## 1

#### Interpretation: Debaters must defend all member nations pass the plan

#### TRIPS is normal means for the plan,

World Trade Organization, xx-xx-xxxx, “TRIPS — Trade-Related Aspects of Intellectual Property Rights" No Publication, <https://www.wto.org/english/tratop_e/trips_e/trips_e.htm> AT

TRIPS — Trade-Related Aspects of Intellectual Property Rights The WTO Agreement on **Trade-Related Aspects of Intellectual Property Rights** (TRIPS) is the most comprehensive multilateral agreement on intellectual property (IP). It plays a central role in facilitating trade in knowledge and creativity, in resolving trade disputes over IP, and in assuring WTO members the latitude to achieve their domestic policy objectives. It frames the IP system in terms of innovation, technology transfer and public welfare. The Agreement is a legal recognition of the significance of links between IP and trade and the need for a balanced IP system.

#### Violation:

#### 1] TRIPS is standardized for all member nations,

World Trade Organization, xx-xx-xxxx, "Frequently asked questions about TRIPS [ trade-related aspects of intellectual property rights ] in the WTO" No Publication, <https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm> AT

Does the TRIPS Agreement apply to all WTO members? All the WTO agreements (except for a couple of “[plurilateral](https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm10_e.htm)” agreements) apply to all WTO members. The members each accepted all the agreements as a single package with a single signature — making it, in the jargon, a “single undertaking”. The TRIPS Agreement is part of that package. Therefore it applies to all WTO members. ( [More on the single undertaking.](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#SingleUndertaking)) But the [agreement allows](https://www.wto.org/english/docs_e/legal_e/27-trips_08_e.htm) countries different periods of time to delay applying its provisions. These delays define the transition from before the agreement came into force (before 1 January 1995) until it is applied in member countries. The main transition periods are: Developed countries were granted a transition period of one year following the entry into force of the WTO Agreement, i.e. until 1 January 1996. Developing countries were allowed a further period of four years (i.e. to 1 January 2000) to apply the provisions of the agreement other than [Articles 3, 4 and 5](https://www.wto.org/english/docs_e/legal_e/27-trips_03_e.htm#art3) which deal with general principles such as non-discrimination. Transition economies, i.e. members in the process of transformation from centrally-planned into market economies, could also benefit from the same delay (also until 1 January 2000) if they met certain additional conditions. Least-developed countries were granted a longer transition period of a total of eleven years (until 1 January 2006), with the possibility of an extension. The transition period has been extended three times, and now runs until 1 July 2034, or until a member ceases to be an LDC, whichever comes first. [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) Which countries are using the general transition periods? WTO members can make use of the general transition periods without having to notify the WTO and fellow-members. The TRIPS Council reviews the legislation of members after their transition periods have expired. 1. Developing Countries Developing countries that are not least-developed countries had to apply the TRIPS Agreement’s provisions by 1 January 2000. In 2000 and 2001, the TRIPS Council reviewed the legislation of the following members whose transition periods expired on 31 December 1999: Antigua and Barbuda, Argentina, Bahrain, Barbados, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Chile, Colombia, Congo, Costa Rica, Côte d’Ivoire, Cuba, Cyprus, Dominica, Dominican Republic, Egypt, El Salvador, Estonia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guyana, Honduras, Hong Kong, China, India, Indonesia, Israel, Jamaica, Kenya, Korea, Kuwait, Macau, Malaysia, Malta, Mauritius, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland (areas which were not reviewed in ’96–’98), Qatar, Saint Lucia, Singapore, Sri Lanka, St. Kitts and Nevis, St. Vincent and Grenadines, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Zimbabwe Please note, nonetheless, that many of these members put into effect national legislation to implement much of the TRIPS Agreement before 1 January 2000. 2. Least Developed Countries Least developed countries had initially until 1 January 2006 to apply the TRIPS Agreement’s provisions, now extended to 1 July 2013, with the possibility of further extension, and until 1 January 2016 for pharmaceutical patents. In the WTO, least developed country members are those recognized as least developed countries by the United Nations. Lists of least-developed countries that are WTO members and those negotiating membership can be found [here](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org7_e.htm). 3. New Members The general transitional periods apply to the original members of the WTO, i.e. governments that were members on 1 January 1995. Since the WTO came into being, a number of countries have joined it. These countries have generally agreed in their membership agreements (their “accession protocols”) to apply the TRIPS Agreement from the date when they officially became WTO members, without the benefit of any transition period. The latest list of countries (and “customs territories”) applying to join the WTO can be found [here](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm#applicants), as can the list of [all WTO members, and their dates of joining the WTO](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm). [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) Do members have any obligations under the agreement during the transition period? All members, even those availing themselves of the longer transitional periods, have had to comply with obligations on [national treatment](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm#nondiscrimination) (equal treatment for foreign and domestic individuals and companies, [Article 3](https://www.wto.org/english/docs_e/legal_e/27-trips_03_e.htm#art3)) and [most-favoured-nation treatment](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm#mfn) (non-discrimination between foreign individuals and companies, [Article 4](https://www.wto.org/english/docs_e/legal_e/27-trips_03_e.htm#art4)) from 1 January 1996. Special transition rules apply in the situation where a developing country does not provide product patent protection in a given area of technology. More specifically, if a developing country did not provide product patent protection in a particular area of technology when the TRIPS Agreement came into force (1 January 1995), it has up to 10 years (to 1 January 2005) to introduce the protection ([Art 65.4](https://www.wto.org/english/docs_e/legal_e/27-trips_08_e.htm#art654)). But for pharmaceutical and agricultural chemical products, the country must accept the filing of patent applications from the beginning of the transitional period, even though the decision on whether or not to grant any patent itself need not be taken until the end of this period ([Art 70.8](https://www.wto.org/english/docs_e/legal_e/27-trips_09_e.htm#art708)). This is sometimes called the “mailbox” provision. If the government allows the relevant pharmaceutical or