# 1NC Nano Nagle Round 3

## 1

Interp: The affirmative must defend medicines as a general principle, not a specific subset of them

1. ​​Limits and Ground - you can spec tons of unpredictable IP and infinite permutations, especially for such a vague term and each subset with different economic, health, and political conditions which makes contesting the aff with unifying neg ground impossible and means they can always pick the most aff skewed IP that races to the margins to delink generics. Creates unfair prep burdens and forces stale generics, infinitely multiplying the small school caselist
2. TVA – read your aff as an advantage under whole res – we still get your content education and sufficient aff ground by switching up aff advantages, frameworks, implementation, etc. PICs don’t flip this - a] 1ar theory checks b] plans incentivize more generic cheaty counterplans since nothing else links and c] preemptive abuse doesn’t justify actual abuse or they’ll read 50 a prioris to answer 40 condo pics

Fairness and education are voters--debate’s a game that needs rules to evaluate it and teaches portable skills we use lifelong. Drop the debater for deterrence--the whole round was skewed. No rvi--a] logic - you shouldn’t win for being fair b] baiting--they’d use aff infinite prep to be abusive and just frontline it well then win c] chilling--scares us from checking infinite abuse because you could just sit on the rvi. Competing interps--reasonability is arbitrary and causes a race to the bottom--competing interps creates the best norms but limited words in the res mean limited interps so no race to the top. Neg theory first--NC abuse was reactive so they were the root cause and only 2 months for topic specific shells while we can norm their’s anytime

## 2

**CP: The member nations of the World Trade Organization ought to enter into a prior and binding consultation with the World Health Organization over reducing intellectual property protections for medicines by significantly reducing data exclusivity.**

**Rimmer 4**, Matthew. "The race to patent the SARS virus: the TRIPS agreement and access to essential medicines." Melbourne Journal of International Law 5.2 (2004): 335-374. <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1681117/Rimmer.pdf> (BA (Hons), LLB (Hons) (Australian National University), PhD (New South Wales); Lecturer at ACIPA, the Faculty of Law, The Australian National University)//SidK + Elmer

