# 1NC Valley RR R2

## 1

**Interp: The affirmative must only defend the hypothetical enactment of the resolution “Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines”**

**Resolved means a policy**

**Find Law Legal Dictionary** <https://dictionary.findlaw.com/definition/resolve.html> //SR

2 : a legal or official determination

**WTO:**

**WTO n/d,** <https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm> //SR  
The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.

**Violation:**

**Vote negative for limits---the resolution is the most predictable stasis point for debates, anything outside of that ruins prep and clash by allowing the affirmative to pick any grounds for debate. That greenlights a race away from the core topic controversies that allow for robust contestation, which favors the aff by making neg ground inapplicable, susceptible to the perm, or concessionary.**

**The impact is iterative content mastery---getting to the third and fourth level of tactical engagement is only possible with refined and well-researched positions connected to the resolutional mechanism. Repeated debates over core issues incentivize innovative argument production and improved advocacy based on feedback and nuanced responses from opponents.**

**Independently, fairness outweighs because the aff presumes its evaluated fairly, controls our ability to test the truth value of the aff which also means they don’t get to weigh case, and the win is what motivates people to listen - if you don’t understand how they create change by the end of this round but you do understand why iterative testing and fair clash is good for debate - vote negative.**

**TVA solves - read your aff under a whole res plan text - still get discussions of cybernetics and SSD solves - read cybernetics on neg or out of round which solves**

## 2

**Interp: The affirmative must have an author who explicitly advocates for the aff advocacy other than themselves**

**V:**

1. **Predictability--we have no basis to predict the aff insofar as you can’t prove its in the lit thus we can’t prove arguments against it are in the lit. The resolution is our only pre round stasis point otherwise incentivizes cheap shot strategies that try to solely win on the surprise factor**
2. **Research--our model forces you to research your advocacies allowing for more nuanced argumentation and learning new justifications for the plan and give an out of round portable skill**
3. **Shiftiness - w/o a solvency advocate there is nothing binding from reinterpreting the 1ac advocacy in the 1ar to delink out of neg ground - vague terms like “inhuman” prove their ability to shift and makes coherent real world resistance impossible since we don’t know how to follow it.**

**Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong.**

**Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one.**

**No rvi or impact turns-**

**a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue**

**b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense.**

**c) You shouldn’t win for being T - if you win T is a bad thing then its at most just a reason we should drop it to let us learn from our mistakes**

**d) T just says the aff is a bad idea like any other argument, under their logic every argument for why the aff is a bad idea would also be an independent voter**

**Competing interps -**

**a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater**

**b) norm setting - we find the best possible norms**

**c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines**

## 3

**CP: The inhuman ought to reduce intellectual property protections for all medicines except for medicines created by indigenous folks, for which all ownership ought to be transferred to the indigenous communities that originally developed the medicine.**

Ngoc **Tang**, 3-24-**2020**, *Finance Major, CSULB 2021,* "The Importance of Native American Intellectual Property," California State University, Long Beach, <https://www.csulb.edu/college-of-business/legal-resource-center/article/the-importance-of-native-american-intellectual> //SR \*brackets in text\*