agricultural chemical product to be marketed during the transition period, it must — subject to certain conditions — provide the patent applicant an exclusive marketing right for the product for five years, or until a decision on granting a product patent is taken, whichever is shorter ([Art 70.9](https://www.wto.org/english/docs_e/legal_e/27-trips_09_e.htm#art709)). In addition, [Article 65.5](https://www.wto.org/english/docs_e/legal_e/27-trips_08_e.htm#art655) of the TRIPS Agreement says countries using the transition period should not backslide — members availing themselves of a transitional period (under [paragraphs 1, 2, 3 or 4 of Article 65](https://www.wto.org/english/docs_e/legal_e/27-trips_08_e.htm)) must ensure that any changes in their laws, regulations and practice made during the transition period do not result in a lesser degree of consistency with the provisions of the agreement. [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) Were intellectual property rights covered under the old GATT (GATT 1947) before the TRIPS Agreement came into being? Before the 1986–94 Uruguay Round negotiations, there was no specific agreement on intellectual property rights in the framework of the GATT multilateral trading system. However, some principles contained in the GATT had a bearing on intellectual property measures taken on imports or exports. Article XX(d) of GATT 1947 (now Article XX(d) of GATT 1994) specifically referred to intellectual property rights. Under this provision, measures which would otherwise be inconsistent with the General Agreement could be taken (subject to certain conditions) to secure compliance with laws or regulations relating, among other things, to intellectual property rights. [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) What is the place of the TRIPS Agreement in the multilateral trading system? One of the fundamental characteristics of the TRIPS Agreement is that it makes protection of intellectual property rights an integral part of the multilateral trading system, as embodied in the WTO. The TRIPS Agreement is often described as one of the three “pillars” of the WTO, the other two being trade in goods (the traditional domain of the GATT) and trade in services. The TRIPS Agreement is part of the “single undertaking” resulting from the Uruguay Round negotiations. That implies that the TRIPS Agreement applies to all WTO members. It also means that the provisions of the agreement are subject to the integrated WTO dispute settlement mechanism which is contained in the Dispute Settlement Understanding (the “Understanding on Rules and Procedures Governing the Settlement of Disputes”). [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) What is the relationship between the TRIPS Agreement and the pre-existing international conventions that it refers to? The TRIPS Agreement says WTO member countries must comply with the substantive obligations of the main conventions of [WIPO](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#WIPO) — the Paris Convention on industrial property, and the Berne Convention on copyright (in their most recent versions). With the exception of the provisions of the Berne Convention on moral rights, all the substantive provisions of these conventions are incorporated by reference. They therefore become obligations for WTO member countries under the TRIPS Agreement — they have to apply these main provisions, and apply them to the individuals and companies of all other WTO members. The TRIPS Agreement also introduces additional obligations in areas which were not addressed in these conventions, or were thought not to be sufficiently addressed in them. The TRIPS Agreement is therefore sometimes described as a “Berne and Paris-plus” Agreement. The text of the TRIPS Agreement also makes use of the provisions of some other international agreements on intellectual property rights: WTO members are required to protect integrated circuit layout designs in accordance with the provisions of the Treaty on Intellectual Property in Respect of Integrated Circuits (IPIC Treaty) together with certain additional obligations. The TRIPS Agreement refers to a number of provisions of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), without entailing a general requirement to comply with the substantive provisions of that Convention. Article 2 of the TRIPS Agreement specifies that nothing in Parts I to IV of the agreement shall derogate from existing obligations that members may have to each other under the Paris Convention, the Berne Convention, the Rome Convention and the Treaty on Intellectual Property in respect of integrated circuits. [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) What is WIPO? The [World Intellectual Property Organization (WIPO)](http://www.wipo.int/) was established by a convention of 14 July 1967, which entered into force in 1970. It has been a specialized agency of the United Nations since 1974, and administers a number of international unions or treaties in the area of intellectual property, such as the Paris and Berne Conventions. WIPO’s objectives are to promote intellectual property protection throughout the world through cooperation among states and, where appropriate, in collaboration with any other international organization. WIPO also aims to ensure administrative cooperation among the intellectual property unions created by the Paris and Berne Conventions and sub-treaties concluded by the members of the Paris Union. The administration of the unions created under the various conventions is centralized through WIPO’s secretariat, the “International Bureau”. The International Bureau also maintains international registration services in the field of patents, trademarks, industrial designs and appellations of origin. WIPO also undertakes development cooperation for developing countries through advice, training and furnishing of documents. An [agreement on cooperation between WIPO and the WTO](https://www.wto.org/english/tratop_e/trips_e/intel3_e.htm) came into force on 1 January 1996. The agreement provides cooperation in three main areas: notification of, access to and translation of national laws and regulations implementation of procedures for the protection of national emblems and technical cooperation. WIPO is located at 34 chemin des Colombettes, Geneva mailing address: P.O. Box 18, CH-1211 Geneva 20 telephone: (41 22) 338 9111 fax: (41 22) 733 5428 website: [www.wipo.int](http://www.wipo.int/). [Return to questions](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#Qs) [Back to top](https://www.wto.org/english/tratop_e/trips_e/tripfq_e.htm#top) Does the TRIPS Agreement require all member’s rules on protection of intellectual property to be identical? No, the TRIPS Agreement requires members to comply with certain minimum standards for the protection of intellectual property rights covered in it. But Members may choose to implement laws which give more extensive protection than is required in the agreement, so long as the additional protection does not contravene the provisions of the agreement. This is why the TRIPS Agreement is sometimes described as a “minimum standards” agreement. In addition, the agreement gives members the freedom to determine the appropriate method of implementing the provisions of the agreement within their own legal system and practice. The agreement thus takes into account the diversity of members’ legal frameworks (for instance between common law and civil law traditions).

