## 1

#### CP Text – The member nations of the WTO ought to reduce IPP for medicines during public health emergencies and employ direct health support through the methods in the Lindsey evidence. In all other cases IPP ought to remain the same.

#### The CP incentivizes pharma medicine development during future pandemics – the aff fails.

Lindsey 21 Brink Lindsey is Vice President and Director of the Open Society Project at the Niskanen Center. Previously he was the Cato Institute's vice president for research [Brink Lindsey, 6-3-2021, "Why intellectual property and pandemics don’t mix," Brookings, <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>] //Lex AKo

On May 5 the Biden administration announced that it would support waiving intellectual property protections for COVID-19 vaccines under the World Trade Organization’s Agreement on Trade-Related Intellectual Property Rights (TRIPS). Predictably, the move drew fiery condemnation from drug companies. In addition, many disinterested observers criticized the support for a TRIPS waiver as empty symbolism, arguing that vaccine patents are not the major obstacle hindering the currently flagging drive to make vaccines available around the world. Waiving patent protections is certainly no panacea. **What is needed most urgently is a massive drive of technology transfer**, capacity expansion, and supply line coordination **to bring vaccine supply in line with global demand. Dispensing with patents in no way obviates the need for governments to fund and oversee this** effort. Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the COVID-19 pandemic is far from over. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is currently raging in India and throughout South America, overwhelming health care systems and inflicting suffering and loss on a horrific scale. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are therefore short-sighted: this pandemic could well drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference. Furthermore, and probably even more important, this is almost certainly not the last pandemic we will face. Urbanization, the spread of factory-farming methods, and globalization all combine to increase the odds that a new virus will make the jump from animals to humans and then spread rapidly around the world. Prior to the current pandemic, the 21st century already saw outbreaks of SARS, H1N1, MERS, and Ebola. Everything we do and learn in the current crisis should be viewed from the perspective of getting ready for next time. THE NATURE OF THE PATENT BARGAIN When we take the longer view, we can see a fundamental mismatch between the policy design of intellectual property protection and the policy requirements of effective pandemic response. Although **patent law**, properly restrained, **constitutes one important element of a well-designed national innovation system**, the way it goes about encouraging technological progress **is singularly ill-suited to the emergency conditions** of a pandemic or other public health crisis. Securing a TRIPS waiver for COVID-19 vaccines and treatments would thus establish a salutary precedent that, in emergencies of this kind, **governments should employ other, more direct means to incentivize the development of new drugs.** Here is the basic bargain offered by patent law: encourage the creation of useful new ideas for the long run by slowing the diffusion of useful new ideas in the short run. The second half of the bargain, the half that imposes costs on society, comes from the temporary exclusive rights, or monopoly privileges, that a patent holder enjoys. Under U.S. patent law, for a period of 20 years nobody else can manufacture or sell the patented product without the permission of the patent holder. This allows the **patent holder to block competitors from the market**, or extract licensing fees before allowing them to enter, and consequently charge above-market prices to its customers. Patent rights thus slow the diffusion of a new invention by restricting output and raising prices. **The imposition** of these short-run costs, however, **can bring net long-term benefits by sharpening the incentives to invent new products**. In the absence of patent protection, **the prospect of easy imitation by later market entrants can deter would-be innovators from incurring the up-front fixed costs of research and development**. But with a guaranteed period of market exclusivity, inventors can proceed with greater confidence that they will be able to recoup their investment. For the tradeoff between costs and benefits to come out positive on net, patent law must strike the right balance. **Exclusive rights should be valuable enough to encourage greater innovation, but not so easily granted or extensive in scope or term that this encouragement is outweighed by output restrictions** on the patented product and discouragement of downstream innovations dependent on access to the patented technology. Unfortunately, the U.S. patent system at present is out of balance. Over the past few decades, the expansion of patentability to include software and business methods as well as a general relaxation of patenting requirements have led to wildly excessive growth in these temporary monopolies: the number of patents granted annually has skyrocketed roughly fivefold since the early 1980s. One unfortunate result has been the rise of “non-practicing entities,” better known as patent trolls: firms that make nothing themselves but buy up patent portfolios and monetize them through aggressive litigation. As a result, a law that is supposed to encourage innovation has turned into a legal minefield for many would-be innovators. In the pharmaceutical industry, firms have abused the law by piling up patents for trivial, therapeutically irrelevant “innovations” that allow them to extend their monopolies and keep raising prices long beyond the statutorily contemplated 20 years. Patent law is creating these unintended consequences because policymakers have been caught in an ideological fog that conflates “intellectual property” with actual property rights over physical objects. Enveloped in that fog, they regard any attempts to put limits on patent monopolies as attacks on private property and view ongoing expansions of patent privileges as necessary to keep innovation from grinding to a halt. In fact, patent law is a tool of regulatory policy with the usual tradeoffs between costs and benefits; like all tools, it can be misused, and as with all tools there are some jobs for which other tools are better suited. **A well-designed patent system**, in which benefits are **maximized and costs kept to a minimum, is just one of various policy options that governments can employ to stimulate technological advance—including tax credits for R&D, prizes for targeted inventions**, and direct government support. PUBLIC HEALTH EMERGENCIES AND DIRECT GOVERNMENT SUPPORT For pandemics and other public health emergencies, patents’ mix of costs and benefits is misaligned with what is needed for an effective policy response. The basic patent bargain, even when well struck, is to pay for more innovation down the road with slower diffusion of innovation today. In the context of a pandemic, that bargain is a bad one and should be rejected entirely. Here the imperative is to accelerate the diffusion of vaccines and other treatments, not slow it down. Giving drug companies the power to hold things up by blocking competitors and raising prices pushes in the completely wrong direction. What approach to encouraging innovation should we take instead? How do we incentivize drug makers to undertake the hefty R&D costs to develop new vaccines without giving them exclusive rights over their production and sale? **The most effective approach** during a public health crisis **is direct government support: public funding of R&D, advance purchase commitments by the government to buy large numbers of doses at set prices, and other, related payouts**. And when we pay drug makers, we should not hesitate to pay generously, even extravagantly: **we want to offer drug companies big profits so that they prioritize this work** above everything else, and so that they are ready and eager to come to the rescue again the next time there’s a crisis.

