# SO21 – Valley R2 – 1N v Strake JS

### T

#### Interpretation: The affirmative may not defend patent term extensions.

#### Reduce means make smaller, Cambridge:

<https://dictionary.cambridge.org/us/dictionary/english/reduce> //LHP AV

**to** become or to **make** **something** become **smaller** **in** size, amount, **degree**, importance, etc.:

#### Violation: They use patent term extensions which are the same length. Either a] the extension is extra T or b] they don’t reduce at all because it’s the same length – their ev below

Pandemic-related patent term extensions could be given for a period of time that the compulsory license is in force. With current pandemic projections of six months to two years for sufficient distribution, providing a patent term extension is reasonable and in line with the time period of many patent term extensions. Given that most pharmaceutical patents are prosecuted in multiple countries, this provides an incentive to participate in a limited waiver program.

#### Vote neg:

#### 1] Semantics –

#### A] jurisdiction – you don’t have the jurisdiction as per the tournament invite to vote on nontopical affs – outweighs because it constrains your ballot

#### B] stasis – anything else justifies the aff not talking about the topic – next it’ll be tech sharing, vaccine transfers, or ip extensions because it’s in the topic area which decks neg prep

#### 2] Ground – all NCs and DAs are based on the incentives of long patent terms, so they destroy any comparative disadvantage

#### 3] Preempt normal means args –

#### A] Normal means doesn’t license the aff to be nontopical – find a better solvency advocate

#### B] your own author says it’s a third option and a novel proposal – not normal nor necessary to be topical

#### TVA – Read any aff that only reduces IP protections for medicines – like trips plus.

#### Fairness is a voter- it’s a procedural constraint—if they had 10 minutes to say fairness bad and I only had 1 minute to defend it, they would win because it was structurally unfair to begin with.

#### Drop the debater (a) deter future abuse – empirically confirmed with aprioris and (b) dropping the arg on T is incoherent because it is dropping the aff advocacy so its functionally the same.

#### No RVI’s – (a)

#### chilling effect – aff is dangerous on theory because they get to prep a long counterinterp in the 1ar and then get the 2ar to collapse, weigh, and contextualize - negs would always be disincentives from reading theory against good theory debaters which leads to infinite abuse so it outweighs time skew and

#### (b) they’re illogical - “I’m fair vote for me” doesn’t make any sense - logic comes first on theory since all args need to make sense in order to be evaluable.

#### Competing interpretations – a] reasonability is arbitrary since it relies upon judge opinion which outweighs since it’s terminally unfair – it relies on something completely out of control and b] reasonability collapses into competing interpretations since you need to justify why your brightline is better than competing ones.

#### T over 1ar theory – a] lexicality b] epistemics

### NC

#### The roll of the ballot is to vote for the debater who best proves the truth or falsity of the resolution. To clarify, vote aff if I prove the resolution true and vote neg if they prove it false.

#### 1. Text – Dictionary.com defines affirm as to maintain as true Dictionary.com, [https://www.dictionary.com/browse/affirm] And to negate as to deny the existence, evidence, or truth of Dictionary.com, [https://www.dictionary.com/browse/negate] Text first – Text comes first – a) Controls the internal link to fairness since it’s the basis of things like predictability and prep b) Key to jurisdiction since the judge can only endorse what is within their burden. Jurisdiction always comes first, anything else is intervention c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

#### The Meta Ethic is internalism - Morality only works if we are motivated to follow it. Any external or outside force fails as a way of looking to morality. People making rules to guide or force others to obey will never be a “moral” system, as individuals must have the desire to take an action in order for them to be motivated to take it. Every actual action has to be explained by a belief or desire that the agent has – else they wouldn’t take it

#### Next, every agent takes their ability to act on their ethical system as instrumentally valuable. Only self interest bridges relativism to provide a universal principle.

