# 1NC Yale Doubles

## 1

**Interp: The aff must define which medicines they reduce intellectual property protections for with a delineated text in the 1ac**

**Medicines is a vague and broad term - no normal means**

**Antoñanzas**, F., Terkola, R. **& Postma**, M. The Value of Medicines: A Crucial but Vague Concept. PharmacoEconomics 34, 1227–1239 (**2016**). <https://doi.org/10.1007/s40273-016-0434-8> //SR

Key Points for Decision Makers Although the value of healthcare products is commonly understood as a mix of effectiveness, safety and efficiency, there is no clear and shared definition of this abstract and multi-perspective concept, potentially leading to inconsistent decisions across jurisdictions regarding price, reimbursement, and access to those products. Decision makers and health technology assessment bodies should make efforts to explicitly specify the criteria used when appraising health technologies so that their value can be unambiguously conceptualized and measured. Several approaches are used to incorporate the concept of value without explicitly defining it, but adaptations to specific situations (through the weighting of assessment results according to various criteria) are frequently found in real-world practice. Table 2 Cost-effectiveness thresholds in selected European countries Country Affordability threshold (cost/QALY) Austria No [35] France No [23, 35, 43] Germany No [23, 35] Likely to range between €20,000 and €40,000, not formal [43] Hungary Technologies are considered cost effective below the threshold of 2 9 GDP per capita/QALY; technologies are not cost effective above the threshold of 3 9 GDP per capita/QALY [47] Italy No [35] The Netherlands Approximately €20,000, not fixed [47] Absolute maximum of €80,000 for severe diseases; however, orphan medicines have been adopted above this threshold [12] Between €10,000 and €80,000 depending on the burden of disease [37] Spain No [35] Evidence suggests that technologies less than €30,000 are considered efficient and greater than €120,000 as inefficient [51] Sweden Approximately SEK500,000, not fixed [23] €45,000 used as guide, not fixed [35] Approximately €100,000 has been accepted for severe diseases between 2002 and 2007 [12] Likely range is between £25,000 and £40,000, not formal [43] Not explicit, but based on individuals’ willingness to pay [48] UK Yes, approximately £20,000–£30,000 [12, 23, 31, 35] Medicines meeting end-of-life criteria accepted beyond this threshold [12] Evidence suggests between £20,000 and £30,000, not fixed [43, 52]

**Standards:**

1. **Strat Skew and Clash - 1ar’s can skirt clash and moot neg ground by no linking medicine specific disads or pics and making the normal means debate late breaking e.g. no vaccine diplomacy since vaccines being medicines is ambiguous or ayurveda pic if you don’t defend the field of medicine.**
2. **Resolvability - judges can’t know who to vote for if they don’t understand what each side is defending which also denies negs to make rigorous and nuanced strategies. Outweighs - all arguments presume you can resolve them**
3. **Worst case neg on presumption - policies inevitably fail if policymakers can’t hash out the specifics - our ev empirically proves**

**Cx doesn’t check - a] prep skew - we were forced to prep a 1NC that hedges around the potential of you not speccing and had to prep multiple case negs b] incentivizes infinite abuse and hope you don’t get called out since its no risk if we ask you and you can strategically not meet then get extra time in cx to prep the shell since we asked c] non verifiable since judges don’t flow it d] no brightline to what constitutes a check**

**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 - 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. 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. Evaluate the theory debate after the 2n so both of us get 2 speeches and its reciprocal. Neg theory outweighs - we were reactive and had to compensate the abuse you inflicted on us and the abuse came from the 1ac so outweighs on magnitude and probability since it affected more speeches and u had more time to respond so its more likely to be true. No weighing case a) theory controls our ability to engage in it b) the K presumes its evaluated fairly making theory a side constraint c) you don’t actually solve cap and can do it anywhere but you can rectify skews which is irreversible**

## 2

**CP:**

1. **The World Trade Organization should be abolished**
2. **The originally member nations of the World Trade Organization should independently and without influence from international government reduce intellectual property protections on medicines**

**Hawley**, senator, JD Yale, **20** (Josh, 5-5, <https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html>)

The coronavirus emergency is not only a public health crisis. With [30 million Americans unemployed](https://www.cnbc.com/2020/04/30/us-weekly-jobless-claims.html), it is also an economic crisis. And it has exposed a hard truth about the modern global economy: it weakens American workers and has empowered China’s rise. That must change. The global economic system as we know it is a relic; it requires reform, top to bottom. We should begin with one of its leading institutions, the World Trade Organization. We should abolish it.

