#### **Framework**

#### **I negate the resolution:**

**The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.**

#### **My value is Util**

#### **Util is the only moral system available to policymakers.**

**Goodin 95’** Robert E. Goodin 95 professor of government at the University of Essex, and professor of philosophy and social and political theory at Australian National University, “Utilitarianism as a Public Philosophy”, Cambridge Studies in Philosophy and Public Policy, May 1995 HSLA//SC  
Consider, first, the argument from necessity. **Public officials** are obliged to **make their choices under uncertainty,** and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. **Public officials**, in contrast, **are** relatively **poorly informed as to the effects** that **their choices will have on individuals**, one by one. **What they** typically **do know are generalities**: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. **That is enough to allow** public **policy-makers** to use the utilitarian calculus – assuming they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed **to calculate** the utility **payoffs from adopting each** alternative **possible general rule**. But they cannot be sure that the payoff will do to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

#### **Thus the standard is maximizing well-being**

#### **Public policy-makers must look at util first because they act on behalf of a collective body.**

**Woller 97’** Gary, Brigham Young University, “A Forum On The Role of Environmental Ethics in Restructuring Environmental Policy and Law for the Next Century”, Policy Currents, 1997 HSLA//SC

Moreover, virtually all public policies entail some redistribution of economic or political resources, such that one group's gains must come at another group's ex- pense. Consequently, public policies in a democracy must be justified to the public, and especially to those who pay the costs of those policies. Such justification cannot simply be assumed a priori by invoking some higher-order moral principle. Appeals to a priori moralprinciples, such as environmental preservation, also often fail to acknowledge that public policies inevitably entail trade-offs among competing values. **Thus** since policymakers cannot justify inherent value conflicts to the public in any philosophical sense, and since public policies inherently imply winners and losers, **the policymakers' duty to the public** interest **requires them to demonstrate that the** redistributive **effects** and value trade-offs **implied by their polices are** somehow **to the overall advantage of society.** At the same time, deontologically based ethical systems have severe practical limitations as a basis for public policy. At best, apriorimoral principles provide only general guidance to ethical dilemmas in public affairs and do not themselves suggest appropriate public policies, and at worst, they create a regimen of regulatory unreasonableness while failing to adequatelyaddress the problem or actually making it worse.For example, a moral obligation to preserve the environment by no means implies the best way, or any way for that matter, to do so, just as there is no a priori reason to believe that any policy that claims to preserve the environment will actually do so. Any number of policies might work, and others, although seemingly consistent with the moral principle, will fail utterly. That deontological principles are an inadequate basis for environmental policy is evident in the rather significant irony that most forms of deontologically based environmental laws and regulations tend to be implemented in a very utilitarian manner by street-level enforcement officials. Moreover, ignoring the relevant costs and benefits of environmental policy and their attendant incentive structures can, as alluded to above, actually work at cross purposes to environmental preservation. (There exists an extensive literature on this aspect of regulatory enforcement and the often perverse outcomes of regulatory policy. See, for example, Ackerman, 1981; Bartrip and Fenn, 1983; Hawkins, 1983, 1984; Hawkins and Thomas, 1984.) Even the most die-hard preservationist/deontologist would, I believe, be troubled by this outcome. The above points are perhaps best expressed by Richard Flathman, The number of values typically involved in public policy decisions, the broad categories which must be employed and above all, the scope and complexity of the consequences to be anticipated militate against reasoning so conclusively that they generate an imperative to institute a specific policy. It is seldom the case that only one policy will meet the criteria of the public interest (1958, p. 12). It **therefore** follows that ina democracy, **policymakers have an ethical duty to establish a** plausible link between **policy alternative**s and the problems they address, **and the public must be** reasonably **assured that a policy will actually do something about an existing problem**; this requires the means-end language and methodology of utilitarian ethics. Good intentions, lofty rhetoric, and moral piety are an insufficient though perhaps at times a necessary, basis for public policy in a democracy.

