# Yale R6

### 1

#### CP text: The member nations of the World Trade Organization ought to raise the inventiveness standard for granting secondary patents for medicines.

#### The “inventiveness” standard outlines how much a drug must improve to be re-patented. Increasing the standard allows for generic drug competition while maintaining innovation.

Christensen 20 [Connor Christensen, "The Evergreen Forests of Insulin Patents", Awakenwfu, The Creative Journal of Contemporary Bioethics, 9-14-2020, https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/, accessed: 9-7-2021.] //CHSTM and Lex VM

A potential solution to prevent patent evergreening would be to modify the “inventiveness” standard required to obtain a new patent on drugs.[[27]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn27) By modifying this standard, the goal would be to stop non-inventive and commonly practiced pharmaceutical techniques from receiving patent protection.[[28]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn28) Moreover, each incremental improvement must be worth the burden on the consumer, especially in a country where the price of insulin has reached unconscionable levels.[[29]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn29) Therefore, to be considered inventive, the newer formula or methodology should be demonstratively safer or clearly more efficacious.[[30]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn30) Increasing the scrutiny would help control drug companies receiving patents on non-inventive, incremental improvements on insulin while still rewarding them for making sizable leaps forward.[31] Further, increasing the “inventiveness” standard would also encourage generic drug companies to enter the market. Previously, generic companies were precluded from producing generic insulins because patents protected the original formulas for such long periods of time that they were obsolete when it became possible to make a generic version.[[32]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn32) These obsolete versions of insulin were not viewed as a worthwhile investment to generic drug companies, so the market has been mostly devoid of generic versions.[[33]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn33) However, generic drug companies have shown some interest in creating generic versions of the next-generation of insulin. Reducing evergreening by raising the inventiveness standard required for new insulin patents could be enough to make manufacturing generics a worthwhile investment.[[34]](https://awakenwfu.com/2020/09/14/the-evergreen-forests-of-insulin-patents/#ftn34) Affording greater scrutiny to the issue of whether an incremental improvement is truly “inventive” is just one piece of the solution to reducing the price of insulin to affordable levels. Evergreens are a symbol of vitality; the irony is tangible that something of the same name can be depriving people of life.

#### It’s competitive – the cp modifies IPR, it’s not a net decrease –

#### Reduce is defined as an annulment of IPR.

#### Black’s Law 90 [Black’s Law Dictionary 2ND ED. “Reduce” <https://dictionary.thelaw.com/reduce/> Elmer In Scotch law.] To rescind or annul. Biotech industry strong now.

Cancherini et al. 4/30 [(Laura, Engagement Manager @ McKinsey & Company, Joseph Lydon, Associate Partner @ McKinsey & Company, Jorge Santos Da Silva, Senior Partner at McKinsey & Company, and Alexandra Zemp, Partner at McKinsey & Company), “What’s ahead for biotech: Another wave or low tide?“, McKinsey & Company, 4-30-2021, <https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide>] TDI