The WHO has been instrumental in coordinating the international network of research on the SARS virus. It has emphasised the need for collaboration between the network participants. The WHO presented the containment of the SARS virus as ‘one of the biggest success stories in public health in recent years’.206 However, it was less active in the debate over patent law and public health epidemics. The 56th World Health Assembly considered the relationship between intellectual property, innovation and public health. It stressed that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.207 However, there was much disagreement amongst the member states as to what measures would be appropriate. The WHO has made a number of aspirational statements about patent law and access to essential medicines. Arguably, though, the organisation could be a much more informed and vocal advocate. Initially, the WHO did not view the patent issues related to SARS as being within its field of activities. The agency did not even seem aware of the patent proceedings, leaving individual research institutions without guidance. Spokesman Dick Thompson said: ‘What we care about is [that] the international collaboration continues to function. Patents, they don’t really concern us’.208 The director of WHO’s Global Influenza project, Klaus Stöhr, expressed his opinion that the patent filings would not interfere with the international cooperation on the SARS research: ‘I don’t think this will undermine the collaborative spirit of the network of labs’.209 However, he believed that, after the international network of researchers had identified the coronavirus, it was necessary to rely upon companies to commercialise such research. Klaus Stöhr conceded: ‘At a certain point of time you have to give way for competitive pharmaceutical companies’.210 On a policy front, the WHO remained deferential to the WTO over the debate over patent law and access to essential medicines, observing: Owing to the inconclusive nature of the studies conducted to date, and because of the effect that potentially significant price increases could have on access to drugs in poor countries, WHO is currently monitoring and evaluating the effects of TRIPS on the prices of medicines. It is also monitoring the TRIPS impact on other important issues such as transfer of technology, levels of research and development for drugs for neglected diseases, and the evolution of generic drug markets.211 In such a statement, the WHO appears diffident, unwilling to take on more than a spectator role. Such a position is arguably too timid, given the gravity of national emergencies, such as the SARS virus. The organisation could take a much stronger stance on the impact of the TRIPS Agreement on public health concerns. The WHO has since enunciated a position statement on the patenting of the SARS virus. A number of high ranking officials from the organisation have commented on the need to ensure that international research into the SARS virus is not impeded by competition over patents. Arguably though, the WHO should not be limited to a mere spectator role in such policy discussions. It needs to play an active advocacy role in the debate over patent law and access to essential medicines. The WHO released a position statement on ‘Patent Applications for the SARS Virus and Genes’ on 29 May 2003.212 The organisation stressed that it had no per se objection to the patenting of the SARS virus: Some people have objected to the SARS patent applications on the ground that the virus and its genes should not be patentable because they are mere discoveries, not inventions. This distinction no longer prevents the granting of patents; the novel claim rests not with the virus itself but with its isolation, and likewise with the identification of the genetic sequence not its mere occurrence. Many patents have been issued on viruses and genetic sequences, though the appropriate policies to follow in such cases — particularly as genomic sequencing becomes more routine and less ‘inventive’ — remain matters of dispute.213 Furthermore, it recognised that public institutions could legitimately use patents as a defensive means to prevent undue commercial exploitation of the research: The “defensive” use of patents can be a legitimate part of researchers’ efforts to make their discoveries (and further discoveries derived therefrom) widely available to other researchers, in the best collaborative traditions of biomedical science.214 The WHO affirmed the need for further cooperation between research organisations in respect of the SARS virus: ‘For continued progress against SARS, it is essential that we nurture the spirit of the unprecedented, global collaboration that rapidly discovered the novel virus and sequenced its genome’.215 The WHO announced its intention to monitor the effects of patents (and patent applications) on the speed with which SARS diagnostic tests, treatments, and vaccines are developed and made available for use, and on the manner in which prices are set for these technologies. It observed: In the longer term, the manner in which SARS patent rights are pursued could have a profound effect on the willingness of researchers and public health officials to collaborate regarding future outbreaks of new infectious diseases. WHO will therefore examine whether the terms of reference for such collaborations need to be modified to ensure that the credit for any intellectual property developed is appropriately attributed, that revenues derived from licensing such property are devoted to suitable uses, and that legitimate rewards for innovative efforts do not impose undue burdens on efforts to make tests, therapies, and preventive measure available to all.216 It maintained that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.219 The Assembly requested that the Director-General continue to support Member States in the exchange and transfer of technology and research findings, according high priority to access to antiretroviral drugs to combat HIV/AIDS and medicines to control tuberculosis, malaria and other major health problems, in the context of paragraph 7 of the Doha Declaration which promotes and encourages technology transfer.220 The WHO also considered a report on the emergence of the SARS virus and the international response to the infectious disease.221 It was ‘deeply concerned that SARS ... poses a serious threat to global health security, the livelihood of populations, the functioning of health systems, and the stability and growth of economies’.222 The Committee on Infectious Diseases requested that the Director-General ‘mobilize global scientific research to improve understanding of the disease and to develop control tools such as diagnostic tests, drugs and vaccines that are accessible to and affordable by Member States’.223 The Director-General of the WHO, Dr Gro Harlem Brundtland, told the World Health Assembly that there was a need to build trust and forge solidarity in the face of public health epidemics: ‘Ensuring that patent regimes stimulate research and do not hinder international scientific cooperation is a critical challenge — whether the target is SARS or any other threat to human health’.224 Similarly, Dr Marie-Paule Kieny, Director of the WHO Initiative for Vaccine Research, said: If we are to develop a SARS vaccine more quickly than usual, we have to continue to work together on many fronts at once, on scientific research, intellectual property and patents issues, and accessibility. It is a very complicated process, involving an unprecedented level of international cooperation, which is changing the way we work.225 She emphasised that patents and intellectual property issues and their safeguards can help rather than hinder the rapid development of SARS vaccines and ensure that, once developed, they are available in both industrialised and developing countries.226 C Summary The WHO should play a much more active role in the policy debate over patent law and access to essential medicines. James Love, the director of the Consumer Project on Technology, run by Ralph Nader, is critical of the WHO statement on ‘Intellectual Property Rights, Innovation, and Public Health’.227 He maintains that the Assembly could have addressed ‘practical examples, like SARS’ and cites the report in The Washington Post that notes that a number of commercial companies are investing in SARS research.228 The non-government organisation Médecins Sans Frontières has been critical in the past of the passive role played by the WHO in the debate over access to essential medicines: ‘As the world’s leading health agency, and armed with the clear mandate of recent World Health Assembly resolutions, the WHO can and should do much more’.229 The WHO should become a vocal advocate for public health concerns at the WTO and its TRIPS Council — especially in relation to patent law and the SARS virus. It must staunchly defend the rights of member states to incorporate measures in their legislation that protect access to medicines — such as compulsory licensing, parallel imports, and measures to accelerate the introduction of generic pharmaceutical drugs. It needs to develop a clearer vision on global equity pricing for essential medicines. The race to patent the SARS virus seems to be an inefficient means of allocating resources. A number of public research organisations — including the BCCA, the CDC and HKU — were compelled to file patents in respect of the genetic coding of the SARS virus. Such measures were promoted as ‘defensive patenting’ — a means to ensure that public research and communication were not jeopardised by commercial parties seeking exclusive private control. However, there are important drawbacks to such a strategy. The filing of patents by public research organisations may be prohibitively expensive. It will also be difficult to resolve the competing claims between the various parties — especially given that they were involved in an international research network together. Seth Shulman argues that there is a need for international cooperation and communication in dealing with public health emergencies such as the SARS virus: The success of a global research network in identifying the pathogen is an example of the huge payoff that can result when researchers put aside visions of patents and glory for their individual laboratories and let their work behave more like, well, a virus. After all, the hallmark of an opportunistic virus like the one that causes SARS is its ability to spread quickly. Those mounting a response need to disseminate their information and innovation just as rapidly.230 There is a danger that such competition for patent rights may undermine trust and cooperation within the research network. Hopefully, however, such concerns could be resolved through patent pooling or joint ownership of patents. Furthermore, a number of commercial companies have filed patent applications in respect of research and development into the SARS virus. There will be a need for cooperation between the public and private sectors in developing genetic tests, vaccines, and pharmaceutical drugs that deal with the SARS virus. There is also a need to reform the patent system to deal with international collaborative research networks — such as that created to combat the SARS virus. Several proposals have been put forward. There has been a renewed debate over whether patents should be granted in respect of genes and gene sequences. Some commentators have maintained that the SARS virus should fall within the scope of patentable subject matter — to promote research and development in the field. However, a number of critics of genetic technology have argued that the SARS virus should not be patentable because it is a discovery of nature, and a commercialisation of life. There has been a discussion over the lack of harmonisation over the criteria of novelty and inventive step between patent regimes. As Peter Yu comments, ‘[w]hile [the] US system awards patents to those who are the first to invent, the European system awards patents to those who are the first to file an application’.231 There have been calls for the requirement of utility to be raised. There have also been concerns about prior art, secret use and public disclosure. Representative Lamar Smith of Texas has put forward the CREATE Act, which recognises the collaborative nature of research across multiple institutions. Such reforms are intended to ensure that the patent system is better adapted to deal with the global nature of scientific inquiry. The race to patent the SARS virus also raises important questions about international treaties dealing with access to essential medicines. The public health epidemic raises similar issues to other infectious diseases — such as AIDS, malaria, tuberculosis, influenza, and so forth. The WHO made a public statement about its position on the patenting of the SARS virus. It has stated that it will continue to monitor developments in this field. Arguably, there is a need for the WHO to play a larger role in the debate over patent law and access to essential medicines. Not only could it mediate legal disputes over patents in respect of essential medicines, it could be a vocal advocate in policy discussions. The WTO has also played an important role in the debate over patent law and access to essential medicines. A number of public interest measures could be utilised to secure access to patents relating to the SARS virus including compulsory licensing, parallel importation and research exceptions. The appearance of the SARS virus shows that there should be an open-ended interpretation of the scope of diseases covered by the Doha Declaration on the TRIPS Agreement and Public Health. Important lessons should be learned from the emergence of the SARS virus, and the threat posed to global health. As the World Health Report 2003 notes: SARS will not be the last new disease to take advantage of modern global conditions. In the last two decades of the 20th century, new diseases emerged at the rate of one per year, and this trend is certain to continue. Not all of these emerging infections will transmit easily from person to person as does SARS. Some will emerge, cause illness in humans and then disappear, perhaps to recur at some time in the future. Others will emerge, cause human illness and transmit for a few generations, become attenuated, and likewise disappear. And still others will emerge, become endemic, and remain important parts of our human infectious disease ecology.232 Already, in 2004, there have been worries that pharmaceutical drug companies and patent rights are impeding efforts to prevent an outbreak of bird flu — avian influenza.233 There is a need to ensure that the patent system is sufficiently flexible and adaptable to cope with the appearance of new infectious diseases.234