**Contention 1: Innovation**

**IPP creates competition in which new medicines will be created**

**Phrma 19** [Pharma is a a commercial business licensed to research, develop, market and/or distribute drugs, most commonly in the context of healthcare. They can deal in generic and/or brand medications) “PhRMA”: Strong IP Protections Lead to Stronger Treatments for All, https://www.phrma.org/resource-center/Topics/Intellectual-Property/Strong-IP-Protections-Lead-to-Stronger-Treatments-for-All

**There are almost 7000 new medications in development right now, all with the hopes of treating everything from cancer to COVID-19. But in order for biopharmaceutical companies to be able to develop these treatments for patients, their discoveries need to be protected. That's where intellectual property rights** or IP for short **come in**. To earn IP rights. In the first place, innovators need to patent their new and useful inventions. Patents are one type of IP protection and last 20 years, and for biopharmaceutical companies around half that time, it's been pending at the US Patent Office and undergoing clinical trials and FDA approval. As soon as the patent is published. **Even before patent protection is granted, information about the invention becomes public, which means brand competitors and generic manufacturers can build on those inventions** to that's crucial. In fact, one of the reasons **we already have so many vaccine candidates in late stage clinical trials for COVID-19 is because companies are able to share information around vaccine technology. And that's true for more than just vaccines**. Picture a golf ball. Pretty simple, right? But this golf ball actually has 61 different patents. That's because most products are made up of dozens of individually patented inventions. The same is true for medicine. a pill you take to fight cancer or treat heart disease or prevent HIV can be made up of many specific inventions. And even though those individual inventions are patented, **nobody has a monopoly on treating a condition and branding drugs often have many competitors. patents provide information for scientists to develop generic medicines more efficiently this leads to more options for all kinds of treatments from vaccines, the high cholesterol medications and this first competition among generic manufacturers to in the past three years alone. 150 new patented treatments have led to 3000 more generic options today. 90% of all prescriptions in the US are filled with generic medicines. Plus, these drugs do get cheaper over time. The more inventions scientists create, the more treatments we have. And the more treatments we have, the more personalized patient care becomes. Just look at immunotherapy drugs for acute leukemia. The life expectancy for this disease used to be just five years. But now two new immunotherapy drugs help over a third of leukemia patients achieve lasting remission**. This breakthrough was unthinkable just a decade ago, **and we've seen similar breakthroughs with treatments for other diseases like hepatitis C. And these are in large part thanks to a strong IP system that incentivizes scientists to continue researching new ways to treat this deadly disease. The IP process protects innovators it spurs competition in leads to more effective treatments and cures for every patient whether the fighting cancer heart disease or COVID-19.**

**Competition paves the way for health care**

**Elrod and Fortenberry 18** James, Dec 14, (James Elrod has served on the governing boards of the American Hospital Association, VHA (Voluntary Hospitals of America), Louisiana Hospital Association and its affiliated insurance trusts and as chairman of AHA's Region 7 Policy Board.) “James K. Elrod” John, Dec 14 ( John L. Fortenberry is a Professor in the Health Science department at [Louisiana State University Shreveport](https://www.ratemyprofessors.com/campusRatings.jsp?sid=4205)): “Catalyzing marketing innovation and competitive advantage in the healthcare industry: the value of thinking like an outsider” https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/

Marketing arguably is the most critical administrative responsibility associated with the pursuit and realization of growth and prosperity, making prowess in the discipline essential for any healthcare institution, especially given the competitive intensity that characterizes the industry. But in order to truly gain an advantage, healthcare establishments must tap into innovative pathways that their competitors have yet to discover. Here, thinking like an outsider can pay tremendous dividends, as health and medical organizations tend to focus inwardly, limiting their exposure to externally-derived innovations and advancements which often can supply differentiation opportunitiesSome years ago, during a formative period in preparation for expanding its footprint, Willis-Knighton Health System opted to think like an outsider, peering beyond the walls of healthcare institutions in search of tools and techniques that would allow its growth ambitions to be realized. Associated pursuits and subsequent successes created a culture of challenging status quo perspectives, affording innovations and resulting competitive advantages. Marketing advancements, in particular, have been fueled by this outsider mentality, benefiting the institution and its patient populations. This article profiles several of these advancements, discusses the dangers of insular mindsets, and suggests avenues for encouraging broad perspectives.Due to extreme competitive intensity and ever-increasing patient needs, health and medical establishments must perform at optimal levels, with marketing efforts playing a critical role in the achievement of such. By shedding status quo perspectives and peering beyond the walls of healthcare institutions, health and medical providers have opportunities to discover new and different marketing approaches for potential use in their own organizations, affording mutual benefits, including all-important competitive advantages.Formally defined, marketing is “a management process that involves the assessment of customer wants and needs, and the performance of all activities associated with the development, pricing, provision, and promotion of product solutions that satisfy those wants and needs” [[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR1)], p. 288. Close examination of this definition reveals that the discipline is both wide and deep. Specifically, the definition (1) notes that marketing is a process, meaning that it is ongoing and must actively be managed; (2) brings attention to the Four Ps—Product, Price, Place, Promotion—which must be formulated for each target audience; (3) indicates that the focus is on the consumer; and (4) conveys that products—goods and services—are used to satisfy customer wants and needs, implying product development and management, and the necessity to effect exchange. Marketing arguably is the most critical administrative responsibility associated with the pursuit and realization of growth and prosperity, making prowess in the discipline essential for any healthcare institution, especially given the competitive intensity that characterizes the industry [[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR1), [2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR2)].But in order to truly gain an advantage, establishments must tap into innovative pathways that their competitors have yet to discover [[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR1), [3](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR3)–[6](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR6)]. Here, thinking like an outsider can pay tremendous dividends, as health and medical organizations tend to focus inwardly, limiting their exposure to externally-derived innovations and advancements which often can supply differentiation opportunities [[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR7)]. Outside-the-box thinking also seems to be in short supply often times, presenting yet another opportunity to achieve distinction. Such insular mindsets should not be particularly surprising to astute observers of the healthcare industry, as health and medical personnel typically work hand-in-hand with others engaged in like pursuits, hold memberships in healthcare-related professional societies, subscribe to newsletters and other publications which focus on health and medicine, and attend conferences focused on healthcare topics, limiting their exposure to innovations and advancements originating in other industries and fostering mindsets centered squarely on developments within their given work environments [[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR7)–[12](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR12)]. But in this very characteristic of the healthcare industry lies opportunity for those enterprising health and medical establishments which dare to think like outsiders [[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR7), [13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6293865/#CR13)].