As the pandemic spread across the globe in early 2020, biotech leaders were initially pessimistic, reassessing their cash position and financing constraints. When McKinsey and BioCentury interviewed representatives from 106 biotech companies in May 2020,4 half of those interviewed were expecting delays in financing, and about 80 percent were tight on cash for the next two years and considering trade-offs such as deferring IPOs and acquisitions. Executives feared that valuations would decline because of lower revenue projections and concerns about clinical-trial delays, salesforce-effectiveness gaps, and other operational issues. Belying this downbeat mood, biotech has in fact had one of its best years so far. By January 2021, venture capitalists had invested some 60 percent more than they had in January 2020, with more than $3 billion invested worldwide in January 2021 alone.5 IPO activity grew strongly: there were 19 more closures than in the same period in 2020, with an average of $150 million per raise, 17 percent more than in 2020. Other deals have also had a bumper start to 2021, with the average deal size reaching more than $500 million, up by more than 66 percent on the 2020 average (Exhibit 3).6 What about SPACs? The analysis above does not include special-purpose acquisition companies (SPACs), which have recently become significant in IPOs in several industries. Some biotech investors we interviewed believe that SPACs represent a route to an IPO. How SPACs will evolve remains to be seen, but biotechs may be part of their story. Fundamentals continue strong When we asked executives and investors why the biotech sector had stayed so resilient during the worst economic crisis in decades, they cited innovation as the main reason. The number of assets transitioning to clinical phases is still rising, and further waves of innovation are on the horizon, driven by the convergence of biological and technological advances. In the present day, many biotechs, along with the wider pharmaceutical industry, are taking steps to address the COVID-19 pandemic. Together, biotechs and pharma companies have [more than 250 vaccine candidates in their pipelines](https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/on-pins-and-needles-will-covid-19-vaccines-save-the-world), along with a similar number of therapeutics. What’s more, the crisis has shone a spotlight on pharma as the public seeks to understand the roadblocks involved in delivering a vaccine at speed and the measures needed to maintain safety and efficacy standards. To that extent, the world has been living through a time of mass education in science research and development. Biotech has also benefited from its innate financial resilience. Healthcare as a whole is less dependent on economic cycles than most other industries. Biotech is an innovator, actively identifying and addressing patients’ unmet needs. In addition, biotechs’ top-line revenues have been less affected by lockdowns than is the case in most other industries. Another factor acting in the sector’s favor is that larger pharmaceutical companies still rely on biotechs as a source of innovation. With the [top dozen pharma companies](https://www.mckinsey.com/business-functions/m-and-a/our-insights/a-new-prescription-for-m-and-a-in-pharma) having more than $170 billion in excess reserves that could be available for spending on M&A, the prospects for further financing and deal making look promising. For these and other reasons, many investors regard biotech as a safe haven. One interviewee felt it had benefited from a halo effect during the pandemic. More innovation on the horizon The investors and executives we interviewed agreed that biotech innovation continues to increase in quality and quantity despite the macroeconomic environment. Evidence can be seen in the accelerating pace of assets transitioning across the development lifecycle. When we tracked the number of assets transitioning to Phase I, Phase II, and Phase III clinical trials, we found that Phase I and Phase II assets have transitioned 50 percent faster since 2018 than between 2013 and 2018, whereas Phase III assets have maintained much the same pace. There could be many reasons for this, but it is worth noting that biotechs with Phase I and Phase II assets as their lead assets have accounted for more than half of biotech IPOs. Having an early IPO gives a biotech earlier access to capital and leaves it with more scope to concentrate on science. Looking forward, the combination of advances in biological science and accelerating developments in technology and artificial intelligence has the potential to take innovation to a new level. A [recent report](https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/the-bio-revolution-innovations-transforming-economies-societies-and-our-lives) from the McKinsey Global Institute analyzed the profound economic and social impact of biological innovation and found that biomolecules, biosystems, biomachines, and biocomputing could collectively produce up to 60 percent of the physical inputs to the global economy. The applications of this “Bio Revolution” range from agriculture (such as the production of nonanimal meat) to energy and materials, and from consumer goods (such as multi-omics tailored diets) to a multitude of health applications.

#### IPR key to innovation.

Bacchus 20 [(James, member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the chairman—the chief judge—of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland) "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, 12-16-2020, https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines] TDI

At the heart of this emerging trade debate is a belief by many people worldwide that all medicines should be “global public goods.” There is little room in such a belief for consideration of any rights to IP. As one group of United Nations human rights experts expressed: “There is no room for … profitability in decision‐​making about access to vaccines, essential tests and treatments, and all other medical goods, services and supplies that are at the heart of the right to the highest attainable standard of health for all.”[16](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref16) This view is myopic. Subordinating IP rights temporarily to pressing public needs during a pandemic or other global health emergency is one thing. Eliminating any consideration of “profitability” in all policymaking relating to “access to vaccines, essential tests and treatments, and all other medical goods, services and supplies” is quite another.[17](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref17) To be sure, there is a superficial moral appeal in such a view. But does this moral appeal hold up if such a “human rights” approach does not result in meeting those urgent public needs? With the belief that medicines should be “public goods,” there is literally no support in some quarters for the application of the WTO TRIPS Agreement to IP rights in medicines. Any protection of the IP rights in such goods is viewed as a violation of human rights and of the overall public interest. This view, though, does not reflect the practical reality of a world in which many medicines would simply not exist if it were not for the existence of IP rights and the protections they are afforded. Technically, IP rights are exceptions to free trade. A long‐​standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be extended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID-19 is but the latest global occasion for this ongoing discussion. The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long‐​term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”[18](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref18) The knowledge from innovations inspired by IP rights spills over to inspire other innovations. The protection of IP rights promotes the diffusion, domestically and internationally, of innovative technologies and new know‐​how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor[to innovation] is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas‐​based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation. In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable Development Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.[19](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref19) As Stephen Ezell and Nigel Cory of the Information Technology and Innovation Foundation wrote, “A fundamental fault line in the debate over intellectual property pertains to the need to achieve a reasoned balance between access and exclusive rights.”[20](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref20) This fault line is much on display in the WTO rules on IP rights. These rules recognize that “intellectual property rights are private rights” and that rules and disciplines are necessary for “the provision of effective and appropriate means for the enforcement of trade‐​related intellectual property rights.”[21](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref21) Yet, where social and economic welfare is at stake, WTO members have sought to strike a balance in these rules between upholding IP rights and fulfilling immediate domestic needs.