**WHO says yes**

Spencer **Kimball and** Rich **Mendez**, 7-3-**2020**, "WHO chief urges world to follow U.S. lead and support waiving Covid vaccine patent protections," CNBC, <https://www.cnbc.com/2021/05/07/who-chief-urges-world-to-follow-us-waive-covid-vaccine-patent-protections.html> //SR

World Health Organization Director General-Tedros Adhanom Ghebreyesus on Friday urged other countries, particularly the Group of Seven industrialized nations, to follow the U.S. example and support a World Trade Organization motion to temporarily waive Covid-19 vaccine patent protections. "Wednesday's announcement by the U.S. that it will support a temporary waiver of intellectual property protections for Covid-19 vaccines is a significant statement of solidarity and support for vaccine equity," Tedros said at a press briefing. "I know that this is not a politically easy thing to do, so I very much appreciate the leadership of the U.S. and we urge other countries to follow their example."

**Consultation displays strong leadership, authority, and cohesion among member states which are key to WHO legitimacy**

**Gostin et al 15** [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University**) “**The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets. Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation. The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

**WHO legitimacy is uniquely necessary to resist pandemics, populism, and conflict through solidarity**

**Friedman 17** Eric Friedman March 2017 “New WHO Leader Will Need Human Rights to Counter Nationalistic Populism”<https://www.hhrjournal.org/2017/03/new-who-leader-will-need-human-rights-to-counter-populism/> (JD, Project Leader of the Platform for a Framework Convention on Global Health at the O’Neill Institute for National and Global Health Law at the Georgetown University Law Center in Washington, DC)//Elmer

The need for WHO leadership on human rights—and for global leadership on health and human rights beyond WHO—has always been present, yet has become ever more pressing. A reactionary, nationalist populism has been gaining momentum, particularly in the United States and parts of Europe, and some of its most disturbing features, such as xenophobia and disregard for international law and institutions, are surfacing elsewhere. Persisting health challenges—such as immense national and global health inequities, with universal health coverage and the Sustainable Development Goals offering some hope of lessening them—and growing threats such as outbreaks of infectious disease, worsening antimicrobial resistance, and climate change demand the type of leadership that the right to health entails. In this immensely challenging environment, WHO needs to become a 21st century institution that has the gravitas and credibility to carve a path through these obstacles towards global health justice. The next WHO Director-General, to be elected in May, must lead the organization there. The right to health can light the way ahead, with reforms to, and driven by, WHO. These reforms must develop an internal governance that is far more welcoming of civil society, with WHO member states significantly increasing contributions so work on the social determinants of health can expand, and with enhanced transparency and accountability. Furthermore, reforms are needed so that WHO leads on global health equity and human rights, including through national health equity strategies and, above all, the Framework Convention on Global Health (FCGH). The FCGH could help bring the right to health to the next level by capturing core aspects of the right to health, such as: 1) participation and accountability, setting clear standards for people’s participation in health policy-making at all levels, and establishing multi-layered health accountability frameworks with standards to which all nations would be held; 2) equity, including by catalyzing national health equity strategies—which must be developed through broad participation, itself a potentially empowering process—and advancing data disaggregation and more equitable financing; 3) financial resources, with global norms on national and international health financing responsibilities; and 4) respecting and promoting the right to health in all policies, from setting standards on health impact assessments—including participatory processes in developing them, human rights standards, an equity focus, and follow-up processes—to firmly ensuring the primacy of the right to health in other legal regimes that may undermine. From an earlier WHO treaty, the Framework Convention on Tobacco Control, we know the power of international law to significantly advance health, with the transformative power of legally binding global health norms. As a treaty, the FCGH would increase political accountability and accountability through the courts, while helping protect health other treaty-based international regimes, such as trade. It would also be a bold assertion of global solidarity for global justice, as so urgently needed, “demonstrating that the community of nations are indeed stronger together.” One candidate for the WHO Director-General election, David Nabarro, has recognized the value and civil society support that FCGH has already received, and the need to further explore the treaty (mentioned at 1:46:38 mark). A good first step would be establishing a WHO working group on the FCGH, with broad participation, particularly from states, civil society, and representatives of communities most affected by health inequities, along with relevant international agencies. We see signs of resistance of the dangerous nationalist populism, from protests that persist and judicial checks on one of the administration’s vilest acts (an immigration and refugee travel ban, with its effects falling heaviest on Muslims) in the United States to the rejection of the far-right candidate in the elections in the Netherland. Such resistance can prevent some of the worst impacts on the right to health, from discrimination against migrants to cuts to programs vital for health. Meanwhile, let’s construct an edifice for the future of health and human rights, even as we stand against its destruction. WHO, right to health, and FCGH leadership ought to be a core part of that endeavor.

## 3

**Infrastructure bill passes now but maintaining PC, support, and trust is key**

Emily **Cochrane et. al.**, Luke Broadwater and Jonathan Weisman, **10/1**/21, "Biden puts the infrastructure bill on hold, saying Democrats need to unite on social spending.," No Publication, <https://www.nytimes.com/2021/10/01/us/politics/house-infrastructure-delay-vote.html> //SR

