**Presumption Negates**

**1. We presume things false, this is why people don’t believe things like conspiracy theories.**

**2. There are an infinite number of ways to prove something false and only one way to prove it true.**

**3. The neg burden is to deny the evidence of truth so if there’s no offense as to why the resolution is true the neg has fulfilled their burden.**

**Permissibility Negates**

**1. The aff must prove an obligation because ought indicates a moral obligation. If an action is permissible, definitionally, no obligation is present and you negate.**

**The metaethic is fictionalism. The view that external moral doctrines are arbitrary, and non binding. This means ethics must be internally created by specific individuals depending on their individual circumstances. Prefer:**

**We must internalize and care about external claims, which means external motivation collapses.**

**Joyce 1**, Richard (Professor of Philosophy at Victoria University Wellington, New Zealand). The Myth of Morality. 2001. [Bracketed for grammatical clarity] // ICW NW

Back to the [Suppose] external reason[s]. **Suppose it were claimed,** instead, that **I have a reason to refrain from drinking the coffee because it is tapu** and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. **[r]egardless of my desires (it is claimed) I ought not drink** - l have a reason not to drink. But how could that reason ever explain any action of mine? Could the external reason even explain my [action] from drinking? Clearly, in order to explain it the external reason must have some causally efficacious role [in] among the antecedents of the action (in this case, an omission) — l must have. in some manner. "internalized" it. **The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason** claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the belief alone can[not] produce action, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in order to explain an action** the **belief must couple with desires** (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: **if I believe that the coffee is** [bad] **tapu but really just don’t care about that, then I will not refrain from drinking it.** So in order for the belief to explain action it must couple with [desire] elements - but **in that case** the putative **external reason collapses into** an **internal** one.3

**Contracts solve this because people agree to certain constraints to better promote their self interest. People agree to channel their desires and in doing so, establish a set of moral agreements.**

**Gauthier 86** Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print. // ICW NW

**Moral principles are introduced as the objects of** full **voluntary** ex ante a**greement among** rational **persons.**  Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules and practices.  But the **parties to agreement are real,** determinate individuals, **distinguished by their capacities, situations, and concerns.**  In so far as **[Since] they** would **agree to constraints on their choices, restraining their pursuit of their own interests, they acknowledge a distinction between what they may and may not do.**  As rational persons understanding the structure of their interaction, **they recognize** for mutual constraint, and so for **a moral dimension in their affairs.**

**Thus, the standard is consistency with the contractarian principle of mutual restraint, this is when people agree to constrain their actions for their own self interest. To clarify, obligations arise from restraints we place on ourselves by entering contracts.**

**Prefer:**

**1. Bindingness: Contracts are binding since there are legal repercussions to not following them. This outweighs because if people don’t have any reason to follow ethics they can just not follow it the second they don’t want to and it loses all meaning.**

**2. Them contesting my framework concedes it’s validity since contracts were fundamental to any of their cards. For example, your authors needed publishing licenses, and your empirical studies needed permits.**

**Impact Calc:**

**My framework only cares about whether or not the resolution is consistent with or inconsistent with actual contracts. The aff must prove a contract binds states to remove patent protections, anything less than that doesn’t prove the resolution obligatory.**

**Contention 1) Patents are contracts, between companies and the government in which the government gives companies protections and exclusive rights to a thing and in return companies make that thing. This is an instance of mutual restraint and as a result it’s immoral to violate patents.**

**Contention 2) The TRIPS agreement, which is a binding contract agreed to by members of the world trade organization, grants intellectual property rights to medicines.**

**Supakankunti,** Siripen, **et al.** "Impact of the World Trade Organization TRIPS Agreement on the Pharmaceutical Industry in Thailand." *World Health Organization Bulletin*, 20**01**, www.ncbi.nlm.nih.gov/pmc/articles/PMC2566431/pdf/11417042.pdf. Accessed 14 Sept. 2021. ICW NW

