# Definitions

#### Intellectual property protections, from [Georgetown University Law](https://www.law.georgetown.edu/your-life-career/career-exploration-professional-development/for-jd-students/explore-legal-careers/practice-areas/intellectual-property-law/), include Copyright, Trademarks, patents, and Trade Secrets.

#### Prefer because the resolution includes all intellectual property protections and not just patents.

# Advocacy

#### My job as the NEG is to prove not AFF, whether it be exposing disads to an AFF plan or disputing general offense.

#### I advocate for the status quo- I will prove that reducing certain aspects of IPR will have negative repercussions, proving the AFF’s world effectively worse than squo.

#### I will also dispute any arguments brought up in AFF offense as applicable.

# Framework:

## V: Justice- balance of powers

## VC: Consistency with the will to power

[Beery 20](https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1314&context=honors_proj)

Under this the universe and all beings in it…. [manifest a] Will to Power. This is understood as nature’s inherent drive to perpetually spread out its power over the whole. That is, all  living things are in a constant power struggle amongst each other, in order to spread out and strengthen their power. In this regard, the metaphysical interpretation has been labeled as a negative expression of the Will to Power, whereby the Will is directed externally upon other objects and persons.

**Nietzsche conceives of justice as a balance, a settlement concerning the claims powers have on each other. For Nietzsche, the origin of justice rests on the prerequisite of approximately equal strength between powers** (HH 92, 93). Such strength is to be measured according to the particular “power position [Machtstellung]” someone holds, that is the value or worth his power has for others.6 Nietzsche thinks that the “equilibrium of powers” is the basis of justice.

**Prefer because** [Bowdon 21](http://www.butler-bowdon.com/friedrich-nietzsche---beyond-good-and-evil.html): Good and evil are a creation of humankind: “There is no such thing as moral phenomena, but only a moral interpretation of phenomena.” It is our natural wish to be more, have more, do more.  It is the people who are  altruistically pursuing some pure and objective absolute (whether in religion or philosophy) that are the deluded ones. There is no universal morality; the ancient Romans called gladiators, violent killers, glorious and the Buddha forbade the taking of any life, there is no single superior morality my opponent can defend. **Prefer the universal will to power whose only requirements are balance with other wills to achieve justice.**

# Offense

#### Patents are necessary to create return on investment in pharmaceutical research.

[Servier International Research Foundation 20](https://servier.com/en/news/why-patents-are-necessary-for-the-pharmaceutical-industry/): The innovation process is complex, lengthy and expensive. Only 1 in 10,000 molecules becomes a drug and enters the market. The average cost of developing a drug candidate is nearly one billion euros. Because of these significant investments, patent protection is vital to ensure a return on investment for companies and researchers and enable creation of new drugs. If a drug patent is granted for 20 years, it protects exclusivity for only 8 years because drugs require an average of 12 years of research before market entry.

#### No patent protection means market failure

**Mahdavi, 17** (Elle Mahdavi, 5-26-2017, accessed on 9-15-2021, California Management Review, "Patents and the Pharmaceutical Industry", https://cmr.berkeley.edu/2017/05/patents-and-pharmaceuticals/)

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Patents are a way to prevent market failure and allow for greater investment in research. However, patent-protected drugs face no price caps nor competitors for about twenty years, giving patent holders market exclusivity. In an ideal world, medicine would be accessible to all. To continually create new and better medications, however, somebody has to invest in research for them, and unfortunately, the amount of financial capital required is no small figure. In 2014, the Tufts Center for the Study of Drug Development estimated that it takes around $2.6 billion and a ten-year long time commitment to develop and license a new prescription drug. Without patents, certain pharmaceutical companies wouldn’t invest in research themselves but would instead wait around for another group to discover and license the drug. Then, those companies could price the drug lower than their competition. This would result in a market failure, in terms of a positive externality, as other companies would benefit from the research of one group without having to pay for it.

Corporations wouldn’t want to invest their time and money in something they wouldn’t be able to profit from due to competition. **Thus, the amount of pharmaceutical innovations in society would be less than** the socially **optimal**

Similarly, corporations wouldn’t want to invest in research for drugs for treat only a small group of people such as people with “orphan diseases” like Lou Gehrig’s or Tourette’s. In the US, an “orphan disease” afflicts only around 200,000 people, which in the eyes of companies, constitutes a small market when considering the amount of research required for developing prescription drugs. To stimulate production of these drugs, the U.S. government passed the Orphan Drug Act, giving companies seven years of market exclusivity for treating certain rare conditions. Much like a patent protected drug, an orphan drug could be set at any price during these seven years, as it doesn’t face competition nor government restrictions. quantity. Patents are a way to combat this market failure. By giving pharmaceutical companies a twenty-year patent where prices can’t be regulated by the government or altered by competition, companies are incentivized to make these huge financial and temporal investments.

[**Tubert 08**](http://www.hunter.cuny.edu/jns/reviews/bernard-reginster-the-affirmation-of-life-nietzsche-on-overcoming-nihilism)**: The will to power is to be understood as “a desire for the overcoming of resistance in the pursuit of some first-order desire” .** As such, the will to power desires both the resistance and the overcoming of it. Reginster points out that on his account the will to power has (1) “a paradoxical structure: its satisfaction brings about its own dissatisfaction” (247); and (2) entails that suffering is valuable: “The will to power, insofar as it is a will to the overcoming of resistance, must necessarily also will the resistance to overcome. Since suffering is defined in terms of resistance, then the will to power indeed ‘desires displeasure’” (133). Reginster points out that (1) fits well with Nietzsche’s embrace of becoming (as opposed to being) and that (2) allows us to make sense of Nietzsche’s critique of the condemnation of suffering. However, both (1) and (2) are problematic because they undermine the ability of the will to power to be the successful basis for the overcoming of despair—the aim of the revaluation. I will discuss them in turn.

