## 1

#### Interpretation: Debaters must specify how they enforce reduction of intellectual property protections in the 1AC.

#### 1] Resolvability – theres no normal means. Yu 14

Peter K. Yu, 12-2014, "Why Are the TRIPS Enforcement Provisions Ineffective?," Texas A&amp;M Law Scholarship, <https://scholarship.law.tamu.edu/facscholar/1022/> AT

Shortly after the adoption of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), commentators widely praised the Agreement for transforming the international intellectual property system. While some considered the extension of the mandatory dispute settlement process of the World Trade Organization (WTO) to intellectual property disputes a crowning achievement of the Uruguay Round of Multilateral Trade Negotiations (Uruguay Round), others extolled the unprecedented benefits of having a set of multilateral enforcement norms built into the international intellectual property system. With twenty-one provisions on obligations that range from border measures to criminal sanctions, the TRIPS Agreement, for the first time, provides comprehensive international minimum standards on the enforcement of intellectual property rights. Notwithstanding these quick praises, some commentators provided more measured assessments. For example, in a prescient, and still highly relevant, article published shortly after the adoption of the TRIPS Agreement, Jerome Reichman and David Lange described the Agreement’s enforcement provisions as its ‘Achilles’ heel’. As they observed: The enforcement provisions are crafted as broad legal standards, rather than as narrow rules, and their inherent ambiguity will make it harder for mediators or dispute-settlement panels to pin down clear-cut violations of international law … . We predict that the level of enforcement under the TRIPS Agreement will greatly disappoint rightsholders in the developed countries, and that recourse to coercive measures will not appreciably improve the situation in the short and medium terms.

#### That’s a voter since judges need to decide debates and takes out regress since its key to topic debates.

#### 2] Stable advocacy – 1AR clarification delinks neg positions that prove why enforcement in a certain instance is bad by saying it isn't their method of enforcement – that decks args like politics, modi adventurism,china biotech, Das about specific types of IP, etc.– CX doesn't check since it kills 1NC construction pre-round since I don't know advocacy till in round, and judges do not flow cross ex so its not verifiable.

#### 3] Prep skew – I don't know what they will be willing to clarify until CX which means I could go 6 minutes planning to read a disad and then get screwed over in CX when they spec something else.

#### Fairness is a voter because the judge needs to evaluate the better debater

#### Drop the debater to deter future abuse since it’s the most severe form of punishment

#### No RVIs 1) its illogical you don’t win by proving that you’re fair 2) encourages theory baiting where good theory debaters bait the RVI to win

#### Use competing interps it creates a race to the top where we set the best norms

## 2

#### **Interpretation: If debaters defend a Kantian ethic, they must delineate which branch or subbranch of Kantianism they endorse in explicit text in the 1AC**

#### **There are several distinct ones**

Vleeschauwer 16[Herman Jean de Vleeschauwer- Emeritus Professor of Philosophy “Kantianism” Encyclopædia Britannica. <https://www.britannica.com/topic/Kantianism#ref27103> March 2016] UT AI

* Epistemological Kantianism: those that conceive of the critical philosophy as an epistemology or a pure theory of (scientific) knowledge and methodology
  + Empirical Kantianism: Rooted in physiological or psychological inquiries
  + Logistic Kantianism: Stresses essences and the use of logic
* Metaphysical Kantianism: Rely on inductive metaphysics to make conclusions about the world in accordance with sciences
* Axiological Kantianism: concerned with value theory, branched, first, into an axiological approach which interpreted the methods of all three of Kant’s Critiques
  + Relativistic Kantianism: regarded the critical philosophy as a system of thought dependent upon social, cultural, and historical conditions

The critical philosophy has been subjected to a variety of approaches and methods of interpretation. These can be reduced to three fundamental types: those that conceive of the critical philosophy as an epistemology or a pure theory of (scientific) knowledge and methodology, those that conceive of it as a critical theory of metaphysics or the nature of being (ultimate reality), and those that conceive of it as a theory of normative or valuational reflection parallel to that of ethics (in the field of action). Each of these types—known, respectively, as epistemological, metaphysical, and axiological Kantianism—can, in turn, be subdivided into several secondary approaches. Historically, epistemological Kantianism included such different attitudes as empirical Kantianism, rooted either in physiological or psychological inquiries; the logistic Kantianism of the Marburg school, which stressed essences and the use of logic; and the realistic Kantianism of the Austrian Alois Riehl. Metaphysical Kantianism developed from the transcendental idealism of German Romanticism to realism, a course followed by many speculative thinkers, who saw in the critical philosophy the foundations of an essentially inductive metaphysics, in accordance with the results of the modern sciences. Axiological Kantianism, concerned with value theory, branched, first, into an axiological approach (properly so-called), which interpreted the methods of all three of Kant’s Critiques—Critik der reinen Vernunft (1781, rev. ed. 1787; Critique of Pure Reason), Critik der practischen Vernunft (1788; Critique of Practical Reason), and Critik der Urteilskraft (1790; Critique of Judgment)—as normative disciplines of thought, and, second, into an eclectic or relativistic Kantianism, which regarded the critical philosophy as a system of thought dependent upon social, cultural, and historical conditions. The chief representatives of these submovements are identified in the historical sections below.

