1NC

Framework

Psychological evidence proves we don't identify with our future selves.

Opar 14. [Alisa Opar (articles editor at Audubon magazine; cites Hal Hershfield, an assistant professor at New York University's Stern School of Business; and Emily Pronin, a psychologist at Princeton) "Why We Procrastinate" Nautilus January 2014]

"The British philosopher Derek Parfit espoused a severely reductionist view of personal identity in his seminal book, Reasons and Persons: It does not exist, at least not in the way we usually consider it. We humans, Parfit argued, are not a consistent identity moving through time, but a chain of successive selves, each tangentially linked to, and yet distinct from, the previous and subsequent ones. The boy who begins to smoke despite knowing that he may suffer from the habit decades later should not be judged harshly: "This boy does not identify with his future self," Parfit wrote. "His attitude towards this future self is in some ways like his attitude to other people." Parfit's view was controversial even among philosophers. But psychologists are beginning to understand that it may accurately describe our attitudes towards our own decision-making: It turns out that **we see our future selves as strangers.** Though we will inevitably share their fates, the people we will become in a decade, quarter century, or more, are unknown to us. This impedes our ability to make good choices on their—which of course is our own—behalf. That bright, shiny New Year's resolution? If you feel perfectly justified in breaking it, it may be because it feels like it was a promise someone else made. "It's kind of a weird notion," says Hal Hershfield, an assistant professor at New York University's Stern School of Business. "On a psychological and emotional level **we really consider that future self as if it's another person." Using MRI, Hershfield and colleagues studied brain activity changes when people imagine their future and consider their present. They homed in on two areas** of the brain called the medial prefrontal cortex and the rostral anterior cingulate cortex, which are **more active when a subject thinks about himself than when he thinks of someone else. They found these same areas were more strongly activated when subjects thought of themselves today, than of themselves in the future. Their future self "felt" like somebody else. In fact, their neural activity when they described themselves in a decade was similar to that when they described Matt Damon** or Natalie Portman. And subjects whose brain activity changed the most when they spoke about their future selves were the least likely to favor large long-term financial gains over small immediate ones. Emily Pronin, a psychologist at Princeton, has come to similar conclusions in her research. In a 2008 study, Pronin and her team told college students that they were taking part in an experiment on disgust that required drinking a concoction made of ketchup and soy sauce. The more they, their future selves, or other students consumed, they were told, the greater the benefit to science. Students who were told they'd have to down the distasteful quaff that day committed to consuming two tablespoons. But those that were committing their future selves (the following semester) or other students to participate agreed to guzzle an average of half a cup. We think of our future selves, says Pronin, like we think of others: in the third person.

This means util is the only coherent moral theory. A. Since there are not continuous persons, distribution of goods among people is irrelevant, so we just maximize benefits among people. B. It is impossible to violate a constraint since identity is in constant flux. Anything such as a promise a made a year ago is no long my promise, etc.

And

All humans have an intrinsic desire to preserve wellbeing and minimize pain.

Nagel '86. [Thomas Nagel 86, The View From Nowhere, HUP, 1986: 156-168].

I shall defend the unsurprising claim that sensory **pleasure is good and pain [is] bad,** no matter whose they are. The point of the exercise is to see how the pressures of objectification operate in a simple case. Physical pleasure and pain do not usually depend on activities or desires which themselves raise questions of justification and value. **They are** just [is a] **sensory experiences in** relation tO **which** we are fairly passive, but toward which **we feel involuntary desire or aversion.** Almost