In 1947, a total of 23 countries signed the General Agreement on Tariffs and Trade (GATT). The primary objective was to promote and regulate the liberalization of international trade through rounds of trade negotiations. Between 1986 and 1994 the UruguayRound of Multilateral Trade Negotiations led to the Marrakech Agreements. These established the World Trade Organization (WTO) and extended the rules governing commercial relations between trading partners to a number of new areas, such as agriculture, services, investment measures and the protection of intellectual property rights. All of these areas had previously been excluded from trade liberalization. Since 1994, attention has focused on the WTO Agreement on Trade-Related Aspects of Intellectual PropertyRights **(TRIPS)** as **the most far-reaching international instrument ever negotiated in this field.** It **establishes minimum universal standards in all areas of intellectual property** and the intention is to implement these standards globally through a strong enforcement mechanism established in WTO. **The TRIPS agreement requires universal patent protection for any invention in any field of technology. This affects pharmaceuticals,** which many countries had previously excluded from patent protection in order to produce drugs at reduced prices and thereby contribute to the improvement of public health. **WTO member countries that did not previously recognize pharmaceutical patents must amend their patent legislation within a limited time or transition period. Any Member country failing to bring its patent law into conformity with the TRIPS agreement,** if challenged by another member country, **is subject to the WTO dispute settlement system. Sanctions may be established** in accordance with WTO procedures. The TRIPS patent system can be expected to have a great impact on the health sector and may negatively affect national drug production, drug prices, the availability of essential medicines and pharmaceutical technology, and numerous other factors in developing and least developed countries. In addition, there could be a greater concentration of drug production in industrial countries rather than a transfer of technology to, or foreign direct investment (FDI) in developing countries. No extensive review of the practical implications of the TRIPS agreement has been conducted at the global and national levels, and at the regional level onlyLatin America has been covered. The present paper examines the consequences of the agreement for the pharmaceutical industry in Thailand with a view to learning lessons applicable to all developing countries. Recommendations are given for alleviating the potential negative impact resulting from mandates set forth in the agreement. In order to determine the specific implications and potential consequences accurately and meaningfully, we identified applicable and clearly defined objectives. Relevant research methods were employed, including situation and data analyses, surveys and impact assessments, and literature reviews. The situation and data analyses and the impact assessments dealt with the effect of the 1992 Thai Patent Law on the pharmaceutical industry in Thailand and on direct foreign investment and the transfer of technology in the sector. For the first time this law covered the protection of rights for both pharmaceutical processes and products.

**On the Contentions**

**1. Intellectual property is equivalent to actual property, and violations of it are coercive.**

**Mossoff,** Adam. "Why Intellectual Property Rights? A Lockean Justification." *Library of law and liberty* (20**15**).

<https://lawliberty.org/forum/why-intellectual-property-rights-a-lockean-justification/>

