## 1NC

### Framework

#### 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.

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

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

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

#### 3] Neg contention choice – otherwise they can concede all of our work on framework and just read 4 minutes of turns which moots the four minutes of framework debate that the 1NC did giving them a massive advantage and limits phil debate.

### 1NC – UQ – CP

#### CP Text: The member nations of the World Trade Organization should increase intellectual property protections for medicines.

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

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.

#### Interpretation: “medicines” is a generic bare plural. The aff may not defend WTO member nations reducing intellectual property protections for a subset of medicines.

#### The upward entailment test and adverb test determine the genericity of a bare plural

Leslie and Lerner 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. Adam Lerner, PhD Philosophy, Postgraduate Research Associate, Princeton 2018. From 2018, Assistant Professor/Faculty Fellow in the Center for Bioethics at New York University. Member of the [Princeton Social Neuroscience Lab](http://psnlab.princeton.edu/).] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### It applies to “medicines” – 1] upward entailment test – “reduce intellectual property protections for medicines” doesn’t entail reducing protections for aids, because it doesn’t prove that we should derestrict other beneficial tech, 2] adverb test – member nations “ought to usually reduce intellectual property protections for medicines” doesn’t substantially change resolutional meaning, 3] predicate level – the rez is an individual level predicate not a stage level because moral obligations in ought statements are long-lasting as opposed to fleeting phases. C/a precision ow.

#### Violation – they only defend the COVID vaccine

#### Vote neg:

#### 1] Limits – you can pick anything from COVID vaccines to HIV/AIDS to random biotech to insulin treatments and there’s no universal disad since each one has a different function and implication for health, tech, and relations – explodes neg prep and leads to random medicine of the week affs which makes cutting stable neg links impossible. PICs don’t solve – it’s absurd to say neg potential abuse justifies the aff being flat out not T, which leads to a race towards abuse, AND if pics are as abusive as they say 1AR theory checks bad. Limits key to reciprocal engagement since they create a caselist for neg prep.

#### 2] TVA – read the aff as an advantage to a whole rez aff. S

### [Short] Overview

#### [1] Supererogatory actions objection – there is only one permissible action under util which prevents intuitive counter-permissible actions. That polarizes action. Common sense would say devoting all your income to help others is supererogatory even if it would be good. Util says this is evil since it holds that no permissible action and is more valuable than another permissible action since only maximally valuable actions are permissible.

#### [2] Moral Freedom Objection – Util prevents moral freedom as only maximally good options are permissible, however no option is maximally good. Morality recognizes a range of prerogatives. The larger amount of actions that are permissible, the greater morality recognizes freedom.

#### [3] Self-sacrificing Actions Objection – Util necessitates self-sacrifices because util judges that it is impermissible to devote a more than minimal time to oneself killing your happiness. This guts happiness providing no binding reason for action.

#### [4] Humanity Denial Objection – interests cannot simply be lumped and traded-off. They fail to recognize the normative separateness of persons. Takes out actor specificity since deontic obligations towards rights and the must be abided by when policy making, or slavery is reached to the end of economic gain while deontic rules allows the end of economic gain while condemning violations of rights through paid workers. Proves Util is erroneous.

#### [5] State of Affairs Objection – An action is permissible if supported by moral reasons for action. The value of consequences is demanding reason for action and value of consequences is the only moral reason. So, an action is permissible if it maximizes consequences. This proves util is circular you define morality off desirable consequences, yet you only know what’s a desirable consequence off of morality. Reject circular frwks since they’re logically invalid which means we can justify anything.

#### [6] Manipulation Objection – Util treats people on their capacity for happiness. People with Anhedonia cannot feel physical happiness which means they are exploitable and executed under util to increase total aggregated pleasure.

#### [7] Trial and Error Objection – Any action is permissible since util only condemns end states meaning an action has to have occurred in the past for it to be deemed moral

#### [8] Naturalistic Fallacy –util is morally incoherent – they have no definition of what constitutes a “good” or “bad” besides pain or pleasure BUT then says pleasure is what constitutes goodness which is tautological. Proves it is unwarranted.

#### [9] Subjective Value Objection – States don’t know what citizens “interests” really are. Citizens have different pleasures based on their own experiences – means states can’t guide action.

#### [10] Fake Pleasure Objection – Value theories must give us reasons why certain experiences are better than others – util fails.

**Nozick**. “Robert Nozick The Experience Machine.” **ND**. PDF file. [http://www.uky.edu/~mwa229/RobertNozickTheExperienceMachine.pdf] //Massa

The problem with Bentham’s view is that it does not make sense of our considered moral beliefs. **Any good normative theory of value should make sense of the views we hold.** However, Bentham’s views don’t appear to do that. We can see this in the following way; **consider the following** two possible worlds: **In world 1, you are in love with a person A**, **and A loves you** back. **You have a variety of experiences with A, and these** experiences **make you** extremely **pleased. In world 2, you are in love with A, but A only pretends to love you** back. **In this world;** however, **A hates you.** A puts up with you only because you buy A things. **A cheats on you** on a regular basis, **but you never catch on** to this. **In fact, the experiences you have in this world are identical to the experiences you have in world 1.** **According to Hedonism, you have no reason to pick world 1** as opposed to world2 **since the amount of pleasure experienced with be the by hypothesis. But clearly, world 1 is better than world 2.** This only makes sense if Hedonism is false. **Thus, Hedonism is incoherent with respect to** our considered **moral judgments.**

#### [1] If I am winning framework within the round, that means that we are morally certain within the debate round about which theory should be used. That is a prefiat impact and the implication is that moral uncertainty doesn’t exist, so we don’t look to Bostrom

#### [2] They conflate postfiat and prefiat. They have justifications for why extinction might happen, but within the context of the debate round. They have 0 effect in solving extinction which means that they dont solve moral uncertainty in the prefiat world.

#### [3] They commit the Fallacy of Origin. Just because extinction precludes moral theorizing, doesn’t meant that extinction is necessarily a good or a bad thing. We could be alive and theorize that life is a bad thing.

### AT: Actor Spec

#### [1] Is-ought fallacy, just because some states use util doesn’t make it right.

#### [2] The NC hijacks: If I prove my theory is right, states ought to use it

#### [3] They are bound by doctrines.

#### [4] Turn: Proves calc responses are true since governments make wrong predictions like the Iraq war constantly.