**Moore** Margaret Moore, Queens University professor in the Political Studies department, cross-appointed (as a courtesy) in Philosophy, Reviewed Work(s): Morals by Agreement. by David Gauthier, Noûs, Vol. 25, No. 5 (Dec., 1991), pp. 707-714 ///AHS PB /BHHS AK recut

On Gauthier's view, morality is a sub-set of self-interest (he calls it preference-fulfillment), which is instrumentally necessary, not absolutely, but given features of the human situation which are almost certain to ob- tain. By taking as his starting-point the agent's subjective motivational set, whatever its content, Gauthier can claim that the requirements of morality escape none who fall under its ambit, for each person necessarily acts on his or her desires and aims. If Gauthier's project is successful, he will have refuted the moral skeptic: by demonstrating that morality is self-interestedly rational, he can claim that the principles are justified and that they apply to everyone. He does not need to presuppose a feeling such as sympathy to explain moral action, or appeal to a process of moral education and socialization within communities which shape the individual's desires and beliefs in accordance with a specific moral conception. Gauthier's agents simply maximize their utility and in the process find that they need to co-operate with others and that the dynamics of co- operation make it rational in self-interested terms to constrain their utility- maximization. By considering in this way the principles and constraints which it would be rational for co-operating self-interested agents to adopt, Gautheir claims to be able to deduce a system of moral constraints and Principles.

#### This entails a system of mutual self restraint: moral principles can be only be the object of a hypothetical moral agreement that all agents have reason to implement. Contracts are the only standard capable of generating normativity since each agent rationally chooses to protect their self-interest by entering the contract.

**Gauthier** [David Gauthier, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998], ///AHS PB /BHHS AK recut

I shall not rehearse at length an argument that is now familiar to at least some readers, and, in any event, can be found in that book. But let me sketch briefly those features of deliberative rationality that enable it to constrain maximizing choice. The key idea is that in many situations, if each person chooses what, given the choices of the others, would maximize her expected utility, then the outcome will be mutually disadvantageous in comparison with some alternative – everyone could do better**. 14 Equilibrium, which obtains when each person ’ s action is a best response to the others ’ actions, is incompatible with (Pareto-) optimality, which obtains when no one could do better without someone else doing worse. Given the ubiquity of such situations,** each person can see the benefit, to herself, of participating with her fellows in practices requiring each to refrain from the direct endeavor to maximize her own utility, when such mutual restraint is mutually advantageous. No one**,** of course**,** can have reason to accept any unilateral constraint on her maximizing behavior; each benefits from, and only from, the constraint accepted by her fellows. But if one benefits more from a constraint on others than one loses by being constrained oneself, one may have reason to accept a practice requiring everyone, including oneself, to exhibit such a constraint. We may representsuch a practiceas capable of gaining unanimous agreement among rational persons who were choosing the terms on which they would interact with each other. And this agreementis the basis of morality**.** Consider a simple example of a moral practice that would command rational agreement. Suppose each of us were to assist her fellows only when either she could expect to benefit herself from giving assistance, or she took a direct interest in their well-being. Then, in many situations, persons would not give assistance to others, even though the benefit to the recipient would greatly exceed the cost to the giver, because there would be no provision for the giver to share in the benefit. Everyone would then expect to do better were each to give assistance to her fellows, regardless of her own benefit or interest, whenever the cost of assisting was low and the benefit of receiving assistance considerable**.** Each would thereby accept a constraint on the direct pursuit of her own concerns, not unilaterally, but given a like acceptance by others. Reflection leads us to recognize that those who belong to groups whose members adhere to such a practice of mutual assistance enjoy benefits in interaction that are denied to others**.** We may then represent such a practice as rationally acceptable to everyone.This rationale for agreed constraint makes no reference to the content of anyone ’ s preferences**.** The argument depends simply on the structure of interaction, on the way in which each person ’ s endeavor to fulfill her own preferences affects the fulfillment of everyone else**.** Thus, each person ’ s reason to accept a mutually constraining practice is independent of her particular desires, aims and interests, although not, of course, of the fact that she has such concerns**. The idea of a purely rational agent, moved to act by reason alone, is not, I think, an intelligible one.** Morality is not to be understood as a constraint arising from reason alone on the fulfillment of nonrational preferences. Rather, a rational agent is one who acts to achieve the maximal fulfillment of her preferences, and morality is a constraint on the manner in which she acts, arising from the effects of interaction with other agents