Native Americans are known for their distinctive cultures and special symbols. Protecting these cultures from being abused is difficult. In the article "Intellectual Property, Traditional Knowledge, and Traditional Cultural Expressions in Native American Tribal Codes,” author Dalindyebo Bafana Shabalala explains what is considered as Native American intellectual property and why it needs protection. According to Shabalala, Native American intellectual property includes traditional knowledge, traditional cultural expressions, and genetic resources (Shabalala par. 4). Traditional knowledge is skills, practices, and innovation concerning biodiversity, agriculture or health (par. 8). Various forms of art such as symbols, designs, painting, dance, music, literature, and performance are considered as cultural expressions (par. 10). Genetic resources include plants, seeds, and medicine formulas. There have been many cases where the Native American intellectual property has been used without first obtaining permission and authorization from the Native Americans. As mentioned in Shabalala’s article, Allergan, a pharmaceutical company, was using the Saint Regis Mohawk tribe’s formula to make their eye drop drug. However, that is not their original formula, so “on Friday, September 8, 2017, the pharmaceutical company” had to “[transfer] ownership of all federal U.S. patents for its Restasis drug to the Saint Regis Mohawk tribe; the tribe then licensed them back to the company” (par. 1). Another interesting case mentioned in the article is about the series Twilight ​​by author Stephanie Myers. The author of this book used the Quileute tribe’s origin story and incorporated it with the fictitious werewolf story without the permission of the tribe. Shabalala says that although the book or the movie “may have a valid copyright in the realm of federal property, the unauthorized use of the Quileute origin story may cause harm when outsiders begin viewing the unauthorized use of the cultural property as a true reflection of the source culture” (par. 11). These actions not only abuse the use of Native American intellectual property, but they also affect the images, the stories, and the cultures of the native people. With these cases of the property being misused, Shabalala raises a question of how the Native Americans protect their cultural properties and how the current federal law acts in protecting these properties. Each Native American tribe has its own laws and rules; these laws and rules are called tribal codes. In his study of a hundred tribal codes, Shabalala shows that there are only nine codes mentioned about intellectual property or something related to intellectual property. This study demonstrates that the native people are unaware in protecting their cultural property. The native people are unaware because they do not know or think that other people would use these properties for their own purposes. However, the current federal laws are not providing enough protection for Native American intellectual property. Shabalala mentions the Trademark Law Treaty Implementation Act (TLTIA) and the Indian Arts and Crafts Act (IACA). The purpose of the TLTIA is “to provide international uniformity of trademark registration’ (par. 77); however, “the Congressional Record regarding TLTIA is absent of any authority or mention of providing protection to Native American tribes” (par. 83). The purpose of the IACA is to prevent fraud in the Indian arts and crafts market. However, according to Shabalala’s research, “the IACA trademark system does not provide sufficiently, and arguably any, protection for Native American tribes' cultural property, nor was it ever intended to” (par. 46). Another act is the Native American Graves Protection and Repatriation Act (NAGPRA), an act with the purpose to provide “protection, return, and repatriation of Native American remains and artifacts found on federal or tribal lands” (par. 66). However, according to the article “An Analysis of the Lack of Protection for Intangible Tribal Cultural Property in the Digital Age,” author Chante Westmoreland states that the NAGPRA did “offer some protection for the tangible cultural property but omit protection for the sacred traditional knowledge the object conveys” (Westmoreland par. 10). There are many acts that try to provide protection concerning intellectual property, but they do not provide enough protection for the Native American intellectual property including traditional property, traditional cultural expressions, and genetic resources. According to the article called “Group Right to Cultural Survival: Intellectual Property Rights in Native American Cultural Symbols,” Terence Dougherty states that, “Intellectual property law in the context of cultural appropriation is particularly relevant to many Native Americans” (Dougherty par. 44). Dougherty also explains that with the significant misuse of the native symbols, cultural appropriation can greatly affect the cultural survival of the native people. Furthermore, in Westmoreland’s article, he states that “sacred traditional knowledge is not merely information, it is essential to the tribal way of life” (par. 9). This demonstrates that the intellectual property of the Native Americans is extremely important to them in their living and their culture. Therefore, to avoid the misuse that can cause a negative impact on the native people, anyone who wants to use the property must have authorization from the native people. Moreover, the federal government needs to provide a law that specifically protects Native American traditional knowledge, traditional cultural expressions, and genetic resources.