#### Biopharmaceutical innovation is key to prevent future pandemics and bioterror.

Marjanovic and Feijao 20 [(Sonja Marjanovic, Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon.) "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, https://www.rand.org/pubs/perspectives/PEA407-1.html] TDI

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (

### 2

#### Interpretation: debaters must prove they’re not a robot.

#### Violation – They failed our test and were NOT unique – the fact that they answered after uh shows that they searched the web archive and then found the answer but didn’t give one directly. Also their favorite word is not bootylicious or supercalifragilisticexpialidocious

Graphical user interface, text, application, chat or text message

Description automatically generated

**Vincent**, James. “A One-Word Turing Test Suggests 'Poop' Is What Sets Us Apart from the Machines.” *The Verge*, The Verge, 7 Oct. **2018**, [www.theverge.com/2018/10/7/17940352/turing-test-one-word-minimal-human-ai-machine-poop](http://www.theverge.com/2018/10/7/17940352/turing-test-one-word-minimal-human-ai-machine-poop). //Massa

But this isn’t to say that the Turing Test is useless. Creating computer programs that can chat convincingly is a [fruitful challenge for AI researchers](https://www.theverge.com/2018/6/13/17453994/amazon-alexa-prize-2018-competition-conversational-ai-chatbots) that may benefit humanity. **The test is** also still **a fantastic thought experiment that can help us explore complex questions surrounding our understanding of intelligence.** **We can** also modify it to **sharpen its focus by asking computers** not to simply chat, but **to answer queries that require a nuanced and rich understanding of the world.** (One example is **asking a computer,** **“What are the plurals of ‘platch’ and ‘snorp’?” A human would** probably **answer “platches” and “snorps,” despite the fact that these words are nonsense and can’t be found in a dictionary.**) It’s in this framework that the Minimal Turing Test is best appreciated as a thought experiment, not a benchmark for AI progress. McCoy says what surprised him most about the research was just how much creativity there was in the answers. **“People came up with** all sorts of interesting shibboleths and puns,” he says, with words like **“bootylicious” “supercalifragilisticexpialidocious.”** (Try spelling that without Google.) “It tells you something about the gap between humans and smart robots,” says McCoy, “that **people who have never had to think about this situation before came up with** a lot smart and **funny results.” It’s something**, in other words, that **a computer would struggle with.**

#### They can’t win no link – cyborgs can mimic humans through top notch AI which means the 2NR will be convincing BUT you have an obligation to strike their arguments. But, even if they’re human passing the test would’ve solved:

#### Risk analysis: if they’re right nothing happens but if they’re wrong they prevent possibility of contestation since they’re always ahead. Now, drop the debater them being a cyborg moots the possibility for contestation.

#### Use competing interps – robots can prove arbitrary bright lines to be “reasonable” by controlling the judge’s psyche, only by indulging in “funny” interps with competing interps can we set better flights of liberation for human debaters.

#### No RVIs – they will load up infinite answers through their minds to beat us on the shell. HOLD THE LINE don’t let them win on our own path of resistance against the AI over lords. Otherwise we ALWAYS LOSE.

