# 1NC

## 1

#### Ethics must began a priori rather than with experiences.

#### 1] Uncertainty – experiences are locked within our own subjectivity and are inaccessible to others, however a priori principles are created in the noumenal world and are universally applied to all agents.

#### 2] 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] Patents protect private companies.

Na 19 [Blake Na, "Protecting Intellectual Property Rights in the Pharmaceutical Industry", Chicago-Kent | Journal of Intellectual Property, 4-19-2019, https://studentorgs.kentlaw.iit.edu/ckjip/protecting-intellectual-property-rights-in-the-pharmaceutical-industry/, accessed: 8-24-2021.] //Lex VM

Patent Rights A pharmaceutical company may apply for a patent from the PTO at any time in the development lifetime of a drug.[12] A drug is patentable if it is non-obvious, new, and useful.[13] The drug must be non-obvious when comparing the drug with another previously invented drug, i.e., it does not bring the same type of information as the other drugs. The drug must also not exist, and it must have a purpose. Intellectual property rights, especially patent rights, are the foundation of the pharmaceutical industry. The industry heavily depends on the future profits which innovation (and as a result, exclusivity) enable. Drug patents grant the originator company to market exclusivity for a fixed term of 20 years from the patent’s original filing date. By giving this 20-year patent term in which the government cannot regulate the price, market exclusivity allows pharmaceutical companies to have a monopoly over the market. To maximize their profit, pharmaceutical companies work on extending the exclusivity of a drug. For example, AbbVie extended the manufacturing exclusivity of Humira by delaying generic companies from manufacturing generic entrants until 2023. The market exclusivity can be lengthened anywhere between 180 days to 7 years. Thus, due to efforts to derive profits from patents, pharmaceutical companies’ patents contribute to roughly 70-80 percent of their overall revenues. Patents in the pharmaceutical industry are normally referred to as their product portfolio and are the most effective method for protecting innovation and creating significant returns on investments. Accordingly, as mentioned above, patents help in recouping costs related to research, development, and marketing of a drug. Patents not only help pharmaceutical companies recoup investments, they can also act as a shield against infringement claims. Strong patent protection can safeguard drugs from potential infringers. Without consent from the patentee, other competing companies cannot use, make, or distribute the invention. However, because a drug can be easily imitated by competitors, bringing an infringement suit can also protect a patentee’s rights. Recently, DUSA Pharmaceuticals, Inc.—an arm of the Indian pharmaceutical company Su Pharma and ranked among the top 50 global Pharma Companies—was recently granted injunctive relief from a U.S. court against Biofrontera Inc. in a patent infringement case[14]. The court’s order prohibited Biofrontera from making use of information, including sales data, marketing data, technical information, and unpublished clinical data, of DUSA Pharmaceuticals[15]. Although bringing an infringement suit is a valuable remedial measure for patentees, pharmaceutical companies often face difficulty with the high costs and uncertainty of litigation

#### That negates – A] Promise breaking – states promised legally binding IP protections to companies who might not have otherwise developed medicines – the aff is a unilateral violation of that contract. B] That’s a form of restricting the free economic choices of individuals.

#### 2] 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

## 2

#### IP protections are key to crack down on counterfeit medicine production – they’re checking now.

Fifarma 4/22 [“This Is How We Fight Counterfeit Medicines with Intellectual Property.” *FIFARMA*, 22 Apr. 2021, fifarma.org/en/this-is-how-we-fight-counterfeit-medicines-with-intellectual-property/. ]//Lex AKu