**The CP gives indigenous nations resources for self sovereignty and centers discussions around native demands, which better allows for the accessibility of those medicines**

Simon **Brascoupé and** Karin **Endemann**, Fall **1999**, INTELLECTUAL PROPERTY AND ABORIGINAL PEOPLE: A WORKING PAPER <https://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/ip_aboriginal_people.pdf> //SR

Traditional Knowledge and Intellectual Property The Aboriginal legacy of traditional knowledge comes in two distinct forms. On one hand, an Aboriginal community is the custodian of a store of sacred knowledge, including ceremonies, symbols, and masks that is increasingly open to unauthorized commercial exploitation by individuals, companies or institutions. Some Aboriginal people contend it is not appropriate to use IP law to protect sacred traditional knowledge. On the other hand, many products and services associated with traditional lifestyles of Aboriginal people may have commercial value that could help to support the continuation of these lifestyles and the Aboriginal goal of self-sufficiency. The limited Aboriginal use of Canada’s current IP laws suggests that these laws may not be particularly well suited to protecting either of these forms of traditional knowledge. A distinction must be made between traditional knowledge held by an Aboriginal community and the innovations or new creations of an individual or an Aboriginal company. New products and works of art by Aboriginal inventors and artists qualify for protection under existing IP laws. Music, songs, dance, stories, designs and symbols are passed on in many Aboriginal communities from memory and by word of mouth. Each community is both a conveyer and a user of traditional knowledge. This knowledge is dynamic and evolves with the culture, so it is the product of a continuing creative process. Many Aboriginal artists and artisans create works inspired by the traditional knowledge of their community, and use copyright law extensively. Issues that are not addressed widely are: how Aboriginal people relate to their community in the context of the traditional and dynamic aspects of traditional knowledge; and how traditional knowledge itself can be effectively protected. Protecting Traditional Knowledge Within an Aboriginal Community Few legal mechanisms exist to help indigenous communities protect and preserve traditional knowledge. It is urgent that such mechanisms be developed, because of the increasing pace at which control of traditional knowledge is being lost due to misappropriation and pressures from the non-indigenous world. In the meantime, the use of existing legal tools can be part of a “web” of strategies to help Aboriginal communities better protect and control their traditional knowledge, and ensure benefits are shared in a way that meets community needs. These strategies could include: ! developing local mechanisms within communities to control and protect traditional knowledge; ! more effective use of contractual arrangements to recognize traditional customs and knowledge; ! developing guidelines to ensure that third parties secure proper and informed consent before an Aboriginal community shares traditional knowledge; and ! using existing IP laws. Many Aboriginal people have said that they need to consider how they share and protect traditional knowledge within their communities before deciding whether and how they will share this knowledge with others. Once a community identifies its traditional knowledge and adopts community-based measures governing the use of this knowledge, then the community will be more secure in its ownership and more effective in any negotiations to share its knowledge. It is important that Aboriginal communities develop a strategy to protect traditional knowledge. This will help them avoid losing control over this knowledge to third parties seeking academic advancement or commercial gain. Public disclosure of traditional knowledge has the potential to jeopardize an Aboriginal community’s ability to obtain protection under Canada’s IP laws. This is because knowledge that is disclosed may no longer qualify for IP protection because it is in the public domain. Aboriginal communities considering these issues should identify the scope and nature of traditional knowledge in their community. Part of this process is to identify what knowledge is most important to the community, and how the preservation of traditional knowledge and practices is at risk. Is traditional knowledge being lost because elders have been unable to pass their wisdom to the next generation? Is knowledge being lost because Aboriginal people are being displaced from their traditional environment or because they are influenced by outside media and culture? Has traditional knowledge been allowed into the public domain or been misappropriated by commercial or scientific interests from outside the Aboriginal community? Some Aboriginal people have identified a need for dialogue about traditional ways of sharing and preserving traditional knowledge. What are the obligations of individuals to their community when they use or share traditional knowledge? These issues are just beginning to be discussed within Aboriginal communities and First Nations, at the federal level in Canada, and internationally among indigenous peoples and within international organizations. It is also important for Aboriginal communities to consider what traditional knowledge is sacred and what knowledge may be shared with others or used commercially. Only after a full dialogue will these communities be in a position to determine the best mechanisms to control access to their traditional knowledge, and what knowledge they want to share with others. A number of approaches will be needed to reflect the varied nature and use of the community’s traditional knowledge. One option may be for Aboriginal communities to develop guidelines to prevent unwanted disclosure, and to ensure that traditional knowledge remains within the community. The process of developing guidelines will help ensure that the entire community is consulted in decisions concerning the protection of traditional knowledge and control over its commercialization. These guidelines would need to be enforced by the community, since an Aboriginal community may not have any recourse to the courts if one of its members violates the guidelines. Community guidelines might include policies on the publication of traditional knowledge, its use by others or the use of the community’s symbols. Aboriginal communities may also want to ensure that sharing traditional knowledge within the community continues, and is not restricted more than it was traditionally.

