## 1

#### 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.] “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), some individual tiger in (2b), and some unique salient or familiar tiger in (3b)—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), we can replace “tiger” with “animal” salva veritate, but in (1a) 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) does not entail that animals are striped, but (1b) 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) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in (1b) 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.)

#### 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.

#### Precision is key – 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.

#### Violation – they only defend emergency use 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.

## 2

#### Interpretation: The 1AC must defend that WTO Member states ought to eliminate IP for medicines

#### Violation:

#### They defend music

#### Medicine cure diseases

Kids health

https://kidshealth.org/en/teens/meds.html

Medicines are chemicals or compounds used to cure, halt, or prevent disease; ease symptoms; or help in the diagnosis of illnesses. Advances in medicines have enabled doctors to cure many diseases and save lives.

Meriam Webster

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

: a substance or preparation used in treating disease

#### [1] Precision – not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which a] means they’re not within the topic which is a voter for jurisdiction since you can only vote affirmative on the resolution and this debate never should have happened, b] they’re unpredictable and impossible to engage in so we always lose

#### [2] TVA – Defend reduction of IP for indigenous MEDICINES. Westwood AG, Sage MP affs are examples.

#### [3] limits – expanding the topic to music allows for infinte affs, things such as ‘letting family members visit’ ‘soft bed technology’ ‘tvs in hospital rooms’. Destroys core generics like innovation which are exclusive to disease curing – core of the topic is about proprietary information.

#### Fairness- consittutive of comp activites, args presume

#### Procedural Fairness first—a) ballot pic – at the end of the day they care about competition and want their arguments to be flowed which proves they care about competition, if they don’t care about winning then just vote neg. Solves their offense, there is no reason a ballot is key – our interp precludes voting on non-topical affs but not the reading of them b) scope of solvency – one ballot can’t alter subjectivity, but it can rectify skews which means the only impact to a ballot is fairness and resolving skews, c) competitive incentives – debate is a game and games are silly without a level playing field. There is no incentive to prep and research for hundreds of hours if you know you’ll be at a structural disadvantage which makes the game bad and prevents rigorous contestation of positions which produces the best advocates.

#### New 2nr answers to AC preempts because they are hidden, and implications are unknown until the 1ar.

#### No impact turns or rvis - A] Perfcon – if T’s bad and you vote for them on that arg, you’re voting on T. B] Substance – if T’s bad then we should try debating on substance – impact turns force me to go for T since I need to defend my position.

#### Drop the debater – a) drop the arg doesn’t make sense on T since that drops the whole advocacy.

#### Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs – a) chilling effect – b) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

### A2 Aff Def

#### Music is not medicine, fundamentally it cannot do things such as mending a wound, or fixing an aneurysm,

#### There is also 0 brightline for what music is actually constituted as, and no way to actually determine it

#### Their study doesn’t actually ever define music as medicine, just says they use to go together

#### Their evidence says music is used for things like soothing pain, that is NOT curing a disease – proves that any aff is topical iunder their interp, something like massages, or having your favorite sports teams win help reduce stress but aren’t medicines

#### The ev for it being used now doesn’t actually help the diseases or make them go away

## 3

#### The couter method is to use the categorical imperative.

#### Ethics must began a priori rather than with experiences. Permiss negates since the word ought in the resolution indicates a moral obligation so they need to prove the exsitence of one.

#### 1] Is/Ought Gap – experience in the phenomenal world only tells us what is since we can only perceive what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### The existence of extrinsic goodness requires unconditional human worth—that means we must treat others as ends in themselves.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS/Recut Lex AKu \*brackets for gendered language

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action,[they] he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

#### Practical reason is inescapable - Any moral rule faces the problem of regress – I can keep asking “why should I follow this.” Regress collapses to skep since no one can generate obligations absent grounds for accepting them. Only reason solves since asking “why reason?” requires reason to do in the first place which concedes its authority.

#### Reason means we must be able to universally will maxims— [A] our judgements are authoritative and can’t only apply to ourselves any more than 2+2=4 can be true only for me.