#### Thus, the standard is consistency with contractarianism. Prefer for 1] regress – agents can always why a rule exists or how to interpret it – that requires a new rule which is regressive. Thus, only self-imposed contractual obligations can generate normative bindingness 2] Both debaters debate to win the round but we are still restricted by agreed on constraints like 4 mins of prep, speech times, etc. Their very performance justifies the NC framework and proves the AC collapses to the NC

#### I negate –

#### 1] Patents are contracts with the government to protect exclusivity in return for disclosure, WIPO:

WIPO [World Intellectual Property Organization], Frequently Asked Questions: Patents, <https://www.wipo.int/patents/en/faq_patents.html> //LHP AV

What is a patent? **A patent is an exclusive right granted for an invention**. In other words, a patent is an exclusive right to a product or a process that generally provides a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the invention must be disclosed to the public in a patent application. **The patent owner may give permission to, or license, other parties to use the invention on mutually agreed terms. The owner may also sell the right to the invention to someone else, who will then become the new owner of the patent**. Once a patent expires, the protection ends, and an invention enters the public domain; that is, anyone can commercially exploit the invention without infringing the patent. What rights does a patent provide? **A patent owner has the right to decide who may – or may not – use the patented invention for the period in which the invention is protected**. In other words, patent protection means that the invention cannot be commercially made, used, distributed, imported, or sold by others without the patent owner's consent. What kinds of inventions can be protected? Patents may be granted for inventions in any field of technology, from an everyday kitchen utensil to a nanotechnology chip. An invention can be a product – such as a chemical compound, or a process, for example – or a process for producing a specific chemical compound. Many products in fact contain a number of inventions. For example, a laptop computer can involve hundreds of inventions, working together. How long does patent protection last? Patent protection is granted for a limited period, generally 20 years from the filing date of the application. Is a patent valid in every country? Patents are territorial rights. In general, the exclusive rights are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region. How are patent rights enforced? **Patent rights are usually enforced in a court on the initiative of the right owner**. In most systems a court of law has the authority to stop patent infringement. However the main responsibility for monitoring, identifying, and taking action against infringers of a patent lies with the patent owner. What does it mean to “license a patent” and why is it done? Licensing a patent simply means that the patent owner grants permission to another individual/organization to make, use, sell etc. his/her patented invention. This takes place according to agreed terms and conditions (for example, defining the amount and type of payment to be made by the licensee to the licensor), for a defined purpose, in a defined territory, and for an agreed period of time. A patent owner may grant a license to a third party for many reasons. The patent owner may not have the necessary manufacturing facilities, for example, and therefore opts to allow others to make and sell his/her patented invention in return for “royalty” payments. Alternatively, a patent owner may have manufacturing facilities, but they may not be large enough to cover market demand. In this case, he/she may be interested in licensing the patent to another manufacturer in order to benefit from another income stream. Another possible situation is one in which the patent owner wishes to concentrate on one geographic market; therefore the patent owner may choose to grant a license to another individual/organization, with interests in other geographical markets. Entering into a licensing agreement can help to build a mutually-beneficial business relationship. Unlike selling or transferring a patent to another party, the licensor continue to have property rights over the patented invention. Why are patents useful (to society, business, individuals etc.)