# 1NC

## OFF

### 1

#### Interpretation—the aff must disclose the plan text and standard text 30 minutes before the round. To clarify, disclosure can occur on the wiki, over message or messenger.

#### Violation—they didn’t - ss

#### The standard is prep and clash - Two internal links-

#### a) Neg prep: The AC framework controls the direction of a round – even if its whole rez, my prep drastically differs based on a util AC, topical K aff, or a burden/tricks aff. 4 minutes of prep is not enough to put together a coherent 1nc or update generics—30 minutes is necessary to learn a little about the affirmative and piece together what 1nc positions work best against the affirmative and cut and research their applications to the affirmative. Exacerbated by the fact that philosophy can be dense and hard to fully understand with a few cross ex questions absent any pre-round prep. They also get months to frontline their one aff, while I coming into the round guessing—o/w since their already structurally ahead,

#### b) Aff quality-disclosing the framework text allows preliminary research into the framework preventing frameworks from winning just because they are terribly confusing and not a philosophy that policymakers would actually use-if they affirmatives framework would be crushed with 20 minutes of research then it does not deserve to win. This will answer the 1ar's claim about innovation—with 30 minutes of prep, there's still an incentive to find a new strategic, well justified aff, but no incentive to cut a horrible, incoherent aff that the neg can't check against the broader literature.

#### c) Drop them for lying – they said it’s a new aff but it isn’t this entire aff is disclosed on their teammates wiki which means its not new. Lying is a voter for academic integrity.

#### D] Voter:

#### Fairness and education are voters – debate’s a game that needs rules to evaluate it and education gives us portable skills for life like research and thinking.

#### Drop the debater – a) DTA is dropping the aff since it indicts the way you’ve read the advocacy, b) it deters future abuse and sets a positive norm.

#### 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) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, b) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, c) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

### 2

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

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

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

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

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

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

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

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

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

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

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

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

### 3

#### Strong IP protections allows for counterfeit tracking, detailed product info and mobile laboratory testing which helps keep fakes from entering the market.

Fifarma 4/27 [Latin American Federation of the Pharmaceutical Industry created in 1962. We represent 16 research-based biopharmaceutical companies and 11 local associations dedicated to discovering and developing innovative, quality and safe health products and services that improve the lives of patients in Latin America and the Caribbean and advocate for patient-centric, sustainable health systems characterized by high regulatory standards and ethical principles. ["This Is How We Fight Counterfeit Medicines with Intellectual Property." Fifarma. Fifarma, Apr. 2021. Web. 27 Aug. 2021.] //Lex VM

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.

BPI 08 [Bpi Contributor, "IP Strategies to Combat Distribution of Counterfeit Drugs", BioProcess International, 3-1-2008, https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/, accessed: 9-10-2021.] //Lex VM and 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](https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/#CIT0002)). Fake medicines are estimated to be a US$32 billion global business ([9](https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/#CIT0009)). 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](https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/#CIT0010)). 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](https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/#CIT0010)). 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](https://bioprocessintl.com/business/intellectual-property/ip-strategies-to-combat-distribution-of-counterfeit-drugs-182314/#CIT0011)). 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.

#### Organizational costs incentivize terrorist groups to fund themselves through counterfeit medicine – examples from Lebanon and South America prove.

Cannon 15 [Douglas T. Cannon, War Through Pharmaceuticals: How Terrorist Organizations Are Turning to Counterfeit Medicine to Fund Their Illicit Activity, 47 Case W. Res. J. Int'l L. 343 (2015) Available at: <https://scholarlycommons.law.case.edu/jil/vol47/iss1/23>] //Lex VM Recut by Lex AKo