#### Future pandemics cause extinction

Bar-Yam 16 Yaneer Bar-Yam 7-3-2016 “Transition to extinction: Pandemics in a connected world” <http://necsi.edu/research/social/pandemics/transition> (Professor and President, New England Complex System Institute; PhD in Physics, MIT)//Elmer

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7]. In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2). When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread. As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold. In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world. The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events. A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase. So how close are we to the tipping point? We don’t know but it would be good to find out before it happens. While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated. As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase. Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

## 2

#### U.S dominance over biotech now BUT Misguided policy cedes control to China.

Gupta 6/11 [“As Washington Ties Pharma's Hands, China Is Leaping Ahead.”, Gaurav Gupta, Opinion | America Risks Ceding Its Biotech Dominance to China | Barron's, Barrons, 11 June 2021, [www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808](http://www.barrons.com/articles/as-washington-ties-pharmas-hands-china-is-leaping-ahead-51623438808)., Gaurav Gupta, a physician, is the founder of the biotechnology investment firm Ascendant BioCapital.]//Lex AKu

There should be no doubt that we are living at the dawn of a golden age of biomedical innovation. The American scientific engine that produced Covid-19 vaccines in record time was fueled by a convergence of advances in genomics, biomarkers, data science, and manufacturing years in the making. The first Food and Drug Administration approvals of a host of new product formats—oligonucleotide, bispecific, oncolytic virus, CAR-T, and lentivirus/AAV—all took place within the last decade. These represent an unprecedented expansion of the armamentarium that physicians have at their disposal to treat and cure disease. In the last few years, [47% of all new medicines](https://www.efpia.eu/media/554521/efpia_pharmafigures_2020_web.pdf) were invented by U.S. biopharma companies, with [homegrown startups](https://www.cbo.gov/publication/57126) driving the majority of innovation. The bulk of the remainder were developed by foreign companies specifically for the U.S. market. An indirect benefit of these trends is that most novel therapeutics undergo clinical development and early commercial launch here in the U.S. The rest of the world understands that the American patient has earlier and broader access to groundbreaking therapies via these mechanisms. Indeed, the past decade is filled with examples of medical “firsts” for American patients: the first cure for Hepatitis C, the first gene therapy for blindness, the first immunotherapy for cancer. Future rewards will be greater still if we preserve our current system of incentivizing and protecting The remarkable innovation capacity of our biopharmaceutical industry ought to be a source of national pride. Yet while “Made in America” is the global standard for medicines in development today, misguided policy risks ceding our scientific prowess to other countries in the future. This is particularly true in the case of China, where biotechnology has become a strategic pillar for the health of its people and economy. From 2016 to 2020, the market capitalization of all Chinese biopharma companies increased exponentially from [$1 billion to over $200 billion](https://www.bloomberg.com/news/articles/2021-03-01/xi-mobilizes-china-for-tech-revolution-to-cut-dependence-on-west). China saw over [$28 billion](https://www.bioworld.com/articles/506978-china-sees-five-year-highs-in-life-sciences-investments-and-partnering) invested in its life sciences sector in 2020, double the previous year’s amount. Returns on China’s investment are already arriving. The FDA approved a drug developed in China for the first time ever in 2019. While China’s innovation capacity currently remains behind America’s, my experiences as a biopharma professional make it clear they are doing everything they can to catch up and catch up fast. In fact, when I speak to Chinese biotechnology executives, they boast that they can run clinical trials faster than their U.S. counterparts. The danger of misguided policies that disincentivize pharmaceutical innovation in the U.S. is effectively driving that same innovation to China. If we close off the market in the U.S. at the same time that China is opening its market to innovative new products, then we will see companies choose to first launch impactful novel medicines in China, based on clinical trials conducted in China. Because the FDA rarely accepts data generated entirely outside the U.S., this relocation of research capacity will negatively affect Americans’ access to cutting-edge therapies. The biotechnology field is advancing rapidly. Promising technologies such as targeted protein degradation and gene editing are perhaps not far from being developed into impactful medicines, and the U.S. risks these technologies being mastered by Chinese companies.

#### The plan chills American biomed innovation on vaccines, ceding control to China – also can’t solve future diseases

Paulsen 7/9 [ERIK PAULSEN: We can save the world with our vaccines — without surrendering our IP to China," Bakersfield Californian, [https://www.bakersfield.com/opinion/erik-paulsen-we-can-save-the-world-with-our-vaccines-without-surrendering-our-ip-to/article\_b0b87692-df61-11eb-9a13-d7fa02eefaee.html]//Lex](https://www.bakersfield.com/opinion/erik-paulsen-we-can-save-the-world-with-our-vaccines-without-surrendering-our-ip-to/article_b0b87692-df61-11eb-9a13-d7fa02eefaee.html%5d//Lex) AKu

The Biden administration gave Beijing a gift when it endorsed a petition before the World Trade Organization to force the American developers of Covid-19 vaccines and therapeutics to relinquish their intellectual property rights to these medicines. The Chinese government seeks to take over in biotech, a sector where U.S. innovators lead. Biotech is included in its “Made in China 2025” plan, which lists 10 sectors that China aims to dominate. The government intends to force anyone doing business in China in those spheres to hand over know-how. Surrendering IP protections on biomedical technology has dire consequences. Foremost, it guts the foundation of biomedical innovation, which takes huge investments spanning many years to bear fruit. IP protections assure innovators that they can recover those investments and make a profit. Losing IP protection would have a chilling effect on investments in the sector. Equally injurious to America, the IP waiver would allow China to become a biotech powerhouse by piggybacking on American innovation. A waiver on IP for Covid-19 vaccines would accelerate the timeline for “Made in China 2025**.**” The mRNA technology, which undergirds the Pfizer-BioNTech and Moderna vaccines has uses beyond this pandemic. It has the potential to take on cancers and other diseases. With the waiver, China and others will be emboldened to use the once-proprietary mRNA know-how for broader research and applications. Is this in America’s interest? Mark Cohen**,** an expert on Chinese IP theft**,** recentlytold the Washington Post that the waiver would deliver **“**a competitive advantage to countries that are increasingly viewed as our adversaries, at taxpayer expense.” Beyond the damage that an mRNA giveaway will inflict on US R&D investments, the waiver sends a signal that America could agree to force American innovators to part with trade secrets every time there’s a global crisis. That attitude will arrest biopharmaceutical innovation. Small biotech firms spearhead 70 percent of the R&D pipeline, relying heavily on private investors to fund that work. If investors know that innovators may have to give away their discoveries in a global crisis, they’ll deploy their money elsewhere. That’ll make it even harder to draw the R&D investments needed to address infectious diseases, including drug-resistant infections and viruses. America is benefitting greatly from the early access to COVID-19 treatments and vaccines, saving lives and speeding economic recovery. Preserving U.S. leadership in biomedical innovation includes preserving the incentives that helped make it the world’s leader. A final downside of the waiver is the ability for American firms to find a cure for the next pandemic. Among the greatest threats is bacteria resistant to our current arsenal of antibiotics that becomes a pandemic-inducing superbug. Already, the market for new antimicrobials is broken**.** Only a handful of biotechs have them in development, and many have gone bankrupt trying to commercialize one. “A lot of people have rightly said we need to start thinking about preparing for the next pandemic now,” noted Craig Garthwaite, a healthcare-business professor at Northwestern University. “Suspending IP for vaccine manufacturers would send exactly the wrong signal for the future.**”** For the sake of patients everywhere, American IP rights must stay protected. It’s the only way to keep China at bay and American innovators at work.