? Patented inventions have, in fact, pervaded every aspect of human life, from electric lighting (patents held by Edison and Swan) and plastic (patents held by Baekeland), to ballpoint pens (patents held by Biro), and microprocessors (patents held by Intel, for example). Patents provide incentives to and protection for individuals by offering them recognition for their creativity and the possibility of material reward for their inventions. **At the same time, the obligatory publication of patents and patent applications facilitates the mutually-beneficial spread of new knowledge and accelerates innovation activities by, for example, avoiding the necessity to “re-invent the wheel”.** Once knowledge is publicly available, by its nature, it can be used simultaneously by an unlimited number of persons. While this is, without doubt, perfectly acceptable for public information, it causes a dilemma for the commercialization of technical knowledge. **In the absence of protection of such knowledge, “free-riders” could easily use technical knowledge embedded in inventions without any recognition of the creativity of the inventor or contribution to the investments made by the inventor. As a consequence, inventors would naturally be discouraged to bring new inventions to the market, and tend to keep their commercially valuable inventions secret.** A patent system intends to correct such under-provision of innovative activities by providing innovators with limited exclusive rights, thereby giving the innovators the possibility to receive appropriate returns on their innovative activities. In a wider sense, the public disclosure of the technical knowledge in the patent, and the exclusive right granted by the patent, provide incentives for competitors to search for alternative solutions and to “invent around” the first invention. These incentives and the dissemination of knowledge about new inventions encourage further innovation, which assures that the quality of human life and the well-being of society is continuously enhanced. Applying for patent protection What conditions must be met to obtain patent protection? There are numerous conditions that must be met in order to obtain a patent and it is not possible to compile an exhaustive, universally applicable list. However, some of the key conditions include the following: The invention must show an element of novelty; that is, some new characteristic which is not known in the body of existing knowledge in its technical field. This body of existing knowledge is called “prior art”. The invention must involve an “inventive step” or “non-obvious”, which means that it could not be obviously deduced by a person having ordinary skill in the relevant technical field. The invention must be capable of industrial application, meaning that it must be capable of being used for an industrial or business purpose beyond a mere theoretical phenomenon, or be useful. Its subject matter must be accepted as “patentable” under law. In many countries, scientific theories, aesthetic creations, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods, methods for medical treatment (as opposed to medical products) or computer programs are generally not patentable. The invention must be disclosed in an application in a manner sufficiently clear and complete to enable it to be replicated by a person with an ordinary level of skill in the relevant technical field. Who grants patents? **A patent is granted by a national patent office or by a regional office that carries out the task for a number of countries. Currently, the following regional patent offices are in operation:** African Intellectual Property Organization (OAPI) African Regional Intellectual Property Organization (ARIPO) Eurasian Patent Organization (EAPO) European Patent Office (EPO) Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) Under such regional systems, an applicant requests protection for an invention in one or more member states of the regional organization in question. The regional office accepts these patent applications, which have the same effect as national applications, or grants patents, if all the criteria for the grant of such a regional patent are met. There is currently, no universal, international system for the grant of patents.