#### 2] Logic - Member nations is one body, if 2 people in congress went out for lunch you wouldn’t say congress went out for lunch. Means the aff has to defend all nations. Logic ow

#### Standards:

#### A] Limits – you explode limtis since there are thousands of permutations of countries you could defend and you arbitrarily sever from the topic which justifies reading any non-T aff.

#### B] Topic ed - you force debates about hypotheticals that aren’t grounded in reality. Outweighs on portability since it impacts us in the real world and theres no benefit to debating an aff that can’t exist.

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate.

#### Drop the debater – because you skewed the entire round.

#### Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm. b] it creates a race to the top so we set the best norms

#### No RVIs – a) RVIs incentivize baiting T and prepping it out which leads to maximally abusive practices and creates a chilling effect where people don’t check real abuse. B) logic – you shouldn’t win by proving you’re topical

#### T before 1AR theory – A) Norms – we only have a couple months to set T norms but can set 1AR theory norms any time B) Magnitude – it impacts a larger portion of the round since the aff advocacy determines every speech after it

## 2

#### Reduce means diminish.

Guy 91—(Circuit Judge). Ralph B. Guy. 1991. Tim Boettger, Becky Boettger, Individually and as Next Friend for Their Minor Daughter, Amanda Boettger v. Otis R. Bowen, Secretary of Health and Human Services (89-1832) and C. Patrick Babcock, Director, Michigan Department of Social Services (89-1831), 923 F.2d 1183 (6th Cir. 1991). https://www.courtlistener.com/opinion/554919/tim-boettger-becky-boettger-individually-and-as-next-friend-for-their/

The district court concluded that the plain meaning of the statutory language does not apply to the termination of employment one obtains on his own. A termination, the court held, is not a refusal to accept employment. In this case, the plain meaning of the various words suggests that "refuse to accept" is not the equivalent of "terminate" and "reduce." As a matter of logic [\*\*18] and common understanding, one cannot terminate or reduce something that one has not accepted. Acceptance is [\*1189] a pre-condition to termination or reduction. Thus, a refusal to accept is a precursor to, not the equivalent of, a termination or a reduction. n3 n.3 This distinction is also reflected in the dictionary definitions of the words. "Accept" is defined in anticipatory terms that suggest a precondition ("to undertake the responsibility of"), whereas "terminate" and "reduce" are defined in conclusory terms ("to bring to end, . . . to discontinue"; "to diminish in size, amount, extent, or number."). See Webster's New Collegiate Dictionary (9th ed. 1985).