#### Violation: They don’t

#### Standards

#### 1] Shiftiness-They can shift out of my turns because the warrants for their standard could justify different versions of Kantianism and I wouldn’t know until the 1ar. CX doesn’t solve A] Not flowed B] skews 6 min of prep during the aff C] They can proactively lie and there’s no way to check D] debaters can be intentionally shady.

#### 2] Real World- Philosophers need to be as specific as possible when delineating their theory since there are so many nuances of philosophy. That outweighs since debate has no pedagogical value without portable application.

#### This spec shell isn’t regressive- it determines what framework the affirmative defends and how to link offense back to it

## Case

### FW

I’ll conceded conseuqnces fail means can’t vote on exitnciton

### UV

#### 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.

New 2N response to uv and any reasons to auto affirm or things like indexicasl – their hidden don’t vote ont hem

1AR theory but I get to answer paradigm issues in the 2N bc inplications are unclear

Nc theory first – A] more time to develop the norm means more likely better B] aff abuse frames neg abuse C] timeskew nounique we both have 13 mintues and u can make preemptive args

### Offense

#### 1] Reducing protections of IP leads to theft and the free riding of ideas.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the msany reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!

#### 2] No aff solvency for turns – the aff reduces protections rather than eliminating them which still allows for freedom violations – Presume neg.

#### 3] there is a distinction between action and omission –No act/omission distinction is infinitely regressive because it means that you are culpable for everything since you are technically aware of anything. That negates – omitting is a morally permissible action to avoid culpability, you can choose to omit from any ethical action which means the squo is ok and theres no moral obligation to do the aff

#### 4] IP is a form of property

Zeidman et al. 16 [Bob Zeidman &amp; Eashan Gupta, "Why Libertarians Should Support a Strong Patent System", IPWatchdog, 1-5-2016, https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/, accessed: 8-9-2021.] //Lex VM

Many libertarians believe that intellectual property, being intangible, is not real property. A formal libertarian definition of property is difficult to formulate, but we would say that property is that which can be produced or contribute to production. Intellectual property falls clearly within these constraints. Yet some libertarians complain that intellectual is not tangible and is defined by government regulation—the patent laws—such that it would not exist without government definition. Let us look at this argument closer. Land is unquestionably property in the minds of libertarians. Yet the land upon which a house is built was not created by the property owner. It was created by nature or God, depending on your inclination, but no one would claim it to be created by the owner, whereas intellectual property is unquestionably created by the inventor. And how far do property lines extend? Property lines are determined by local governments. One can argue that property lines are negotiated by owners and enforced by governments, but when we moved into our homes, there were no negotiations with surrounding property owners. And how far above ground and below ground do property rights extend? These limitations are definitely not negotiated with other property owners but are determined by laws enforced by governments. Patents also have limitations in terms of scope and time that are determined by government laws. One can see that limitations on patents are similar to those on physical property and in some respects are more closely connected to production. For these reasons, libertarians should recognize patents as they do other forms of property. As a secondary but important example, libertarians are generally concerned about government spying on private conversations. When the government captures a phone conversation, it is not physically taking property. It is simply copying intangible data that exists as a form of transient electrical signals. Copying does not involve removing the original—the phone conversation is not destroyed when it is copied. Yet libertarians recognize that this copying of intangible data is a kind of theft of property. Libertarians should thus be wary of making the argument that intangible patents cannot be property or they may lose their contrary argument that private conversations are personal property to be protected.