#### The plan hands over decades of American innovation to China

**WSJ Editorial Board 5-6** ["Biden’s Vaccine IP Debacle" <https://www.wsj.com/amp/articles/bidens-vaccine-ip-debacle-11620341686>.] TDI

**The economic self-damage is also hard to fathom**. The U.S. currently has a competitive advantage in biotech and biologics manufacturing, **which could be a growing export industry**. Waiving IP protections for Covid vaccines and medicines will give away America’s crown pharmaceutical jewels and make the U.S. and world more reliant on India and China for pharmaceuticals. Moderna has been working on mRNA vaccines for a decade. Covid represents its first success. Ditto for Novavax, which has been at it for three decades. Small biotech companies in the U.S. have been studying how to create vaccines using nasal sprays, pills and patches. Thanks to Mr. Biden, all this could become the property of foreign governments. Licensing agreements allow developers to share their IP while maintaining quality control. Breaking patents and forcing tech transfers will enable China and low-income countries to manufacture U.S. biotech products on their own. **China’s current crop of vaccines are far less effective than those in the West,** but soon Beijing might be able to purvey Pfizer knock-offs. The U.S. has spent years deploring China’s theft of American IP, and now the Biden Administration **may voluntarily let China could reap profits from decades of American innovation.** Instead of handing over American IP to the world, Mr. Biden could negotiate bilateral vaccine agreements and export excess U.S. supply. If Mr. Biden wants to increase global supply safely, the U.S. could spend more to help the companies produce more for export. Then the jobs would go to Americans. We thought this was the point of the production deal Mr. Biden negotiated between J&J and Merck.

#### Biotech leadership key to future military primacy.

Moore 21 [(Scott Moore is a political scientist and administrator at the University of Pennsylvania and the author of a forthcoming book, “How China Shapes the Future,” on China’s role in public goods and emerging technologies.) 8-8-2021, "In Biotech, the Industry of the Future, the U.S. Is Way Ahead of China," Lawfare, https://www.lawfareblog.com/biotech-industry-future-us-way-ahead-china]//Lex AKu