President Biden, facing an intraparty battle over his domestic agenda, put his own $1 trillion infrastructure bill on hold on Friday, telling Democrats that a vote on the popular measure must wait until Democrats pass his far more ambitious social policy and climate change package. It was largely a bid to mediate the impasse that has stalled a planned vote on the bipartisan infrastructure bill, which progressives refuse to support until they see action on the remainder of Mr. Biden’s agenda in a major budget bill to expand health care, education, climate change initiatives and paid leave. “I’m telling you, we’re going to get this done,” Mr. Biden said at the Capitol after huddling with Democrats who have been feuding over the two bills. He added: “It doesn’t matter when. It doesn’t matter whether it’s in six minutes, six days or six weeks. We’re going to get it done.” In private remarks, he counseled Democrats that while he wanted both pieces of legislation to become law, final passage of the Senate-passed infrastructure bill needed to wait until the party agreed to the details of the broader reconciliation package. But he also warned liberal Democrats that a proposed $3.5 trillion price tag would probably need to drop in order to accommodate centrist holdouts, and he tossed out a range of figures around $2 trillion as a possible alternative. “He is the president of the United States, and he says that he wants to get this done, and he basically linked them together,” said Representative Henry Cuellar, Democrat of Texas. “I think if we get it done, there’ll be a victory. The question is when do we get that victory?” Mr. Cuellar noted that moderates had an agreement with Speaker Nancy Pelosi of California to vote on the bill this week, and said it was up to her how to handle that promise. On Friday evening, Ms. Pelosi indefinitely postponed a vote on the infrastructure bill that she had promised to moderates who had publicly pushed for a stand-alone vote. She wrote in a letter to colleagues, “Clearly, the bipartisan infrastructure bill will pass once we have agreement on the reconciliation bill.” “Our priority to create jobs in the health care, family and climate agendas is a shared value,” she wrote, adding that leading lawmakers were “still working for clarity and consensus.” Representative Pramila Jayapal of Washington, the chairwoman of the Congressional Progressive Caucus, said Mr. Biden “was very clear” that the two bills were tied together. He emphasized that he supported the bipartisan infrastructure bill, according to Ms. Jayapal, and said, “If I thought I could do it right now, I would, but we need to get this reconciliation bill.” “It’s going to be tough,” Ms. Jayapal added. “Like we’re going to have to come down in our number, and we’re going to have to do that work and see what we can get to.” The House will now leave Washington for two weeks of remote committee work, with the promise of 72 hours’ notice before being called back. Mr. Biden’s visit to Capitol Hill came after a closed-door meeting Ms. Pelosi had called on Friday morning did little to resolve the disputes. In it, lawmakers from swing districts pleaded for passage of the infrastructure bill and liberals in safe Democratic seats said they would not vote yes until the Senate agreed on the larger measure. Many Democrats had issued public pleas for Mr. Biden to become more personally involved in the negotiations, saying he needed to allay the escalating mistrust and frustration among Democrats. “I think the president might be the only person that can bridge both the trust gap and the timing gap,” said Representative Dean Phillips, Democrat of Minnesota. Ms. Pelosi opened the morning meeting with an appeal for unity, telling her troops they could stay strong if they united, according to multiple people familiar with the session who described it on the condition of anonymity. The infrastructure bill, which would provide $550 billion in new funding, was supposed to burnish Mr. Biden’s bipartisan bona fides. It includes $65 billion to expand high-speed internet access; $110 billion for roads, bridges and other projects; $25 billion for airports; and the most funding for Amtrak since the passenger rail service was founded in 1971. It would also accelerate a national shift toward electric vehicles, with new charging stations and fortifications of the electricity grid that will be necessary to power those cars.

**Plan requires negotiations that sap PC and pharma opposition removes trust**

Edward **Alden**, *Edward Alden is a columnist at Foreign Policy, the Ross distinguished visiting professor at Western Washington University, a senior fellow at the Council on Foreign Relations, and the author of Failure to Adjust: How Americans Got Left Behind in the Global Economy.* **5-10**-2021, "Big Pharma’s Patent Defeat Shows Corporate America Losing Power," Foreign Policy, <https://foreignpolicy.com/2021/05/10/big-pharma-patents-biden-vaccines-covid-intellectual-property-protection-global-trips-waiver-wto/> //SR