One of the strengths of the Lockean property theory is that it recognizes that **IP rights are** fundamentally **the same as all property rights** in all types of assets—from personal goods to water to land to air to inventions to books. **These** and many other type of goods **are the byproduct of an individual’s value-creating, productive labor that creates them, acquires them, transforms and uses them, and ultimately disposes of them in voluntary transactions with other people in civil society.** This is why Locke himself expressly recognizes that **copyright is property.** He also wrote approvingly of inventions and the technical arts as exemplars of the value-creating, productive labor that creates all property (contrary to oft-repeated, mistaken claims about Locke’s view of IP rights by some scholars today[4]). The key moral insight in Locke’s Two Treatises of Civil Government is that all property arises from the fact that individuals must produce the values required for a flourishing human life. Accordingly, **property rights define the sphere of liberty required for an individual to create, use, and dispose of these values**. As I have explained, this is the essence of Locke’s “mixing labor” argument for property in the Two Treatises.[5] Here, “mixing labor” is a metaphor that refers to the productive labor that creates the physical goods required for a flourishing human life. Philosopher Stephen Buckle, for instance, writes that, for Locke, “labour is the improving, value-adding activity required by the duty to preserve oneself and others.”[6] Locke is absolutely clear about the meaning of value: “the intrinsick value of things . . . depends only on their usefulness to the Life of Man.” (TT II.37)[7] In this important respect, the concept of value in Locke’s labor theory of value and in his broader property theory is not economic or materialistic; as I have explained, it is a moral concept that refers to the intellectual and physical values that one creates to live a flourishing life, or what Locke repeatedly refers to in the Two Treatises as the “conveniences of life” (TT II.26, II.34, II.37, II.36, II.48).  This is unsurprising given Locke’s commitment to classical natural law ethical theory and its moral ideal of a flourishing life, consisting of both mental and physical values.[8] This important point is often missed by legal scholars and philosophers who read only the Second Treatise, or perhaps only just Chapter 5 (“Of Property”) of the Second Treatise, and thus fail to recognize the broader philosophical framework in which Locke situates his political theory generally and his property theory in particular. In the First Treatise, for instance, Locke explains that it is man’s nature as “an intellectual Creature” that makes him “capable of Dominion.” (TT I.30) A flourishing human life requires both intellectual and physical labor—the production of the intellectual and physical values that serve the “conveniences of life” through the uniquely human capacity for rationally guided action. **In brief, “mixing labor” occurs when a rational person engages in value-producing labor, and he creates property**—dominion in the Latin of the Roman Law and of modern political philosophy.[9] These foundational ideas from Locke’s ethical theory explain why his examples of value-creating labor in the Second Treatise consist mostly of the “Industry” of technological inventions, such as the bread made by the “Mill [and] Oven,” the “Plough” that tills the soil, and “all the Materials made use in the Ship,” among others. (TT II.43) And we must not forget the conceptual skills of artisans that made possible “the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber.” (TT II.43) This is what Locke means when he writes that “the ordinary Provisions of Life, through their several progresses, before they come to our use, … receive of their value from Human Industry.” (TT II.42) (original emphasis) Locke’s own explanation of his property theory is replete with examples of his moral approval of how technological inventions secure for an individual the “conveniences of life”—a flourishing human life. What to make of this deeper moral insight embedded in Lockean property theory, especially in justifying IP rights? Two important points are worth noting. First, it shows how legal scholars and philosophers have misconstrued Locke’s famous farming examples in the Second Treatise (TT II.32, II.37, II.40, II.43, II.48) in claiming that his property theory is restricted to only physical parcels of earth or goods. Those who assert that Lockean property theory establishes that property is solely about resolving conflicts over a preexisting physical resource (like the land used for a farm) have taken a premise from Locke’s explanation for the formation of civil society and grafted it onto Locke’s entirely separate explanation for why property is justified. Locke’s farming examples are illustrations of value-creating, productive labor because they are replete with conspicuous references to the intellectually-driven, technological inventions that make possible farming in the first place. Second, and directly related to the first point, it explains why Locke himself expressly justifies copyright as “property” and approvingly refers to “Inventions and arts” in his summation of his theory that property arises from value-creating, productive labor that supports the “conveniences of life” in § 44 of the Second Treatise. In 1690, the legal concept of patents (property rights in inventions) did not exist yet,[10] and so this is an explicit indication of Locke’s willingness to include what would later become the legal concept of patents within his property theory. With respect to copyright, which was slowly coming into existence as a legal concept in the late 17th century, Locke expressly endorses it as a property right in 1695. In an essay on the statutory printing monopoly granted to the Stationers Company by Parliament, Locke condemns such monopolies as violating the “property” in creative works that “authors” rightly claim for themselves.[11] In what might be a further surprising claim for many today who think copyright terms are too long, Locke writes in this 1695 essay that authors should have their property rights secured to them for their lifetimes or after first publication plus “50 or 70 years.”