#### Violation: they don’t reduce trade secret protections they just claim whistleblowing is not a trade secret but the actual doctrine remains the same.

#### Vote neg for predictable limits: their interp justifies borderline fringe affs of cases of IP which prevents the aff from reading core disads like innovation, biotech, etc. decks all neg prep that also means grant me leeway on cp competition since im forced into reading abusive arugments.s

## 3

#### Interpretation: The aff can specify a subset of member nations or iP protections but not both.

#### Violation:

#### 1] Limits – they can cherry pick any country from the China to Russia to Soko and choose any type of IP, secondary patents, orphan drugs, etc. which probably consists of hundreds of fringe affs. Limits outweighs in the context of this tournament – we’ve had the topic for literally 17 days, it’s unreasonable to expect negatives to be prepared for obscure affs.

#### 2] TVA – specify either a state or a subset of IP not both or the aff as an advantage under a whole res aff. Solves both of our offense.

#### 3] Reject the 1ar’s PICs argument – it leads to absurd conclusions that since the neg could potentially be abusive the aff is justified in reading an abusive aff that we cannot prepare for, which leads to infinite abuse. Also It’s untrue in the context of this shell because you can still defend a plan aff and exclude most pics

## 4

#### CP text: The European Union ought to reduce trade secret protections for medicines by requiring that plaintiffs prove that the acquisition, use, and disclosure of the trade secret did not pertain to revealing misconduct, wrongdoing, or illegal activity, or to protecting the general public interest.

#### The law they are criticizing is a law passed by the EU parliament. Hold them to their advocacy anything else justifies infintie shiftiness. Durable fiat is incoherent its like saying Massachusetts should repeal social security when they don’t have jusrisdiction over it, EU no date

[EU, xx-xx-xxxx, "The European Union and the World Trade Organization", No Publication, https://www.europarl.europa.eu/factsheets/en/sheet/161/the-european-union-and-the-world-trade-organization, date accessed 9-18-2021] //Lex AT

The EU’s common commercial policy is one of the areas in which the Union as such has full and exclusive competency. In other words, the EU operates as a single actor at the WTO and is represented by the Commission rather than by the Member States. The Commission negotiates trade agreements and defends the EU’s interests before the WTO Dispute Settlement Body on behalf of all 27 Member States. The Commission regularly consults and reports to the Council and the European Parliament on the content and strategy for the multilateral discussions. Under the Lisbon Treaty, the Council and Parliament are co-legislators with an equal say on international trade matters.

#### Two implications:

#### 1] PLan flaw: EU members can't do the plan because the law they are repealing was passed by the EU parliament and EU law is supreme over national law generally (European court decisions) but especially on trade because the EU is a customs union.

#### 2. Plan flaw + solvency deficit. Only the EU can negotiate trade rules so even if the national govs passed the plan it wouldn't do anything. Only the EU has the power

## 5

#### Permissibility and presumption Negate,

#### 1] Text – Ought is defined as expressing obligation[[1]](#footnote-1) which means absent a proactive obligation you vote neg since the aff can’t prove an obligation. O/W since text is the only thing we have access to prior to the round.

#### 2] Safety – It’s ethically safer to presume the squo since we know what the squo is but we can’t know whether the aff will be good or not if ethics are incoherent.

#### 3] Real world – Policymakers don’t pass policies they aren’t sure about, they shelve them for later.

#### 1] Is ought gap – ethics can only point to features of what something is not why that ought to be the case, only through using the function or purpose of an actor to determine its obligations can we bridge the gap and determine whether something is good or bad, Stilley 10

Shalina Stilley, August 2010, “Natural Law Theory and the "Is"--"Ought" Problem: A Critique of Four Solutions”, Marquette University https://epublications.marquette.edu/cgi/viewcontent.cgi?article=1059&context=dissertations\_mu