everyone takes the avoidance of his [her] own **pain and the promotion of** his [her] own **pleasure as** subjective **reasons for action** in a fairly simple way; **they are not back[ed] up by any further reasons**. On the other hand if someone pursues pain or avoids pleasure, either it as a means to some end or it is backed up by dark reasons like guilt or sexual masochism. What sort of general value, if any, ought to be assigned to pleasure and pain when we consider these facts from an objective standpoint? What kind of judgment can we reasonably make about these things when we view them in abstraction from who we are? We can begin by asking why there is no plausibility in the zero position, that pleasure and pain have no value of any kind that can be objectively recognized. That would mean that I have no reason to take aspirin for a severe headache, however I may in fact be motivated; and that looking at it from outside, you couldn't even say that someone had a reason not to put his hand on a hot stove, just because of the pain. Try looking at it from the outside and see whether you can manage to withhold that judgment. If the idea of objective practical reason makes any sense at all, so that there is some judgment to withhold, it does not seem possible. If the general arguments against the reality of objective reasons are no good, then it is at least possible that **I have a reason,** and not just an inclination**, to refrain from putting my hand on a hot stove.** But given the possibility, it seems meaningless to deny that this is so. Oddly enough, however, we can think of a story that would go with such a denial. It might be suggested that the aversion to pain is a useful phobia—having nothing to do with the intrinsic undesirability of pain itself—which helps us avoid or escape the injuries that are signaled by pain. (The same type of purely instrumental value might be ascribed to sensory pleasure: the pleasures of food, drink, and sex might be regarded as having no value in themselves, though our natural attraction to them assists survival and reproduction.) There would then be nothing wrong with pain in itself, and someone who was never motivated deliberately to do anything just because he knew it would reduce or avoid pain would have nothing the matter with him. [S]He would still **[People] have involuntary avoidance reactions**, otherwise it would be hard to say that [s]he felt pain at all. And [s]he would be motivated to reduce pain for other reasons—because it was an effective way to avoid the danger being signaled, or because interfered with some physical or mental activity that was important to him [or her]. He just wouldn't regard the pain as itself something he had any reason to avoid, even though he hated the feeling just as much as the rest of us.

And

Only pleasure and pain are intrinsically valuable – all other values can be explained with reference to pleasure.

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 **tend**ency **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

Thus, the value is morality, and the standard and role of the ballot is maximizing social welfare. Prefer additionally because:

1) Hijacks Other Frameworks: Threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis, so stopping death is a prerequisite to other frameworks.

2) Degrees of Wrongness: Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first. Intuitions outweigh—they're the foundational basis for any argument.

Definitions

"Intellectual Property" is defined as "a work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc." by Oxford Languages.

"Reduce" is defined as "to make something less in size, amount, degree, importance, or price" by Cambridge.

"Medicines" is defined as "a substance, especially in the form of a liquid or a pill, that is a treatment for illness or injury" by Cambridge.

Donation Counterplan

Inherency:

Developing countries are currently struggling to gain access to medicines.

Hoen 03 [slidelegend, 6-25-2003, "TRIPS, Pharmaceutical Patents and Access to Essential Medicines ...," https://slidelegend.com/trips-pharmaceutical-patents-and-access-to-essential-medicines-_59bf69b21723dd5242bdfba6.html]

Infectious diseases kill over 10 million people each year, more than 90% of whom are in the developing world [1]. The leading causes of illness and death in Africa, Asia, and South America-regions that account for four-fifths of the world's population – are HIV/AIDS, respiratory infections, malaria, and tuberculosis. In particular, the magnitude of the AIDS crisis has drawn attention to the fact that millions of **people in the developing world**

do not have access to the medicines that are needed to treat disease or alleviate suffering.

Plan Text:

CP: When the distribution of drugs is needed, they should be bought and then donated.

Solvency:

When drugs or medicines need to be distributed on a wider scale, instead of reducing IP protections, they can be bought and then donated.

U.S. government buys millions of vaccines to donate to other countries.

Dunleavy 21 [About The, 6-9-2021, "Pfizer sells 500M coronavirus vaccine doses to U.S. for donation to needy countries," FiercePharma, https://www.fiercepharma.com/pharma/u-s-will-purchase-500-million-pfizer-covid-19-vaccine-doses-to-distribute-to-needy-countries]

Early Thursday, **Pfizer and BioNTech confirmed the sale of 500 million doses of their COVID-19 vaccine to the U.S. government at a not-for-profit price. The companies will provide 200 million doses this year and 300 million next year, and the U.S. will donate the doses to around 100 low- and middle-income countries.** It's not just Pfizer vaccine doses the U.S. government is donating. **In April, Biden pledged to donate 60 million unused doses of the AstraZeneca vaccine. And a week ago, Biden released a worldwide vaccine sharing plan which included the donation of 80 million doses of an unnamed vaccine by the end of June.** In response to an email, another COVID-19 vaccine producer, **Moderna, said it was "interested in the possibility of partnering with the U.S. government to potentially provide additional doses" of its shot "to help address the pandemic in low- and middle-income countries."**

The Canadian government to donate 18 million vaccines to the developing world, plus another 100 million doses coming later.