[12] The current copyright term is life of an author plus 70 years, which was set in 1998 by the much-maligned Copyright Term Extension Act.[13] And to be clear that Locke believes that it is authors who should have a property right in their literary works that can be freely alienated in the marketplace, he further proposes an amendment to Parliament that any new printing statute should expressly “secure the author’s property in his copy, or to his whom he has transferred it.”[14] The natural law ethical theory that informs Locke’s argument for property rights explains why he thinks his property theory applies to inventions and books. In § 34 of the Second Treatise, Locke explains that **the world exists for “the use of the Industrious and Rational”** **who obtain the “greatest Conveniences of Life they were capable to draw from it” by the “Labour [that] was to be his Title to it.”** (original emphasis) It is man’s rational nature as an “intellectual Creature” (TT I.30) that is the source of both the moral ideal (a flourishing life) and the means to that end (value-creating, productive labor). It is not lions, tigers, bears, or other “dangerous and noxious Creatures” (TT II.16) who invented the plough, the mill, and ships. Such **inventions represent the rationally-guided, value-creating, productive labor that serves a flourishing human life in civil society, and this is why Locke highlights them as exemplars of his property theory.** Lockean Theory in Modern American IP Law The genius and success of Anglo-American property law is that it has recognized and applied the central idea from Lockean property theory that property rights secure values, not just physical objects. As James Madison explains in a 1792 essay, property is more than just “a man’s land, or merchandize, or money,” as it has a “larger and juster meaning, [in which] it embraces everything to which a man may attach a value and have a right.”[15] Madison thus concluded that **“a man has a property in his opinions” and even that he has “a property in his rights.”**[16] This explains the hoary metaphor that the law should secure the fruits of one’s labors.[17] Just as with Locke’s “mixing labor” metaphor, the “fruits of one’s labors” is a metaphor that refers to the use and profit that one enjoys from laboring on one’s property. Of course, the idea that property rights secure justly deserved profit from the use of property was not novel to Locke; in 1628, for example, Lord Coke posited the rhetorical question, “What is the land but the profits therefrom?”[18] But Locke’s genius is to give this idea its moral import.  It is also the genius of early American courts that they applied this moral principle in the law. American courts recognized that “property … may be violated without the physical taking of property” following any act that “destroys it or its value.”[19] While there have always been scholars, judges, and even some prominent American Founders who thought otherwise about patents and other IP rights, the dominant approach among American courts was to secure patents, copyrights, and other IP rights as fundamental property rights. As I have explained in my scholarship, for instance, patents were defined as civil rights securing fundamental property rights, and thus identified at the time by the legal term of art, “privilege” (see here). American legislators and courts thus secured property rights in novel and useful inventions, creative works, trademarks, and trade secrets—securing the right to make, use, and profit from the value created by one’s productive (inventive) labors. For the sake of brevity, a few illustrative quotes must suffice. In a patent lawsuit in 1845, an American judge wrote that **“we protect intellectual property, the labors of the mind, productions and interests as much a man’s own, and as much the fruit of his honest industry, as the wheat he cultivates, or the flocks he rears.”**[20] This 1845 judicial opinion appears to be the first use of the phrase “intellectual property” in the official American legal records. In his famous 1826 treatise, Commentaries on American Law, Chancellor James Kent classifies copyrights and patents under the title, “Original Acquisition by Intellectual Labor.” Here, Kent argues for the Lockean principle that **“It is just that [authors and inventors] should enjoy the pecuniary profits resulting from mental as well as bodily labor.”**[21] As 19th century judges were wont to say, the patent laws ensured that an inventor would “enjoy the fruits of his invention.”[22] Even more explicitly invoking the Lockean theory I described earlier, one judge in 1843 explained that it is “difficult to draw a distinction between the fruits of mental and physical labor” and that this is a key reason why the patent laws provide that “a man should be secured in the fruits of his ingenuity and labor.”[23] These are only a few examples from a historical legal record of IP rights that are permeated with references to Lockean theory.[24] But many scholars today reject such evidence as mere “rhetoric.” The conventional wisdom is that, while such sentiments were perhaps widespread given American exceptionalism, they had no real impact in the creation and enforcement of IP rights in actual legal doctrine.