Big Pharma expects to win. And it almost always does. To that end, the industry spent $92 million lobbying officials in Washington just in the first three months of 2021—more than double the next-most aggressive industry. So it was shocking last week to see U.S. President Joe Biden stiff-arm the big drug companies and stand with countries like India and South Africa in insisting companies hand over intellectual property for the coronavirus vaccines so urgently needed around the world. Pharmaceutical Research and Manufacturers of America, the industry’s trade association, slammed the decision as “an unprecedented step that will undermine our global response to the pandemic.” The industry’s defeat was all the more striking because it comes at a time when drug companies are riding a rare wave of public approval for the speed at which they developed and produced remarkably effective breakthrough vaccines for COVID-19, including several that used a completely new technology never before deployed in vaccines. That the companies lost big despite this wave of sympathy should be a broader wake-up call to corporate America, which has grown accustomed to getting its way in Washington. Biden’s Democrats, who are pushing for tax increases on corporations and the wealthy, no longer genuflect to big business like Obama and Clinton administration Democrats. Republicans, while still reflexively pro-business, are in thrall to former U.S. President Donald Trump’s cult and no longer provide the cover to corporations they once did. The question for Big Pharma, and increasingly for big business generally, is whether companies can pursue their narrow interests through what has become an increasingly cynical alliance with Republicans. Or will they actually embrace the new role the vaccine breakthrough offers and step up to the challenge of helping solve a growing array of broader social problems? This was not the way it was supposed to go for the drug companies. For decades, the industry has not only been immensely powerful but shockingly arrogant in its exercise of that power. In 2016, for example, the companies used their Republican congressional friends to hold up then-U.S. President Barack Obama’s signature trade agreement: the Trans-Pacific Partnership (TPP). That trade pact would have been a good deal for the drug companies because it would have strengthened patent protection well beyond the current standard. Obama’s trade negotiator, Michael Froman, used every tool he had to persuade the 11 other countries involved in negotiations—which were worried about the high cost of new drugs—to accept an eight-year period of “data exclusivity” that would prevent copying of expensive new biologic drugs the industry was developing at the time. AbbVie’s biologic drug Humira, which treats rheumatoid arthritis and other inflammatory conditions, was the world’s top-selling drug last year; the current annual cost for Humira injections is more than $72,000. But the drug industry wanted more: 12 years of exclusivity to lock in even higher profits. Lobbyists persuaded then-Republican chairperson of the U.S. Senate Finance Committee, Orrin Hatch, to hold up the deal to strong-arm the Obama administration. The result was the TPP never came up for a ratification vote in Congress. Obama’s successor, Trump, who ran on a broader anti-trade campaign, pulled the United States out of the pact on his third day in office. The remaining 11 countries went ahead with the deal regardless but stripped out all the extra drug company protections, underscoring how isolated the U.S. negotiating position had been. The drug industry’s arrogance has a strong pedigree. In the World Trade Organization’s Uruguay Round of global negotiations in the early 1990s, Big Pharma had the best seat at the table. It was those negotiations that led to today’s level of patent protection—the so-called Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. U.S. negotiators had been persuaded that such “intellectual property” industries would be the United States’ competitive advantage of the future. To persuade developing countries to protect patents and other intellectual property, the George H.W. Bush and Clinton administrations agreed to lift long-standing quotas on textile imports, ultimately accelerating the loss of hundreds of thousands of manufacturing jobs in the United States. The industry also keeps winning on its biggest domestic priority: resisting proposals that would require the U.S. government to lower the high price of branded drugs under Medicare. The companies have continued to blunt congressional efforts, despite the fact that more than 8 in 10 Americans support the idea. In his State of the Union address last month, Biden called for giving Medicare that negotiating power, but the proposal was then left out of the agenda for his American Families Plan and faces an uncertain future in Congress. How big a setback will the patent defeat be for the industry? Critics note that Biden’s proposed waiver of TRIPS protections for vaccine patents is far from a magic wand for a developing country like India struggling to produce enough vaccine doses to combat its massive COVID-19 outbreak. The new drugs, especially the mRNA vaccines, involve complex and exacting production processes; even with the freedom to copy the recipe, it could take these countries years to master production. Export controls and other supply-chain bottlenecks on key vaccine ingredients are currently a much bigger barrier than intellectual property rights to accelerating production around the world. And the details of the TRIPS waiver, which will be negotiated through the notoriously sclerotic World Trade Organization, could take months to iron out. In the meantime, the industry has a choice. It could go all-in with sympathetic Republicans to try to block the Biden administration. Republicans in the U.S. House of Representatives have introduced legislation that would prevent the administration from implementing the waiver. U.S. Sens. Tom Cotton and Thom Tillis issued a statement saying Biden’s move would “hand over America’s medical technology to adversarial states like China and Russia.” But there has been notable silence from both Senate and House Republican leadership. And although Trump, who remains the party’s symbolic leader, supported the massive 2017 corporate tax cut that lined the pockets of many companies, he was not notably sympathetic to the drug industry. In his 2016 campaign, Trump called for steps to lower drug prices, though he took no actions to accomplish this in his four years in office. Betting the industry’s future on this motley coalition seems like a poor gamble. Instead, the drug industry should show leadership by going all-in to vaccinate the world. Although the United States and Britain have hoarded vaccines, it is incontrovertible that unless the virus is contained everywhere, it will remain a serious threat for the foreseeable future. Both the public and private sectors have a huge stake in success; although companies like Pfizer and Moderna should be applauded for their ingenuity, drug development and rollout have been supported by billions of taxpayer dollars, pounds, and euros in the United States and Europe. There is plenty of room for drug companies and their shareholders to profit handsomely while working closely with governments to remove every obstacle to expanding production and expediting distribution. As with the vaccination effort in the United States, success will require the best of both government and the private sector. Other companies will face that same choice—to cooperate or to fight—as the Biden administration presses ahead with the most ambitious agenda of social legislation since former U.S. President Lyndon Johnson’s Great Society programs in the 1960s. Businesses could stick to the playbook and use their influence to try to block Biden’s signature efforts, such as the infrastructure package and the expansion of the safety net for families, to save a few bucks on their taxes. Or they could recognize that unless some of these gaping social needs are addressed, they will eventually face a costlier societal and political backlash. The pandemic is a rare opportunity for the most powerful industry of them all, Big Pharma, to right its course and set an example for the rest of the business world. It should not waste that opportunity.

**Bill solves warming**

**USA Today 7-20** [7-20-2021 "Climate change is at 'code red' status for the planet, and inaction is no longer an option". Editorial Board @ USA Today. Accessed 8/30/21.<https://www.usatoday.com/story/opinion/todaysdebate/2021/07/20/climate-change-biden-infrastructure-bill-good-start/7877118002/> //Recut Xu from Elmer]