In addition to functioning as a tool to maintain constant innovation in the industry, IP helps reducing counterfeit medicines because medicines have better technologies and ingredients are more difficult to copy. This means that, through market incentives, the industry manages to have high quality infrastructure, new technology and trained personnel, to create specialized and specific medicines and therapies, which is why they are difficult to replicate. On the other hand, political will functions as another important axis, as it must prosecute those who are making counterfeit medicines. This is achieved through a constant conversation between industry and governments. Therefore, it will be absolutely clear how to identify the authenticity of medicines. In short, IP allows quality standards to be clearer and stricter, and regulators to have greater knowledge and traceability of each product that enters the market. Through IP, you can establish a record of all products globally, which makes it easier to find possible counterfeit medicines. Consequently, the best way to fight counterfeit medicines is through accessing the best quality medicines and for this to happen, an ecosystem between countries, regulators and industry is needed. This ecosystem shall take into account the structural deficiencies of each country and addresses them in a holistic manner, to provide the best quality medicines. In the end, with the Intellectual Property associated with the creation of the product, there are also associated standards of transparency and detailed information that every regulatory agency can access. Moreover, the value chains will receive all this information in order to be aware of the appearance of products that are not registered with the standards of a product protected by IP. Also,IP helps to combat counterfeit medicines internationally, since there are laws that cover all member countries of the United Nations and punish more severely those who commit this crime. Likewise, these laws provide countries with the necessary mechanisms to take concrete action once a counterfeit medicine is discovered. This, of course, must go hand in hand with the political will of each country, because only with collaboration between different actors will it be possible to prosecute the entire chain of counterfeit medicines. Plus, IP owners can receive electronic notifications worldwide more quickly and can take direct communication actions. In a nutshell, IP allows the industry to show the public almost immediately that there is a counterfeit medicine in a country or that a website is selling counterfeit medicines. This is because legally infringing a product protected by IP allows action to be taken to prosecute the counterfeit products. This is especially important for those consumers or small organizations that do not have access to information like a hospital or public health center has. However, it is necessary to involve other actors of the health system so that information about counterfeit medicines reaches remote regions or places, which do not have an internet connection. On the other hand, thanks to IP, the industry is creating specialized safety technology in order for each country to easily identify a drug that comes with a brand but does not belong to that brand. The industry has also used mobile laboratories to test samples of suspected medicines and report them quickly to the value chain. Thus, technology is becoming an important element in fighting this problem.

#### Counterfeit drugs gut innovation – turns the case.

Bioprocess International 08 [. “IP Strategies to Combat Distribution of Counterfeit Drugs.” *BioProcess International*, 1 Mar. 2008, bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/.]//Lex AKu

A recent report on the economic impact of counterfeiting notes that in general, counterfeit products have been intercepted from close to 150 source economies (2). Fake medicines are estimated to be a US$32 billion global business (9). In July of 2007, for instance, Dubai customs confiscated 556,000 pills purporting to be Plavix tablets and having an estimated value of about US$1.36 million. Laboratory tests proved that the composition of the counterfeits was completely different from the approved product sold by Sanofi-Aventis (10). Adding to the economic impact, counterfeiting erodes the return on investment that fuels pharmaceutical innovation and growth, especially in developed countries that rely on knowledge, technology, and intangible assets to support their economic growth and development (10). Through the development of new products, innovation has long been recognized as a driver of economic growth. Without confidence that the resources invested in innovation can be adequately protected, investors may be less likely to fund research supporting the development of new products. That risk of losing economic investment as a result of counterfeit products is particularly pronounced in the pharmaceutical sector because of its sizable differential between the high cost of research and development and the low cost associated with producing counterfeited products (11). Counterfeiting can therefore directly affect the local economies of developed countries by undermining investment in innovative research and development. Diversion of economic and professional resources to prevent and monitor counterfeiting also undermines economic investment. Manufacturers must continuously investigate and monitor their manufacturing and distribution chains. Anticounterfeiting packaging and track–trace systems need to be developed and continuously modified to keep ahead of counterfeiters. Expenditure of legal resources to protect, monitor, and prosecute infringers of intellectual property will reduce profits and/or raise the already high cost of pharmaceutical development and commercialization.

#### Counterfeit medicines cause antimicrobial resistance, Ukuhor 20

Ukuhor 20 [Hyacinth O. Ukuhor, 2020 Dec 9, "The interrelationships between antimicrobial resistance, COVID-19, past, and future pandemics," PubMed Central (PMC), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7831651/] AT