**Agreements under the WTO are self serving and inherently neoliberal - doing the plan independently is necessary**

**Fukuda 10** [Fukuda, Yasuo. "WTO regime as a new stage of imperialism: Decaying capitalism and its alternative." World Review of Political Economy 1.3 (2010): 485. //MSJ SB]

The objectives of the World Trade Organization (WTO) regime are to liberalize trade in goods and services and force developing countries to introduce neo-liberal policies. The purpose is to advance deregulation, privatization, and free trade. T. Friedman (2006) characterized globalization after 2000 as the world becoming flat, whereby every company, organization, or individual can gain entry into a global marketplace, and where all people are free to start businesses which may benefit from a worldwide commercial network. However, this is just one side of globalization under the WTO regime. Multinational corporations as monopoly capital reap most of the benefits of the “flat” world economy. WTO Agreements have ushered in a new era of corporate globalization. The aim of this article is to show that corporate globalization represents a new stage of imperialism, whereby monopoly capital not only controls the world market, but writes the market rules as well. This new form of imperialism is nothing less than a decaying stage of capitalism in which, quite apart from people being guaranteed the chance to lead happy and stable lives, the very potential for doing so is undermined and destroyed. Finally, principles of localization are presented as an alternative to corporate globalization.Looking at contemporary capitalism from the viewpoint of Lenin’s “Imperialism,” it is clear that four of the five pillars (excepting the fifth) are still applicable to capitalism under the WTO regime. First, a small number of multinational corporations typically control more than half the market-share of major industries. For example, in the commercial seed market, the world’s top three corporations (Monsanto, DuPont, and Syngenta of Switzerland) control almost half of the world market. Cargill, along with its top four competitors, handle 85 percent of world grain trade. In the pharmaceutical industry, the top ten corporations hold a combined 54.8 percent share of the world market (ETC Group 2008). In banking, the world’s top 45 banks account for nearly 40 percent of the gross tier 1 capital of the top 1,000, and about 45 percent of the total assets (The Banker, June 24, 2009). It hardly needs saying that these companies enhance their power considerably through close relationships with governments, and through political contributions, lobbying, revolving doors, and the like. Second, industrial and financial monopoly capital establish political action groups as a means to advance common political goals. The negotiation of the General Agreement on Trade in Services (GATS) represents a typical example of this sort of collusion between major companies of both the industrial and financial spheres. Third, no monopoly capital can survive without strategic foreign investment, including direct as well as portfolio investment. For instance, automobile companies will not survive without gaining access to Chinese and Indian markets. Fourth, in the course of intense competition over dominant market shares, large multinational corporations often collude to form price cartels (Connor 2001; Levenstein and Suslow 2001). The cartel-based character of monopoly capital culminated during GATT Uruguay Round negotiations, as large businesses cooperated to set market-rules specifically tailored to their own ends. Second, monopoly capital now dictates the rules of trade by directly involving itself in the crafting of trade policy. Big business coalitions took part in drafting the WTO Agreements. In the case of GATS, multinational corporations, including Citigroup, J. P. Morgan Chase, and Barclays Bank, drafted the proposal under the authorization of US and EU governments, and then used lobbying to push the agreement through at the time of negotiations (Balanyá et al. 2003). In the case of the negotiations for the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), it was the US Intellectual Property Committee (USIPC), a US business group, which wrote the initial draft, at the request of the US Trade Representative (Weissman 1996). Those party to the USIPC include Monsanto, Pfizer, DuPont, and IBM. Market and trade rules amount to a form of infrastructure vis-à-vis the markets. The body which decides the rules of trade has a considerable advantage over other stakeholders. Under the current setting, it is large multinationals, especially the agents of US monopoly capital, which control the rules of trade, specifically through cozy relationships with the US government. Therefore, it is the governance of