Not long ago, climate change for many Americans was like a distant bell. News of starving polar bears or melting glaciers was tragic and disturbing, but other worldly. Not any more. Top climate scientists from around the world warned of a "code red for humanity" in a report issued Monday that says severe, human-caused global warming is become unassailable. Proof of the findings by the United Nations' Intergovernmental Panel on Climate Change is a now a factor of daily life. Due to intense heat waves and drought, 107 wildfires – including the largest ever in California – are now raging across the West, consuming 2.3 million acres. Earlier this summer, hundreds of people died in unprecedented triple-digit heat in Oregon, Washington and western Canada, when a "heat dome" of enormous proportions settled over the region for days. Some victims brought by stretcher into crowded hospital wards had body temperatures so high, their nervous systems had shut down. People collapsed trying to make their way to cooling shelters. Heat-trapping greenhouse gases Scientists say the event was almost certainly made worse and more intransigent by human-caused climate change. They attribute it to a combination of warming Arctic temperatures and a growing accumulation of heat-trapping greenhouse gases caused by the burning of fossil fuels. The consequences of what mankind has done to the atmosphere are now inescapable. Periods of extreme heat are projected to double in the lower 48 states by 2100. Heat deaths are far outpacing every other form of weather killer in a 30-year average. A persistent megadrought in America's West continues to create tinder-dry conditions that augur another devastating wildfire season. And scientists say warming oceans are fueling ever more powerful storms, evidenced by Elsa and the early arrival of hurricane season this year. Increasingly severe weather is causing an estimated $100 billion in damage to the United States every year. "It is honestly surreal to see your projections manifesting themselves in real time, with all the suffering that accompanies them. It is heartbreaking," said climate scientist Katharine Hayhoe. Rising seas from global warming Investigators are still trying to determine what led to the collapse of a Miami-area condominium that left more than 100 dead or missing. But one concerning factor is the corrosive effect on reinforced steel structures of encroaching saltwater, made worse in Florida by a foot of rising seas from global warming since the 1900s. The clock is ticking for planet Earth. While the U.N. report concludes some level of severe climate change is now unavoidable, there is still a window of time when far more catastrophic events can be mitigated. But mankind must act soon to curb the release of heat-trapping gases. Global temperature has risen nearly 2 degrees Fahrenheit since the pre-industrial era of the late 19th century. Scientists warn that in a decade, it could surpass a 2.7-degree increase. That's enough warming to cause catastrophic climate changes. After a brief decline in global greenhouse gas emissions during the pandemic, pollution is on the rise. Years that could have been devoted to addressing the crisis were wasted during a feckless period of inaction by the Trump administration. Congress must act Joe Biden won the presidency promising broad new policies to cut America's greenhouse gas emissions. But Congress needs to act on those ideas this year. Democrats cannot risk losing narrow control of one or both chambers of Congress in the 2022 elections to a Republican Party too long resistant to meaningful action on the climate. So what's at issue? A trillion dollar infrastructure bill negotiated between Biden and a group of centrist senators (including 10 Republicans) is a start. In addition to repairing bridges, roads and rails, it would improve access by the nation's power infrastructure to renewable energy sources, cap millions of abandoned oil and gas wells spewing greenhouse gases, and harden structures against climate change. It also offers tax credits for the purchase of electric vehicles and funds the construction of charging stations. (The nation's largest source of climate pollution are gas-powered vehicles.) Senate approval could come very soon. Much more is needed if the nation is going to reach Biden's necessary goal of cutting U.S. climate pollution in half from 2005 levels by 2030. His ideas worth considering include a federal clean electricity standard for utilities, federal investments and tax credits to promote renewable energy, and tens of billions of dollars in clean energy research and development, including into ways of extracting greenhouse gases from the skies. Another idea worth considering is a fully refundable carbon tax. The vehicle for these additional proposals would be a second infrastructure bill. And if Republicans balk at the cost of such vital investment, Biden is rightly proposing to pass this package through a process known as budget reconciliation, which allows bills to clear the Senate with a simple majority vote. These are drastic legislative steps. But drastic times call for them. And when Biden attends a U.N. climate conference in November, he can use American progress on climate change as a mean of persuading others to follow our lead. Further delay is not an option.

**Extinction**

**Schultz 16** (Robert Schultz [Retired Professor and Chair of Computer Information Systems at Woodbury University] “Modern Technology and Human Extinction,” <http://proceedings.informingscience.org/InSITE2016/InSITE16p131-145Schultz2307.pdf>) RW

There is consensus that there is a relatively short window to reduce carbon emissions before drastic effects occur. Recent credible projections of the result of lack of rapid drastic action is an average temperature increase of about 10o F by 2050. This change alone will be incredibly disruptive to all life, but will also cause great weather and climate change. For comparison purposes, a 10 degree (Fahrenheit) decrease was enough to cause an ice layer 4000 feet thick over Wisconsin (Co2gether, 2012). Recently relevant information has surfaced about a massive previous extinction. This is the Permian extinction, which happened 252 million years ago, during which 95% of all species on earth, both terrestrial and aquatic, vanished. The ocean temperature after almost all life had disappeared was 15 degrees (Fahrenheit) above current ocean temperatures. Recent information about the Permian extinction indicates it was caused by a rapid increase in land and ocean temperatures, caused by the sudden appearance of stupendous amounts of carbon in the form of greenhouse gases (Kolbert, 2014, pp. 102-144). The origin of the carbon in these enormous quantities is not yet known, but one possibility is the sudden release of methane gases stored in permafrost. This is also a possibility in our current situation. If so, extinction would be a natural side effect of human processes. There is also a real but smaller possibility of what is called “runaway greenhouse,” in which the earth’s temperature becomes like Venus’ surface temperature of 800o The threat of extinction here is not entirely sudden. The threat is, if anything, worse. Changes in the atmosphere--mainly increases in the concentration of greenhouse gases in the atmosphere-- can start processes that can’t be reversed but which take long periods of time to manifest. “Runaway greenhouse” may be the worst. Once again, suggestions of technological solutions to this situation should be treated with some skepticism. These proposals are often made by technophiles ignoring all the evidence that technology is very much subject to unanticipated side effects and unanticipated failures. What has happened concerning the depletion of the ozone layer should be a clear warning against the facile uses of technology through geoengineering to alter the makeup of the entire planet and its atmosphere. The complicating factor in assessing extinction likelihood from climate change is corporations, especially American fossil fuel corporations such as Exxon-Mobil and Shell. Through their contributions, they have been able to delay legislation ameliorating global warming and climate change. As mentioned before, recently released papers from Exxon-Mobil show that the corporation did accept the scientific findings about global warming and climate change. But they concluded that maintaining their profits was more important than acting to ameliorate climate change. Since it is not a matter of getting corporations to appreciate scientific facts, the chances of extinction from climate change are good. To ameliorate climate change, it is important to leave a high percentage of fossil fuel reserves in the ground. But this is exactly what a profit-seeking fossil fuel corporation cannot do. One can still hope that because fossil fuel corporations are made up of individuals, increasingly bad consequences of global warming and climate change will change their minds about profits. But because of the lag in effects, this mind change will probably be too late. So I conclude we will probably see something like the effects of the Permian extinction perhaps some time around 2050. (The Permian extinction was 95% extinction of all species.) This assumes the release of methane from the arctic will take place around then.