**Contention 2: Economic Growth**

**Innovation is key to Economic Growth**

**Phrma 19** [Pharma is a a commercial business licensed to research, develop, market and/or distribute drugs, most commonly in the context of healthcare. They can deal in generic and/or brand medications) “PhRMA”: THE ECONOMIC IMPACT OF THE U.S. BIOPHARMACEUTICAL INDUSTRY’ https://www.phrma.org/resource-center/Topics/Economic-Impact/Industry-Economic-Impact

The U.S. biopharmaceutical industry is a significant and innovative component of the nation’s economy, with a varied occupational base and extensive research, manufacturing, and distribution infrastructure that yields significant impacts on economies across the country. What drives and sustains the success of the biopharmaceutical industry is its broad innovation ecosystem. Led by by both small and large R&D-intensive companies, this innovation ecosystem also draws upon a rich network of collaborators, including but not limited to: venture and other forms of private capital; health care providers; public and private sector researchers, including academic medical researchers and private research institutes, and many other sectors supporting the discovery, development, and delivery of new medicines to patients. The strength of the U.S. biopharmaceutical innovation ecosystem and innovation-based policies has resulted in the nation being the global leader in biopharmaceutical innovation. This global position in turn has resulted in the U.S. biopharmaceutical industry generating the following economic impacts: • With more than 811,000 workers and a substantial employment multiplier of 4.98, the U.S. biopharmaceutical industry supported approximately 3.2 million additional U.S. jobs for a total of more than 4.0 million jobs in 2017. • With average annual wages and benefits of more than $126,500—more than twice the U.S. average across all industries—biopharmaceutical industry jobs are both high-wage and high-quality. • The biopharmaceutical industry reached $560 billion in direct output in 2017, and with the ripple effect of this production throughout the U.S. economy, an additional $589 billion in output was generated by suppliers and other sectors of the economy. • Combined, the total output impact of the U.S. biopharmaceutical industry was more than $1.1 trillion— representing 3.4 percent of the total U.S. (including the District of Columbia and Puerto Rico) output in 2017. The nation’s biopharmaceutical industry is clearly a major U.S. economic driver. By the nature of its activities, it is also one of the nation’s most innovative industries—positioned for breakthroughs yielding enormous societal benefits and economic impacts into the future. To realize this future, the U.S. biopharmaceutical industry must be supported by robust innovation policies starting with strong intellectual property protections, a well functioning and evidence-based regulatory system, research and development incentives,and coverage and payment policies that recognize the value of medical innovation. To continue to sustain and grow this important U.S. industry and ensure its continued contributions to the U.S. economy, this robust policy framework is needed to support the long, costly, and risky investments vital to meeting U.S. patient needs. Fostering an environment that will improve the private sectors’ ability to harness scientific discoveries and translate those into new medical advances to meet the needs of patients while continuing to create and sustain high-wage, high-skill jobs is critical to ensuring that the substantial economic impacts of the biopharmaceutical industry continue to be realized at the national and state levels. A long-term commitment to science, technology, and innovation is vital to enabling U.S. biopharmaceutical companies to improve health outcomes and establish the foundation for economic growth and jobs of the future. The challenges are large, but so too are the opportunities.