A [continuing refrain](https://phys.org/news/2020-10-america-edge-peril.html) from Washington in recent years has been that the United States is falling behind China in the development of critical emerging technologies. In some fields, this may be true. But not in biotechnology. To be sure, China’s biotech sector is growing at a torrid pace, and some of its firms are becoming leaders in [certain areas](https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_china_biotechnology_moore.pdf), such as cancer treatment. Yet the U.S. retains a dominant position in research, development and commercialization, accounting for [almost half](https://itif.org/publications/2018/03/26/how-ensure-americas-life-sciences-sector-remains-globally-competitive) of all biotech patents filed from 1999 to 2013. The triumph of its biotechnology industry during the coronavirus pandemic, producing two highly effective vaccines using an entirely new approach based on [messenger RNA](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/mrna.html), and in record time, shows that the U.S.’s competitive edge in biotechnology remains largely intact. And that has important implications as Washington gears up for a sustained period of geopolitical competition with Beijing. Biotech is such a critical area for technological competition between the U.S. and China because it is transforming fields from medicine to military power. The great advances of the 19th century, like chemical fertilizers, resulted from mastering chemistry. In the 20th century, mastery of physics led to nuclear energy—and, more ominously, nuclear weapons. In the 21st century, biology offers a similar mix of peril and promise. This was illustrated dramatically by the award of the 2020 Nobel Prize for the discovery of an enzyme system known as CRISPR-Cas9, which allows an organism’s genomes to be edited with high precision. It is a transformational breakthrough. But while CRISPR shows great promise in the development of [new cures](https://www.nature.com/articles/d41586-020-03476-x) for long-untreatable diseases, it could also lead to a whole new generation of [deadly bioweapons](https://foreignpolicy.com/2019/11/08/cloning-crispr-he-jiankui-china-biotech-boom-could-transform-lives-destroy-them/). That’s a prospect that increasingly alarms U.S. intelligence officials. In 2016, then-Director of National Intelligence James Clapper [warned Congress](https://www.technologyreview.com/s/600774/top-us-intelligence-official-calls-gene-editing-a-wmd-threat/) that “[r]esearch in genome editing conducted by countries with different regulatory or ethical standards than those of western countries probably increases the risk of the creation of potentially harmful biological agents or products.” Although Clapper didn’t name specific countries, it soon became clear that he was referring mainly to China. Four years later, his successor, John Ratcliffe, issued a far more [pointed warning](https://www.wsj.com/articles/china-is-national-security-threat-no-1-11607019599) that “China has even conducted human testing on members of the People’s Liberation Army in hope of developing soldiers with biologically enhanced capabilities. There are no ethical boundaries to Beijing’s pursuit of power.” Such capabilities are almost certainly only speculative—but they underscore why biotech leadership is so important for national security as well as economic competitiveness. Beijing has long envied the United States’s dominant position in biotechnology and spent heavily to overtake it. Biotech has been a priority sector for state investment since the 1980s, and by [one estimate](https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200427_china_biotechnology_moore.pdf) Beijing had poured some $100 billion into the sector by 2018. Nowhere did it lavish more attention or invest more of its propaganda power than in developing a coronavirus vaccine. State media have spent months [crowing](https://www.globaltimes.cn/content/1190615.shtml) that “China is working around the clock for breakthroughs in COVID-19 vaccines.” Yet despite this push, China’s vaccine program quickly took on a Potemkin air. In February 2020, barely two months after the onset of the pandemic and after a supposedly crash vaccine effort, a military doctor stood in front of a Chinese flag to receive what was billed as an experimental vaccine dose but was widely suspected to be a [staged photo op](https://www.sciencemag.org/news/2020/11/global-push-covid-19-vaccines-china-aims-win-friends-and-cut-deals). Now, having [spent months](https://www.nytimes.com/2021/01/13/business/chinese-vaccine-brazil-sinovac.html) talking up its two primary vaccine candidates to developing countries like Brazil and Indonesia, both of which have entered into purchase agreements with Chinese biotech firms, Chinese officials face [severe mistrust](https://www.nytimes.com/2021/01/13/business/chinese-vaccine-brazil-sinovac.html) among their nation’s overseas partners. For China’s leaders, the disappointing returns on their big bet on biotechnology look likely to cause them more headaches at home as well as abroad—there are [already signs](https://www.sciencemag.org/news/2020/11/global-push-covid-19-vaccines-china-aims-win-friends-and-cut-deals) that affluent Chinese place more trust in foreign-developed coronavirus vaccines than the homegrown ones produced at such great expense. For U.S. officials, though, China’s relative underperformance in vaccine development presents an opportunity to reassert the United States’s leadership in biotechnology and public health and bolster the nation’s depleted soft power in the process. The Biden administration has already signaled it will reengage in multilateral bodies such as the World Health Organization. Yet the U.S. shouldn’t stop there. Washington should begin thinking now about how to emulate the success of the President’s Emergency Plan for AIDS Relief (PEPFAR)—which, though imperfect, is widely regarded as one of the most successful single public health interventions in history—to address growing disparities in access to coronavirus vaccines between countries. At the moment, vaccine supplies are controlled largely by rich countries, creating the risk of moral and public health failure if the gap persists. While COVID-19, the respiratory disease caused by the novel coronavirus, differs in many respects from AIDS, PEPFAR combined research, prevention, and access to therapeutics. Developing a comparable institutional structure to close the coronavirus vaccine access gap is the right thing to do—but it would also go a long way to restoring America’s battered global reputation. At the same time, the United States can’t afford to rest on its laurels in biotechnology, or any other field. Aside from China, other nations like Singapore and Israel have also invested heavily to develop their biotechnology sectors, with Israel in particular giving rise to a thriving biotech industry. U.S. public investment in basic scientific research and development has meanwhile [been on the decline](https://www.wsj.com/articles/how-the-u-s-surrendered-to-china-on-scientific-research-11555666200) for decades, and there are worrying signs that America’s once world-beating innovation ecosystem is less productive, and less entrepreneurial, than it once was. Despite strengths in translational research, moreover, the frontiers of biology increasingly sit at the [intersection with other disciplines](https://www.startus-insights.com/innovators-guide/biotech-innovation-map-reveals-emerging-technologies-startups/) like computer science, meaning that funding agencies, universities and other organizations need to break down disciplinary silos. Boosting support for biotechnology research, while reforming how that money is used, will go a long way toward shoring up the United States’s leading position in the global biotech sector. The U.S. biotechnology sector also faces other threats, not least growing espionage and intellectual property theft by foreign actors, especially those linked to China. Several high-profile cases brought by the U.S. Department of Justice’s China Initiative have involved biotechnology researchers, and American biotech firms have been [top targets](https://www.jdsupra.com/legalnews/chinese-and-russian-hackers-targeting-78355/) for cyber theft and intrusion. Sustained outreach to researchers and research institutions is critical to preventing such theft. But efforts to clamp down on the threats posed by espionage and intellectual property theft can easily go too far and must preserve the researcher mobility and data-sharing that is essential to doing cutting-edge science. Beyond its shores, the United States should work with its partners and allies to enhance export controls on dual-use biotechnology—used for both peaceful and military gain—especially DNA templates. Many forms of genetic material and synthetic biology products are [already subject](https://www.bis.doc.gov/index.php/documents/regulations-docs/2332-category-1-materials-chemicals-microorganisms-and-toxins-4/file) to U.S. export controls, but gaps remain, and screening for genetic sequence orders relies primarily on voluntary regulation by biotech firms. Better coordinating export controls among major economies and U.S. allies can dramatically reduce the risk of sophisticated bioweapons development in the decades to come.

#### Heg solves arms races, land grabs, rogue states, and great power war.

Brands 18 [Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments." American Grand Strategy in the Age of Trump." Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6 From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep. This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance. Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate. American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap. Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled. THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors. First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment. Second, the international outlaws are no longer so weak. North Korea’s conventional forces have atrophied, but it has amassed a growing nuclear arsenal and is developing an intercontinental delivery capability that will soon allow it to threaten not just America’s regional allies but also the continental United States.12 Iran remains a nuclear threshold state, one that continues to develop ballistic missiles and A2/AD capabilities while employing sectarian and proxy forces across the Middle East. The Islamic State, for its part, is headed for defeat, but has displayed military capabilities unprecedented for any terrorist group, and shown that counterterrorism will continue to place significant operational demands on U.S. forces whether in this context or in others. Rogue actors have long preoccupied American planners, but the rogues are now more capable than at any time in decades. Third, the democratization of technology has allowed more actors to contest American superiority in dangerous ways. The spread of antisatellite and cyberwarfare capabilities; the proliferation of man-portable air defense systems and ballistic missiles; the increasing availability of key elements of the precision-strike complex— these phenomena have had a military leveling effect by giving weaker actors capabilities which were formerly unique to technologically advanced states. As such technologies “proliferate worldwide,” Air Force Chief of Staff General David Goldfein commented in 2016, “the technology and capability gaps between America and our adversaries are closing dangerously fast.”13 Indeed, as these capabilities spread, fourth-generation systems (such as F-15s and F-16s) may provide decreasing utility against even non-great-power competitors, and far more fifth-generation capabilities may be needed to perpetuate American overmatch. Finally, the number of challenges has multiplied. During the 1990s and early 2000s, Washington faced rogue states and jihadist extremism—but not intense great-power rivalry. America faced conflicts in the Middle East—but East Asia and Europe were comparatively secure. Now, the old threats still exist—but the more permissive conditions have vanished. The United States confronts rogue states, lethal jihadist organizations, and great-power competition; there are severe challenges in all three Eurasian theaters. “I don’t recall a time when we have been confronted with a more diverse array of threats, whether it’s the nation state threats posed by Russia and China and particularly their substantial nuclear capabilities, or non-nation states of the likes of ISIL, Al Qaida, etc.,” Director of National Intelligence James Clapper commented in 2016. Trends in the strategic landscape constituted a veritable “litany of doom.”14 The United States thus faces not just more significant, but also more numerous, challenges to its military dominance than it has for at least a quarter century.