**Solves the aff -**

## 4

**CP Text: Vote negative to inject the affirmative advocacy with a radical loss.**

**Genosko 16** - Gary Genosko, University of Ontario, Lo Sguardo, 8/29/16 “How to Lose to a Chess Playing Computer According to Jean Baudrillard” [<http://www.losguardo.net/wp-content/uploads/2017/05/2017-23-Genosko.pdf>] Accessed 9/14/20 SAO

Readers of Baudrillard know that he thought about competition in sport and games in terms of failure and frailty. In For a Critique of the Political Economy of the Sign, exchange value and symbolic ambivalence are mutually exclusive domains; in the latter, desire is not satisfied through phantasmic completion, and this entails that desire may ride failure to an ignominious counter-victory. Baudrillard found in the failure to react positively to an inducement like winning a race – captured in that bizarre American football phrase appropriated as a handle by Ronald Reagan, «Win One for the Gipper!» – the principle of a radical counter-economy of needs. Losers come in all shades. But radical losers stand apart from the crowd in the virulence of their capacity to radiate loss that they throw down as a challenge. There are those whso are irresistibly drawn to blowing it, and others who can taste failure and steal it from the jaws of victory. From the Beatles to Beck, the figure of the loser has fascinated lyricists and theorists alike as not merely sympathetic but as a foundation for a deliberate weakness in the face of overwhelming odds and the false pretenses of victory. Here I revisit Jean Baudrillard’s speculations about computer chess programs, specifically IBM’s Deep and Deeper Blue, and how best to play against them. Drawing on Baudrillard’s theory of loss in sports as an act of contempt for the fruits of victory, institutional accommodation, and the cheap inducements of prestige and glory, I examine how chess masters like Garry Kasparov have met the challenge of the brute force programs – some of which were congealed models of his own play – with appeals to a kind of unforced play and even ‘non-thought’. Considering the malevolent and fictional computer system HAL, as well as Deep Blue and subsequent programs, right up to IBM’s Jeopardy-playing computer ‘Watson’, this paper looks at ways to defeat programming power by critically regaining the counter-technical and (dys)functional skills of the loser.

**The Affirmative critique is assimilated to justify the moral superstructure they criticize. It’s try or die for the CP under their role of the ballot.**

**Robinson 12** - Andrew Robinson, Ceasefire, August 24th, 2012 “An A to Z of Theory | Jean Baudrillard: From Revolution to Implosion” [<https://ceasefiremagazine.co.uk/in-theory-baudrillard-10/>] Accessed 3/9/20 SAO