The prevention of terrorist financing since 9/11 has proved to be quite daunting.24 One reason is that some of these funds are smuggled via legitimate business networks and charities.25 The U.S. government is adamant about “starving the terrorists of funding and shutting down the institutions that support or facilitate terrorism.”26 As of 2005, the U.S. government has frozen nearly $200 million in terrorist funds, though over 80% were frozen the first few months after 9/11.27 Since this time, the U.S., in concert with 36 other countries, organized the Financial Action Task Force on Money Laundering (“FATF”).28 The prime directive of FATF is to adopt a uniform set of standards regarding money laundering and terrorist financing, that encourage an effective implementation of legal, regulatory and operational measures for these actions which pose a threat to our financial systems.29 Though lacking an enforcement mechanism, countries voluntarily agree to the following conditions, promulgated by FATF, in order to receive membership: (1) [B]e fully committed at the political level to implement the 40 recommendations within a reasonable time frame (three years) and to undergo annual self-assessment exercises and two rounds of mutual evaluations; (2) be a full and active member of the relevant FATF-style regional body; (3) be a strategically important country; (4) have already made the laundering of the proceeds of drug trafficking and other serious crimes a criminal offense; and (5) have already made it mandatory for financial institutions to identify their customers and to report unusual or suspicious transactions.30 The recommendations of FATF have been adopted by the UN,31 and affirmed by the G-20 in their annual conferences located in Pittsburgh, Seoul, and Cannes.32 While unable to actively enforce their regulations—due to a lack of proper regulating body, and no true enforcement mechanism—FATF has made meaningful progress since its inception.33 Before delving into how this illicit money is raised, and what is being done to thwart that fundraising, it is prudent to understand what the money raised is used for, and just how little money is truly needed to organize and create the chaos on which these organizations thrive, thus exhibiting the great impact the sale of counterfeit medicine has.34 The funding of terrorist organizations can generally be categorized into two general categories: operational costs, and organizational costs.35 1. Operational Costs The amount of money needed to carry out an attack varies based on a multitude of factors, some of which include: location, method, and personnel. An indication of the estimated costs of attacks can be detailed in the following table: Analyzing the table, it is apparent that the relative cost of financing a terror operation is quite low vis-à-vis the yield for injury.36 In just two attacks, the infamous London Tube and Madrid Train bombings, nearly 2400 individuals were injured, and over 210 lost their lives.37 Counter that figure with the combined expenditure to carry out the attack, roughly a mere $14,00038 [1.4 million] and it is quite apparent why tracking and stopping these small monetary operations becomes quite tricky.39 Other operational costs include per diems to the martyrs, communication protocols, and training.40 Quantifying training to expense per operation can be quite perplexing.41 Quantifying an exact amount is nearly impossible, though it may be less than one would think if groups with similar ideologies share the brunt of expenses.42 2. Organizational Costs Beyond the assumed costs of running a clandestine operation, recruitment, planning, and procurement represent the largest tranche of necessary financial resources.43 Take, for example, Hamas. Hamas has a tripartite structure composed of a social welfare branch, a political branch, and a military division.44 Funding for these operations can be quite burdensome.45 While some of the military division’s costs can be accounted for under the operational category, such as guerilla and terrorist activities, the public face of the Hamas, though formally a FTO, engenders many other expenses. Roughly 50% of Hamas’ annual budget (nearly $450 million) is dedicated to these operating expenses.46 While Hamas stands as an outlier47- it is estimated that Hizballah’s operating budget is around $200-$500 million