[25] This is wrong for several reasons. I cannot address them all in a short essay here, but I will identify a couple to make the case that Lockean theory was determinative in designing novel legal protections for IP rights in the early American Republic. First, as a preliminary matter, my colleague, Eric Claeys, has shown that this critique results in part from foisting on Lockean property theory a deontological framework that is alien to Locke’s ethical and political theory. It was also alien to the American legal actors who understood Lockean theory and implemented it in the law. Thus, this indeterminacy critique is really a strawman attack on Lockean theory. Such deeper philosophical concerns, including a deeper conceptual dispute about what comprises the concept of property itself,[26] are beyond the scope of this essay. Here, it is sufficient to explain that Lockean theory was determinative in designing IP law, and in fact it drove the creation and application of many doctrines that have come to be settled IP law in the United States, at least with respect to legally securing patented innovation. To understand this point, though, one must first understand how legal doctrines are generally construed and applied by courts and other legal actors. As a general matter, the law functions through presumptions that are built into a legal doctrine according to the normative theory that justified the doctrine when it was created. According to Lockean political theory, the law functions by securing the rights to life, liberty, and property, which are limited by the equal protection of other people’s rights or by the rights-holder’s own default on his moral claims. To give a noncontroversial example: Adults have the constitutional right to vote in the United States, unless of course one commits a felony and is currently residing in prison. A right defines the scope of one’s liberty and the law implements this through the default rules and rebuttable presumptions that constitute much of the work of legal analysis. There are too many complexities to show how this works for all IP rights and so this essay will focus on early American patent law. As shown above, many legislatures and judges recognized that patents are property rights in innovation resulting from value-creating, productive labor. Accordingly, this defined the nature of the legal presumptions the courts applied in securing patents to their owners. This is evident in some of the basic doctrinal requirements in patent law. For instance, Lockean theory justifies the uniquely American approach of securing patents to the “first inventor,” which is a presumption that could be rebutted by the inventor’s own actions resulting in a default on his claim to a patent. This default occurs, for instance, when a first inventor publicly uses or sells an invention and thus creates moral interests and reasonable expectations secured under the law to third parties to its ongoing, unfettered use.[27] Furthermore, the doctrinal requirement that patents may issue only for technological innovation that is useful, and not for just abstract ideas, is also justified by Lockean property theory’s basic premise that productive labor creates the useful real-world values that serve a flourishing life.[28] Lastly, Lockean theory justifies the longstanding doctrinal presumption that an inventor is entitled to a patent unless it can be proven that his application fails the various doctrinal requirements for a valid patent (that the invention is novel, useful, and fully disclosed).[29] Beyond these basic doctrinal requirements for obtaining a valid patent, the justification of patents as property rights according to Lockean theory had additional and far-reaching practical effects in the law. It led judges to fashion other crucially important doctrinal presumptions, such as adopting the interpretative canon taken from common law judges’ interpretation of title deeds that patents should be construed liberally in favor of the inventor (we now refer to this as the presumption of validity, which is expressly provided for in the patent statutes).[30]This made sense to early American judges, who legally classified patents as “title” deeds[31] and who further defined patent rights according to concepts from common law property doctrines, such as identifying multiple owners of patents as “tenants in common.”[32] The policy justification that courts should secure to innovators the fruits of their inventive labors was embedded in the conceptualization of patents as property rights in the early American political and legal system. For similar reasons, Lockean theory inexorably led American judges to extend constitutional protections to patents under the Constitution, which directly contrasted with denials of similar protections for monopoly franchise grants. American judges often contrasted American property rights with the franchise grants in inventions in other countries, such as in England.[33] This was a point of difference often highlighted by American judges as to the superior treatment of American innovators—here, inventors received proper protection for the fruits of their inventive labors under the American laws that secured property rights in innovation.[34] Last, and certainly not least, the protection of patents as fundamental property rights justified by Lockean theory led courts to craft the important legal protections for patent owners in alienating their property rights in the marketplace. Courts expressly incorporated into patent law the common law property doctrines securing the right to freely transfer one’s property rights in the marketplace. Courts even adopted the same concepts used to describe such transfers by common law property owners—patent owners transfer their rights via “assignments” or “licenses.”[35] Award-winning economic historians like Zorina Khan and others have shown that this led to an explosion in commercial transactions in the United States, as inventors and capitalists embraced the efficiencies of the division of labor and market specialization.[36] This important economic activity was made possible in part by courts securing patents as property rights, applying Lockean property theory’s normative presumption in favor of private ordering of the marketplace through freedom of contract. The protection of IP rights as property rights under Lockean theory in early American law was not limited to patents, as scholars have shown for trademark and copyright.[37] It is undeniable that there were judges and even some Founders, such as Thomas Jefferson, who believed that IP rights were special grants of monopoly privileges. But their views were absent when courts crafted the key legal doctrines that defined American IP rights and secured these property rights against widely reviled “pirates.”[38] The intellectual history of IP rights, at least from the 18th century onward, is one in which the legal doctrines securing patents, copyrights, and trademarks were conceived as property rights and applied in real-world cases under the guidance of Lockean property theory. As Circuit Justice Bushrod Washington explained in 1817: **patent infringement is “an unlawful invasion of property.”**[39]