Zimonjic 2021 [Peter Zimonjic · Cbc News · Posted, 7-12-2021, "Canada to donate almost 18 million surplus AstraZeneca vaccine doses," CBC, https://www.cbc.ca/news/politics/covax-donations-astrazeneca-surplus-1.6099072]

Canada is donating 17.7 million doses of the AstraZeneca coronavirus vaccine to help inoculate people in low- and middle-income countries, federal ministers announced Monday. The program pools funds from

wealthier countries to buy vaccines for those countries and ensure that low- and middle-income countries have access to vaccines as well. **This new donation is on top of the $440 million the federal government already has committed to COVAX.** International Development Minister Karina Gould and Procurement Minister Anita Anand said **the doses are a part of the federal government's advance purchase agreement with the company and would be distributed through COVAX. Last month, at the close of the G7 summit in Cornwall, England, G7 leaders announced a collective agreement to provide more than two billion doses of COVID-19 vaccines to the developing world.** Canada's share of that commitment was 100 million doses. **Gould told reporters in Ottawa Monday that the 17.7 million AstraZeneca doses being donated through COVAX will be in addition to that 100 million dose commitment.**

Vaccine distribution attempts are working right now, and the distribution of medicines have saved many lives in the past.

UNICEF 21 [Gavi, The, xx-xx-xxxx, "COVAX: ensuring global equitable access to COVID-19 vaccines," No Publication, https://www.unicef.org/supply/covax-ensuring-global-equitable-access-covid-19-vaccines]

Through the COVAX Facility – led by Gavi, the Vaccine Alliance, WHO and CEPI – UNICEF is working with manufacturers and partners on the procurement of COVID-19 vaccine doses, as well as freight, logistics and storage. In collaboration with the PAHO Revolving Fund, we are **leading the procurement and delivery for 92 low- and lower middle-income countries** while also supporting procurement for more than 97 upper middle-income and high-income nations. **Together, these represent more than four-fifths of the world's population. UNICEF is also procuring and transporting immunization supplies such as syringes, safety boxes for their disposal, and cold chain equipment such as vaccine refrigerators. As the largest single vaccine buyer in the world,** UNICEF has a unique and longstanding expertise in procurement and logistics to help children in need. **UNICEF procures more than 2 billion doses of vaccines annually for routine immunization and outbreak response on behalf of nearly 100 countries.** We are the main procurement partner of Gavi, the Vaccine Alliance and have **helped reach more than 760 million children with life-saving vaccines over the last 20 years, preventing more than 13 million deaths.**

If donating medicines and drugs to other countries solves for the lack of access, then there's no need to get rid of IP protections, and with it, it's many benefits.

Contention 1- Lack of Innovation

Patents lead to innovation.

Joseph 11 [Professor of Human Rights Law, and the Director of the Castan Centre for Human Rights Law at Monash University, Sarah, "Blame it on the WTO?"]

http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199565894.001.0001/acprof-9780199565894-chapter-8#acprof 9780199565894-note-1350

IP protection restricts trade and competition, so IP clauses are somewhat anomalous in trade agreements, which are normally designed to decrease trade barriers. What is the justification for IP protection?44 Due to their relevance to this chapter, I will concentrate on arguments in favour of patents.45 **Patents reward people for their inventions**, thus **encouraging creativity and innovation. Patents operate on the assumption that people are not inherently altruistic, and expect rewards for their endeavours**, **especially when those** endeavours **are risky as they may, and often do, result in costly failure**.46 Furthermore, **the money raised from patent protection is** said to be **necessary to fund the considerable costs of research and development (R&D).**47 **Therefore, without patents, innovation in the pharmaceutical field** (or any industrial field) **might grind to a standstill. While it is true that the high prices generated by patent protection may render access to drugs selective**, (p.221) **it is nevertheless better that a drug is available to some rather than non-existent and available to no one. The global extension of patent law mandated by TRIPS helps to ensure that patents are not undermined by the sale of competing pirated copies. Furthermore, global IP regimes should theoretically encourage greater technology transfer** between countries, greater foreign direct investment, and **greater local innovation** within compliant states.48 **All of these outcomes should accelerate the economic development of poor countries, with positive knock-on effects for human rights.** Thus, perhaps it is arguable that **pharmaceutical patents are justifiable under international human rights law, as they promote R&D which is essential for the future enhancement of rights to life and health.** Furthermore, to the extent that they are held by natural persons, they are one way of protecting that person's rights under Article 15(1)(c) of the ICESCR.