## 4

**Objective morality is epistemically inaccessible –**

1. **Rule-Following Paradox – there is nothing inherent in a rule that mandates following a specific interpretation. They are always subject to interpretation by the observer, which means an objective moral rule would get interpreted differently by different agents since rules presume a higher rule to follow a rule to infinity**
2. **Moral Disagreement – thousands of years of moral disagreement prove that not everyone agrees on a moral theory. Also means even if there is a universal theory, it’s not binding as proven by every past act of immorality**

**The solution is the libertarian utopia – a political philosophy to preserve freedom and people’s conceptions of truth, insofar as it doesn’t violate someone else’s freedom to do the same**

**Mack 18** Eric Mack, June 15, 2018, “Robert Nozick’s Political Philosophy”<https://plato.stanford.edu/entries/nozick-political/#FraDisPro> //LHP AV

The official purpose of Part III of ASU, “Utopia”, is to show that the minimal state is not merely legitimate and just; it is also inspiring. This purpose is advanced by sketching a framework for utopia that is inspiring and noting that this framework is highly akin to—Nozick actually says “equivalent to” (333)—the minimal state. Yet Nozick also says that the framework might not have any “central authority” (329). Still, the framework is akin to the minimal state because it is an institutional structure that enforces peaceful co-existence among voluntarily formed communities. It protects the independence of such communities and their freedom to recruit members and also protects the liberty of individuals to enter and exit communities as they respectively choose. Although Nozick is not explicit about this, we have to presume that the framework enforces the same norms of personal freedom, property, and contractual compliance that the minimal state enforces except insofar as individuals voluntarily relinquish such rights within the communities they enter. The framework is inspiring because of the way it contributes to persons’ identification of and participation in communities (and other networks of relationships) through which they will find meaning and well-being. It is inspiring to anyone who appreciates how little each of us knows about what sorts of communities best suit human beings in all their depth and diversity and how much the operation of the framework assists individuals in their discovery of and engagement in communities that enhance their respective well-being. Moreover, many persons may value the framework not merely for the way it enhances their own good but, also, for the ways in which it allows them to participate vicariously in others’ achievement of their different modes of flourishing (Lomasky 2002). 5.1 The Framework as Discovery Procedure The framework is—or, more precisely, sustains—a discovery procedure. Under the protective umbrella of the framework, individuals are presented with and can try out diverse communities while communities themselves arise and modify themselves in their competitive search to sustain, improve, or increase their membership. A wide range of communities will continually arise out of and in response to the evolving perceptions that diverse individuals will have about what modes of sociality will best suit them and will best attract welcome partners. Communities will survive and perhaps expand or be imitated insofar as they actually embody modes of relationship that serve well their actual or prospective membership or insofar as they successfully refine their offerings in the market place of communities. The framework also insures that those who are already confident that they know what sort of community is best for them will be free to form those communities by voluntary subscription and, thereby, to manifest their actual value (or disvalue) to themselves and to other seekers of well-being. Part of Nozick’s sub-text here is a message to socialist utopians that nothing in the framework (or the minimal state) precludes their non-coercive pursuit of their ideal communities. How, therefore, can socialists object to the framework (or the minimal state)? This generalizes Nozick’s earlier claims in ASU that that advocates of meaningful work and workers’ control of productive enterprises ought not to be hostile to the minimal state since the minimal state is fully tolerant of non-coercive endeavors to establish such conditions (246–253). In a short essay in Reason magazine published four years after ASU, Nozick asked, “Who Would Choose Socialism?” (Nozick 1978). More precisely, his question was: What percent of the adult population would choose “to participate in socialist interpersonal relations of equality and community” were they in position to choose between “a reasonably attractive socialist option and also a reasonably attractive non-socialist one?” (Nozick 1978: 277). Nozick takes the choice available to Israelis between membership and non-membership in kibbutzim to be a good instance of a choice between such options and notes that around six percent of the adult population of Israel in the 1970s had chosen the socialist option. He speculates that socialists are at least “tempted” to be imperialists precisely because they sense that there will be too few volunteers (Nozick 1978: 279). The discovery procedure that the framework sustains is a version of Millian experiments in living—albeit it is a version that places much more emphasis on the role of a marketplace of communities in providing individuals with experimental options. This discovery procedure (like Millian experiments in living) is, of course, a Hayekian invisible hand process. Given the enormous diversity among individuals, we do not know what one form of community would be best. The idea that there is one best composite answer to all of these questions [about what features utopia has], one best society for everyone to live in, seems to me to be an incredible one. (And the idea that, if there is one, we now know enough to describe it is even more incredible.) (311) Nor do we know what distinct modes of community would be best for distinct types of persons. Thus, we cannot design an inclusive utopia; nor can we design an array of mini-utopia such that some significantly fulfilling community will be available to everyone—or even to most. It is helpful to imagine cavemen sitting together to think up what, for all time, will be the best possible society and then setting out to institute it. Do none of the reasons that make you smile at this apply to us? (313–314) Given our ignorance, the best way to realize utopia—almost certainly many distinct utopia—is through the discovery procedure that the framework sustains. (We should note, however, an implicit, somewhat puzzling, and wholly unnecessary presupposition of Nozick’s discussion, viz, that individuals with utopian aspirations will generally seek out communities that are made up of other individuals like themselves. The suggestion is that chosen communities will be internally homogeneous with heterogeneity existing only across these communities.)

**Thus, the standard is consistency with libertarianism. Prefer additionally - all theories presume the freedom to follow them.**

**I’ll defend a lack of an obligation to the aff. Negate: IP protections define agents as autonomous beings who are able to create their own ideas and boost the free exchange of ideas in the free market by NPEs**

Bob **Zeidman &** Eashan **Gupta**, 1-5-**2016**, "Why Libertarians Should Support a Strong Patent System," IPWatchdog, <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/> //SR