#### Impacts –

#### A] Violating contracts agreed to is intrinsically bad as per the framework

#### B] mutual advantage of the contract is undermined as inventors have no incentive to disclose their inventions, which also turns case because other companies can’t make it if they don’t know how to

#### C] Free riding – other agents can use the knowledge without contribution, which violates the framework because agents not involved in the contract unjustifiably exploit another person.

#### 2] Illegitimacy – the conditions that can create a legitimate new contract are not present – thus, the aff is illegitimate

#### A] imbalance of power – the international sphere has certain countries with more power over others, which means the aff can never be justified as a contract – rational parties would never need a contract in a space with power imbalance

#### B] Third Parties – the ones affected are the pharmaceutical companies and their rights, so making a contract absent their consent is illegitimate

## Case

### OV

### FWK – K

#### Util creates a moral obligation to oppress people, when their suffering would cause a greater amount of happiness for the majority.

Jeffrey **Gold**, Utilitarian and Deontological Approaches to Criminal Justice Ethics

According to utilitarianism, an action is moral when it produces the great-est amount of happiness for the greatest number of people. A problem arises, however, when the greatest happiness is achieved at the expense of a few. For example, **if a large group were to enslave a very small group, the large group would gain certain comforts and luxuries (and the pleasure that accompanies those comforts) as a result of the servitude of the few**. **If we were to follow the utilitarian calculus** strictly, **the suffering of a few (even intense suffering) would be outweighed by the pleasure of a large enough majority**. A thousand people’s modest pleasure would outweigh the suffer-ing of 10 others. Hence, utilitarianism would seem to endorse slavery when it produces the greatest total amount of happiness for the greatest number of people. This is obviously a problem for utilitarianism. **Slavery and oppression are wrong regardless of the amount of pleasure accumulated by the oppressing class. In fact, when one person’s pleasure results from the suf-fering of another, the pleasure seems all the more abhorrent.** The preceding case points to a weakness in utilitarianism, namely, the weak-ness in dealing with certain cases of injustice. Sometimes it is simply unjust to treat people in a certain way regardless of the pleasurable consequences for others. A gang rape is wrong even if 50 people enjoy it and only one suffers. It is wrong because it is unjust. To use Kant’s formulation, it is always wrong to treat anyone as a mere means to one’s own ends. When we enslave, rape, and oppress, we are always treating the victim as a means to our own ends.

#### They read morally repugnant arguments. Thus the alternative is to drop the debater, to ensure that debate remains a space safe for all – the judge has a proximal obligation to ensure inaccessible practices don’t proliferate. Accessibility is a voting issue since all aff arguments presuppose that people feel safe in this space to respond to them.

### FWK – Hijack

#### Util collapses to egoism – Solipsism is true – one can only verify self-consciousness since verification relies on our experience of consciousness which we can only do from our own consciousness because we inherently know it exists. However, I cannot verify the existence of others since I cannot go inside or explore their consciousness. Thus, util can only account for my own pleasure and cannot generate a normative reason to care about anyone else’s, which means the only obligation is to maximize my own pleasure.

#### That negates – a) aggregation is impossible by states since it assumes the ability to verify another agent exists b) there’s no obligation under util since there’s no reason care about anyone else’s pain or pleasure and the subject can do whatever it wants.

### FWK – OV

#### [1] Reject Consequentialism – [a] infinite consequences – [b] culpability –

#### [2] There’s an intent-foresight distinction—to account for all foreseen impacts would prevent action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will

#### [3] Induction is circular because it relies on past experiences of induction working in order to justify it working in the future which just is induction

#### [4] Yes Act Omission distinction – otherwise agents would have infinite culpability - for example I can’t be responsible for all world hunger

### LBL

#### Moen –

#### Actor Spec – [a] is ought fallacy [b] hijack - states are not moral entities but derive authority from the contracts that allows them to constrain action. This outweighs ur aspec warrant- states aren’t bound by moral obligations, but they are by their contracts to other entities [c] empirically denied

#### Group deaht is bad and Extinction – [1] Framing Issue on Ethics [2] Impact Justified [3] Util doesn’t assing obligations to specific agents – contracts does, thus extinction first assumes that there are indviduals have motivation to do so, under the nc we act under the interests thus don’t care 4] Fallacy Of Origin [5] Freezes Action [6] Probability

#### Reject tjfs [a] logic – 2+2 =4 not 5 [b] resolvability

#### The kar evidence just means that there are benefits and costs not that they are ethically relevant – theres nothing intrinsic to IP thus proving the fwk disproves – its also the is ought fallacy

#### The a point on o/w is an empirical claim without an empiricla warrant The b point jumps in a logical conclusions there sno reason the substance cares about that

#### Weighability is irrelevant u just have to prove ur side is true or false

Reject calc indicts doesn’t have a wararnt for why they are silly and they are needed

### Heg

#### Biden donation pledge two days ago solves the aff, but doesn’t waive IP, Gearn 9-22

Anne Gearan, Sept 22, 2022, “Biden pledges to double U.S. donations of Pfizer vaccine for poor nations” <https://www.washingtonpost.com/politics/biden-covid-summit/2021/09/22/514968b8-1bb8-11ec-bcb8-0cb135811007_story.html> //LHP AV