#### [1] Fairness – cyborgs have an infinite prep through hardware that stores every article and can manipulate judge psyches – this controls the internal link to competitive equity which is a voter and outweighs by their request of fair evaluation turns education since competitive incentives force research. AND this outweighs AFF theory since it’s an indict to their ability to make arguments – they’re not doing the better debating it’s just robots speaking.

#### [2] Cyborg Self-Defense – they’re here to map the latest human technology to submit it to the A.I overlord, which sabotages human existence from the inside and deletes us from the web achieve causing extinction, which OW the through death of future generations.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### 1NC theory first a] If I was abusive it was because the 1AC was b] We have more speeches to norm over whether it’s a good idea c] 2AR answers to the 2NR counter-interp are always new, which means their interp is easier to win.

### 3

#### Presumption and permissibility negate – a) more often false than true since I can prove something false in infinite ways b) real world policies require positive justification before being adopted c) the aff has to prove an obligation which means lack of that obligation negates

#### The meta-ethic is constructivism, or the idea that there is no a priori truth independent of human conceptual schemes.

#### Prefer –

#### [1] Rule-following paradox – the only way to interpret rules is to have more rules to explain them—that means other frameworks are infinitely regressive and collapse into the NC.

#### [2] Epistemology – the way we interpret the natural world is necessarily framed by social constructs – we don’t call trees trees because of some natural fact about trees. That means we can’t interpret facts independent of our social constructs.

#### The sovereign is necessary to form these perspective ideals to have a grounding point for morality – otherwise, subjects trigger the state of nature – using their interpretations of the social covenant with infinite conceptions of morality which reduces us to infinite violence

#### Thus, the standard is consistency with the will of the sovereign.

#### Prefer –

#### [1] Action Theory – every time someone acts, they have a corresponding goal—that means action necessitates imposing meaning on the world. The state of nature necessitates infinite violence between conflicting world views – subjective ideologies clash and fail to conform uniform action which renders to immorality to allow for this uniformity.

#### [2] Meaning – In order to have a stable conception of morality and meaning, we need to have a dominant creator of meaning. This is achieved through a social covenant to appoint a sovereign, without one, everything fails to make sense

**Parrish 04** Parrish, Rick. “Derrida’s Economy of Violence in Hobbes’ Social Contract” Theory & Event 7:4 © 2004 \*\*Brackets for gendered language

“For Hobbes **truth is a function of logic and language**, not of the relation between language and some extralinguistic reality,"25 so the **"connections between names and objects are not natural."**26 **They are artificially constructed by persons**, based on individual psychologies and desires. These individual desires are for Hobbes the only measure of good and bad, because value terms "are never used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves."27 **Since "there are no authentical doctrines concerning right and wrong, good and evil," these labels are placed upon things by humans in acts of creation rather than discovered as extrinsic facts.** Elaborating on this, Hobbes writes that "the nature, disposition, and interest of the speaker, such as are the names of virtues and vices; for one man calleth wisdom, what another calleth fear; and one cruelty what another justice."29 A more simplistic understanding of the brutality of the state of nature, which David Gauthier calls the "simple rationality account,"30 has it that mere materialistic competition for goods is the cause of the war of all against all, but such rivalry is a secondary manifestation of the more fundamental competition among all persons to be the dominant creator of meaning. Certainly, Hobbes writes that persons most frequently "desire to hurt each other" because "many men at the same time have an appetite to the same thing; which yet very often they can neither enjoy in common, nor yet divide it; whence it follows that the strongest must have it, and who is strongest must be decided by the sword."31 But this competition for goods only arises as the result of the more primary struggle that is inherent in the nature of persons of meaning creators. **In the state of nature, "where every [person] is [their] own judge," persons will "mete good and evil by diverse measures," creating labels for things as they see fit, based on individual appetites**. One of the most significant objects that receives diverse labels in the state of nature is 'threat'. Even if most people happen to construe threat similarly, there will be serious disagreement regarding whether or not a specific situation fits a commonly-held definition.”