Patents provide a means to overcome resistance in innovating, in accordance with the will to power. By taking away means to overcome resistance in pharmaceuticals, the AFF would have you destroy the fulfillment of scientists’, rare disease patients’, and business peoples' will to power by taking away their means to innovate and take new medicines, violating justice.

Strong IP laws benefit developing countries by inducing foreign investment

Ezell and Cory 19 Stephen Ezell (vice president of global innovation policy at the Information Technol‑ ogy and Innovation Foundation; founder of Peer Insight, an innovation research and consulting firm) and Nigel Cory (associate director covering trade policy at the Infor‑ mation Technology and Innovation Foundation; formerly a researcher in the South‑ east Asia Program at the Center for Strategic and International Studies and worked for eight years in Australia’s Department of Foreign Affairs and Trade). “The Way For‑ ward for Intellectual Property Internationally.” Information Technology & Innovation Foundation. 25 April 2019. JDN. https://itif.org/publications/2019/04/25/way‑forward‑ intellectual‑property‑internationally **Studies have shown benefits from intellectual property to developing countries.** Diwan and Rodrik demonstrated that stronger patent rights in developing countries incentivize developed countries to research and invest there. IPR reform in the “global South” is associated with Foreign Direct Investment increases {from developed countries}.As northern firms shift their production south, this FDI accelerates industrial development, creating cyclical feedback that also benefits the North; {Conversely} appropriate to developing countries.42 Similarly, Taylor showed weak patent rights in developing countries lead enterprises from developed coun‑ tries to introduce substandard practices to developing countries.43 Inter‑ estingly, the relationship goes in both directions. Branstetter and Saggi showed that strengthened IPR protection not only improves the investment climate in the imple‑ menting countries, but also leads to increased FDI in the country producing the original innovation.44 They concluded that. Another study by Liao and Wong, which focused on firm‑level analysis, highlights the inter‑relationship of IPR reform in developed and developing countries. Their study concluded that developing countries can entice technology trans‑ fer from the Global North by providing IPR protection for incoming products (although they note there is a need for redoubled R&D efforts in developed countries to spur needed innovations).45

#### By decreasing the income and development disparities between the global North and South, we are affectively balancing the strength of these global regions wills to power, creating justice.

1. Certain protections good:

Use patents offer unique financial incentives: [**Rai 14**](https://stm.sciencemag.org/content/6/248/248fs30)

**If a new use {for an old molecule}  proves to be therapeutically successful, FDA will approve the molecule only for that use in a “use patent” Use patents offer robust financial incentives**. **.** Moreover, because skinny labeling by a generic competitor is possible only in the context of an FDA-approved use that is no longer under patent protection, a use patent precludes skinny labeling and protects the developer of the original patent from generic entry. In fact, **a competitor that wishes to use the same molecule will have to conduct clinical trials to show novel effectiveness**. Thus, a use patent for a rescued drug functions like a product patent. Indeed, even if use patents do not prove as valuable as product patents, they are likely to be sufficient to drive development of rescued drugs, which have already been {certified safe} in trials. Howev In many respects, the developer of the entirely dif erent use will be in a position similar to that of a “me-too” drug developer—that is, the developer of a molecule that has the same mechanism of action and use as the originator molecule but manages to avoid the originator’s patent. T e availability of me-too competition has not prevented f rms from engaging in more pioneering discovery. To the contrary, the incidence of me-too drugs appears to have declined in recent years, perhaps because of price constraints that insurance f rms can impose when they are able to choose between multiple competing drugs in the same class (5). T us, a use patent for a rescued drug functions like a product patent (6). Indeed, even if use patents do not prove as valuable as product patents, they are likely to be suf - cient to drive development of rescued drugs, which have already been derisked to some extent in early-phase clinical trials for safety. Critics of evergreening should also have no cause for complaint. Because no medical use was established for the molecule, it is logically impossible for the new, patented use to be a trivial extension of a prior use. Although this strategy for use patenting appears to have been relatively rare in the past—according to one analysis,

#### The impact is increased innovation, because when people want more profit they have to find new uses for existing compounds or create new ones in order to have IP protections, so new treatments are constantly being created.

#### Use patents speed up medical development with minimal expenditure

Seymore 20 Vanderbilt Law Review (https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=2919&context=vlr )

New uses for aspirin are patentable. Indeed, the quest to find new uses for old drugs like aspirin deserves special attention. Over two-thirds of the value of worldwide patents accrues to chemical and pharmaceutical firms, and more than half accrues to a small number of large pharmaceutical firms.13 The cost of new drug development has led these firms to pursue drug repurposingthe quest to find new uses for old drugs.14 Since older drugs have already been tested in humans, much is known about their pharmacology and toxicity.15 The U.S. Food and Drug Administration (**“The** FDA”) approves drugs that have been shown to be safe and effective for the manufacturer’s intended use; however, it also permits doctors to prescribe approved drugs for “off-label” indications. This allows repurposed drugs to bypass much clinical testing and reach the market more cheaply, more quickly, and with less risk than new drug candidates. **Revenues generated from repurposed drugs can** be substantial—**eclipse** those from the drug’s original indication19 and those from new drugs developed from scratch. **Repurposed drugs can also provide remarkable health outcomes for neglected diseases or for patients who otherwise have limited treatment options**.

#### The will to power is the will to grow, improve, and dominate- by encouraging competition, the NEG justly fuels companies’ will to power; moreover, new treatments increase civilian quality of life, allowing them to better assert their personal wills to power, giving the formerly infirm means to overcome their resisting circumstances and become better.

#### Because the negative is the only world where people are fully allowed to exercise their Will To Power and create Justice through balance, I negate.