Baudrillard and resistance Last week, this column explored Baudrillard’s account of the collapse or implosion of capitalism. What does all of this mean for political resistance? For one thing, it means that the dominant system must continue to be opposed. For Baudrillard, there is always something missing from the code. It is always incomplete, leaving a radical remainder. The system is based on a split. The code is differentiated from reality. It has to be, to avoid symbolic exchange. It cannot achieve the complete inclusion which comes about with generalised reversibility. Yet the code tends to take over all of social space. Its “other” disappears or becomes invisible. It tries to be a complete system, a total reality. It largely succeeds in sucking intensity from social life. Yet it also remains vulnerable, because of the exclusion on which it is based. Baudrillard theorises resistance in terms of the irruption of the symbolic in the realms controlled by the code. It is something like what Hakim Bey terms the ‘return of the primitive’. We really need the dimension of the ‘secret’. Its forced revelation is destructive and impossible. The return of the symbolic is discussed in various ways in different texts. Resistance arises when subjects come to see their own programmed death in the accumulation, production and conservation of their subjectivity. They become fiercely opposed to their reduction to the regime of work-buy-consume-die. Resistance becomes increasingly nihilistic, in response to the programming of the universe. It becomes resistance to the code as meaning, and at the same time as lack of intensity. In seeking to restore intensity, it resorts to the modalities of symbolic exchange. The impossibility of “revolution” It is important to differentiate Baudrillard’s view from standard accounts of revolution. To be sure, this is the position from which Baudrillard emerges. In the early work, The Political Economy of the Sign, Baudrillard argued that the regime of the code could only be destroyed by a total revolution. ‘Even signs must burn’. Baudrillard’s early work can be read as a call for a Situationist-style overthrow of capitalism through a revolution in the everyday, which breaks the power of the code and of signs. In more recent works, Baudrillard rethinks this view. He claims that revolution is now impossible. Baudrillard makes this claim because of the end of production. Revolution was historically seen as the liberation of the productive energy of humanity from the confines of capitalism. But if production no longer exists, this kind of vision has no hold. Labour has become another sign. There is no tendency for it to liberate itself by moving beyond capitalism. Baudrillard is deeply critical of standard leftist responses to neoliberalism. He criticises revolutionaries of his day for seeking a return to the “real”. He sees this as nostalgia for the previous, Fordist period of capitalism. People seek to get rid of the code, and go back to the earlier kind of simulation. Or they seek to identify something which is not yet signified in the system and which ought to be – for instance, excluded groups who should be included. This actually ties people to the prior forms of the dominant system. For Baudrillard, the weapons of the previous period are already neutralised in the order of the code. Revolution is a casualty of the end of the period of system-expansion. Explosions and revolutions are effects of an expanding order. This expanding order is an effect of the regime of production. But simulation is instead an inward-looking order. It is ‘saturated’ – it cannot expand any further. As a result, explosion will never again happen. It has been replaced by the ‘cold’ energy of the simulacrum. Instead, there is constant implosion. The world is saturated. The system has reached its limits. It is socially constructed as dense and irreversible, as beyond the ‘liberating explosion’. Baudrillard believes that we are past a point of no return: the system can’t be slowed down or redirected to a new end. We are in a ‘pure event’, beyond causality and without consequence, and every effort to exorcise hyperreality simply reinforces it. These are little fractal events and gradual processes of collapse which no longer create massive collapses, but exist horizontally. Events no longer resonate across spheres. It is as if the forces carrying the meaning of an event beyond itself have slowed to a standstill. The London ‘riots’ or the student fees protests, for example, do not turn into generalised rebellions in Britain as perhaps they still might in Egypt or Greece. We are in an era of ‘anomalies without consequences’. But the system will nevertheless come to an end, by other means. Even if people can’t revolt, a reaction is certain. Explosive violence is replaced by implosive violence, arising from a saturated, retracting, involuting system. The system has lost its triumphal imaginary because of its saturation. It is now in a phase of mourning, passing towards catastrophe. Things don’t get transcended anymore, but they expand to excess. Baudrillard sees this as the culmination of a kind of negative evolution. Systems pass through