Counterfeit medicines are partly responsible for AMR because they contain and deliver sub-optimal doses of the active ingredient in antimicrobial drugs. The implication is that when patients and healthcare providers use antimicrobials appropriately, counterfeit drugs will undermine their efforts and AMR would develop. The WHO suggests 10.5% prevalence of medicines available in Low and Middle Countries is counterfeit [48]. This evaluation was corroborated by a study that reported that about half of the counterfeit drugs present worldwide are antimicrobials, mainly generic [13]. Additionally, there is reduced drug quality because of poor storage conditions, age, having none, too little, or too much of the active ingredients. This may be premeditated or the consequences of poor manufacturing practices. Adulterated inactive “excipients” in drugs can also be dangerous to those who consume them. China and India hold the unenviable record of being the main sources of counterfeit drugs [49]. To complicate issues, governments and pharmaceutical companies are reluctant to report counterfeit drugs, in order not to create trepidation among consumers [50]. Moreover, in India, drugs at higher-level health centers are less likely to be expired, but many rural clinics dispense obsolete medicines, especially in areas plagued by violence [51]. Additionally, there are currently no guidelines for maintaining medicines at safe temperatures in retail pharmacies, other than that they must have a refrigerator [19]. The ramification of administering inferior and imitation antimicrobials is grave. The condition of the patients taking the medications is worsened because the drugs contain a sub-therapeutic amount of the active ingredient are ineffective in treating the infections, however, the sub-optimal level contributes to the emergence of resistance [13].

#### AMR is an existential threat,

Silverman ’16 (Rachel Silverman – MPhil with Distinction in Public Health @ the University of Cambridge, Senior Policy Analyst and Assistant Director of Global Health Policy @ the Center for Global Development, focusing on global health financing and incentive structures, “Confronting Antimicrobial Resistance: Can We Get to Collective Action?” 19 April 2016, https://www.cgdev.org/blog/confronting-antimicrobial-resistance-can-we-get-collective-action)

Antimicrobial resistance is already causing huge harm – and the worst is yet to come. To open the panel, Dr. Chan issued a serious warning about the size and scope of the AMR threat: “everyone will be affected if we do not address this problem.” AMR is already responsible for an estimated 700,000 global deaths each year, 50,000 of which take place in the US and Europe. Extensively drug-resistant (XDR) tuberculosis—cases where the most effective first- and second-line drugs are rendered useless—infected an estimated 47,000 people worldwide in 2014, only one ‘last-line’ antimicrobial is available to reliably treat gonorrhea, and few new antimicrobial drugs are in the development pipeline. According to the latest review, AMR could cause 10 million deaths each year by 2050, with knock-on effects draining many trillions from the global economy. Summers suggested that AMR and potential pandemics, alongside climate change and nuclear proliferation, represent the top three existential threats to life on earth as we know it. And as Dr. Chan explained, the worst-case scenario implies the end of modern medicine as we know it. Even worse, Summers suggested that AMR seems like a “quintessential non-linear phenomenon, and therefore more dangerous.” Year by year the effects are small and mostly invisible. But at some point in the future they could suddenly become catastrophic[DG1], like a “levee that doesn’t hold and unleashes a flood.” Dr. Chan concurred that “the tipping point is not predictable because…microbes are invisible. We don’t even know when they’re going to make the switch” to become resistant to existing drugs. Antimicrobial efficacy is a global public good threatened by serious market failures. In response to this huge threat, why don’t pharmaceutical companies invest in new antibiotics? “It does not pay” for them to do so, explained Osborne. Pharmaceutical companies want to invest in technologies that will make a lot of money, and soon; so long as other antibiotics remain effective, the market for new options will be tiny and unprofitable. Even worse, as Summers pointed out, “markets don’t reward preparations for disaster.” Even if a company successfully developed a new option, public pressure would likely force the company to price the drug below market value at the time the drug is needed most.

## Case

I’ll concede permiss and presumption negates but don’t auto vote aff.

Counterinterp can contest AC offense

1] Reciprocity – you can contest NC offense

2] Clash

Rvi

Negating affirms wrong – even if 1NC is an argument it isn’t a true one.

2nd arg is wrong – the point of debate is to clash over arguments and determine if they are true not to assume something is true.

### Fw

#### Kant’s. A better method to resolve oppression.

Farr ’02

Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32. JDN./Recut Lex AKu

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. I ﬁnd this interpretation of Kant’s moral theory quite puzzling. Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions. It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves. That is, we recognize in others the humanity that we have in common. Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. To avoid ethical egoism one must abstract from (think beyond) one’s own personal interest and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. Hence, I organize my maxims in consideration of other rational beings. Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves. Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy. A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text. Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather, it will disclose the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal and moral problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.

#### Induction fails-induction relies on another induction since we are literally unable to predict the future which is circular. Only deduction solves which mandates intentionality.

#### 3] Infinite consequences-every action has an infinite number of consequences proven by the butterfly effect- this means that there’s an infinite obligation triggering infinite regression.