## 3

#### Interpretation: “medicines” is a generic bare plural. The aff may not defend WTO member nations reducing intellectual property protections for a subset of medicines.

#### The upward entailment test and adverb test determine the genericity of a bare plural

Leslie and Lerner 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. Adam Lerner, PhD Philosophy, Postgraduate Research Associate, Princeton 2018. From 2018, Assistant Professor/Faculty Fellow in the Center for Bioethics at New York University. Member of the [Princeton Social Neuroscience Lab](http://psnlab.princeton.edu/).] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### Patent waiver is not topical.

Tom Lee 21 (Data and Policy Analyst at the American Action Forum) And Christopher Holt (the Director of Health Care Policy at the American Action Forum), 5/10/21, Intellectual Property, COVID-19 Vaccines, and the Proposed TRIPS Waiver, <https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/#ixzz75KTH1nPx> SJEP

**In October 2020, India and South Africa requested the World Trade Organization (WTO) suspend certain intellectual property (IP) protections for COVID-19 vaccines and related products.** Both countries claim these IP protections, part of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), have slowed production of and access to COVID-19 vaccines. As of May 2021, over 100 countries, mostly in the developing world, have joined India and South Africa in calling for a waiver of TRIPS for COVID-19 vaccines and related products. At the same time, a handful of developed nations—specifically the European Union, Switzerland, Norway, Australia, Canada, Japan, and the United Kingdom—have signaled their opposition to a waiver. In the United States, the Biden Administration recently [announced](https://thehill.com/policy/healthcare/551992-biden-backs-covid-19-vaccine-patent-waivers) that it will support the TRIPS waiver request after intense pressure from progressive activists and Democratic lawmakers in Congress—over 100 of whom have signed a series of letters calling on President Biden to support the proposed TRIPS waiver.[[1]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn1) The pressure campaign clearly had an impact on the administration, as its actions conflict with the recent [statement](https://www.cbsnews.com/news/transcript-ron-klain-on-face-the-nation-may-2-2021/) of White House Chief of Staff Ron Klain, who argued “really, manufacturing is the biggest problem. We have a factory here in the U.S. that has the full intellectual property rights to make the vaccine. They aren’t making doses because the factory has problems.”[[2]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn2) Also being ignored in the IP debate are logistical distribution challenges and lack of sufficient frontline workers, which contribute to a slow rollout.[[3]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn3) Public posturing aside, the Biden Administration surely knows that a TRIPS waiver for COVID-19 related IP will likely be futile. Scaling up production, as Klain alluded to, has proven to be the main challenge to manufacturing larger quantities of vaccine.[[4]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn4) Waiving TRIPS would do nothing to address this constraint. Waiving TRIPS would instead encourage IP abuse and distort market forces and innovation. **TRIPS Provisions** The TRIPS agreement is an international trade agreement among all 164 members of the WTO. It is one of three founding and central components of the WTO, along with the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS). The purpose of the TRIPS agreement is to unify trade and provide increased certainty in international economic relations. Among other things, TRIPS specifically: Provides minimum IP protections and standards that apply to all WTO members; Outlines enforcement actions that countries can undertake to remedy violations of the above standards; and Establishes dispute settlement procedures to allow countries to negotiate an end to disagreements. TRIPS does, however, allow for compulsory licensing where in a public health emergency, a country may copy patented drugs without the permission of the original manufacturer with WTO approval. Proposal to Waive TRIPS The recent proposal submitted by India and South Africa and signed on by over 100 developing countries would waive four specific protections of COVID-19 vaccines and related medical products and services: Copyrights; Patents; Trademarks; and Undisclosed information procedures. The first three protections allow companies to prevent foreign companies from copying their products. They require the original company to disclose information about the product, however. Foreign companies are free to study the disclosed information of the patent but cannot copy it unless given a licensing agreement from the original company. Contrarily, companies can choose not to get patents for their products and instead keep their information secret. The fourth protection prevents the theft of trade secrets of foreign companies. While TRIPS has been waived previously, if approved, this would be the broadest waiver since the agreement’s enactment in 1995.[[5]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn5) TRIPS and Manufacturing Capacity The primary justification for waiving TRIPS is that IP protections cause underutilized manufacturing capacity. By removing TRIPS, developing nations could copy patented drugs and use their own manufacturers to produce vaccines, thereby increasing access. This rationale, however, is flawed. Adar Poonawalla, CEO of the Serum Institute of India—currently the largest producer of COVID-19 vaccine doses in the world—has argued that access to IP is not limiting vaccine production, rather it is the time involved in scaling up manufacturing capacity.[[6]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn6) It should also be noted that Moderna has already pledged not to enforce its own COVID-19 vaccine patents during the pandemic.[[7]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn7) In addition, COVID-19 vaccines such as those produced by Pfizer and Moderna use emerging and very complex technologies and processes. These technologies and processes are essential to producing and increasing scale of COVID-19 vaccines. They are not published in patents but rather kept as trade secrets. The fourth protection mentioned above only prevents theft of trade secrets; it does not allow or disallow a company from keeping trade secrets. Waiving TRIPS therefore does nothing to speed up vaccine production even if there were excess manufacturing capacity, as manufacturers would not receive the essential trade secrets they would need. The issue at present is not underutilized manufacturing capacity, rather scaling up production has been the largest difficulty of vaccine manufacturing. It takes anywhere from 60 to 120 days to produce a single batch of vaccines. Even with manufacturing challenges, between 9.5 and 13.5 billion doses of COVID-19 vaccines are projected to be produced in 2021. Eleven billion doses would be sufficient to vaccinate 70 percent of the world population and reach heard immunity, assuming 2-dose vaccinations.[[8]](https://www.americanactionforum.org/insight/intellectual-property-covid-19-vaccines-and-the-proposed-trips-waiver/" \l "_edn8) TRIPS and Compulsory Licensing Separate from a broad IP waiver, TRIPS includes a compulsory licensing process. Foreign manufacturers are free to ask a patentee for a voluntary licensing agreement to manufacture a product. This process can be long, however, and the patentee can ultimately refuse. When this happens, TRIPS allows the manufacturer through its national government to grant a compulsory license provided the manufacturer has first sought a voluntary licensing agreement. This compulsory license is issued by that national government to the manufacturer to produce a patented drug without the original patentee’s permission. Each compulsory license must apply to a specific product. It is important to note that TRIPS does not have a governing body which oversees this process. At the same time, if a country grants an internationally unpopular compulsory license, it will face economic, political, and retaliatory ramifications from other governments and private firms, so governments must weigh these costs. In addition, if a country declares a national emergency or other circumstances of extreme urgency, TRIPS allows a foreign manufacturer to immediately apply for a compulsory license, skipping the process to apply for a voluntary license. A TRIPS waiver, like the one suggested for COVID-19-related IP, is therefore entirely unnecessary—even if IP protections were an obstacle to vaccine access. In the case of COVID-19, compulsory licensing would not, however, address the real issues related to scaling manufacturing capacity. The Vagueness of the Proposed TRIPS Waiver **Under the broad language of the proposed TRIPS waiver, any drugs that have use for patients with COVID-19, including those that predate the pandemic, could lose patent protection**. Thus, a foreign company could produce a specific drug under the auspices of COVID-19 but sell it for another disease. Moreover, the foreign company would not have to provide any financial compensation to the company from whom they took the IP. **The proposal’s language is so broad that other patented medical products beyond pharmaceutical drugs such as masks, non-pharmaceutical chemical compounds, and respirators would also be subject to the waiver.**