stages: a loose state produces liberty or personal responsibility; a denser state produces security; an even denser state produces terror, generalised responsibility, and saturation. Beyond saturation there is only implosion. Anti-consumerism is another target of critique. Criticising consumer society for doing what it claims to do – for supplanting ‘higher’ virtues with everyday pleasures – is a false critique which reinforces the core myth of consumerism. Consumer society functions as it does, precisely because it does not provide everyday pleasures. Rather, it simulates them through the code. Baudrillard also criticises moral critique and scandal, such as Watergate. He argues that the system requires a moral superstructure to operate, and the revival of such a superstructure sustains the system. What is really scandalous is that capital is fundamentally immoral or amoral. Moral panics serve to avoid awareness of this repressed fact. Similarly, critiques of ideology risk reaffirming the system’s maintenance of the illusion of truth. This helps cover up the fact that truth no longer exists in the world of the code. Since there is no reality beneath the simulacrum, such analyses are flawed. It is now the left (or the Third Way) that tries to re-inject moral order and justice into a failing system, thereby protecting it from its own collapse. Baudrillard implicitly criticises theories such as Laclau’s, which seek to re-inject meaning and intensity into politics. For Baudrillard, this task is both impossible and reactionary. Baudrillard sees the system as creating the illusion of its continued power by drawing on or simulating antagonisms and critique. There is thus a danger that critique actually sustains the system, by giving it a power it doesn’t have. Trying to confront and destroy the system thus inadvertently revives it, giving it back a little bit of symbolic power. He also sees conspiracy theories and current forms of Marxism as attempts to stave off awareness of the reality of a systematic code. In any case, the energy of the social is simply a distorted, impoverished version of the energy of “diabolical” forces (i.e. of symbolic exchange). Baudrillard thinks that societies actually come into being, not for the management of interests, but coalesce around rituals of expenditure, luxury and sacrifice. Politics itself was a pure game until the modern period, when it was called upon to represent the social. Now politics is dead, because it no longer has a referent in reality. This is because it lacks symbolic exchange. The absence of symbolic exchange leads also to an absence of possibility of redistribution, either North to South or elite to masses. Fascism also resists the death of the real, in a similar way. It tries to restore in an excessive way the phenomena of death, intensity and definite references, in order to ward off the collapse of the real. Fascist and authoritarian tendencies revive what Baudrillard terms ‘the violence necessary to life’ – they keep up some kind of symbolic power. (Baudrillard’s Lacanian heritage is clearly shown in this idea of a necessary violence). Baudrillard has a certain sympathy for the desire to escape hyperreality in this way, but also sees it as futile. People doing this – both left and right – are trying to resuscitate causes and consequences, realities and referents, and recreate an imaginary. But the system deters such efforts from succeeding. Le Pen for instance is ultimately absorbed, as the mainstream integrates and repeats his racist ideas. This analysis could also be applied to various “fundamentalisms” and ethno-nationalist movements today. This kind of resistance is ultimately reactionary, seeking to restore the declining regime of signs. But it can only be understood if its basis in energies of resistance to simulation is recognised. It is because it channels such resistance that it is able to mobilise affective forces. Baudrillard’s analysis is here similar to Agamben’s view that the sovereign gesture is now exercised everywhere because of the rise of indistinction and indeterminacy. The paradox is that the performance of fundamentalism often leads back towards the world of simulation and deterrence. Such movements map symbolic exchange onto the state, restoring some of its reality, but ultimately contributing to the persistence of simulation. Resistance from inside the regime of power is impossible because of deterrence. Baudrillard suggests that it’s now impossible to imagine a power exercised inside the enclosure created by deterrence – except for an implosive power which abolishes the energies preventing other possibilities emerging. He also suggests that the loss of the real is irreversible. Only the total collapse of the terrain of simulation will end it, not a test of reality. A truly effective revolution would have to abolish all the separations – including the separation from death. It cannot involve equality in what is separated – in survival, in social status and so on. The strategy for change is now exacberation, towards a catastrophic end of the system. Baudrillard believes that the resultant death of the social will paradoxically bring about socialism.