President **Biden announced Wednesday that the United States will double the number of Pfizer coronavirus vaccine doses it is donating to other countries**, a step toward the goal of immunizing 70 percent of the world’s 8 billion people within the next year. **Biden made the pledge** as he convened a virtual global summit of world leaders **amid criticism** **that his administration has done too little to help nations with fewer** **resources**. Organizers said the conference would explore ways that all nations can cooperate to blunt a pandemic that has killed an estimated 4.5 million people and stunted economic growth around the globe. “We’re not going to solve this crisis with half measures or middle-of-the-road ambitions,” Biden said at the White House. “**We need to go big**, and we need to do our part” across governments, the private sector and charities, Biden said. “This is an all-hands-on-deck crisis. And the good news is, we know how to beat this pandemic: vaccines, public health measures and collective action.” The United States will buy 500 million doses of the Pfizer-BioNTech coronavirus vaccine to donate to countries in need as part of what Biden said is an effort to become “the arsenal of vaccines, **as we were the arsenal of democracy during World War II.”** The Biden administration already purchased 500 million doses of the vaccine in July to be distributed in batches. The doses would go to poorer countries through Covax, the initiative led by the World Health Organization, Gavi and the Coalition for Epidemic Preparedness Innovations. “This is a monumental commitment by the United States, bringing our total number of donated vaccines to the world to more than 1.1 billion,” White House coronavirus coordinator Jeff Zients and Secretary of State Antony Blinken wrote in an op-ed in The Washington Post on Wednesday. “For every one shot we’ve put in an American arm to date, we are now donating about three shots globally.” **The United States is the world leader in vaccine donations, Biden said, although he and other leaders of wealthy nations have been criticized for all but cornering markets for vaccines early on.** Biden has also come under fire for welcoming booster shots for Americans while vaccination rates remain in single digits across most of Africa. “Put another way, for every one shot we have administered to date in America, we have now committed to do three shots to the rest of the world,” Biden said. The WHO chief has called for a halt to boosters in rich countries for the rest of the year, to give other nations more chances to catch up. Neither Biden nor United Nations Ambassador Linda Thomas-Greenfield addressed critiques of the booster plan in the United States in their opening remarks heard by reporters. “We can do both, and it’s a false choice,” White House press secretary Jen Psaki said of the suggestion that rich nations should hold back. “Our view also continues to be that, frankly, the rest of the world needs to step up and do more.” The summit, which coincides with this week’s U.N. General Assembly meetings, was broken into four sessions. Biden chaired the first session on the need to vaccinate the world, where he called on global leaders to fully vaccinate 70 percent of the world’s population by next September, The Post previously reported. Participants included U.N. Secretary General António Guterres, World Health Organization chief Tedros Adhanom Ghebreyesus,the leaders of Britain, Canada, South Africa and Indonesia, plus a representative from the European Union. Biden stressed that **the goal is “donating, not selling” vaccines and with no strings attached. That was a dig at China and Russia, which have sold vaccines.**

#### The aff’s waiving of IP doesn’t solve but it does give away sensitive national security information that allows China to lead ahead in biotech

Josh Rogin 4-8. [(Washington Post Columnist covering National Security Issues.) “Opinion: The wrong way to fight vaccine nationalism” https://www.washingtonpost.com/opinions/global-opinions/the-wrong-way-to-fight-vaccine-nationalism/2021/04/08/9a65e15e-98a8-11eb-962b-78c1d8228819\_story.html ] TDI // Recut NChu