Johnson – our fwk solves, everyone adopts the categorical imperative which helps fight privillege. A priori principles can be applied to material situations – that’s the farr ev.

Duquette is wrong – 1] Kant hijacks since the root cause of this otherness is being treated as a mere means to an end. Recognizing everyones rationality solves. 2] Just proves S.V causes bad things but doesn’t warrant why that’s a reason that stopping structural violence is the biggest impact.

Nixon just proves structural violence leads to bad things – that might be true but its circular since it uses the effects of structural violence to warrant why it’s the starting point.

Teehan just proves contesting opression bad is violent which is true but that’s not a reason their fwk is the starting point of ethical theorizing, we’re not contesting racism is bad but have rather introduced a counter fwk that’s better for resolving violence

### Adv

#### Weakening patents is worse – eliminates funds for R&D and halts pharma innovations that prevents an effective development of a right to health.

Sarah Joseph 11, Professor of Human Rights Law, and the Director of the Castan Centre for Human Rights Law at Monash University, Sarah, “Blame it on the WTO?” http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199565894.001.0001/acprof-9780199565894-chapter-8#acprof-9780199565894-note-1350

IP protection restricts trade and competition, so IP clauses are somewhat anomalous in trade agreements, which are normally designed to decrease trade barriers. What is the justification for IP protection?44 Due to their relevance to this chapter, I will concentrate on arguments in favour of patents.45 Patents reward people for their inventions, thus encouraging creativity and innovation. Patents operate on the assumption that people are not inherently altruistic, and expect rewards for their endeavours, especially when those endeavours are risky as they may, and often do, result in costly failure.46 Furthermore, the money raised from patent protection is said to be necessary to fund the considerable costs of research and development (R&D).47 Therefore, without patents, innovation in the pharmaceutical field (or any industrial field) might grind to a standstill. While it is true that the high prices generated by patent protection may render access to drugs selective, (p.221) it is nevertheless better that a drug is available to some rather than non-existent and available to no one. The global extension of patent law mandated by TRIPS helps to ensure that patents are not undermined by the sale of competing pirated copies. Furthermore, global IP regimes should theoretically encourage greater technology transfer between countries, greater foreign direct investment, and greater local innovation within compliant states.48 All of these outcomes should accelerate the economic development of poor countries, with positive knock-on effects for human rights. Thus, perhaps it is arguable that pharmaceutical patents are justifiable under international human rights law, as they promote R&D which is essential for the future enhancement of rights to life and health. Furthermore, to the extent that they are held by natural persons, they are one way of protecting that person’s rights under Article 15(1)(c) of the ICESCR.

#### Low prices independently cause AMR.

Babu and Suma 6 Babu, Varsha, and C. Suma. "Antibiotic pricing: when cheaper may not be better." Clinical infectious diseases 43.8 (2006): 1085-1086. (Government Primary Health Center)//Elmer

To The Editor—Antibiotics in India have always been cheaper in absolute terms thanks to weak patent laws that have been in effect until recently. Because a direct translation of drug prices from US dollars to Indian rupees (INR) would have rendered most new antibiotics inaccessible to the vast majority of Indians, such patent violations were subtly encouraged. Even despite this, we were caught unaware when pharmaceutical representatives approached our primary care center in rural India, claiming that a 5-day course of levofloxacin would henceforth cost the patient ∼INR 20 (<$0.50). Reluctant to accept such a statement at face value, we consulted the CIMS Updated Prescriber's Handbook [1], a popular index of pharmaceutical drugs available in India. Here, we discovered that a 5-day course of oral levofloxacin (500 mg once daily) cost anywhere from INR 19.5 to INR 475 ($0.50–$10.50), with most companies pricing their brand at <$1 for a full course. The same course in the United States would cost >$100. Intrigued, we did some more research and came up with the following results. The cheapest 5-day courses of first-line antibiotics, such as oral amoxicillin (500 mg thrice daily) or oral erythromycin (500 mg 4 times daily), cost INR 45 ($1) and INR 90 ($2), respectively. On the other hand, the cost of a 3-day course of oral azithromycin (500 mg daily) was one-half that of a course of erythromycin. Despite the obvious price advantage to the patients, we find this trend troubling. **Lower prices** often **lead to wider prescription of a given drug**, especially in resource-limited settings. **If** second-line **antibiotics**—such as levofloxacin and azithromycin—**are made available at lower prices** than first-line antibiotics, **there is a high probability of their overuse and subsequent development of resistance**. In the face of **very low costs of medication**, patients are unlikely to complain of escalating medical expenses. The issue assumes more gravity when one considers the fact that levofloxacin is an important second-line drug for the treatment of tuberculosis [2]. Its widespread use in the community **is likely to lead to emergence of resistance** **among** **mycobacteria** **and** delayed diagnosis of **tuberculosis** [3]—an occurrence that India, with its large population of tuberculosis-affected patients, cannot afford. We believe we have encountered a situation where **low prices of antibiotics are likely to cause more harm than good**. In the post World Trade Organization treaty scenario, governments in resource-limited countries should use their privileges of essential drug control to ensure that the costs of first-line antibiotics remain lower than those of second-line drugs. Such a government-instituted ladder in antibiotic pricing is essential to prevent the misuse of antibiotics in the community and to ensure that antibiotic resistance is kept at low levels.

