

- Intellectual property protections, from [Georgetown University Law](#), include Copyright, Trademarks, patents, and Trade Secrets.

Framework:

V: Justice- balance of powers

VC: Consistency with the will to power

[Beery 20](#)

Under this interpretation the universe and all beings in it.... [manifests 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 restraining the will to power is unjust, as it results in an imbalance of power; When 1 entity can control or coerce another entity to not exert their will, then Injustice occurs. Analogically, There are rightful restrictions on drunken-driving because it violates people's Will To Power To Live, if someone drunkenly runs them over, resulting in the drunk driver having power over the victim's life, creating injustice. On the other hand, the prohibition was unjust because certain officials were allowed power over civilians' Will To Power exercised through drinking alcohol with no harm done. Thus, we should be looking to balance powers, allow people to exercise their Will To Power, and see societal benefits through that.

C1: Need for protections

A. Necessity for development

[Servier International Research Foundation 20](#): 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.

Atkinson 09 [Jonathan DM Atkinson, Partner HGF Limited and graduate University of Oxford, Rachel Jones, Trainee Patent Attorneys, 2009, "Intellectual Property and its role in the pharmaceutical industry", Future Science, <https://www.future-science.com/doi/pdf/10.4155/fmc.09.138>] /Triumph Debate

Developing a new drug and successfully bringing it to market is a risky, lengthy and expensive venture. It **costs** a pharmaceutical company **around US\$750 million and takes about 15 years to bring** a new molecule from the laboratory bench **to patients..**

have been conducted. **As such,** pharmaceutical companies vigorously protect their patents around the globe until they expire. It is largely

recognized that **pharmaceutical IP rights are essential for the continued innovation of new medicines and exist in the interests of patients and society at large.**

Tubert 08: 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.

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 cripple the fulfillment of scientists' and business peoples' will to power, violating justice.

B. Certain protections good:

Use patents: **Rai 14**

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. 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.

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.

Trade secrets - Nealey 15

A trade secret is information not known publicly and is maintained as a secret, and provides a competitive advantage or economic benefit to holders. They can be worth hundreds of millions of dollars. Examples are manufacturing or commercial secrets; supplier or client lists; sales and distribution methods; consumer profiles and lists; marketing and advertising strategies; and (perhaps most significantly for pharmaceutical and other biotech companies) manufacturing processes, formulas, and research, including preclinical data. Moreover, a trade secret may {be} plans, designs, lists, computer software, data, etc. A trade secret does not have a term like a patent, but lasts indefinitely unless or until the information is made public. As such,

trade secret protection and patent protection are mutually exclusive—identical subject matter cannot be protected as a trade secret and by a patent. Nevertheless, a successful intellectual property strategy uses trade secret protection and patents to protect a particular program.

Mims 21

Pharmaceutical companies are poised to suffer unique risks as targets of trade-secret misappropriation. Methods, clinical data, and other materials generated by companies reflect months, if not years, of inquiry from many scientists. Once a trade secret is lost, the economic harm cannot be rectified. By allowing competitors to benefit from their hard work, theft of information undermines

incentives for companies to invest in innovation. Although a company can pursue civil or criminal sanctions against thieves and hackers, restoring the confidentiality of stolen material is difficult, if not impossible. As a practical matter, a company loses the ability to track or control stolen information. That's a particular concern when, as in the Spokane hacking case, such information is disseminated to foreign agents. Even if a company obtains a court order requiring the return of stolen information or prohibiting its use by the misappropriators, such victories would be pyrrhic if the secrets already have become widely known.

Theft of trade secrets goes against the will to power by decreasing the Nietzschean ideal of just power balances. By allowing certain entities to bypass resistance without fair work of their own and decreasing the ability for other entities to assert their own wills to power, a power imbalance is created; trade secret misappropriation violates justice.

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.