In his article ―Good and Evil, Geach attempts to establish that it is not possible to understand what a ―good human being is without first understanding the essence of the human being. 190 He begins by distinguishing between attributive and predicative adjectives. An example of the former is the word ―small in the sentence: ―Bruno is a small lagomorph. An example of the latter is the word ―red in the sentence: ―This is a red book. Although it is possible to know whether an object is red without knowing what it is, this is not the case with attributive adjectives such as ―small. In order to determine whether a lagomorph that is three inches long is ―small, one must know what a lagomorph is. It is only when we know that a lagomorph is a rabbit that we can intelligently answer the question ―Is Bruno, who is three inches tall, a small lagomorph? With this distinction as a backdrop, Geach asserts that the terms ―good and ―bad are attributive adjectives. In order to know if a knife is good, we must know what a knife is, that is, we must know its function, essence, or final cause. Once we know that a knife‘s function is to cut things, we can determine whether a particular knife is ―good. If a given knife is capable of fulfilling its function, it is good; if not, it is bad. Likewise, in order know if a particular person is good, we must know what a person is. Geach‘s claim here is that unless we know the function, essence, or telos of the human person—or human nature—we cannot determine whether a given person is good. His claim is also that once we know the function or telos of the human person, it is possible to know what people ought to do in order to be ―good. Particular humans who fulfill their function— or who are in the process of doing so—are ―good, and those who do not are ―bad. With this distinction between attributive and predicative adjectives as a backdrop, Geach is able to substantiate his conclusion that although the term ―good does not satisfy one specific condition and does not have one set definition, it is not—as Moore claims—a hopelessly ambiguous term. In some cases the term ―good might mean ―pleasurable, in another, it might mean something else, but it does not follow that it is therefore an indefinable, non-natural attribute. The meaning of good in the phrase ―good knife does not correspond to the same set of properties as it does when used in the phrase ―good human being. Nor does the meaning of ―small in the phrase ―small egg correspond to the same height as it does when used in the phrase ―small elephant. Nevertheless, neither the term ―good nor ―small are hopelessly ambiguous or altogether indefinable. Moore claims that ―good expresses an indefinable, non-natural property. Geach responds by pointing out that, regardless of the way the term is used, it corresponds to the fulfillment of the function, essence, or telos of the object which it specifies. Although Geach is not concerned explicitly with the term ―ought, his claim here is relevant to the IOP insofar as both ―good and ―ought are normative. If it is possible to grasp what a ―good human being is by considering human nature and the function of the human person, it will be possible to grasp what humans ought to do. What humans ought to do in this scheme is fulfill their function qua human beings. Although Geach is primarily concerned with the naturalistic fallacy and the term ―good, his insights are relevant to questions about the Ought and the IOP. If it is possible to bridge the fact value gap of the naturalistic fallacy by returning to a functional notion of things in general and human beings in particular, presumably it would be possible to bridge the Is—Ought gap by the same method. If it is possible to derive a ―good from facts about human nature, and if the Ought relies on the notion of the good, it will be possible to derive an ―ought from such facts.

#### “Ought” therefore expresses proper functionality, the resolution says nothing about the universal moral value of reducing intellectual property protections but is rather a question of whether intellectual property is necessary to the form of the WHO.

#### Thus the standard is consistency with the function of agents,

#### Prefer:

#### [1] We follow rules like speech times because that is the purpose and structure of debate. Their very performance justifies the NC framework and proves the AC collapses to the NC

#### [2] Consequentialism fails – A] Induction fails – 1. saying that induction works relies on induction itself because it assumes that past trends will continue, which means it’s circular and unjustified 2. It assumes specific causes of past consequences which can’t be verified as the actual cause B] Butterfly effect - every action has infinite stemming consequences so it is impossible to evaluate an action based off them; one government policy could end up causing nuclear war in a million years.

#### [3] Actor specificity – states are not moral entities but derive authority from doctrines which explain there purpose. This outweighs ur aspec warrant- states aren’t bound by moral obligations, but they are by their function.

#### Negate:

#### 1] TRIPS is normal means for the plan, WTO

World Trade Organization, xx-xx-xxxx, “TRIPS — Trade-Related Aspects of Intellectual Property Rights" No Publication, <https://www.wto.org/english/tratop_e/trips_e/trips_e.htm>

TRIPS — Trade-Related Aspects of Intellectual Property Rights The WTO Agreement on **Trade-Related Aspects of Intellectual Property Rights** (TRIPS) is the most comprehensive multilateral agreement on intellectual property (IP). It plays a central role in facilitating trade in knowledge and creativity, in resolving trade disputes over IP, and in assuring WTO members the latitude to achieve their domestic policy objectives. It frames the IP system in terms of innovation, technology transfer and public welfare. The Agreement is a legal recognition of the significance of links between IP and trade and the need for a balanced IP system.