#### Means the state can’t remove protections.

Zeidman et al. 2 [Bob Zeidman &amp; Eashan Gupta, "Why Libertarians Should Support a Strong Patent System", IPWatchdog, 1-5-2016, https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/, accessed: 8-9-2021.] //Lex VM

Libertarians believe in property rights and government protection of those rights as one of the few necessary requirements of government. Ownership of property and free markets leads to competitive production and trade of goods, which in turn leads to prosperity for all of society. Intellectual property is property like other forms of property, and so government must protect IP as it protects other forms of property because it too leads to competition and trade and prosperity. Libertarians should encourage a strong patent system and object to any “reforms” that limit intellectual property ownership or introduce more government regulation than is required.

#### 5] 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

#### 6] The CI only mandates that buyers aren’t treated exclusively as means to an end – manufacturers don’t do that – their interpretation of Kant would say that all transactions are exploitative

White 07 [(Mark D., Chair of the Department of Philosophy at the College of Staten Island, teaches courses in the intersections of economics, philosophy, and law, PhD in philosophy from the University of Cincinnati) “A Kantian Critique of Antitrust: On Morality and Microsoft,” Journal of Private Enterprise, 1/2007] JL re-highlighted Lex VM

“OK, but don‘t firms who merge and restrict terms of trade use their consumers or competitors as means to their own profit-making, while not considering them as ends at the same time (a violation of the second formula of the categorical imperative)?” If this were so, then all business owners would be guilty of this sin, including Adam Smith‘s tradesmen who sell their wares not for the good of their customers, but to improve the well-being of their families. But note that the second formula states that persons cannot use others simply as means, without at the same time as ends. We use other people all the time: we use grocers to obtain food, mechanics to keep our automobiles running, and friends when they‘re not. But we do so while treating these persons with respect, chiefly through eliciting their services or help voluntarily. It is in this way that we treat them as ends and not just means. What, then, would violate the second formula in terms of commerce? Deceit and fraud, specific instances of the general phenomenon of lying and therefore violations of perfect duty, would be obvious answers, as well as blatant coercion. As long as the seller behaves honestly and openly, and the buyer is free to accept or reject the terms of trade as offered, then the seller is not using the buyer merely as a means, but is at the same time respecting the buyer by being truthful and honorable in his business. So no duties prohibiting mergers or restrictions on terms of trade can be derived from this formula of the categorical imperative either, unless we throw away the baby with the bathwater and condemn all commercial activity.

#### 7] IP is property in the same way our health and labor are too.

D’Amato 14 [David S. D’Amato, David S. D’Amato is an attorney, a regular opinion contributor at The Hill, and an expert policy advisor to the Future of Freedom Foundation and the Heartland Institute. His writing has appeared in Forbes, Newsweek, The American Spectator, the Washington Examiner, Investor’s Business Daily, The Daily Caller, RealClearPolicy, Townhall, CounterPunch, and many others, as well as at nonpartisan, nonpartisan policy organizations such as the American Institute for Economic Research, the Centre for Policy Studies, the Institute for Economic Affairs, the Foundation for Economic Education, and the Institute for Ethics and Emerging Technologies, among others. He earned a JD from New England School of Law and an LLM in Global Law and Technology from Suffolk University Law School. He lives and writes in Chicago. "Libertarian Views of Intellectual Property: Rothbard, Tucker, Spooner, and Rand", Libertarianism.org, 5-28-2014, https://www.libertarianism.org/columns/libertarian-views-intellectual-property-rothbard-tucker-spooner-rand, accessed: 8-25-2021.] //Lex VM

Since Spooner finds the foundation of property in each individual’s natural right to provide for her own subsistence and happiness, it is perhaps unsurprising that he regards “the right of property in intellectual wealth” as necessary and legitimate. After all, ideas are no less important to the ends served by property than are labor and natural resources, which would remain idle and useless without the application of intellect and ingenuity. Confronting the argument that a thing must have “corporeal substance” to be the subject of a property right, Spooner protests that tangible, physical substances “are not the only things that have value”—that denying a property right in ideas is akin to arguing that an individual does not own her labor, also intangible. If labor is properly the subject of property, belonging to the individual and deserving of payment, then so too are ideas, which he compares to the “new forms and new beauties” that human labor gives to physical objects. Engaging ideas from tort law, Spooner goes on to observe that health, strength, and the physical senses too are incorporeal, susceptible to loss “without the loss of any corporeal substance,” but are nevertheless “valuable possessions, and subjects of property.” A tortfeasor who impairs or harms these non‐​physical qualities must make his victim whole, paying damages as compensation. For Spooner, then, it is clear that property rights can (indeed, must) extend their reach beyond physical objects, that the acquisition of property itself depends fundamentally upon something that cannot be seen or touched, human effort.

#### 8] Property rights aren’t founded on the idea that tangible objects are scarce, rather that it’s produced by an agent’s labor.