trade rules which most distinguishes modern capitalism from the imperialist systems of the early 20th century. Thus, the WTO regime is nothing short of a regime of imperialism, whereby monopoly capital exercises governing power over both national markets and the world economy. Whereas the first four of the five pillars by which Lenin defined imperialism still apply under the WTO regime, in place of the fifth (colonization), monopoly capital has gained new tools of dominance, most specifically the ability to design market rules. In losing the policy space to protect and develop local firms, developing countries are obliged to become incorporated into a global network managed by monopoly capital. In this way, income is steadily transferred from the lower rungs of the global economy to monopoly capital at the top. In short, the WTO regime constitutes a new stage of imperialism, in which monopoly capital holds hegemony over market rules in place of colonization. The WTO regime was devised under the initiatives of monopoly capital as a means to promote corporate globalization. The next task is to explore what corporate globalization has brought to society. The true nature of corporate globalization is expressed in its outcomes. Lenin characterized imperialism as a decaying stage of capitalism, owing to its unproductive character, which he described as rentier capitalism. The aim of this section is to show that corporate globalization too is nothing more than a decaying stage of capitalism. The IMF and the World Bank have occupied a central role in bringing developing countries into the fold of corporate globalization. Since the 1980s, under the IMF’s Structural Adjustment Program (SAP), more than 100 developing countries have been forced to adopt “open door” policies with respect to investment and trade (Chossudovsky 1997, 1998). Once the door has been pried open, large multinational firms—for instance, the major players of agribusiness and infra-business—are quick to extend their reach into the newly available markets. As a result, considerable damage results to the people of developing countries through, for example, loss of traditional industries like family farming and the privatization of hitherto public resources such as community water supplies. After the 1997 East Asian financial crisis, the IMF met with severe criticism for imposing neo-liberal based readjustment regimes on the afflicted countries. Nevertheless, the IMF has continued to adhere to a neo-liberal approach with respect to the global recession which is currently underway following the collapse of the housing bubble in 2008 (Weisbrot et al. 2009). The IMF’s Structural Adjustment Program was formulated as global rules by WTO agreements. Thus, neo-liberalism has become the predominant feature with respect to international rules on trade. Liberalization of trade policy amounts to nothing but the loss on the part of national governments of the policy space to govern. Developing countries need flexible tariff systems, quantitative import controls, and capital controls to protect their local industries. They also need policies such as local content controls and export subsidies to foster new economic development. WTO agreements prohibit or strictly limit the use of these industrial policies, in spite of the fact that these very same policies were employed to great effect by developed countries during their earlier stages of development. Deprived of this policy space, developing countries are easily brought under the governance of monopoly capital

## 3

**CP: The member nations of the World Trade Organization ought to reduce all intellectual property protections for medicines except for those filed by indigenous nations, 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. Flips their cap offense since removing indigenous patents allows for colonial imperialism and commodifying indigenous culture**

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.

## 4

**Interpretation: The affirmative must only defend that one member nation of the WTO ought to reduce intellectual property protections for medicines**

1. **Real World - decisionmakers can only choose from options open to them - an Israeli policymaker can’t control what India does.**
2. **Clash - each country has different politics that can’t be generalized which requires looking on the in depth particularities of individual actors for more nuanced discussions of them - outweighs breadth since different rounds and out of round research expose us to different topics but clash is unique to the process of debating**
3. **Shiftiness - you’ll just shift advocacies throughout the round since you’ll just extend any actor I undercovered which also makes the debate irresolvable since we’ll just go for different actors so there’s no clash.**