#### It applies to “medicines” – 1] upward entailment test – “reduce intellectual property protections for medicines” doesn’t entail reducing protections for aids, because it doesn’t prove that we should derestrict other beneficial tech, 2] adverb test – member nations “ought to usually reduce intellectual property protections for medicines” doesn’t substantially change resolutional meaning, 3] predicate level – the rez is an individual level predicate not a stage level because moral obligations in ought statements are long-lasting as opposed to fleeting phases

#### **Violation – they only defend \_ covid medicines**

#### Vote neg:

#### 1] Limits – you can pick anything from COVID vaccines to HIV/AIDS to random biotech to insulin treatments and there’s no universal disad since each one has a different function and implication for health, tech, and relations – explodes neg prep and leads to random medicine of the week affs which makes cutting stable neg links impossible. PICs don’t solve – it’s absurd to say neg potential abuse justifies the aff being flat out not T, which leads to a race towards abuse. Limits key to reciprocal engagement since they create a caselist for neg prep.

#### 2] TVA – read the aff as an advantage to a whole rez aff.

#### Voters:

#### Topicality is a voting issue that should be evaluated through competing interpretations—it tells the negative what they do and do not have to prepare for. Reasonability is arbitrary and unpredictable, inviting a race to the bottom and we’ll win it links to our offense.

#### Drop the debater to deter future abuse and because the 2N doesn’t get new disads to whole rez so it’s permanently skewed.

#### No RVIs—it’s your burden to be fair and T—same reason you don’t win for answering inherency or putting defense on a disad.

#### Precision o/w – anything else justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### T comes before 1AR theory – a) norms – we only have a couple months to set T norms but can set 1AR theory norms anytime, b) magnitude – T affects a larger portion of the debate since the aff advocacy determines every speech after it

## Case

#### 1] Vote neg on presumption – the compulsory licensing clause and exception in TRIPS is the same as the aff—proves no solvency b/c generic vaccines haven’t been made.

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### 2] Waiving IP enforcement results in rampant increase in counterfeit vaccines – turns case.

Mercurio 21 (Bryan Mercurio is a Professor and Vice-Chancellor's Outstanding Fellow of the Faculty of Law at the Chinese University of Hong Kong, February 21, 2021, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3789820&download=yes>) CS

6. IP enforcement is of vital importance to maintaining safety standards.

The protection of IP not only provides incentives to innovators to create, but also plays a crucial role in ensuring the safety of vaccines and helping to prevent the importation **of fraudulent and dangerous goods**. Unlike the typical pharmaceutical industry, the vaccine market is not a free and open market.69 Vaccines contain biological products made from living organisms and the risk of failure in vaccine development and production is high. 70 Moreover, the manufacturing process for vaccines is much more complex as it requires the use of facilities and equipment with a high degree of specialization.71 The complexity of vaccine products implies that more time and regulatory requirements are needed in order to make or “copy” the vaccine production process. Therefore, the innovator should be expected to make conscious and meticulous decisions as to when and to whom to issue licences, as this is the most responsible way to bring their technologies to the world and safeguard global health.

In addition, as the COVID-19 pandemic continues there has been a **noticeable increase in the circulation of fake medicines** around the world. According to the International Criminal Police Organization (Interpol), **organized crime groups** have been producing fake drugs and medical products and selling them for **lucrative profits in developing countries**.72 With the development of COVID-19 vaccines on the market, a rapid rise in the illegal sale of fake items is expected, according to the United Nations Office on Drugs and Crime (UNODC).73 Counterfeits of the legitimate products provide false promises of protection and could lead to **disastrous consequences**, including **worsened illness and** **death** for the individual and the retardation of herd immunity for the population at large. Effective and proactive **IP** procurement is **essential** and useful in mitigating the risks of counterfeit and substandard medicines. IP enforcement measures play a significant role in preventing these fake and illicit medicines from circulating in the market. While important during normal times, IP enforcement can take on an enhanced role of safeguarding the public during this critical period of time. Waiving all COVID-19 related IPRs raises the risk of unsafe or fake vaccines circulating in supply channels and being sold to unsuspecting governments, **putting millions of human lives at risk** and reducing trust in vaccines.