IP attracts investment, it's crucial for innnovation.

Simon 20 [(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

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.22

Intellectual property protections promote innovation, tens of thousands of studies prove.

Lybecker 14 [Kristina Lybecker, prof of economics at Colorado College.] "How to Promote Innovation: The Economics of Incentives" 21 July 2014 (https://www.ipwatchdog.com/2014/07/21/promote-innovation-the-economics-of-incentives/id=50428/]

Empirical evidence from economic studies confirms that patents provide the incentives that promote innovation and the impact is particularly pronounced in some sectors. Incentives matter. This claim is bolstered by tens of thousands of empirical economic studies, and not one that convincingly refutes it.

India Proves: Weak IPR Stifles Innovation.

Lewis 08 [Lewis, James. CSIS Technology and Public Policy Program. https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/080802_LewisIntellectualProperty_Web.pdf]

India may be an example of a country with such long-term costs. **Until recently, India's economic policies,** including some elements of IP law and policy, **were focused on approaches that sought to avoid foreign monopolies,** particularly in drugs and medicines.
[Stated] Manufacturing methods could be patented but the products could not. This policy allowed extensive copying, and 20 years after the passage of the 1970 Patent Act, India had one of the largest generic drug industries in the world. Despite this situation, and despite an exceptionally strong scientific base, Indian companies did not create a single new drug during the decades of weak IP rights. Weak IPR produced a stagnant industry.

Action Needed Now

Lander 21 [Eric Lander, President Biden's Science Advisory and Director of the White House Office of Science and Technology Policy) "Opinion: As bad as Covid-19 has been, a future pandemic could be even worse—unless we act now" 8/4/21, The Washington Post] RM

Coronavirus vaccines can end the current pandemic if enough people choose to protect themselves and their loved ones by getting vaccinated. But in the years to come, we will still need to defend against a pandemic side effect: collective amnesia. **As publichealth emergencies recede, societies often quickly forget their**

experiences — and fail to prepare for future challenges. For pandemics, such a course would be disastrous. **New infectious diseases have been emerging at an accelerating pace,** and they are spreading faster. Our federal government is responsible for defending the United States against future threats. That's why President Biden has asked Congress to fund his plan to build on current scientific progress to keep new i nfectious-disease threats from turning into pandemics like covid-19. As the president's science adviser, I know what's becoming possible. For the first time in our history, we **have an opportunity not just to refill our stockpiles but also to transform our capabilities.**

However, **if we don't start preparing now for future pandemics, the window for action will close.** Covid-19 has been a catastrophe: The toll in the United States alone is more than 614,000 lives and has been estimated to exceed $16 trillion, with disproportionate impact on vulnerable and marginalized communities. But a future pandemic could be even worse — unless we take steps now. **It's important to remember that the virus behind covid-19 is far less deadly than the 1918 influenza.** The virus also belongs to a well-understood family, coronaviruses. **It was possible to design vaccines within days of knowing the virus's genetic code because 20 years of basic scientific research had revealed which protein to target and how to stabilize it.** And while the current virus spins off variants, its mutation rate is slower than that of most viruses. **Unfortunately, most of the 26 families of viruses that infect humans are less well understood or harder to control.** We have a great deal of work still ahead. The development of mRNA vaccine technology— thanks to more than a decade of foresighted basic research — was a game-changer. It shortened the time needed to design and test vaccines to less than a year — far faster than for any previous vaccine. And it's been surprisingly effective against covid-19. Still, there's much more to do. **We don't yet know how mRNA vaccines will perform against other viruses down the road.** And **when the next pandemic breaks out, we'll want to be able to respond even faster.** Fortunately, the scientific community has been developing a bold plan to keep future viruses from becoming pandemics. Here are a few of the goals **we should shoot for: The capability to design, test and approve safe and effective vaccines** within 100 days of detecting a pandemic threat (for covid-19, that would have meant May 2020); manufacture enough doses **to supply the world within 200 days; and speed vaccination campaigns** by replacing sterile injections with skin patches. Diagnostics simple and cheap enough for daily home testing to limit spread and target medical care. Early-warning systems to spot new biological threats anywhere in the world soon after they emerge and monitor them thereafter. **We desperately need to strengthen our public health system** — from expanding the workforce to modernizing labs and data systems — including to ensure that vulnerable populations are protected. And we need to coordinate actions with our international partners, because pandemics know no borders. **These goals are ambitious, but they're feasible** — provided the work is managed with the seriousness, focus and accountability of NASA's Apollo Program, which sent humans to the moon. Importantly, these capabilities won't just prepare us for future pandemics; they'll also improve public health and medical care for infectious diseases today. Preparing for threats is a core national responsibility. That's why our government invests heavily in missile defense and counterterrorism. We need to similarly protect the nation against biological threats, which range from the ongoing risk of pandemics to the possibility of deliberate use of bioweapons. **Pandemics cause massive death and disruption. From a financial standpoint, they're also astronomically expensive.** If, as might be expected from history and current trends, we suffered a pandemic of the current scale every two decades, the annualized cost would exceed $500 billion per year. Investing a much smaller amount to avert this toll is an economic and moral imperative. The White House will put forward a detailed plan this month to ensure that the United States can fully prepare before the next outbreak. **It's hard to imagine a higher economic or human return on national investment.**