D’Amato 14 [David S. D’Amato, David S. D’Amato is an attorney, a regular opinion contributor at The Hill, and an expert policy advisor to the Future of Freedom Foundation and the Heartland Institute. His writing has appeared in Forbes, Newsweek, The American Spectator, the Washington Examiner, Investor’s Business Daily, The Daily Caller, RealClearPolicy, Townhall, CounterPunch, and many others, as well as at nonpartisan, nonpartisan policy organizations such as the American Institute for Economic Research, the Centre for Policy Studies, the Institute for Economic Affairs, the Foundation for Economic Education, and the Institute for Ethics and Emerging Technologies, among others. He earned a JD from New England School of Law and an LLM in Global Law and Technology from Suffolk University Law School. He lives and writes in Chicago. "Libertarian Views of Intellectual Property: Rothbard, Tucker, Spooner, and Rand", Libertarianism.org, 5-28-2014, https://www.libertarianism.org/columns/libertarian-views-intellectual-property-rothbard-tucker-spooner-rand, accessed: 8-25-2021.] //Lex VM

Among the several other objections Spooner addresses is the common worry that “ideas have no ear‐​marks,” that it is impossible, as a practical matter, to attribute ownership of an idea to an individual accurately or justly. To this, Spooner points to the fact that, as things are now, individuals regularly register ownership of their ideas, and “with a great variety of other evidence” demonstrate that ownership to tribunals with sufficient certainty and definiteness. Spooner thus denies that the density and plurality of inventions’ causes means that the ideas behind them cannot be owned by distinct individuals, arguing that this objection, if sound, would also apply to property in tangible objects. Spooner urges his reader to consider the gold miner in California, who is no less propelled and aided by the “general progress of science, knowledge, and art,” the gold he discovers no less owing to others who came before him. Spooner takes on perhaps the most common objection to intellectual property rights among libertarians today, that private property in corporeal commodities is justified only by the fact that these are rivalrous, that they “cannot be completely and fully possessed and used by two persons at once.” Carried to its logical end, Spooner says, this argument is nothing but communism, allowing any individual the right to take for himself and use freely anything he wants, regardless of whether he has produced it by his own labor. Spooner arrives at this conclusion by arguing that private property has its proper foundation not on the rivalrousness of tangible objects, but on the fact that the property in question is “produced by one man’s labor.” The opponents of intellectual property therefore undermine the entire basis for private property, establishing a principle that, Spooner argues, in fact applies equally well to corporeal commodities under certain circumstances. For example, railways, roads and canals may be used simultaneously by several people, and yet are proper subjects of private property. Having set out his own case for private property in ideas and carefully attended to many of the objections to such property, Spooner’s “The Law of Intellectual Property” remains a pivotal moment in the case for pro‐​intellectual property libertarianism.

#### 9] An invention is the application of a discovery – they’re distinct.

D’Amato 14 [David S. D’Amato, David S. D’Amato is an attorney, a regular opinion contributor at The Hill, and an expert policy advisor to the Future of Freedom Foundation and the Heartland Institute. His writing has appeared in Forbes, Newsweek, The American Spectator, the Washington Examiner, Investor’s Business Daily, The Daily Caller, RealClearPolicy, Townhall, CounterPunch, and many others, as well as at nonpartisan, nonpartisan policy organizations such as the American Institute for Economic Research, the Centre for Policy Studies, the Institute for Economic Affairs, the Foundation for Economic Education, and the Institute for Ethics and Emerging Technologies, among others. He earned a JD from New England School of Law and an LLM in Global Law and Technology from Suffolk University Law School. He lives and writes in Chicago. "Libertarian Views of Intellectual Property: Rothbard, Tucker, Spooner, and Rand", Libertarianism.org, 5-28-2014, https://www.libertarianism.org/columns/libertarian-views-intellectual-property-rothbard-tucker-spooner-rand, accessed: 8-25-2021.] //Lex VM

Still another forceful exhibit in the case in favor of intellectual property rights comes from Ayn Rand, always a lightning rod and, like Spooner, an outspoken champion of copyright and patent protections. Indeed, Rand tracks Spooner quite closely in her conception of the proper basis for private property, which she argues is “a man’s right to the product of his mind.” “What the patent and copyright laws acknowledge,” Rand argues, “is the paramount role of mental effort in the production of material values.” Without such laws, true competition is compromised insofar as the first in time inventor, the “winner of the race,” is not protected—the “the potential” is mistaken for the “the actual.” In service of her defense of patents and copyrights, Rand draws a distinction between a “scientific or philosophical discovery” and an invention, the latter representing “only … the practical application of knowledge.” Intellectual property is only legitimate, in Rand’s view, because it protects creators in their fabrication of concrete things that did not previously exist in nature. Whether another individual might have invented the same, or did so in another local, is not the question. Instead, as with homesteading land, the critical question for Rand is who invented the object in question—be it a literary creation or a new machine—and who took the steps to give it a material form. Like Spooner, Rand thought that the theoretical case for private property in general was hollow without accounting for and protecting labors of the mind.