#### 3] They don’t solve---Vaccines specifically are different from medicines.

Immunize BC 20 (Immunize British Colombia is a collaborative project of the BC Ministry of Health, the BC Centre for Disease Control (an agency of the BC Provincial Health Services Authority), the regional health authorities (First Nations Health Authority, Fraser Health, Interior Health, Island Health, Northern Health and Vancouver Coastal Health), the BC Pharmacy Association and the Public Health Association of BC. Our mission is to improve the health of British Columbians by continuing to reduce the number of vaccine-preventable diseases, along with the illness, disability and death that they cause, What are vaccines?, Date last reviewed: Thursday, Mar 19, 2020, accessed on 6-30-21, <https://immunizebc.ca/what-are-vaccines)//ww> pbj

Vaccines are products that protect people against many diseases that can be very dangerous and even deadly. Different than most medicines that treat or cure diseases, vaccines prevent you from getting sick with the disease in the first place.

#### 4] No consensus – members say no and believe that waiving protections don’t solve.

**Bacchus 20** (James Bacchus, 12-16-2020, "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines>) // CH

Later in October, **the members of the WTO failed** to muster **the required consensus to move forward with the proposed waiver**. The European Union, the United States, the United Kingdom, and other developed countries opposed the waiver request.3 One WTO delegate, from the United Kingdom, described it as “an extreme measure to address an unproven problem.”4 A spokesperson for the European Union explained, “There is **no evidence that i**ntellectual **p**roperty **rights are a genuine barrier for accessibility of COVID‐​19‐​related medicines and technologies**.”5 In the absence of a consensus, WTO members have decided to postpone further discussion of the proposed waiver until early 2021.

### AT: WTO Cred

#### 1] This impact is an absolute joke – need to win conflict coming.

#### 2] Biden and trump terminally thump WTO cred.

**Krueger 21** (Anne O. Krueger 5-24 [(Anne O. Krueger, a former World Bank chief economist and former first deputy managing director of the International Monetary Fund, is Senior Research Professor of International Economics at the Johns Hopkins University School of Advanced International Studies and Senior Fellow at the Center for International Development at Stanford University.) “Biden's Trumpy Start on Trade” <https://www.project-syndicate.org/commentary/bidens-trade-policy-is-a-lot-like-trumps-by-anne-o-krueger-2021-05>] TDI

WASHINGTON, DC – Former President Donald Trump did enormous damage to the United States’ reputation and future prospects, both domestically and internationally. Yet while President Joe Biden has set about reversing the previous administration’s legacy in many domains, he has yet to focus his attention on US trade policy. That needs to change. Trump’s trade policies were not only a disaster for US and world trade; they also have made it more difficult for the US to achieve a broader range of economic and foreign-policy goals. Reversing those policies thus should be a top priority for the new administration. After all, America’s friends and allies (particularly the European Union, the United Kingdom, Canada, Mexico, Japan, and South Korea) remain deeply shaken by Trump’s protectionist impulses. In addition to slapping tariffs on a broad range of goods, his administration forced a renegotiation of the North American Free Trade Agreement and the US-Korea Free Trade Agreement, and withdrew the US from the Trans-Pacific Partnership (TPP) to which the US had agreed. It declared a “trade war” with China, despite that country’s membership in the World Trade Organization (WTO), and with no regard for US trading partners’ own dealings with China. Taken together, these policies have done serious damage to America’s standing in the world. Leading the world toward an open multilateral trading system under the 1947 General Agreement on Tariffs and Trade (GATT, which became the WTO in 1995) was one of America’s crowning achievements after World War II. The system works precisely because members willingly commit themselves to open, rules-based trade policies. Among other things, this ensures that foreign traders have the same rights as domestic nationals when disputes between them arise, and that the principle of nondiscrimination among trading partners prevails, except in the case of preferential trading arrangements. Trade flourished under the GATT, with the US leading negotiations for multilateral tariff reductions and the removal of other trade barriers (including quantitative restrictions). In later years, developing countries witnessed the success of open markets and decided to start dismantling their own highly protectionist regimes. For most, this resulted in a remarkable acceleration of growth in output and trade. For more than a half-century, world trade grew roughly twice as fast as world GDP. This growth was far from smooth, of course. Significant slowdowns followed the oil shocks of the 1970s, the Asian financial crisis of the late 1990s, and the Great Recession a decade later. Growth in world output and trade has resumed since the 2008 global financial crisis, but not as rapidly as in the years preceding it. And China, following an overhaul of its trade policies in the 1990s and its accession to the WTO in 2001, emerged as the world’s largest trading power. In addition to reducing domestic poverty and improving living standards for its own population, China’s dramatic economic ascent was bound to raise issues with other countries. **But thanks to the WTO and its dispute-settlement mechanism, there was a multilateral forum where these issues could be addressed – that is, until Trump came along.** Although **Biden** has reasserted America’s commitment to internationalism and multilateralism, he **has moved slowly to repair the damage that Trump did to critical institutions like the WTO.** Nor has Biden reversed Trump’s withdrawal from the TPP. Now called the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, US membership in this 11-country pact would be a boon for US exporters. Currently, US companies are at a distinct disadvantage relative to their competitors in CPTPP countries, because their exports to those economies are subject to duties that do not apply to exports from members of the bloc. Biden also has not ended the trade war with China, even though that effort has utterly failed to achieve its stated objectives. While the US bilateral trade deficit with China has fallen somewhat, the deficits with Vietnam, Malaysia, and others have risen commensurately as their exports have replaced those from China. Although the Biden administration has finally agreed to a new director-general for the WTO, it has done little to reduce Trump’s tariffs, and has even announced that it will strengthen “buy American” provisions in government procurement contracts. Biden says he wants to protect American jobs, yet the Trump administration’s tariffs on imported iron and steel, which have cost a net total of around 75,000 jobs (leaving out the additional losses caused by other countries’ retaliatory tariffs), remain in place. If Biden really wants to help American workers, he should recognize that exports create good jobs, and that the export sector’s contribution to US GDP has doubled as a result of open multilateral trade. As for America’s current-account deficit, that can be addressed only by curtailing US expenditures relative to income, not through protectionism. And because the WTO procurement agreement has led other countries to open up government bidding processes for American exporters, it is doubtful that weakening it will benefit American workers; indeed, doing so may even cost jobs. China is here to stay. Though there are certainly trade issues that need to be addressed, that is best done multilaterally. The US and China have both lost as a result of the trade war. A US offer to remove the tariffs if the Chinese reciprocate and join multilateral discussions on outstanding issues could benefit both countries and the rest of the world. Strong economies make for successful countries. Efforts to protect domestic industries are a sign of weakness, not strength. If the Biden administration wants to achieve its stated goals, it will remove Trump’s protectionist measures, work multilaterally, strengthen US infrastructure, invest in workforce skills and education, and expand America’s research capabilities. **It should be obvious by now that continuing the last administration’s trade policies is a recipe for failure.**