Contention 2- IP Protections Prevent Counterfeit Medicine

IP Protections help reduce the sale of counterfeit medicines.

FIFARMA 21 [FIFARMA, xx-xx-xxxx, "This is how we fight counterfeit medicines with Intellectual Property," https://fifarma.org/en/this-is-how-we-fight-counterfeit-medicines-with-intellectual-property/]

Why does this relationship occur? **Counterfeit medicines are more present where there is less strict regulatory control, where there is a lack of basic medicines, where there are unregulated supply chains, where medicines are priced very differently in the market, where intellectual property is not protected, and where no attention is paid to quality assurance.** In addition to functioning as a tool to maintain constant innovation in the industry, **IP helps reducing counterfeit medicines because medicines have better technologies and ingredients are more difficult to copy. This means that, through market incentives, the industry manages to have high quality infrastructure, new technology and trained personnel, to create specialized and specific medicines and therapies, which is why they are difficult to replicate.** On the other hand, political will functions as another important axis, as it must prosecute those who are making counterfeit medicines. This is achieved through a constant conversation between industry and governments. Therefore, it will be absolutely clear how to identify the authenticity of medicines. **In short, IP allows quality standards to be clearer and stricter, and regulators to have greater knowledge and traceability of each product that enters the market. Through IP, you can establish a record of all products globally, which makes it easier to find possible counterfeit medicines. Also, IP helps to combat counterfeit medicines internationally, since there are laws that cover all member countries of the United Nations and punish more severely those who commit this crime. Likewise, these laws provide countries with the necessary mechanisms to take concrete action once a counterfeit medicine is discovered.** This, of course, must go hand in hand with the political will of each country, because only with collaboration between different actors will it be possible to prosecute the entire chain of counterfeit medicines. **Plus, IP owners can receive electronic notifications worldwide more quickly and can take direct communication actions. In a nutshell, IP allows the industry to show the public almost immediately that there is a counterfeit medicine in a country or that a website is selling counterfeit medicines.** This is because legally infringing a product protected by IP allows action to be taken to prosecute the counterfeit products. This is especially important for those consumers or small organizations that do not have access to information like a hospital or public health center has. However, it is necessary to involve other actors of the health system so that information about counterfeit medicines reaches remote regions or places, which do not have an internet connection. On the other hand, thanks to IP, the industry is creating specialized safety technology in order for each country to easily identify a drug that comes with a brand but does not belong to that brand. The industry has also used mobile laboratories to test samples of suspected medicines and report them quickly to the value chain. Thus, technology is becoming an important element in fighting this problem.

Without proper IP protections, counterfeiting of drugs increases.

Acri 16 [Kristina M. L. Acri NéE Lybecker, 6-27-2016, "Counterfeit Medicines and the Role of IP in Patient Safety," IPWatchdog, https://www.ipwatchdog.com/2016/06/27/counterfeit-medicines-ip-patient-safety/id=70397/]