Owning property is an essential element of liberty. Protecting property and property rights is a major concern of libertarianism and one of the few functions of government that nearly all libertarians agree is necessary. The book “The Virtue of Selfishness,” a collection of essays and papers by Ayn Rand and Nathaniel Branden. Rand, founder of Objectivism, a branch of libertarianism, confirms this binding between liberty and property ownership: There is no such dichotomy as “human rights” versus “property rights.” No human rights can exist without property rights. Since material goods are produced by the mind and effort of individual men and are needed to sustain their lives, if the producer does not own the result of ~~his~~ [their] effort, he [they] does not own ~~his~~ [their] life. To deny property rights means to turn ~~men~~ [people] into property owned by the state. Whoever claims the “right” to “redistribute” the wealth produced by others is claiming the “right” to treat human beings as chattel. Is Intellectual Property Property? The issue intellectual property has divided libertarians as to whether there can really be ownership in the result of result of human creativity, and continues to do so today. Some libertarians believe that inventors deserve a claim to their hard work, while others argue that patents are government-enforced monopolies and that the current United States patent system needs to be reformed. What the patent and copyright laws acknowledge is the paramount role of mental effort in the production of material values. These laws protect the mind’s contribution in its purest form: the origination of an idea. The subject of patents and copyrights is intellectual property. Ayn Rand strongly supported patents. In her book “Capitalism: The Unknown Ideal,” she states: An idea as such cannot be protected until it has been given a material form. An invention has to be embodied in a physical model before it can be patented; a story has to be written or printed. But what the patent or copyright protects is not the physical object as such, but the idea which it embodies. By forbidding an unauthorized reproduction of the object, the law declares, in effect, that the physical labor of copying is not the source of the object’s value, that that value is created by the originator of the idea and may not be used without ~~his~~ [their] consent; thus the law establishes the property right of a mind to that which it has brought into existence. 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. Non-Practicing Entities, Patent Trolls, and Free Markets Non-practicing entities (NPEs) are organizations that buy intellectual property and license the rights to others. Most commonly they deal in patents. Typically these NPEs purchase patents from companies in need of a capital influx, companies that are moving from one area of technology or one type of product to another, companies that are closing down and need to monetize their assets for distribution to their shareholders, and individual inventors who do not have the money and experience to license or litigate large companies that are infringing their IP. The term “patent troll” was coined by attorney Peter Detkin to describe bad actors who abuse the patent system or use loopholes in the law in ways that were unintended and that hurt patent holders and impede innovation. Ironically, Peter is now a founder of Intellectual Ventures, the largest NPE that is often labeled a “patent troll” by its critics. Let us examine this term. First, the term patent troll is now used derogatorily to describe any company dealing in patents that the name caller does not like. This was evidenced at a conference last year entitled “Patent Trolls and Patent Reform” at the Stanford University Law School. The term “patent troll” not only included NPEs but also companies that were forced out of the market by larger competitors and who were trying to recoup their R&D expenses as represented by their patents. The term was also used for companies that sent letters demanding hundreds of dollars in license fees to small mom-and-pop stores that used, for example, allegedly infringing fax machines and scanners. The term was even applied to universities attempting to license the results of their research to corporations. Whether or not one likes these entities and their business models, lumping them all together is simply a means for tarnishing all of them for the practices of some of them. For our discussion, we will use the neutral term NPE to describe those companies that buy and sell patents and patent rights. These companies act similarly to a grocery store, which could otherwise be labeled “grocery trolls” because, just as the argument against NPEs goes, such grocery trolls do not produce fruits and vegetables, they simply purchase them from those who do and then sell them to consumers. This model which is understood and encouraged by libertarians and other supporters of free markets, provides a great service by connecting distant producers and consumers and achieving economies of scale. No free market libertarian would think that such “grocery trolls” were exploiting a system, reducing consumption, hurting framers, or otherwise undeserving of the service fees that they charge. Similarly, NPEs should be praised by free market libertarians for providing a vital market that allows easier exchange of property and connecting producers and consumers who otherwise could not connect. The America Invents Act On September 16, 2011, Congress passed and President Obama signed into law the America Invents Act (“AIA”), the first major patent reform legislation in over 60 years. One justification for the change was to restrict the “abuse of patent trolls,” a concept that should have sent chills through each and every libertarian. When government attempts to regulate the property rights of an individual or business because of its particular business model, free markets are destroyed and government concepts of “fairness” override actual fairness, or what we call freedom. Another justification for the new law was “harmonization with Europe and the rest of the world.” As libertarians know, Europe has socialist tendencies that include bringing monopoly charges against U.S. businesses while maintaining their own government-supported monopolies. The EU has recently brought antitrust cases against US firms Google, Facebook, Amazon, 21st Century Fox, Disney, NBCUniversal, Paramount Pictures, Sony, Fox, Warner Bros, and Qualcomm. At the same time, European governments subsidize businesses such as Airbus. European governments significantly regulate European businesses and have labor laws tilted clearly and steeply in favor of employees and against businesses. Innovation in Europe and the rest of the world has paled in comparison to the United States since at least World War II if not since this country’s founding. The idea of making U.S. law similar to European law should have been a serious red flag for libertarians and other friends of free markets. In particular, one of the most serious changes was to make U.S. patent law depend on the concept of first-to-file rather than first-to-invent that had been the original law and the original intent of our Founding Fathers. Originally, U.S. patent law was purposely intended to reward the first person to figure out a way to implement a novel, useful invention even if that person did not have the resources to produce the invention. This would give power to the creative genius and allow him or her to raise funds or license the patent to a manufacturer. European patent law, on the other hand, required an inventor to produce the actual invention, ensuring that inventions stayed with the wealthy class. Zorina Khan, Associate Professor of Economics at Bowdoin College, writes in her book “The Democratization of Invention” about U.S. patent laws since the founding of the United States, in contrast to those of Britain: Rather than an elite that possessed rare technical skills or commanded large stocks of resources, the rise in patenting was associated with a democratic broadening of the ranks of patentees to include individuals, occupations, and geographic districts with little previous experience in invention. One finds among the roster of patentees not only engineers and machinists, but also candidates for the Greenback Party, schoolteachers, poets, humble factory workers, housewives, farmhands, teenagers, and even economists. Furthermore she attributes a kind of opportunity available to women in 19th century America through invention and patents that was not available through laws or social norms: [R]ecords indicate that nineteenth century women were active participants in the market for technology… Patents by women comprised only a small fraction of total patents, but the overall patterns of patenting and the pursuit of profit opportunities by women inventors were similar to those of male inventors… Women in frontier regions were especially inventive, and devised ingenious mechanisms to ease the burden of an arduous existence far from the conveniences of cities and extended social networks. The AIA changed the longstanding first-to-invent requirement to a first-to-file, supposedly to reduce litigation costs because it is easy to verify which inventor filed paperwork first with the patent office. It is important to remember, however, that in America litigation occurs not because we have a lot of greedy people and unscrupulous lawyers, as is often decried, but because litigation is the great equalizer. The laws apply equally to all, and litigation is a sometimes long and costly process that allows justice to be served, within the confines of human fallibility, without regard to the litigants’ social status, wealth, employment, race, color, or religion. However, now rather than rewarding the initial producers of intellectual property, this major change in U.S. patent law rewards the first entity to fill out paperwork and pay the government’s fees. This means that once again the power of the patent is given to the large corporations. This provision of the AIA in particular should alarm libertarians in that it has undone over 200 years of creative invention and equality of opportunity in favor of large corporations, wealthy individuals, and government bureaucracy. Conclusion 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.