**Prefer the mixing theory of labor as the theory by which we determine who has a right to a thing. a) you have no theory of property which makes it impossible to argue about who is owed what. b) if you mixed your labor with something to create an idea, it means taking that idea takes your labor which is coercive. c) simplicity: it's the easiest to use because all you have to think about is “did I mix my work, with something in reality”.**

**2. Taking back patents after companies developed drugs in return for them, is an instance of promise breaking.**

**Vaccine patents aren’t the problem and waiving them would be disastrous.**

**Miron,** Jeffrey. "Waiving Covid-19 Vaccine Patents Would Be Disastrous." *Market Watch*, 19 May 20**21**, www.marketwatch.com/story/waiving-covid-19-vaccine-patents-would-be-disastrous-11621430167. Accessed 21 Sept. 2021.

In a widely anticipated move, the Biden administration has [announced](https://www.reuters.com/business/healthcare-pharmaceuticals/biden-says-plans-back-wto-waiver-vaccines-2021-05-05) that it would support a patent waiver for COVID-19 vaccines at the World Trade Organization. Advocates claimed this would increase vaccine production and equalize access. WTO negotiations [are expected to last](https://www.reuters.com/world/china/vaccine-ip-waiver-could-take-months-wto-negotiate-experts-2021-05-06), at a minimum, a month or two. Decisions require consensus of all 164 member-states, and getting there seems [unlikely](https://www.bbc.com/news/world-europe-57013096) for the moment. This is fortuitous; a patent waiver would fail to achieve its stated goals while risking harmful long-term effects. The standard argument for government patent protection, which normally grants the owner monopoly use of the innovation for [20 years](https://www.wipo.int/patents/en/faq_patents.html#:~:text=How%20long%20does%20patent%20protection,filing%20date%20of%20the%20application.), is that a temporary, government-protected monopoly is crucial to incentivizing innovation. **Development costs for new medicines or vaccines often run into** [**the**](https://www.policymed.com/2014/12/a-tough-road-cost-to-develop-one-new-drug-is-26-billion-approval-rate-for-drugs-entering-clinical-de.html)[**billions**](https://jamanetwork.com/journals/jama/fullarticle/2762311)**,** yet the products often cost only [pennies per dose](https://gh.bmj.com/content/3/1/e000571) to manufacture once the right formula exists. **Absent patent protection,** therefore, **reverse engineering of a new drug or vaccine might allow in low-price competitors, so the innovating firm cannot recoup its development costs.** Then much of this innovation might not occur in the first place. This justification for government-enforced patents is reasonable, but it is not the whole story. Patent protections can sometimes hinder innovation because old ideas are inputs to new ones. Innovators can earn some financial return without patents, using first-mover advantages or secrecy. And the evidence about whether intellectual property (IP) protection promotes innovation is [mixed](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2180847). Reasonable people can therefore discuss whether, going forward, government IP protection should be as strong or as widespread as it is currently; [weaker](https://www.aeaweb.org/articles?id=10.1257/aer.102.1.396) or [different](https://press.princeton.edu/books/hardcover/9780691647449/industrialization-without-national-patents) [systems](https://www.jstor.org/stable/10.1086/663631?seq=1) might indeed [be better](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2180847). **Pharmaceutical companies operate in a heavily regulated sector with enormous research costs,** whereas restaurants face milder regulation coupled with lower product-development costs. Perhaps it makes sense that drugs be patentable, but not recipes. **But stripping away IP protection from the current holders of COVID-19 vaccines patents is deeply misguided. Pharmaceutical companies have created a product of astronomical value.** [One estimate](https://science.sciencemag.org/content/371/6534/1107) suggests 3 billion vaccine courses in 2021 would generate a global benefit of $17.4 trillion, or over $5,800 per course. **Ex-post appropriation of existing patents signals** both domestically and abroad **that the U.S. government puts political expedience before the rule of law.