"The Organization for Economic Co-Operation and Development (OECD) recently released a study that shows that counterfeit products accounted for up to 2.5 percent of world trade, or $461 billion, in 2013. This is a dramatic increase from a 2008 estimate that showed that fake products accounted for less than

half that amount. **Counterfeits are a worldwide problem, but the OECD estimates that the United States is the hardest hit, followed by Italy and France. Of the estimated $461 billion in counterfeit trade in 2013, goods with registered intellectual property rights in the U.S. represented 20 percent, or $92 billion, of the OECD estimate."[**1] As the author of the chapter on illicit trade in counterfeit medicines within the OECD report, I worry that global policymakers may be working against each other when it comes to battling counterfeit drugs, especially in the context of intellectual property rights. **While the Senate Hearing and the OECD report highlight the importance of strong IP protection in combating the growing threat of counterfeit goods, their efforts coincide with an initiative by the UN Secretary-General that has the potential to greatly worsen the problems of counterfeit pharmaceuticals. UN Secretary General Ban Ki Moon's High Level Panel on Access to Medicines proposes "to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies."[2] The High Level Panel is a thinly veiled attempt to undermine the intellectual property rights architecture that incentivizes pharmaceutical innovation and protects patients from counterfeit medicines.**

Counterfeit medicines harm public health.

Miller 20 [Pacific Research Institute, 10-13-2020, "New Brief: Counterfeit Drugs Harm Patients, Economy, Innovation; Drug Importation or Price Controls Would Make Problem Worse," No Publication, https://www.prnewswire.com/news-releases/new-brief-counterfeit-drugs-harm-patients-economy-innovation-drug-importation-or-price-controls-would-make-problem-worse-301150473.html]

If counterfeit drugs are ineffective because they lack active ingredients, or contain substandard amounts, patients are being misled about receiving safe and effective treatments and will continue to suffer from the health risks of their sickness or disease. When these patients are relying on the drugs to treat lifethreatening diseases such as cancer, **the lack of efficacy of the drugs can directly lead to a patient's death or greater disability.** Unfortunately, the increased mortality risk also extends to patients taking medicines that address more common health issues. During the H1N1 flu epidemic of 2010, the FDA warned consumers about a potentially harmful counterfeit of an anti-flu drug, Tamiflu, that could have been a killer in two respects: It lacked the flu-preventing and modulating medicine (oseltamivir), and it contained an antibiotic similar to penicillin that can be lethal to people who are allergic to it. Another example from 2010 was counterfeits of the weight-loss drug Alli. These counterfeits, sold over the Internet but containing none of the active ingredient in the real drug, contained sibutramine, the prescription-strength weight-loss drug Meridia, which has since been removed from the U.S. market because of concerns about the drug's cardiac side effects. **From a global perspective, the Organization for Economic Cooperation and Development (OECD) documented that counterfeit pneumonia drugs cause the death of between 72,000 and 169,000 children annually, and fake anti-malarial drugs cause 116,000 deaths annually.**19 In March 2016, law enforcement officers in Lorain County, Ohio, seized 500 pills that visually appeared to be oxycodone. The pills were blue and had 'A 215' markings, consistent with 30 milligram oxycodone pills. **Laboratory analysis indicated that the pills did not contain oxycodone, but were instead the research chemical U-47700. U-47700 is an unscheduled synthetic opioid not studied for human use that has caused at least 17 overdoses and several deaths in the United States.** There are also broader public health risks created by the counterfeit medicine problem.

Counterfeit medicines thwart the efforts of the public health community to control infectious diseases like Covid-19 and can worsen current public health crises like the problem of bacteria developing anti-microbial resistance (AMR), which is a large and growing public health threat.22 According to the Centers for Disease Control and Prevention (CDC), there are "more than 2.8 million antibiotic-resistant infections in the U.S. each year, and more than 35,000 people die as a result."23

Counterfeit medicines are bad for the economy.

Miller 20 2 [Pacific Research Institute, 10-13-2020, "New Brief: Counterfeit Drugs Harm Patients, Economy, Innovation; Drug Importation or Price Controls Would Make Problem Worse," No Publication, https://www.prnewswire.com/news-releases/new-brief-counterfeit-drugs-harm-patients-economy-innovation-drug-importation-or-price-controls-would-make-problem-worse-301150473.html]

Beyond the impact on health, counterfeit medicines impose large economic costs. The amount of these adverse economic consequences depends on the size of the counterfeit drug market. While its clandestine nature makes it difficult to precisely measure these activities, according to the studies by O'Hagan and Garlington (2018) and the WHO (cited above in the section Counterfeit medicines are a large and growing problem) the total global sales value of counterfeit drugs could be between $200 billion and $431 billion, respectively. Such a large counterfeit market imposes exceptionally high economic costs on pharmaceutical innovation, economic activity, jobs, and government tax revenues. To provide a sense of these costs, and accounting for the uncertainty surrounding these estimates, this section estimates the economic costs from the counterfeit drug market based on four scenarios to account for the size of the global counterfeit drug market: $100 billion, $200 billion, $300 billion, and $431 billion. These scenarios demonstrate that even if the size of the counterfeit drug market is one-half the smaller estimate by O'Hagan and Garlington (2018), it still imposes huge costs on patients and the broader economy.