#### IP Protections are key to the pharma sector – strong innovation solves future pandemics.

**Wilbur 20** [Tom Wilbur, Tom Wilbur is Director of Public Affairs at PhRMA focusing on message development and opinion research. Prior to joining PhRMA in 2019, Tom worked on Capitol Hill and on political campaigns for nearly a decade, most recently responsible for communications, campaigns and strategy for U.S. Rep. Fred Upton and the House Energy and Commerce Committee. 5-4-2020, accessed on 8-3-2021, Catalyst.phrma.org, "What they are saying: Intellectual property protections are critical as we work to defeat COVID-19", <https://catalyst.phrma.org/what-they-are-saying-intellectual-property-protections-are-critical-as-we-work-to-defeat-covid-19>] Adam

The U.S. biopharmaceutical industry depends on reliable intellectual property (IP) protections to promote the development of new breakthrough treatments and cures for patients. Strong IP protections are especially important while biopharmaceutical companies work around the clock to develop solutions to help prevent infection and treat those with COVID-19, a disease cause by the novel strain of coronavirus. In fact, many of the existing medicines and investigational medicines being tested for COVID-19 exist today because of IP and other incentives that drove their research and development.

Here is a closer look at recent comments spotlighting how strong IP protections help fuel discovery efforts for COVID-19 treatments and vaccines:

“The world has placed its profound confidence in the free enterprise of the leading scientists and innovators to reach as many solutions as possible in the shortest amount of time. It is obviously a heavy weight for researchers to bear, but not a burden…Removing the ability of these first responders to own their work while they are in the process, or after completion, undermines their efforts. Keeping these rights intact not only allows more knowledge-sharing in the fight against COVID-19 but also ensures long-term research to ready the fight against the next pandemic, as well.” – Philip Thomas, policy analyst at the Property Rights Alliance, in [Morning Consult](https://morningconsult.com/opinions/fighting-covid-19-doesnt-require-selling-out-our-innovation-ecosystem/)

“Good patent policy incentivizes inventors to find solutions, not merely for today’s, but for tomorrow’s problems… America’s biomedical innovators have assumed the risk of costly dead ends along the long, bumpy road to developing a successful drug, device or test that addresses COVID-19. They’ve shouldered this burden in good faith in a no-holds-barred race on all fronts — diagnostics, ventilators, personal protective equipment, therapeutics and vaccines. For many, the IP exclusivity over the terms of their patents will help offset R&D costs eaten now.” – James Edwards, IP consultant and Gene Quinn, President and CEO of IP Watchdog Inc., in [IP Watchdog](https://www.ipwatchdog.com/2020/04/08/facilitating-innovation-to-fight-coronavirus-act-legislation-mixed-bag/id=120483/)

“The Bayh-Dole Act represents one of the bedrock policies that has helped make the U.S. biomedical innovation system the envy of the world and a key place the world is now turning to in the search for an accessible coronavirus vaccine or treatment. Those who would misguidedly interpret Bayh-Dole march-in-rights as a price-control provision that could be leveraged in the coronavirus case or other circumstances advocate for an approach that threatens to seriously deter biomedical innovation and undermine a key pillar of America’s biomedical innovation system.” – Stephen Ezell, vice president for global innovation policy at the Information Technology and Innovation Foundation, in [Morning Consult](https://morningconsult.com/opinions/how-bayh-dole-act-facilitates-development-coronavirus-therapies/)