**This the standard is consistency with the categorical imperative.**

#### 1] IP is a reflection of our will and a form of property.

Merges 11 [Merges, Robert P. "Will and Object in the World of IP." Justifying Intellectual Property, Cambridge, Harvard UP, 2011, pp. 76-78. ISBN: 0674049489,9780674049482. Found on Libgen.] //Lex VM

It is clear enough at this point that Kant thought reliable expectations about ongoing possession of objects enables something positive to take place. Stable possession permits the imprinting of some aspect of a person, what Kant called his will, onto objects so as to enable the person to more fully flourish. Though nuances abound, Kant’s basic idea regarding the will24 is simple enough: Will is that aspect of a person which decides to, and wants to, act on the world.25 It has three distinctive qualities: it is personal, autonomous, and active. It is highly individual, a function of each person’s preferences and desires; Lewis White Beck says that will is “bent upon the satisfaction of some arbitrary purpose.” It is this aspect or feature of ourselves that we imprint or stamp on the world through our choices and the resulting actions that carry out or manifest these choices. Right here, in this foundational element, we see a radically individualistic and autonomous view of humans. Although this is balanced by a universalizing, transpersonal sense of reason in other parts of his philosophy,26 a highly individual will is nonetheless central to Kant’s view of human thought and action, and thus an essential aspect of what he thought it means to be human.27 will and object in the world of ip. It is tempting to get caught up in the terminology and conceptual complexity of Kant’s ideas of persons, will, and objects. To prevent that happening, it seems wise at this point to talk about some specific examples. How exactly does Kantian autonomy work? What does it look like in the context of IP rights? After we have a better grasp of these ideas, and of how they relate to Kant’s rationale for property, we can turn to an equally important topic: the limits on individual autonomy that Kant built into his theory. Our earlier example of Michelangelo showed how stable possession is required for a creator to fully work his will on a found object— in that case, a block of marble. The same basic logic applies in all sorts of cases. Individual farmers and landowners generate and then bring to life a vision for the lands they work on;28 inventors transform off- the- shelf materials into prototypes, rough designs, and finished products; and artists work in media such as paint and canvas, paper and pen, textiles and wood, keyboard and iPad, and so on, to give life to a concept or mental image. Wherever personal skill and judgment are brought to bear on things that people inherit or find, we see evidence of the Kantian process of will imprinting itself on objects. It even happens when the objects at hand are themselves intangible. A composer working out a new instance of a traditional form— a fugue or symphony, blues song or tone poem— is working on found objects just as surely as the farmer or inventor. Even in our earlier example, some of the objects that Michelangelo works on in the course of carving his sculpture are intangible: received conventions about how to depict an emotion; traditional groupings of figures in a religious set piece, such as the Pieta; or accepted norms about how to depict athletic grace or youthful energy. He may take these pieces of the cultural tableau and refine them, or he may subtly resist or transform them. However he handles them, these conventions are just as much objects in his hands as the marble itself.29 As with found physical objects, extended possession of these objects- intransformation is required to fully apply the creator’s skill and judgment. And because of this, Kantian property rights come into play with intangible objects as well. Let me say a word about this complex, and perhaps controversial, possession of intangible objects. It has often been argued that this feature of IP, the control of copies of an intangible work, constitutes a form of “artificial scarcity,”30 that it runs counter to an ethically superior regime where information is shared freely— and is maybe even counter to the nature of information, which, some say, “wants to be free.”31 According to Kant, all property rights have this element of artifice, because they define a conceptual type of possession. Property is not just a matter of physical contact between person and object; it describes a relationship that is deeper and goes well beyond the basic acts of grasping and holding. I can hear one objection to this right away. Yes, Kant speaks of legal ownership as a special relation between a person and an object. But, the objection might run, in his writings he refers only to physical objects, for example, an apple (à la Locke). So maybe the ownership relation is limited to that sort of thing? No. I give no weight to the fact that Kant uses only examples of tangible, physical property in most of the sections of the Doctrine of Right (DOR).32 Kant describes an additional type of possession that makes it crystal clear that the idea is not in any way limited to physical things—the expectation of future performance under a contract. He posits that one could not properly be said to “possess” a right to performance under an executory contract (one that has been signed or agreed to, but not yet performed) unless “I can maintain that I would have possession . . . even if the time of the performance is yet to come.”33 With that legal relation established, however, “[t]he promise of the [promisor] accordingly belongs among my worldly goods . . . , and I can include it under what is mine.”34 The synonymous use of “possession,” “object,” “belonging,” and “mine” in the case of a tangible, physical thing such as an apple and an intangible thing such as a promise of future contractual performance is too clear to require much comment. “Object” is very abstract for Kant, and can of course therefore include IPRs.35

## Case

### Method

Framing issue – need a theory of the good otherwise default to ours. Saying violence is bad is menaingless absent deriving an obligation to fix that violence.