#### 2] TRIPS was designed with the purpose of enforcing IP protections, Yu 09

Peter K. Yu, 12-2009, “The Objectives and Principles of the TRIPS Agreement”, https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1456&context=facscholar#:~:text=In%20order%20to%20reduce%20the,themselves%20become%20barriers%20to%20legitimate

This section provided the foundation for establishing a new multilateral intellectual property agreement, which eventually became the TRIPS Agreement. Included in the negotiations were four main issues: (1) substantive standards or norms of IPR [intellectual property right] protection; (2) procedures under national law for the enforcement of IPR protection; (3) dispute settlement procedures between parties to any eventual agreement on TRIPs; (4) the relationship between GATT and other relevant international organizations, including WIPO, concerning TRIPs and the relationship between an eventual agreement in the Uruguay Round and the existing intellectual property conventions.' 3

## 6

#### Intellectual property rights cannot be discriminated on the basis of field, or place of invention

WTO <https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm>, Article 27.1, Section 5 on patents, World trade Organization, WTO, Part II — Standards concerning the availability, scope and use of Intellectual Property Rights

Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application. [(5)](https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm#fnt-5) Subject to paragraph 4 of Article 65, paragraph 8 of Article 70 and paragraph 3 of this Article, patents shall be available and patent rights enjoyable without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced.

#### The WTO’s appellate body no longer exists to mediate disputes, without immediate buy in by states, and no mechanism to make disobedient states obey, the system collapses

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

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

#### A major country operating outside WTO consensus wrecks global trade norms

Bacchus 20 [James Bacchus, member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida, 12-16-2020, "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, [https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines]/Kankee](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines%5d/Kankee)

In a sign of their increasing frustration with global efforts to ensure that all people everywhere will have access to COVID-19 vaccines, several developing countries have asked other members of the World Trade Organization (WTO) to join them in a sweeping waiver of the intellectual property (IP) rights relating to those vaccines. Their waiver request raises anew the recurring debate within the WTO over the right balance between the protection of IP rights and access in poorer countries to urgently needed medicines. But the last thing the WTO needs is another debate over perceived trade obstacles to public health. Unless WTO members reach a consensus, the multilateral trading system may be further complicated by a delay like that in resolving the two‐​decades‐​old dispute between developed and developing countries over the compulsory licensing and generic distribution of HIV/AIDS drugs. A new and contentious “North‐​South” political struggle definitely would not be in the interest of the developed countries, the developing countries, the pharmaceutical companies, or the WTO. Certainly it would not be in the interest of the victims and potential victims of COVID-19. Background In early October 2020, India and South Africa asked the members of the WTO to waive protections in WTO rules for patents, copyrights, industrial designs, and undisclosed information (trade secrets) in relation to the “prevention, containment or treatment of COVID-19 … until widespread vaccination is in place globally, and the majority of the world’s population has developed immunity.”1 India and South Africa want to give all WTO members freedom to refuse to grant or enforce patents and other IP rights relating to COVID-19 vaccines, drugs, diagnostics, and other technologies for the duration of the pandemic. In requesting the waiver, India and South Africa have argued that “an effective response to the COVID-19 pandemic requires rapid access to affordable medical products including diagnostic kits, medical masks, other personal protective equipment and ventilators, as well as vaccines and medicines for the prevention and treatment of patients in dire need.” They have said that “as new diagnostics, therapeutics and vaccines for COVID-19 are developed, there are significant concerns, how these will be made available promptly, in sufficient quantities and at affordable prices to meet global demand.”2 Later in October, the members of the WTO failed to muster the required consensus to move forward with the proposed waiver. The European Union, the United States, the United Kingdom, and other developed countries opposed the waiver request.3 One WTO delegate, from the United Kingdom, described it as “an extreme measure to address an unproven problem.”4 A spokesperson for the European Union explained, “There is no evidence that intellectual property rights are a genuine barrier for accessibility of COVID‐​19‐​related medicines and technologies.”5 In the absence of a consensus, WTO members have decided to postpone further discussion of the proposed waiver until early 2021. Balancing IP Rights and Access to Medicines Not New to WTO This waiver controversy comes nearly two decades after the end of the long battle in the multilateral trading system over access to HIV/AIDS drugs. At the height of the HIV/AIDS crisis at the turn of the century, numerous countries, including especially those from sub‐​Saharan Africa, could not afford the high‐​priced HIV/AIDS drugs patented by pharmaceutical companies in developed countries. Having spent billions of dollars on developing the drugs, the patent holders resisted lowering their prices. The credibility of the companies, the countries that supported them, and the WTO itself were all damaged by an extended controversy over whether patent rights should take precedence over providing affordable medicines for people afflicted by a lethal disease. Article 8 of the WTO Agreement on the Trade‐​Related Aspects of Intellectual Property Rights (the TRIPS Agreement) provides that WTO members “may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health … provided that such measures are consistent with the provisions of this Agreement.” In similar vein, Article 7 of the TRIPS Agreement provides that the “protection and enforcement of intellectual property rights” shall be “in a manner conducive to social and economic welfare.”6 It can be maintained that these two WTO IP rules are significantly capacious to include any reasonable health measures that a WTO member may take during a health emergency, such as a pandemic. Yet there was doubt among the members during the HIV/AIDS crisis about the precise reach of these provisions. As Jennifer Hillman of the Council on Foreign Relations observed, ordinarily the “inherent tension between the protection of intellectual property and the need to make and distribute affordable medicines” is “resolved through licensing, which allows a patent holder to permit others to make or trade the protected product—usually at a price and with some supervision from the patent holder to ensure control.”7 But, in public health emergencies, it may be impossible to obtain a license. In such cases, “compulsory licenses” can be issued to local manufacturers, authorizing them to make patented products or use patented processes even though they do not have the permission of the patent holders.8