with roughly $100 million coming from the Iranian government.48 Further, as of 2011, the Taliban was estimated to take in approximately $560 million annually,49 and the UN revealed that $70-$100 million is approximately al-Shabaab’s revenues.50 Compare those figures with estimates recently from Forbes, and other outlets, that estimate al Qaeda is actually bankrupt.51 Due to continued constraints on its funding pipeline by the U.S. and allies, “al Qaeda’s home office [is] no longer able to subsidize operations.”52 3. How Do Terrorists Finance Their Operations? Unlike normal businesses, terror organizations do not have the luxury of simply using earned income, or revenue, to finance their counterfeiting operations directly. This is due to a few reasons, the last of which is United States Federal banking law.53 Instead, there are two main categories that define how terror groups fundraise: moving money, and earning money. This section will analyze the ways in which terror organizations move and earn their money. a. Moving Money The process in which terrorists, or other nefarious persons, turn dirty/tainted money—obtained from their less than legal activities— into “clean” usable money is known as laundering.54 Terrorists launder ‘clean’ money by moving and storing it for the purposes of financing training and future operations. The lack of physical evidence in mobile transactions, and the ability to easily move and store money through various New Payment Methods, should be of great concern to the law enforcement community.55 There are a few forms of “moving money” that the terror organizations can employ. A classical Islamic law, dating back to the 8th century, dictates a form of transferring money known as Hawala.56 Formally, “Hawala is an alternative or parallel remittance system” which operates outside, or occasionally parallel to traditional western banking systems.57 What makes Hawala so difficult to track and prevent is the complicated manner in which Hawala transactions occur. There are no receipts, the bookkeeping is in aggregate, not in terms of individual remittances, and while money changes hands domestically, the passing of funds internationally is not quite as obvious.58 In many cases, the money does not need to transfer from broker to fulfiller as the fulfiller can be simply repaying a current debt.59 Because of these “off the book” dealings, tracking is near impossible unless wiretaps are used or tracking systems are in place to monitor couriers. As such, a key attractiveness to Hawala is anonymity.60 Since 9/11, the United States and other governments have been on particularly high alert for illicit trading via Hawala networks, in some cases shutting down networks, and/or issuing sanctions, or advisory statements.61 But, while many Western countries are increasingly suspicious of Hawala transactions, a large portion of the Western world still allows for Hawala transactions.62 With the increased prevalence of new and novel payment methods, at least one analyst believes “[w]e do not have another year to waste.”63 In the digital age, it is increasingly difficult to “follow the money[,]” when these m-payments are used.64 This gives terrorists and illicit financiers a remarkable advantage.65 Technological advancements have made constricting the channels of illicit banking increasingly difficult. Take for example, mobile payment systems.66 Recently, Square, a mobile payment aggregator, released a product called Square Cash.67 The technology allows users to seamlessly transfer money using an app or email.68 While still requiring a debit card, no further information is needed.69 While mobile payment systems70 “M-payment” is not new, it is presenting additional challenges to governments, regulators, law enforcement, as well as the M-payment industry in regards to delivering a safe payment system while limiting the threat of money laundering, and criminal/terrorist activity.71 In March of 2008, the U.S. Department of State issued a statement detailing mobile payments and their increased threat for terror activity.72 It is estimated that the remittances of global mobile payment exceed two hundred and fifty billion dollars annually.73 With the prevalence of these mobile payment systems, proceeds of crime or contributions to terrorist organizations can now be transmitted via mobile or wireless networks. Due