“The appropriate intellectual property framework is enabling the rapid R&D response. Many potential treatments are based on decades of prior R&D and investment or originally were pioneered to treat other conditions. These breakthroughs were enabled by a robust innovation eco-system underpinned by effective IP.” – Oscar Guinea, senior economist at the European Centre for International Political Economy and Koen Berden, executive director of international trade at the European Federation of Pharmaceutical Industries and Associations in [EFPIA News](https://www.efpia.eu/news-events/the-efpia-view/blog-articles/trade-policy-and-covid-19-openness-and-cooperation-in-times-of-a-pandemic/)

“From the birth of the modern pharmaceutical industry in the early 20th century, the U.S. patent system incentivized R&D in new drugs and medical treatments. Our scientists have led the world in creating breakthrough medical treatments. The vaccines and drug treatments they created improved the quality of life and extended lifespans for billions of people around the world. Instead of imposing more price controls and regulatory burdens, lawmakers should be bolstering legal protection for innovations in life-saving [COVID-19] treatments and cures. They should reform the patent laws to ensure investments continue in creating new cures.” – Adam Mossoff, patent law expert at Antonin Scalia Law School at George Mason University and senior fellow at the Hudson Institute, in [The Washington Times](https://www.washingtontimes.com/news/2020/mar/12/patent-term-extensions-will-help-speed-up-developm/)

“The right of exclusivity that IP, particularly patents, provides innovators is critical to developing and commercializing cutting-edge inventions in biopharma… American IP, including the right to exclude competitors during the limited duration of a patent term, is essential to our solving the current global medical crisis, continually introducing new cures and better therapies and sustaining the high-skill jobs in the life sciences sector.” – James Edwards, IP consultant in [IP Watchdog](https://www.ipwatchdog.com/2020/03/10/wont-stop-coronavirus-without-ip/)

Strong IP protections support America’s robust innovation ecosystem by striking a balance between promoting innovation and meeting the needs of patients who rely on lifesaving therapies, like those in development to treat COVID-19. America’s biopharmaceutical companies are committed to ensuring that treatments and vaccines developed for COVID-19 are available to all who need them. For more information on the importance of IP rights, visit our [IP page](https://www.phrma.org/advocacy/intellectual-property) and stay tuned for our next IP Explained post.

# 2NR

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## Kant

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.

## Case

#### Prefer our method – a) Kantian ethics is a way we can combat oppression and ethical egoism through recognizing that we all apriori equal b) Using a universal starting point of reason to each particular allows people to access morality which solves the kritik and prefer the framing that’s Farr. That outweighs. A) In the absence of universality, there’s no appeal you can make based on your experience or historical oppression that you can dictate to someone else since they could just say that they’re not moved by it. B) Universal maxims recognize that we can’t ignore other people – this is essential to inclusion of other agents

#### Fallacy of origin. Their evidence is narrow-minded; Kant himself is not the last word on Kantianism

**KAGAN 02**

Shelly Kagan (Clark Professor of Philosophy at Yale University). “Kantianism for Consequentialists.” 2002,, in A. Wood (ed.) Kant: Groundwork for the Metaphysics of Morals. Yale University Press, 2002. http://www.inp.uw.edu.pl/mdsie/Political\_Thought/Kant%20-%20groundwork%20for%20the%20metaphysics%20of%20morals%20with%20essays.pdf

Kant’s moral philosophy represents one of the most significant approaches to the foundations of ethics. For obvious reasons—including the simple fact that Kant offered no distinctive name for his general approach to ethics —views of this same, basic sort are typically known as Kantian. But this common practice, natural as it is, carries with it an obvious danger as well: there is a temptation to assume that Kant himself is the last word on Kantianism, rather than merely being an important advocate of this sort of view. This can lull us into overlooking the possibility that in various places Kant may have been mistaken about the implications of Kantianism; and it can also make us feel needless pressure to reconstruct Kantianism in precisely the terms in which Kant himself presented it. As a result, we may narrowly focus on the details of Kant’s particular views, at the expense of appreciating the fuller significance and general interest of Kantianism. (In contrast, we are quite used to thinking of Bentham, Mill, and Sidgwick as merely being leading representatives of the general utilitarian approach, without thinking that any one of them has the last word on utilitarianism itself.)

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