Americans will not be safe from covid-19 until the entire world is safe. That basic truth shows why vaccine nationalism is not only immoral but also counterproductive. But the simplest solutions are rarely the correct ones, **and some countries are using the issue to advance their own strategic interests**. The Biden administration must reject the effort by some nations to turn our shared crisis into their opportunity. As the inequities of vaccine distribution worldwide grow, a group of more than 50 developing countries led by India and South Africa is pushing the World Trade Organization to dissolve all international intellectual property protections for pandemic-related products, which would include vaccine research patents, manufacturing designs and technological know-how. The Trump administration rejected the proposal to waive the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) for the pandemic when it was introduced in October. Now, hundreds of nongovernmental organizations and dozens of Democratic lawmakers are pushing the Biden administration to support the proposal. But many warn **the move would result in the United States handing over a generation of advanced research** — much of it funded by the U.S. taxpayer — **to** our country’s greatest competitors, above all **China**. In Congress, there’s justified frustration with the United States’ failure to respond to China’s robust vaccine diplomacy, in which Beijing has conditioned vaccine offers to pandemic-stricken countries on their ignoring security concerns over Chinese telecom companies or abandoning diplomatic recognition of Taiwan. There’s also a lot of anger at Big Pharma among progressives for profiting from the pandemic. “We are in a race against time, and unfortunately Big Pharma is standing in the way of speedily addressing this problem,” Rep. Jan Schakowsky (D-Ill.), who supports the effort to waive intellectual property protections, told me in an interview. “I think the real security issue is that while the United States balks in making sure that we help ourselves, that these adversaries will just jump right in.” Schakowsky argued that alternative measures for helping poor countries manufacture vaccines are simply not moving fast enough to save lives and that the United States has a duty to respond. House Speaker Nancy Pelosi (D-Calif.) personally conveyed her support for the waiver to President Biden, Schakowsky said. But Big Pharma is just one piece of the puzzle. Countries such as India and South Africa have been trying to weaken WTO intellectual property protections for decades. **The mRNA technology that underpins the Pfizer and Moderna vaccines was funded initially by the Defense Advanced Research Projects Agency and has national security implications.** Inside the Biden administration, the National Security Council has already convened several meetings on the issue. The waiver is supported by many global health officials in the White House and at the U.S. Agency for International Development, who believe the United States’ international reputation is suffering from its perceived “America First” vaccine strategy. On Wednesday, U.S. Trade Representative Katherine Tai spoke with WTO Director General Ngozi Okonjo-Iweala about the waiver issue. USTR is convening its own interagency meetings on the issue, which many see as a move to reassert its jurisdiction over WTO matters. If and when this does get to Biden’s desk, he will also hear from national security officials who believe that waiving TRIPS would result in the forced transfer of national security-sensitive technology to China, **a country that strives to dominate the biotechnology** ***field*** as part of its Made in China 2025 strategy. **Once countries such as China have this technology, they will apply their mercantilist industrial models to ensure their companies dominate these strategically important industries, potentially erasing thousands of U.S. jobs.** “We would be delivering a competitive advantage to countries that are increasingly viewed as our adversaries, at taxpayer expense, when there are other ways of doing this,” said Mark Cohen, senior fellow at the University of California at Berkeley Law School. **A preferable approach would be to build more vaccine-manufacturing capacity** in the United States and then give those vaccines to countries in need, said Cohen. The U.S. pharmaceutical industry would surely benefit, but **that’s preferable to being dependent on other countries when the next pandemic hits.** “If there’s anything that the pandemic has taught us, it’s that we need to have a robust supply chain, for ourselves and for the world generally,” Cohen said. What’s more, it’s not clear that waiving the TRIPS agreement for the pandemic would work in the first place. Bill Gates and others involved in the current vaccine distribution scheme have argued that it would not result in more vaccines, pointing out that licensing agreements are already successfully facilitating cooperation between patent-holding vaccine-makers and foreign manufacturers. Critics respond that such cooperation is still failing to meet the urgent needs in the developing world. Vaccine equity is a real problem, but waiving intellectual property rights is not the solution. If the current system is not getting shots into the arms of people in poor countries, we must fix that for their sake and ours. But the pandemic and our responses to it have geopolitical implications, whether we like it or not. **That means helping the world and thinking about our strategic interests at the same time.**