Refute Cards mentioned in round:

The Trade Secrets Directive was supposed to be implemented by 2016, but instead of doing that, Germany decided to make their own Draft of protecting

Trade Secrets and implement the Directive in such a way that it was minimalized.

MoFo 18 [No Author, 5-15-2018, " Update on the Implementation of the EU Trade Secrets Directive into German Law," No Publication, https://www.mofo.com/resources/insights/180505-eu-directive.html]

While some Member States, e.g., Denmark and Sweden, have already changed their laws in accordance with the TSD, the German Federal Ministry of Justice and Consumer Protection (Bundesministerium für Justiz und Verbraucherschutz, BMJV) has long remained silent on the status of implementation of the TSD into German law. However, at the beginning of April 2018, an internal pre-version of the ministerial draft (Referentenentwurf) was leaked. Shortly thereafter, on April 19, 2018, the BMJV **published the official draft** (with only slight variations to the leaked draft) of the German Act on the Protection of Trade Secrets (Gesetz zum Schutz von Geschäftsgeheimnissen) (the "Draft"). **The acquisition, use, or disclosure of a trade secret is considered lawful** to the extent that such acquisition, use, or disclosure is allowed by law or contract. With regard to a lawful acquisition, the Draft provides the following examples: (i) independent discovery or creation, (ii) reverse engineering, and **(iii) exercise of the right of workers or workers' representatives to information, consultation, and participation.** Just recently, on April 23, 2018, the **European Commission published its Proposal for a Directive on the protection of persons reporting on breaches of Union law, COM(2018) 218 final** (hereinafter **the "Whistleblower Directive").** This is an early-stage project of the European Commission, and it is unclear if and in what form such a directive will be enacted. However, according to the Whistleblower Directive, private legal entities with 50 or more employees or an annual turnover of EUR 10 million or more as well as legal entities operating in the financial services are obliged to establish internal channels and procedures for reporting and follow-up of reports. This internal reporting procedure is followed by an external reporting procedure.

Instead of diminishing trade secret laws, we can mimic Germany and the European Commission to increase whistleblower protections, without harming the innovation.

Trade secrets increase innovation and protect nonpatentable innovations.

Johnson 18

[Ian Johnson, 4-16-2018, "Trade secrets: Protecting innovation and building value," No Publication, https://www.cpaglobal.com/blog/trade-secrets-protecting-innovation-and-building-value]

Trade secrets may concern inventions or manufacturing processes that do not meet patentability criteria. An example could be a customer list or a manufacturing process that is not sufficiently inventive to be granted a patent. Companies build value with trade secrets beyond protecting innovation. **Competitive advantages realised through a trade secret can result in increased sales of products and services**, the ability to charge a premium price, **increased market share and reduced costs**. A trade secret owner might even consider licensing or selling a trade secret to generate investment returns.

European Parliament 19 [No Author, xx-xx-xxxx, "Protecting whistle-blowers: new EU-wide rules approved," No Publication, https://www.europarl.europa.eu/news/en/press-room/20190410IPR37529/protecting-whistle-blowers-new-eu-wide-rules-approved]

Those disclosing information acquired in a work-related context, on illegal or harmful activities, will be better protected, under new EU rules approved on Tuesday. The new rules, adopted with 591 votes in favour, 29

against and 33 abstentions and already agreed with EU ministers, lay down new, EU-wide standards to protect whistle-blowers revealing breaches of EU law in a wide range of areas including public procurement, financial services, money laundering, product and transport safety, nuclear safety, public health, consumer and data protection. The rapporteur Virginie Rozière (S&D, FR) said: "Recent scandals such as LuxLeaks, Panama Papers and Football leaks have helped to shine a light on the great precariousness that whistle-blowers suffer today. On the eve of European elections, Parliament has come together to send a strong signal that it has heard the concerns of its citizens, and pushed for robust rules guaranteeing their safety and that of those persons who choose to speak out". **The law now needs to be approved by EU ministers. Member states will then have two years to comply with the rules.**