to these transfers, nefarious groups and individuals avoid the risk of physical cash movement, thus bypassing financial reporting requirements, and gaining an advantage via the swift remittance of currency across a country or around the world.74 b. Earning Money To fund the activities of a terror organization, money comes from a variety of avenues.75 Three leading categories are front companies, charities, and illegal activity.76 Front companies are legitimate business owned and operated for legitimate purposes, but their proprietors or investors often are nefarious individuals.77 Charities at one point were the largest source of terrorist funding and the “funds transferred to terrorists are often raised legally and only acquire their relationship to terrorist financing through subsequent money laundering.”78 In the Islamic world alone there are thousands of charities, though it is estimated the funding is channeled through a few hundred.79 Many terror organizations raise funds with the express intent of supporting terrorists; while others seek to promote their religion – Islam – through legitimate programs, but are coopted by jihadists who subsequently consume the funds to promote their own radical cause.80 Further illustrating this point is the case of Holy Land Foundation for Relief and Development.81 In July of 2004, the U.S. government indicted Holy Land Foundation for Relief and Development, the largest Muslim charity in the United States, for providing financial support to Hamas.82 Its leaders were accused of materially supporting a FTO, among other charges.83 The charity’s assets were frozen shortly after the 9/11 attacks.84 Allegedly, over $57 million in donations had been sent to “Hamas-controlled organizations and programs in the West Bank and Gaza.” Further substantiating the naivety upon donors, the charities donors asserted a lack of knowledge as to the claim that their contributions were being diverted to terrorism. C. Terrorism and Counterfeit Medicine One of the principal features in the U.S. War On Terror (“WOT”) is the Joint Terrorism Task Force (“JTTF”). This “Task Force” is a fairly recent phenomenon where the FBI and participating agencies act in concert to either thwart attacks or solve cases.85 The JTTF, is comprised of over 682 State, Federal, and Local agencies.86 In 2006, a Joint Terrorism Task Force (“JTTF”) indicted nineteen individuals in Detroit that were tied to a cartel whose principal purpose was fundraising for the Lebanese terrorist organization Hizballah. 87 Historically, much of the focus for these cartels has been linked to cigarettes88 and other goods.89 Similarly, in 2010, Lebanese police uncovered a medical counterfeiting operation in Lebanon, run by Hizballah. 90 It is estimated that from this cartel alone, over “10 tons of hazardous pills” have flooded the market, and Hizballah has benefitted in the range of “hundreds of millions of dollars.”91 “Illegal drug trafficking and terrorism cannot be viewed as a victimless crime.”92 In South America, despite decade’s worth of attempts to thwart its growth, “the production and trafficking of popular illicit drugs—cocaine, marijuana, opiates, and methamphetamine” creates a multi-billion dollar illicit market.93 Amongst the facilitation, promulgation, and production of illegal drugs and their use, these markets, and the cartels within, create the nexus of fragile States, and lead to the growth of corrupt governments and officials.94 Many of these South American cartels are described as the “greatest organized crime threat to the United States.”95 Many of these organizations can, on their own facet, be labeled terrorists.96 For example, FARC, and Sendero Luminosos contain paramilitary wings that create havoc and chaos amongst their countries, villages, and farmers within.97 Additionally, “[s]ome traffickers based in the triborder area have ties to radical Islamic terrorist groups such as Hizballah.”98 Prior to September 11th, few Americans realized the connection between drug money and how it has been used to fund terrorism.99 Besides the obvious concerns of illicit drug trading, narco-terror, and traditional terror organizations forming relationships in Latin America pose numerous risks to the United States as well as the globe. One such example is the possibility of terrorists being smuggled in via the Mexican border.100