#### Without all states buy in, we risk WW3 but with nukes

Hopewell and Horton 08-03 [Kristen Hopewell Associate Professor and Canada Research Chair in Global Policy at the University of British Columbia, and Ben Horton, Communications Manager; Project Lead, Common Futures Conversations, 08-03-2021, "Lessons from Trump’s assault on the World Trade Organization," Chatham House – International Affairs Think Tank, https://www.chathamhouse.org/2021/08/lessons-trumps-assault-world-trade-organization]/Kankee

What has this episode revealed about the strength of multilateral institutions such as the WTO, in the face of spoiling tactics from major powers? The WTO is unique amongst international institutions because it has a powerful enforcement mechanism – the dispute settlement system. However, the fundamental vulnerability is that if powerful states like the US and others won’t participate in the system and be bound by its rules, they quickly risk becoming irrelevant. And that’s the situation we’re in right now with the appellate body crisis, where, without a functioning mechanism to ensure that WTO rules are enforced, the entire system of global trade rules risk collapsing. Ironically, the United States has been the leader of the liberal trading order for the past 70 years, but since Trump, it has become its leading saboteur. What are the implications of a permanent collapse of the international trading system? The very real danger from such a breakdown is a return to what we saw in the 1930s. In response to the outbreak of the Great Depression, you had countries imposing trade barriers, blocking imports from other state, and a general escalation of tit-for-tat protectionism. This response wound up not only exacerbating the effects of the depression itself but has also been credited by some as paving the way for the outbreak of the second world war. The reason why institutions like the WTO were created in the first place was to prevent a recurrence of the 1930s protectionist trade spiral. The danger now – if those rules become meaningless and unenforceable – is the institutional foundations of postwar economic prosperity could unravel, throwing us back into economic chaos and potentially political disorder. What does the WTO’s future look like under new director-general Dr Okonjo-Iweala?

## Case

### Framing

OV my fw uplayers against theirs because it doesn’t make value judgements based on ethical progress rather it just says this is how X actor is supposed to act.

Lexical prereq – A] fallacy of origin – we need oxygen B] life is instrumentally valuable not intrinsically, if the WTO doesn’t exist theres no reason for it to do anything.

On aspec – TURN I hijack aspec the highest layer bc WTO is the actor in the res. I’ll concede aspec highest layer

Intent foresight triggers paralysis because we have to infitniely look into the future.

Degrees of wrongness is incoherent udner my FW since the WTO is a body not an agent with intutions. Indepdnetly you can weigh under my FW by just reading the doctrines.

Yes calc indicts – not empirically denied policymakers just use a bad form of util B] good for phil education bc they are valid concerns if u concede an arg its not valid

Pummer – A] assumes moral uncerintaty B]the ballot or aff doenst actually stop extinction C] no impact to uncertainty we’re uncertain about whether oppression is bad.