#### 3] The WTO’s appellate body no longer exists to mediate disputes---absent immediate state buy in, and no mechanism to make disobedient states obey, the system collapses---turns case.

**Horton 8-3** (Lessons from Trump’s assault on the World Trade Organization, https://www.chathamhouse.org/2021/08/lessons-trumps-assault-world-trade-organization, Chatham House – International Affairs Think Tank, Communications Manager; Project Lead, Common Futures Conversations) // Lex BF

The WTO is unique amongst international institutions because it has a powerful enforcement mechanism – the dispute settlement system. However, the fundamental vulnerability is that if powerful states like the US and others won’t participate in the system and be bound by its rules, they quickly risk becoming irrelevant. And that’s the situation we’re in right now with the appellate body crisis, where, without a functioning mechanism to ensure that WTO rules are enforced, the entire system of global trade rules risk collapsing. Ironically, the United States has been the leader of the liberal trading order for the past 70 years, but since Trump, it has become its leading saboteur.

### AT: Distribution

#### 1] Restricting parallel imports is good—it reduces both inaccessibility and corruption.

Halaijan 13 Dina Halaijan (JD, Brooklyn Law School). “Inadequacy of TRIPS & the Compulsory License: Why Broad Compulsory Licensing is Not a Viable Solution to the Access Medicine Problem.” Brooklyn Journal of International Law. Volume 38, Issue 3, Article 7 (2013). JDN. <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1050&context=bjil>

3. Parallel Importation

In addition to the compulsory license, another significant TRIPS flexibility is the concept of parallel importation alluded to in Article 6.63 Parallel importation results from price discrimination, where a particular product is sold at different prices in different countries, and is based on the concept of exhaustion.64 Exhaustion, or the first sale doctrine, states that after a sale the prior possessor of a product relinquishes all rights to the product and the new possessor is able to distribute and import it at will.65 Opponents of exhaustion, including pharmaceutical companies, contend that it “decreases profitability and **removes the incentive to sell drugs to poor countries at lower prices.**”66 Further, there is a concern that some **corrupt governments** of developing countries may resell the discounted drugs received at higher profits to other countries, rather than provide the discounted drugs to their citizens in need.67 TRIPS neither bans nor authorizes parallel importation.68

#### 2] Turns case – the plan licenses counterfeits and undermines quality control for production, aff decks possibility of distribution---start aff solvency at zero.

Roberts 6/25/21 [James M. Roberts is a Research Fellow for Economic Freedom and Growth at the Heritage Foundation. Roberts' primary responsibility as one of The Heritage Foundation's lead experts in economic freedom and growth is to edit the Rule of Law and Monetary Freedom sections of [Index of Economic Freedom](https://www.heritage.org/index/). An influential annual analysis of the economic climate of countries throughout the world, the Index is co-published by Heritage and The Wall Street Journal.) “Biden’s OK of Global Theft of America’s Intellectual Property is Wrong, Dangerous.” 6/25/2021, The Heritage Foundation, Commentary—Public Health] RM

Last month, President Biden advocated removing international intellectual property rights (IPR) protections for American-made COVID-19 vaccines.

**Foreign companies may take the president’s policy as a green light to produce reverse-engineered, counterfeit substitutes**.

The best way to prevent and treat new diseases is to ensure that private American pharmaceutical companies continue their innovative research and vaccine production.

Three U.S. companies—Pfizer, Moderna, and Johnson & Johnson—created and manufactured the world’s most effective mRNA COVID vaccines in record time. An increasing majority of Americans have now been inoculated, but much of the developing world remains in desperate need of vaccines. Americans naturally want to help. The question is how.

Last month, President Biden advocated removing international intellectual property rights (IPR) protections for American-made COVID-19 vaccines. This, he said, would help make the vaccines more plentiful and available in needy countries. **It’s a short-sighted approach and doomed to fail.**

Mr. Biden wants to waive the World Trade Organization’s “Trade-Related Aspects of Intellectual Property Rights” (TRIPS) agreement for U.S. vaccines and let foreign countries issue “compulsory licenses“ allowing their domestic pharmaceutical companies to manufacture the medicines without adequately compensating the companies that invented them.

Practically speaking, countries such as India and South Africa are unlikely to manufacture the vaccines. They lack an advanced infrastructure for cold supply-chain distribution and many other crucial resources required by these products’ capital-intensive, state-of-the-art manufacturing process.

But the Biden policy is bad for many other reasons.

Developing breakthrough medications takes tremendous ingenuity and immense financial investments. **It’s an extraordinarily high-risk endeavor, and the prospect of making a profit is what convinces private companies to undertake those risks.**

Signaling that the United States will not fight to defend their intellectual property rights **actively undermines innovation and manufacturing** in American health care and medicines.

It also erodes patient protections by **undermining quality control**. Foreign companies may take the president’s policy as a green light to produce reverse-engineered, counterfeit substitutes. Already there are reports of ineffective and even dangerous counterfeit COVID-19 vaccines being sold around the world.

Those pushing to break U.S. pharmaceutical patents say they want to do so for altruistic reasons. Consequently, they also insist that the prices for the medications be set far below their actual value.

But history shows us that forcing private companies to provide vaccines at an “affordable price,” regardless of the cost to the companies, actually impedes the manufacture of high-quality vaccines. Moreover, it inhibits the **future development of vaccines** needed to meet as-yet-unknown diseases.