#### 1] Reason precludes – in order to engage in their role of the ballot and challenge settler colonialism we need to be able to reason to figure out the best methodology of that.

#### 2] Our framework controls the internal link to the alternative – we need to be able to set and pursue the end of decolonization which requires following the categorical imperative.

#### 3] Violating the categorical imperative is the root cause of settler colonialism – colonialism occurs as a result of treating natives as a mere means to their end of domination and taking property which is not universalizable. Also resolves the ontology warrants since they stem from treating natives as a means to an end.

#### 4] Kantian theory is an essential part of anti-colonial critique—it’s key to deconstructing traditional notions of subjectivity and civilization – controls root cause.

#### Khurana 14 (Kant and Colonialism: Historical and Critical Perspectives. Oxford University Press, 2014. Reviewed by Thomas Khurana. <http://ndpr.nd.edu/news/60245-kant-and-colonialism-historical-and-critical-perspectives/>. RW [Recut by Lex CH]

Yet his attitude contrasts starkly with the way in which, in his last works, **Kant describes colonial rule as an unambiguous violation of right** and accuses states in the Western European world of the horrifying "injustice they show in *visiting* foreign lands and peoples (which with them is tantamount to *conquering* them)."[3] With these practices, **the "European savages"** (AA 8:354), as Kant calls them, **do not advance the progress of civilization**, as they pretend to do, but **rather display a barbarism that goes beyond the alleged "savagery" of the "foreign peoples".** Kleingeld and Ypi both argue that **Kant's** changed **position is connected to a** changed **understanding of the relevance of racial differences**. As Kleingeld points out, Kant omits any characterization of the races from his 1798 *Anthropology from a Pragmatic Point of View* as he comes to realize that race cannot have any pragmatic relevance. **Racial differences are the object of physiological knowledge of the human being**, which is concerned with "what *nature* makes of the human being;" such knowledge has no direct bearing on our pragmatic knowledge of the human being, which is concerned with what man *"*as a free-acting being makes of himself, or can and should make of himself" (AA 7:119). Ypi suggests that Kant's shifting views in this regard might be connected to his changed understanding of biological predispositions: Kant's shift from a preformationst to an epigenetic account of living organization transforms his understanding of the role of natural predispositions in the actualization of a living being's potential. Against this background, he drops the reference to preformed germs that separate human races and that lay at the basis of the respective racial hierarchy in his earlier writings. (2) The second main theme concerns the way in which the **critical perspective on colonial practices** that Kant arrived at in his last writings **is rooted in his philosophy of right.** As Arthur Ripstein points out, **Kant distinguishes** three distinct wrongs of colonialism: (i) **the wrongfulness of colonial conquest**, (ii) the wrongfulness of the status of a colony and (iii) the wrongfulness of the **[and] ways in which colonial rule is typically carried out**. The first wrong (i) is based on the fact that **colonial conquest amounts to** a "**way of acquiring territory through the use of force**" (148) **and** is hence continuous with forms of **aggressive war, which Kant considers illegitimate**. Colonial wars are especially problematic, as they are inconsistent with the continued existence of both belligerents, a requirement to be respected by any rightful type of warfare. (ii) Even in cases where colonial rule might come about as a consequence of a defensive and hence legitimate war, colonial rule is still objectionable as a *post bellum* mode of governance. Colonial rule entails that one nation continually rules over another and is thus at odds with the right of the inhabitants of the colony to govern themselves through their own institutions. In this regard, even annexation would seem to be a better solution as this at