The b point to extinction assumes pain and pleasure matter under my FW

### Solvency

#### No UQ, Winston & Strawn 19

[Winston & Strawn LLP, 8-20-2019, "2019 Trade Secrets Mid-Year Review: Global Developments in Trade Secrets", Winston &amp; Strawn, https://www.winston.com/en/thought-leadership/2019-trade-secrets-mid-year-review.html, date accessed 9-18-2021] //Lex AT

Recent Legislation and Court Decision May Signal a Trend in Favor of Whistleblower Protections in Trade Secrets Cases

In April, the EU Parliament approved a directive on the protection of persons reporting on breaches of Union law (Whistleblower Directive). The Whistleblower Directive applies to all companies with 50 or more employees and it encourages entities with less than 50 employees to adopt reporting mechanisms similar to those required for larger companies pursuant to the directive. The directive also reaffirms the whistleblower protections outlined in the Trade Secrets Directive and states that it and the Trade Secrets Directive should be considered complementary laws. The Whistleblower Directive references the Trade Secrets Directive’s whistleblower exception, which states that the remedies available in trade secrets cases will not apply if the use or disclosure of the trade secret occurred because a person revealed misconduct, wrongdoing, or illegal activity if the person acted for the purpose of protecting the general public interest. The Whistleblower Directive also explicitly and affirmatively states that the disclosure of trade secrets in accordance with the conditions set forth in the Trade Secrets Directive is to be considered as allowed by EU law. Moreover, the Whistleblower Directive requires the authorities who receive disclosed trade secrets to ensure that the secrets are not used or disclosed for purposes other than what is necessary to follow up on or investigate allegations from whistleblowers.

#### The EU has the best possible whistleblower protections Durkin et al 21

[allison durkin, patricia anne sta maria, brandon willmore, and amy kapczynski, June 2021, " Addressing the Risks That Trade Secret Protections HHR\_final\_logo\_alone.indd 1 10/19/15 10:53 AM Pose for Health and Rights ", No Publication, https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2021/06/Willmore.pdf, date accessed 9-18-2021] //Lex AT

In order to safeguard access to safe and affordable medicines, trade secrecy law must provide sufficient protections for whistleblowers. A model whistleblower protection regime would (1) include a reasonable belief standard and cover both illegal conduct and wrongdoing; (2) reduce the risk of negative consequences for whistleblowers; and (3) provide for infrastructure, resources, and reporting channels that facilitate disclosure.68 Laws should facilitate disclosures by anyone who has a reasonable belief that they may expose illegal conduct or wrongdoing—even where disclo-sures may contain trade secrets.69 The reasonable belief standard helps ensure that whistleblowers do not bear too heavy a burden of proof. For example, the EU directive protects the disclosure of information that the whistleblower perceives as either illegal conduct or wrongdoing, in contrast to US federal law, which protects the disclosure only of illegal conduct. The EU standard protects those without legal expertise and those who seek to report unethical behavior that harms the public interest. Whistleblower protections must also ensure the welfare of those making disclosures. Wherever possible, whistleblowers should be allowed anonymity to prevent workplace retaliation. Interim relief from courts is also necessary where workplace harassment does occur. To alleviate risk further, when disclosures fail to meet a reasonable belief standard, the law should not provide for onerous remedies against whistleblowers, as these disincentivize disclosures that may be valuable to the public. Regulatory protections for whistleblowers are meaningful only if accompanied by infrastructure and resources that support disclosure. Organizations and individuals that facilitate whistleblowing—such as attorneys and nongovernmental organizations—must be afforded the same protections as whistleblowers themselves. Employees must also be informed of their rights as potential whistleblowers and must have access to pro bono legal representation when needed.

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

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

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

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

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

#### Recent evidence confirms

Hillman and Tippett 21 [Jennifer A; Senior fellow for trade and international political economy; Alex; Research associate for international economics, at the Council on Foreign Relations; “Europe and the Prospects for WTO Reform,” CFR; 3/10/21; <https://www.cfr.org/blog/europe-and-prospects-wto-reform>] Justin

The WTO has been in the clutches of a slow-moving crisis for years. At its heart are a series of disputes about the role of the WTO’s Appellate Body, the final arbiter in the WTO’s Dispute Settlement System. Today, the Appellate Body sits empty, severely undermining the capacity of the WTO to resolve trade disputes.

Since the start of the Trump administration, the United States has refused to appoint any new members to the body, effectively allowing countries to avoid compliance with WTO rulings. The primary driver of this drastic action has been American frustration at perceived judicial overreach. U.S. policymakers, starting with the George W. Bush administration, have repeatedly voiced their displeasure with Appellate Body decisions, contending that certain decisions have reached beyond the text of existing WTO agreements.

#### No disease extinction

Owen Cotton-Barratt 17, et al, PhD in Pure Mathematics, Oxford, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute, 2/3/2017, Existential Risk: Diplomacy and Governance, https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500,

1. <https://www.merriam-webster.com/dictionary/ought> [↑](#footnote-ref-1)