#### 10] The goal of IP and physical property are the same. Arguing a distinction is misguided.

Schultz 14 [Mark Schultz, "A free market perspective on intellectual property rights", American Enterprise Institute - AEI, 2-24-2014, https://www.aei.org/technology-and-innovation/intellectual-property/free-market-perspective-intellectual-property-rights/, accessed: 8-25-2021.] //Lex VM

Point 1. Intellectual property secures the same values as physical property As an institution, property secures rights in what we create through our work. In this regard, there’s no cause or need to distinguish intellectual property from any other forms of property. In all cases, a person employs his intellect and talents to impose his plan and will on his environment to bring something new into the world. This is the essence of productive labor, the fruits of which property protects. Distinguishing between physical and intellectual labor, as some would, is misguided, because both are, at heart, the same activity. Whether it is a carpenter building a house, a farmer planting a field, an author writing a book, a director filming a movie, or an inventor developing a new drug, the activity is, ultimately, productive labor. Moreover, both have the same moral status. The songwriter and the craftsman each deserves and needs to own the fruits of his labor to secure his life and liberty.

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

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

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

#### 12] Reducing IP allows the government to produce drugs and take more taxes for public company’s drug R&D.

Calsyn et al. 20 [Maura Calsyn and Thomas Waldrop, "How the Next Administration Can Lower Drug Prices", Center for American Progress, 9-17-2020, https://www.americanprogress.org/issues/healthcare/reports/2020/09/17/490140/next-administration-can-lower-drug-prices/, accessed: 8-27-2021.] //Lex VM

Taxpayers support drug corporations in a number of ways. First, taxpayers fund the basic research that underpins many drugs.25 In fact, a 2017 study found that every drug approved by the Food and Drug Administration (FDA) between 2010 and 2016 was built on research funded by the National Institutes of Health (NIH), which is a government agency supported by taxpayer funds.26 A notable example of this is Sovaldi, a drug that cures Hepatitis C. When the drug was first introduced, Gilead Sciences charged a list price of $84,000 for a course of treatment.27 The NIH grants played a key role in the initial development of the drug by Pharmasset,28 the drug company that developed the drug before selling it to Gilead. In addition to the NIH, the Biomedical Advanced Research and Development Authority (BARDA) works to “transition … medical countermeasures such as vaccines, drugs, and diagnostics from research through advanced development.”29 The agency was established by the federal government in 2006 in response to the 2001 anthrax attacks and has awarded billions of dollars in funds to drug companies and public universities for research.30 More recently, BARDA has awarded billions of dollars to drug companies to develop COVID-19 vaccines and treatments.31 Other federal departments fund prescription drug research as well. The U.S. Department of Defense has awarded around $16 billion in grants through the Congressionally Directed Medical Research Programs since the latter’s inception in 1992—many of which have gone to prescription drug companies—as well as through the U.S. Army Medical Research Institute of Infectious Diseases.32 The U.S. Department of Energy also provides support, using its facilities to process information such as protein structures that help lead to drug discoveries; for example, these facilities have led to the discovery of new drugs to treat melanoma.33 Second, the costs of a drug company’s additional research are offset in part by tax credits. Manufacturers can seek a tax credit for up to 20 percent of manufacturing companies’ “qualified research expenses” above a base amount.34 Pharmaceutical companies receive further tax credits for research and development on drugs for rare diseases; in 2016, this resulted in $1.76 billion in tax incentives to drug companies.35 The credit was reduced in 2016 but remains at a hearty 25 percent of qualified research expenses.36 Third, drug companies can deduct the cost of advertising and marketing from their federal taxes.37 This provision of law allowed U.S. prescription drug manufacturers to spend $6 billion on advertisements for drugs in 2016 and then deduct those expenses from their taxes.38 Fourth, taxpayers support drug companies again not only when they pay the excessive prices for drugs they need, but also each time Medicare or other government health care programs pay for a prescription drug.

#### 13] 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.

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