least allows the inhabitants of the colony to enjoy full membership in the newly extended state, a status whereby they are able to rule themselves. The inhabitants of the colony by contrast remain merely passive citizens. (iii) Finally, the third wrong in colonialism concerns the specific way in which colonial rule is exerted. Granted that colonial rule as such is wrong, it still allows for an internal normative standard: if we hold colonial rule to what it itself claims to be doing, we should require that proper colonial rule should operate on behalf of the inhabitants of the colony and should not work to realize the private purposes of the colonizers. According to Kant's characterization, European colonial practices are guilty of all three wrongs of colonialism. Given these wrongs, it might seem natural to expect **Kant** to articula**tes a specific right to resist colonial rule** and **an immediate obligation** to compensate colonies for the wrongs they have endured. As Ripstein, Anthony Pagden and Peter Niesen make clear, however, Kant's position on these issues is more complicated. On Kant's account, illicit means of acquisition can still give rise to good title. Even though a state might have extended its territory by means of an aggressive war and therefore through illegitimate means, we must respect the integrity of the new territory once peace has been established. The obvious danger in this regard is that Kant thereby opens the possibility of an *ex post facto* justification of war and colonial rule (Ripstein: 153) and seems to block the right to "any kind of struggle for independence" (Pagden: 41). Regarding the possibility of restorative justice, Kant is "on record as opposing the rectification of historical wrongs" (Niesen: 183) as he demands that historical grievances be laid to rest in order to allow for a true peace. As Niesen tries to argue, there is, however, still room to formulate principles of restorative justice regarding colonial practices on the level of international and cosmopolitan law that Kant could endorse (see also Pagden: 40).Secondly, it might have been helpful to include contributions that do not circle around the few passages in which Kant explicitly comments on colonialism, as most contributions do, but widen the perspective. Apart from the question whether Kant was apologetic or critical of colonialism, we might ask whether Kant's philosophy has the resources necessary to fully grasp the problem and dynamic of colonialism in the first place. If we assume that colonialism is in some deeper sense connected to global commerce and capitalism, as some post-Kantian authors have argued, does Kant indeed provide the resources to understand and criticize the full scope of colonialist practices? And could it not also be the case that while critical of the colonial practices of his time, Kant retained underlying commitments that tie him to the age of colonialism, even if unwillingly? Two such commitments that are touched upon in this volume and that deserve further investigation are Kant's understanding of the process of civilization and the fundamental link he draws between property and right. Regarding the process of civilization, Kant seems to embrace at various points that the desire to own and to master are irreducible vehicles for the unfolding of humanity's potential. Against this background, competitive commerce and even war seem to be necessary elements in nature's hidden plan for us. Would such a view not give rise to the idea that certain colonial practices are somehow justified by the contribution they make to the civilizing process? And does Kant's conception of this civilizing progress not imply that, even if certain colonial means are problematic, it is in general a good thing to involve "savages" in this civilizing process?[6] The fact that **Kant distinguishes mere civilization from moralization** and criticizes our age for being excessively civilized but not moral yet[7] gives him **the resources for a critical stance towards the idea of civilization**. Yet, it might still be true that Kant for the most part presents civilization as a necessary condition of moralization, so that the civilization and its vices might appear as if necessary and ultimately justified.