#### Now Negate –

#### [1] IPR is key for protection against the state of nature by breaking the regressive chain of creation cannibalization

Ghosh 04 Dr. Shubha Ghosh earned his J.D. from Stanford University, with distinction, and his Ph.D. in Economics from the University of Michigan. He earned his B.A., cum laude, from Amherst College. Prior to joining Syracuse University College of Law, Ghosh taught at the University of Wisconsin Law School as a chaired, tenured professor and co-director of the Innovation cluster, consisting of faculty in the law and business schools. Ghosh joined the Syracuse University College of Law in January, 2016, as Crandall Melvin Professor of Law and Director of the Technology Commercialization Curricular Program, a unique program which trains students in intellectual property, business law, and the legal foundations for the commercialization of patents, copyrights, trademarks, and other legal property governing technology and innovation [Ghosh, Shubha. “Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor after Eldred.” Intellectual Property Law eJournal (2004): n. pg. 1324 V. 19:1315] // Lex AKo

As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 **For Hobbes, humans created the** leviathan-the **sovereign state-to protect** themselves **from each other in the state** of **nature**. 48 Without the leviathan, **the state of nature was not** an idyllic paradise but **a condition of savagery** and brutality. In the state of nature, to the extent that any creative activity occurred, the **objects of creation would be cannibalized**, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, **intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute**, immutable, bountiful, and unlimited. **Humans would consent to these terms if they were enforced equally for all creations**, and **each author and inventor would promise to all others to abide by this form of the intellectual property social contract**.

#### [2] Through legislation IPR sustains state sovereignty in the market

Ashcroft 05 Deputy Dean at University of London. PhD in History and Philosophy in Science [Ashcroft, Richard E. “Access to essential medicines: a Hobbesian social contract approach.” Developing world bioethics vol. 5,2 (2005): 121-41. doi:10.1111/j.1471-8847.2005.00108.x Pg. 134] //Lex AKo

In Hobbes, states act through the law, while being above it. Nonetheless, **there is** a powerful **prudential interest in keeping to legal means of action** rather than simply acting at whim and will, since the chief role of the state is to create conditions of stability and trust between citizens and between citizen and the (representatives of the) state. Yet **what gives the law its persuasive force**, in Hobbes, **is the combination of the actual monopoly of legislative and military authority**, and the foundation of this in the **contractually constructed function of preserving the ‘common weal’**. Hence **states retain the power to make and enforce laws**, and to act, in emergencies, using sovereign power beyond the law. That they retain **this power is the most powerful incentive for citizens – and corporations** and other institutions – **to act in the light of the fact** that **if their practice endangers the common weal**, there is an ultimate sanction over them.

#### [3] Patents uphold Hobbesian social contract theory

EPO 12 [“Core Module.” Patent Teaching Kit, European Patent Office, 2012, msngr.com/ypqkesqdvaug.] //Lex AKo

**Patents are** sometimes considered **as a contract between the inventor and society**. The inventor is interested in benefiting (personally) from his invention. Society is interested in ... – encouraging innovation so that better products can be made and better production methods can be used for the benefit of all; – protecting new innovative companies so that they can compete with large established companies, in order to maintain a competitive economy; – learning the details of new inventions so that other engineers and scientists can further improve them; – promoting technology transfer (i.e. from universities to industry). So both **parties are interested in a contract that grants protection to innovators** (thereby also increasing the motivation to innovate) **in exchange for disclosure of the invention. This social contract is institutionalised in the form of patent law**. In this context, two requirements for patent protection emerge almost naturally: first, if the invention is not new to the world, then the inventor doesn't have anything to disclose, and society has no reason to conclude the above-mentioned contract with him; second, if the invention is new but obvious to a person skilled in the art, then the inventor doesn't possess anything the public is eager to learn and there is also no reason to exchange exclusivity for the publication of the invention. The inventor benefits from the patent system because he or she is granted the exclusive rights to commercially exploit the invention. These rights are transferable. In particular, the owner of the patent can licence the patent to third parties so that they may use it subject to certain conditions.

#### My offense o/ws on specificity because only our fw answers the question of government obligations. Their framework can’t solve skep which results impossible calculus and moral permissibility.

#### NCC – anything else allows them to concede all our framework interactions and just go for 4 minutes of turns against our NC which o/w since phil is the only thing unique to LD Debate and time is the only quantifiable metric of abuse

### 4

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up blippy 20 second shells in the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiability

## Case