** This sets a terrible precedent. **Imagine if governments demanded repayment of Social Security benefits because deficits are getting large or reversed antitrust-approved mergers because key political supporters opposed them. Society cannot function unless individuals and organizations can rely on previously settled deals.** [Some](https://www.nytimes.com/2021/03/24/opinion/coronavirus-vaccine-cost-pfizer-moderna.html) believe the U.S. government is entitled to the IP benefits of COVID-related research because it played a major funding role both directly and indirectly. Operation Warp Speed indeed spent $12.4 billion by December 2020, but [almost half](https://time.com/5921360/operation-warp-speed-vaccine-spending) was entirely on manufacturing, with the other half not differentiating between manufacturing and development. Pfizer [PFE, -0.63%](https://www.marketwatch.com/investing/stock/PFE?mod=MW_story_quote), for example, took no government money for its vaccine research. Indirectly, [National Institutes of Health (NIH)-funded](https://www.statnews.com/2021/01/05/basic-research-paved-way-for-warp-speed-covid-19-vaccines) basic research has helped our understanding of mRNA mechanisms. But successful vaccine products took decades of large, risky research by [private companies like Moderna](https://www.statnews.com/2021/04/05/thank-private-risk-taking-not-public-funding-for-covid-19-vaccines-therapies) [MRNA, +2.53%](https://www.marketwatch.com/investing/stock/MRNA?mod=MW_story_quote). All this discussion, moreover, misses a fundamental point. When government decided to fund companies through Operation Warp Speed or research through the NIH, it did not do so with the caveat that companies would have to forego IP rights in the future. If this had been clear from the outset, it would be defensible for government to claim the right to waive patents now. But had the companies known, they might not have taken the money or conducted the research in the first place. Further, the waiver is not likely to achieve the goals of increased production in the short term. [Many](https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive) [experts](https://blogs.sciencemag.org/pipeline/archives/2021/05/06/waiving-ip) [have](https://endpts.com/as-fears-mount-over-jj-and-astrazeneca-novavax-enters-a-shaky-spotlight) stressed that IP is not the hurdle keeping production from increasing in the near future. [AstraZeneca](https://www.astrazeneca.com/what-science-can-do/topics/technologies/pushing-boundaries-to-deliver-covid-19-vaccine-accross-the-globe.html)  [AZN, +1.08%](https://www.marketwatch.com/investing/stock/AZN?mod=MW_story_quote) [AZN, +1.76%](https://www.marketwatch.com/investing/stock/AZN?countryCode=UK&mod=MW_story_quote) has licensed production to 15 countries and 25 manufacturing sites and [Moderna](https://investors.modernatx.com/news-releases/news-release-details/statement-moderna-intellectual-property-matters-during-covid-19) stated it would not enforce its COVID-19 related patents during the pandemic. Instead, [manufacturing component](https://www.news18.com/news/opinion/single-use-plastic-bioreactor-bags-to-filters-why-india-needs-them-from-us-for-covid-vaccines-3681092.html)s and [raw materials](https://www.theatlantic.com/science/archive/2020/10/single-tree-species-may-hold-key-coronavirus-vaccine/616792) are the relevant bottlenecks. Finally, even if patents were an obstacle to increased production, an alternative for producing more vaccines exists: pay for them. Governments could buy patents, or doses, from pharmaceutical companies and donate them around the world. Such buyouts have the same upsides as waivers, but without risking long-term vaccine innovation. The rule of law could live to see another day.

**This impacts back to your framework because a) government’s used companies as a means to their end of getting the vaccine and b) breaking promises isn’t universalizable without contradiction, since to break promises they have to have standing but if everyone just broke promises they wouldn’t exist anymore to break since a promise implies trust.**

**3. Copying other people’s formulas isn’t universalizable without contradiction. The resolution is a question of whether or not people should be allowed to replicate medicines that other people came up with and created. This isn’t universalizable without contradiction since if everyone just copied some other person there would be no original and copying would be impossible. Outweighs, Means patents don’t hinder anything because it's incoherent to have a right to copy. There can be no disadvantage to patents given that intrinsic to what they are is just you can not have your invention copied.**