### Adv

#### 1] The AC says indigenous genocide has already happened – ask yourself If removing IP for indigenous medicines is really enough to check back for GENOCIDE if not vote neg on presumption because the aff has to prove a proactive obligation that voting aff is good. They obviously cant solve – the aff says try or die for decol and ended up on music instead.

#### 2] Plan is a terrible idea – leads to authenticity testing when filing for patent protection since governments will have to do blood tests to check that the person is indigenous. Otherwise, there’s no enforcement since anyone can claim their indigenous for the sake of a patent.

#### 3] Misunderstands what patents are – you cannot own the IP over a song unless the song was sung by you

#### 4] Commodification DA — renders native violence a tool to win a ballot

#### 5] Prep Out DA – the nature of debate is finding ways to disprove your arguments, if it is the case that we ought to use your method, simply educating us about the method is net better than using it for the purpose of winning a round since the community then dedicates itself to defeating the argument rather than appreciating its effectiveness as a real-world cultural practice.

#### 6] Even if the aff is a good model the judge shouldn’t endorse it, results in guilt politics where the judge does nothing but believes they participate, this leads to broader exported violence in everyday life. Paints suffering as vote for us to remedy, assuages the judge of guilt bc of indivual actions when they have in fact done nothing

#### 7] Paternalism DA – companies will just hire a token indigenous person to ensure that they have access to patents and medicines which allows them to steal indigenous culture but also commodifies indigenous bodies

#### They can only leverage the amount of ongoing indigenous genocide solved by the aff – Chinese oppression of Uighurs, Turkey’s involvement in Syria, and Native Americans making $.60 to the dollar are all alt causes

#### None of the ev about bioprospecting is about medicine – alt causes

Bruchac 14 [(Margaret, Coordinator, Native American & Indigenous Studies at the University of Pennsylvania, PhD in anthropology from the University of Massachusetts Amherst) “Indigenous Knowledge and Traditional Knowledge,” Encyclopedia of Global Archaeology, 2014] JL

Traditional Indigenous knowledge can be defined as a network of knowledges, beliefs, and traditions intended to preserve, communicate, and contextualize Indigenous relationships with culture and landscape over time. One might distinguish "knowledge" as factual data, "belief" as religious concepts, and "tradition" as practice, but these terms are often used imprecisely and interchangeably to describe Indigenous epistemologies. Indigenous knowledges are conveyed formally and informally among kin groups and communities through social encounters, oral traditions, ritual practices, and other activities. They include: oral narratives that recount human histories; cosmological observations and modes of reckoning time; symbolic and decorative modes of communication; techniques for planting and harvesting; hunting and gathering skills; specialized understandings of local ecosystems; and the manufacture of specialized tools and technologies (e.g., flintknapping, hide tanning, pottery-making, and concocting medicinal remedies).

#### Circumvention – no brightline for what constitutes traditional knowledge – either pharmaceutical companies will pressure governments, so states have incentive to define it narrowly and you don’t solve or yes innovation link

#### Plan doesn’t solve resource extraction – even if corporations can’t patent traditional knowledge, they’ll still mine for minerals, oil, natural gas, etc.

#### Patents prevent biopiracy

Erstling 09 [(Jay, Emeritus Professor of Law at Mitchell Hamline School of Law, J.D., Cornell University Law School, 1974) “Using Patents to Protect Traditional Knowledge,” Texas Wesleyan Law Review, 2009] JL

Finally, while the patent system has been accused of facilitating biopiracy by tolerating third-party patenting of TK, using the patent system appropriately to protect TK can serve more to prevent biopiracy than to permit it. Biopiracy generally refers to the exploitation of traditional knowledge or genetic resources-typically by multinational companies-without the authorization of the holders of that knowledge, and/or the patenting of inventions based on traditional knowledge without the consent of the knowledge holders or payment of compensation.24 Several cases of alleged biopiracy, including patents granted for neem, turmeric, the enola bean, and quinoa, have aroused controversy and focused attention on how patenting can lead to unjust results.25 Although it is extremely difficult to estimate the extent to which biopiracy actually takes place in any particular country, protecting TK could provide some assurance against misappropriation by clarifying the duty that third parties owe to the holders of the knowledge when the knowledge has contributed to an invention that is the subject of a patent application.

# 2NR

## Rvi

### Is/Ought Gap

#### Looking at the empirical world only tells us what is going on, but we need a priori morals and ideal theory to help us identify injustices going on in the world and derive obligations to resolve them. Our framework is a sequencing question to the alternative because the kritik relies on a priori ethics to identify [x thing] as bad and prescribe obligations to fix that via the alternative. Obligations are key – saying x I bad is meaningless and can’t condemn actions like slavery absent an obligation to resolve that violence which only our fwk can derive. Independent reason to negate even if I lose the rest of the debate

### 2NR – XT: Imprinting Will

#### Extend Merges 2 – intellectual property is an intrinsic part of our agency since we transform objects through our will, imprinting our preferences, desires and personal choices when shaping objects – it reflects our creativity through our ideas. This interjection of our unique personhood in what we create is an extension of our freedom. Reducing IP protections allows others to interfere with that similar to how we have a right to the labor and skills we input into our work. That outweighs – A] rendering some objects such an intangibles as unownable interferes with the creative ends of agents which is a perfect duty B] Allows for freeriding which is not universalizable – if no one came up with their own ideas there wouldn’t be ideas in the first place to take – not even being able to conceive a world with an action is a prerequisite to evaluating whether an action is coercive or a contradiction in wills C] The same way agents own themselves they also owns extensions of themselves – reducing IP denies agency.