# R2 Bronx 1N

## 1

#### Interpretation: Affirmative plans must not advocate for actions outside of the resolution – to clarify, no extra T.

#### Violation – The India/South Africa plan is extra-T – the TRIPs waiver includes things other than medicines, like manufacturing or protective equipment – Crowell 21:

“Three Takeaways from the May 21 Revised Trips Waiver Proposal.” Crowell &amp; Moring LLP, 25 May 2021, https://www.crowell.com/NewsEvents/AlertsNewsletters/all/Three-Takeaways-From-the-May-21-Revised-TRIPS-Waiver-Proposal.

***Second***, **paragraph 1 of the revised proposal, in contrast to same paragraph in the original proposal, provides additional clarity as to the scope of the proposed waiver.** Specifically, the scope **encompasses “health products and technologies including diagnostics, therapeutics, vaccines, medical devices, personal protective equipment, their materials or components, and their methods and means of manufacture for the prevention, treatment or containment of COVID-19**.” As in the original proposal, the scope of the revised waiver likewise **applies to the implementation, application, and enforcement of TRIPS provisions regarding copyright and related rights** (Part II, section 1), industrial designs (section 4), patents (section 5), and the protection of undisclosed information (section 7). The scope of potential “health products and technologies” remains unclear, not least because the specified list does not appear to be exhaustive. What is certain, however, is that **the scope of the revised proposal remains broad including, among others, COVID-19 vaccines and diagnostic tests, as well as underlying manufacturing technologies, and covering various types of intellectual property**. Whether, during subsequent negotiations, the scope of the waiver is reduced, such as limiting the health products and technologies or applicable TRIPS provisions, will be critical for stakeholders. Notably, Ambassador Tai’s statement earlier this month specifically reflects the Biden-Harris Administration’s support for a temporary waiver for COVID-19 vaccines only, not other health products or technologies.

#### AND Merriam Webster -- medicines are

https://www.merriam-webster.com/dictionary/medicine

**a substance or preparation used in treating disease**

#### Now negate –

#### [1] Semantics first –

#### A] stasis point – the topic is the only reasonable focal point for debate – anything else destroys the possibility of debate because we will be two ships passing

#### B] internal link turn – violating semantics justifies the aff talking about whatever with zero neg prep or prediction which is the most unfair and uneducational

#### C] Jurisdiction – you can’t vote for them because the ballot and the tournament invitation say to vote for the better debater in the context of the resolution

#### [2] Limits – you explode them since you’re extra topical – you can remove IP protections for medicines and anything else, making it impossible for the negative to create strong enough links. Two impacts:

#### A] Cherry-picking – you can select a trivially true aff that makes it impossible to negate

#### B] prep skew – you can always leverage your extra T aff to back generic neg prep or weigh the extra T impacts, which makes the neg prep burdens impossible to meet

#### C] Predictability – can’t predict what permutation of IP protections in addition to medicines they’ll ban.

#### [3] Topic Ed – we won’t get any education if they choose to write an aff that skirts the topic and functions outside of it – there are plenty of topical affs to choose that enable us to solely focus on the topic.

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

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

#### Fairness – procedural constraint

#### Education – terminal impact to debate and why its funded

#### No RVI’s –

#### (a) creates 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

## 2

#### Interpretation: Reduce means unconditional and permanent – the aff is a suspension.

Reynolds 59 – Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: Waivers

#### Vote neg:

#### 1] Limits and ground– their model allows affs to defend anything from pandemics to Biden’s presidency— there's no universal DA since it’s impossible to know the timeframe when there won’t be IP— that explodes neg prep and leads to random timeframe of the week affs which makes cutting stable neg links impossible — limits key to reciprocal engagement since they create a caselist for neg prep (innovation, collaboration, econ, ptx: all core neg literature thrown away)

## 3

#### Interp – The neg can’t read epistemic modesty and an extinction impact.

#### Violation – you did

#### The standard is infinite abuse – Reading extinction under ur fwk has a 100 magnitude which means pairing it up with EM all u hve to do is put marginal defense to auto win on substance. This justifies a aff ballot every round because of the size of the impact which controls the internal link to clash since there’s no reason for the neg to engage given an auto win.

## 4

#### 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.

#### 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.

#### 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

#### 3] Secrets are good – they are essential parts of contracts formulated by the subject

## Case

### FWK

#### 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

#### Permissibility Negates –

#### 1] Semantics – Ought is defined as expressing obligation which means absent a proactive obligation you vote neg since there’s a trichotomy between prohibition, obligation, and permissibility and proving one disproves the other two.

#### Presume neg- A. We assume statements to be false until proven true. That is why we don’t believe in alternate realities or conspiracy theories. The lack of a reason something is false does not me it is assumed to be true.

#### 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 –

### Advantage

#### No impact to pandemics – your evidence is precovid which means covid non uniques and disproves

#### [3] Turn- Waiving patents can’t resolve drug access issues but instead create a more dangerous scenario for developing countries – Garde 21

Damian Garde (national biotech reporter for STAT), Helen Branswell (senior writer at STAT covering infectious diseases and global health; former CDC Knight Fellow and Nieman Global Health Fellow at Harvard; recipient of the 2020 George Polk Award for coverage of the Covid pandemic), and Matthew Herper (senior writer at STAT covering medicine). “Waiver of patent rights on Covid‐19 vaccines, in near term, may be more symbolic than substantive.” Stat News. 6 May 2021. JDN. https://www.statnews.com/2021/05/06/waiver‐of‐patent‐rights‐on‐covid‐19‐vaccines‐ in‐near‐term‐may‐be‐more‐symbolic‐than‐substantive/

In October, **Moderna vowed not to enforce its Covid‐19‐related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses. That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines**. “There are currently no generic vaccines primarily because there are hundreds of pro‐ cess steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, **but the transfer of skills is not that simple,**

**” said Norman Baylor,** who formerly **headed the F**ood and **D**rug **A**dministration**’s Office of Vaccines Research and Review**, and who is now president of Biologics Consulting. While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — **using messenger RNA technology** — require skilled expertise that even existing manufacturers are having trouble sourcing. “In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said. **There are already huge constraints on some of the raw materials and equipment used to make vaccines. Pfizer, for instanc**e, had to appeal to the Biden administration to use the Defense Production Act to help it cut the line for in‐demand materials necessary for manufacturing. Rajeev Venkayya, head of Takeda Vaccines — which is not producing its own Covid vaccine but is helping to make vaccine for Novavax — said supply shortages are impacting not just Covid vaccine production but the manufacture of other vaccines and biological products as well. “This is an industry‐wide ... looming crisis that will not at all be solved by more tech transfers,” Venkayya said. He suggested many of the people advocating for this move are viewing the issue through the prism of drug development, where lifting intellectual property restrictions can lead to an influx of successful generic manufacturing. “I think in this area there is an unrecognized gap in understanding of the complexities of vaccine manufacturing by many of the ‘experts’ that are discussing it,” said Venkayya, who stressed that while he believes they have good intentions, “nearly **all of the peo‐ ple who are providing views on the value of removing patent protections have zero experience in vaccine development and manufacturing**.”  As Michelle McMurry‐Heath, CEO of the trade group BIO, put it in a statement, “**hand‐ ing needy countries a recipe book without the ingredients, safeguards, and sizable work‐ force needed will not help people waiting for the vaccine.”**