness, beatitude, and contentment are regarded by Frankena himself as “pleasures and satisfactions.” The same is arguably true of beauty, harmony, and “proportion in objects contemplated,” and also of affection, friendship, harmony, and proportion in life, experiences of achievement, adventure and novelty, self-expression, good reputation, honor and esteem. Other things on Frankena’s list, such as understanding, **wisdom, freedom, peace, and security, although they are perhaps not themselves pleasurable, are important means to achieve a happy life, and as such, they are things that hedonists would value highly.** **Morally good dispositions and virtues, cooperation, and just distribution of goods and evils, moreover, are things that, on a collective level, contribute a happy society, and thus the traits that would be promoted and cultivated if this were something sought after.** To a very large extent, the intrinsic values suggested by pluralists tend to be hedonic instrumental values. Indeed, pluralists’ suggested intrinsic values all point toward pleasure, for while the other values are reasonably explainable as a means toward pleasure, pleasure itself is not reasonably explainable as a means toward the other values. Some have noticed this. Moore himself, for example, writes that though his pluralistic theory of intrinsic value is opposed to hedonism, its application would, in practice, look very much like hedonism’s: “Hedonists,” he writes “do, in general, recommend a course of conduct which is very similar to that which I should recommend.”24 Ross writes that “[i]t is quite certain that by promoting virtue and knowledge we shall inevitably produce much more pleasant consciousness. These are, by general agreement, among the surest sources of happiness for their possessors.”25 Roger Crisp observes that “those goods cited by non-hedonists are goods we often, indeed usually, enjoy.”26 What Moore and Ross do not seem to notice is that their observations give rise to two reasons to reject pluralism and endorse hedonism. The first reason is that if **the suggested non-hedonic intrinsic values are potentially explainable by appeal to just pleasure and pain** (which, following my argument in the previous chapter, we should accept as intrinsically valuable and disvaluable), **then—by appeal to Occam’s razor—we have at least a pro tanto reason to resist the introduction of any further intrinsic values and disvalues. It is ontologically more costly to posit a plurality of intrinsic values and disvalues, so in case all values admit of explanation by reference to a single intrinsic value and a single intrinsic disvalue, we have reason to reject more complicated accounts.** **The fact that suggested non-hedonic intrinsic values tend to be hedonistic instrumental values does not, however, count in favor of hedonism solely in virtue of being most elegantly explained by hedonism; it also does so in virtue of creating an explanatory challenge for pluralists.** The challenge can be phrased as the following question: **If the non-hedonic values suggested by pluralists are truly intrinsic values in their own right, then why do they tend to point toward pleasure and away from pain?**27

**Moral uncertainty means preventing extinction should be our highest priority.  
Bostrom 12** [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]  
These reflections on **moral uncertainty suggest** an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ **Our present understanding of axiology might** well **be confused. We may not** nowknow — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet **be able to imagine the best ends** of our journey. **If we are** indeedprofoundly **uncertain** about our ultimate aims,then we should recognize that **there is a great** option **value in preserving** — and ideally improving — **our ability to recognize value and** to **steer the future accordingly. Ensuring** that **there will be a future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain** a lot of **value.** To do this, we must prevent any existential catastrophe.

**Reducing the risk of extinction is always priority number one.   
Bostrom 12** [Faculty of Philosophy and Oxford Martin School, University of Oxford.], Existential Risk Prevention as Global Priority.  Forthcoming book (Global Policy). MP. http://www.existenti...org/concept.pdfEven if we use the most conservative of these estimates, which entirely ignores the   possibility of space colonization and software minds, **we find that the expected loss of an existential   catastrophe is greater than the value of 10^16 human lives**.  **This implies that the expected value of   reducing existential risk by a mere one millionth of one percentage point is at least a hundred times the   value of a million human lives.**  The more technologically comprehensive estimate of 10  54 humanbrain-emulation subjective life-years (or 10  52  lives of ordinary length) makes the same point even   more starkly.  Even if we give this allegedly lower bound on the cumulative output potential of a   technologically mature civilization a mere 1% chance of being correct, we find that the expected   value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth   a hundred billion times as much as a billion human lives. **One might consequently argue that even the tiniest reduction of existential risk has an   expected value greater than that of the definite provision of any ordinary good, such as the direct   benefit of saving 1 billion lives.**  And, further, that the absolute value of the indirect effect of saving 1  billion lives on the total cumulative amount of existential riskâ€”positive or negativeâ€”is almost   certainly larger than the positive value of the direct benefit of such an action.