#### Their own evidence says counterfeits kill millions.

### 4

#### The meta-ethic is procedural moral realism - substantive realism holds that moral truths exist independently of that in the empirical world. Prefer procedural realism –

#### [1] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [2] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be, this means experience may be generally useful but should not be the basis for ethical action.

#### Practical Reason is that procedure. To ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding.

#### Moral law must be universal—any non-universalizable norm justifies someone’s ability to impede on your ends.

#### Thus, the standard is consistency with liberty.

#### Freedom justifies property rights – which is conceptual and centered around the agent.

Merges 11 [Merges, Robert P. "Will and Object in the World of IP." Justifying Intellectual Property, Cambridge, Harvard UP, 2011, pp. 72-74. ISBN: 0674049489,9780674049482. Found on Libgen.] //Lex VM

Kant believed that any object onto which a person projects his or her will may come to be owned. Kant seemed to consider ownership as a primitive concept whose roots run very deep in human consciousness. This is evident from the language he uses. The origin of property, he says, is in a deep and abiding sense of “Mine and Yours.” “That is rightfully mine,” he writes, “if I am so bound to it that anyone who uses it without my consent would thereby injure me.”15 But what is the point of this? Why do people want to be bound to things? In essence, Kant says, to expand their range of freedom— their autonomy.16 People have a desire to carry out projects in the world. Sometimes, those projects require access to and control over external objects. The genesis of property is the desire of an individual to carry out personal projects in the world, for which various objects are necessary. For Kant, this desire must be given its broadest scope, to promote the widest range of human choice, and therefore human projects. Kant accordingly refuses to accept any binding legal rule that makes some objects strictly unownable, because the rationale for such a rule would conflict with the basic need for maximal freedom of action. Freedom to appropriate is so basic, so tied to matters of individual will and personal choice, that Kant finds it unthinkable to rule out large categories of things from the domain of the potentially ownable. As Kant scholar Paul Guyer says, for Kant, “The fundamental principle of morality dictates the protection of the external use of freedom or freedom of action, as a necessary expression of freedom of choice and thus as part of autonomy as a whole. . . .”17 This captures it in a nutshell: freedom of action, including the right to possess, as a necessary expression of freedom of choice, or autonomy. Autonomy and possession are big concepts. A simple example may help to clarify them. Consider Michelangelo, approaching a large block of marble. He may have a plan, a mental picture of what he wants to do, what design he wants to impose on that chunk of rock. It will take a long time to bring this to completion, to fully impress the idea he carries onto the actual rock he has to work with. To fully realize his vision, to work out his plan for the marble, he needs to know that he can count on two things: continued access to it, and noninterference by others. If he is to carry out his vision, free of unwanted interruptions in access or unauthorized contributions from others, he needs to be secure in his right to possess the marble. Possession, in the full Kantian sense, permits Michelangelo complete freedom over how to sculpt the marble. Secure possession also excludes interlopers from coming along and altering or adding to the sculpture. In short, ownership as Kant understands it means that Michelangelo, and only Michelangelo, has complete freedom over what to do with the block of marble. Thus does stable property contribute to individual autonomy. Kant’s Concept of Possession At the heart of Kant’s understanding of property is the notion that possession is an abstract concept, rather than an empirical fact or event. People need to control objects in the world to do the things they want to do. For control to be effective, it has to be robust, lasting beyond the time when a person has an object in his physical grasp. Michelangelo, in our example, should be able to eat, sleep, rest, take a walk, and so forth, secure in the knowledge that when he comes back to his block of marble it will be as he left it. This need for control to persist, to be effectively broadened beyond the circumstances of mere physical holding, supplies the force that drives us to think about possession conceptually, instead of as just a physical fact. All manner of important implications follow. To carry out this more conceptual type of possession, we require an enforcement mechanism— some sort of legal system. Since this is unthinkable without a government of some sort, we call into existence civil society. And to permit civil societies to flourish a nd coexist, we need an international legal order. As all this makes plain, it could be said that for Kant property— or, more accurately, an appropriately nuanced conception of property— lies at the heart of nothing less than civilization. Conceptual- legal possession, possession that is noumenal rather than phenomenal, cuts through the murk and fog that swirls around conventional theories of intellectual property. In the schematic account we find in Kant, people just naturally want to work their will on objects they find in the world. It is in their nature as beings steeped in freedom to do so. Kant lays out the basic building blocks of objects, will, and freedom in a clean, schematic way, uncluttered by numerous examples.19 As befits his emphasis on reason and thought, Kant goes long on conceptual description and categorization, and short on real- world application. We are therefore free to apply Kant’s idea to the building blocks of intellectual creations, just as we do for other assets such as blocks of marble or land. Many people in the modern world may choose to express themselves in intangible media. From Kant’s point of view, these choices are no different from those Michelangelo makes as he crafts his block of marble. Property status is not a matter of marble versus electrons, chisels versus keyboards, trombones versus synthesizers. The medium is not the message; the individual is. By omitting a clutter of detail, and supplying instead a rich conceptual tableau, Kant’s approach to property is marvelously relevant to the era of intellectual property.

#### Prefer –

#### 1] freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place.

#### I contend that reducing IP protections for medicines impedes on manufacturers’ abilities to set and pursue ends –

#### 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.

### 5

#### Reject 1AR Theory: a] double bind – Either you auto accept all responses to 2NR standards and they auto win since I can't respond, or you intervene to give 2AR credence. They’ll say it’s inevitable but it’s a sliding scale. Inevitable resolvability or intervention collapses to reasonability