

# 1AC – Util

The standard is maximizing expected wellbeing. Prefer hedonistic act util:

1] Pleasure and pain are intrinsic value and disvalue – everything else regresses – robust neuroscience.

**Blum et al. 18** Kenneth Blum, 1Department of Psychiatry, Boonshoft School of Medicine, Dayton VA Medical Center, Wright State University, Dayton, OH, USA 2Department of Psychiatry, McKnight Brain Institute, University of Florida College of Medicine, Gainesville, FL, USA 3Department of Psychiatry and Behavioral Sciences, Keck Medicine University of Southern California, Los Angeles, CA, USA 4Division of Applied Clinical Research & Education, Dominion Diagnostics, LLC, North Kingstown, RI, USA 5Department of Precision Medicine, Geneus Health LLC, San Antonio, TX, USA 6Department of Addiction Research & Therapy, Nupathways Inc., Innsbrook, MO, USA 7Department of Clinical Neurology, Path Foundation, New York, NY, USA 8Division of Neuroscience-Based Addiction Therapy, The Shores Treatment & Recovery Center, Port Saint Lucie, FL, USA 9Institute of Psychology, Eötvös Loránd University, Budapest, Hungary 10Division of Addiction Research, Dominion Diagnostics, LLC, North Kingstown, RI, USA 11Victory Nutrition International, Lederach, PA, USA 12National Human Genome Center at Howard University, Washington, DC, USA, Marjorie Gondré-Lewis, 12National Human Genome Center at Howard University, Washington, DC, USA 13Departments of Anatomy and Psychiatry, Howard University College of Medicine, Washington, DC US, Bruce Steinberg, 4Division of Applied Clinical Research & Education, Dominion Diagnostics, LLC, North Kingstown, RI, USA, Igor Eiman, 15Department Psychiatry, Cooper University School of Medicine, Camden, NJ, USA, David Baron, 3Department of Psychiatry and Behavioral Sciences, Keck Medicine University of Southern California, Los Angeles, CA, USA, Edward J Modestino, 14Department of Psychology, Curry College, Milton, MA, USA, Rajendra D Badgaiyan, 15Department Psychiatry, Cooper University School of Medicine, Camden, NJ, USA, Mark S Gold 16Department of Psychiatry, Washington University, St. Louis, MO, USA, "Our evolved unique pleasure circuit makes humans different from apes: Reconsideration of data derived from animal studies", U.S. Department of Veterans Affairs, 28 February 2018, accessed: 19 August 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6446569/>, R.S.

**Pleasure is not only** one of the three **primary reward functions** but **it also defines reward**. As homeostasis explains the **functions of** only a limited number of **rewards**, **the** principal **reason why particular stimuli**, **objects**, **events**, **situations**, and activities **are rewarding** may be **due to pleasure**. This applies first of all to sex and to the primary homeostatic rewards of food and liquid and extends to money, taste, beauty, social encounters and nonmaterial, internally set, and intrinsic rewards. **Pleasure, as the primary effect of rewards**, drives the prime reward functions of learning, approach behavior, and decision making and **provides the basis for hedonic theories of reward** function. We are attracted by most rewards and exert intense efforts to obtain them, just because they are enjoyable [10]. Pleasure is a passive reaction that derives from the experience or prediction of reward and may lead to a long-lasting state of happiness. The word happiness is difficult to define. In fact, just obtaining physical pleasure may not be enough. One key to happiness involves a network of good friends. However, it is not obvious how the higher forms of satisfaction and pleasure are related to an ice cream cone, or to your team winning a sporting event. Recent multidisciplinary research, using both humans and detailed invasive brain analysis of animals has discovered some critical ways that the brain processes pleasure [14]. Pleasure as a hallmark of reward is sufficient for defining a reward, but it may not be necessary. A reward may generate positive learning and approach behavior simply because it contains substances that are essential for body function. When we are hungry, we may eat bad and unpleasant meals. A monkey who receives hundreds of small drops of water every morning in the laboratory is unlikely to feel a rush of pleasure every time it gets the 0.1 ml. Nevertheless, with these precautions in mind, we may define any stimulus, object, event, activity, or situation that has the potential to produce pleasure as a reward. In the context of reward deficiency or for disorders of addiction, homeostasis pursues pharmacological treatments: drugs to treat drug addiction, obesity, and other compulsive behaviors. The theory of allostasis suggests broader approaches - such as re-expanding the range of possible pleasures and providing opportunities to expend effort in their pursuit. [15]. It is noteworthy, the first animal studies eliciting approach behavior by electrical brain stimulation interpreted their findings as a discovery of the brain's pleasure centers [16] which were later partly associated with midbrain dopamine neurons [17–19] despite the notorious difficulties of identifying emotions in animals. Evolutionary theories of pleasure: The love connection BO:D Charles Darwin and other biological scientists that have examined the biological evolution and its basic principles found various mechanisms that steer behavior and biological development. Besides their theory on natural selection, it was particularly the sexual selection process that gained significance in the latter context over the last century, especially when it comes to the question of what makes us "what we are," i.e., human. However, the capacity to sexually select and evolve is not at all a human accomplishment alone or a sign of our uniqueness; yet, we humans, as it seems, are ingenious in fooling ourselves and others—when we are in love or desperately search for it. It is well established that modern biological theory conjectures that **organisms are the result of evolutionary competition**. In fact, Richard Dawkins stresses gene survival and propagation as the basic mechanism of life [20]. Only genes that lead to the fittest phenotype will make it. It is noteworthy that the phenotype is selected based on behavior that maximizes gene propagation. To do so, the phenotype must survive and generate offspring, and be better at it than its competitors. Thus, the ultimate, distal function of rewards is to increase evolutionary fitness by ensuring the survival of the organism and reproduction. It is agreed that learning, approach, economic decisions, and positive emotions are the proximal functions through which phenotypes obtain other necessary nutrients for survival, mating, and care for offspring. Behavioral reward functions have evolved to help individuals to survive and propagate their genes. Apparently, people need to live well and long enough to reproduce. Most would agree that homo-sapiens do so by ingesting the substances that make their bodies function properly. For this reason, foods and drinks are rewards. Additional rewards, including those used for economic exchanges, ensure sufficient palatable food and drink supply. Mating and gene propagation is supported by powerful sexual attraction. Additional properties, like body form, augment the chance to mate and nourish and defend offspring and are therefore also rewards. Care for offspring until they can reproduce themselves helps gene propagation and is rewarding; otherwise, many believe mating is useless. According to David E Comings, as any small edge will ultimately result in evolutionary advantage [21], additional reward mechanisms like novelty seeking and exploration widen the spectrum of available rewards and thus enhance the chance for survival, reproduction, and ultimate gene propagation. These functions may help us to obtain the benefits of distant rewards that are determined by our own interests and not immediately available in the environment. Thus the distal reward function in gene propagation and evolutionary fitness defines the proximal reward functions that we see in everyday behavior. **That is why foods, drinks, mates, and offspring are rewarding**.

There have been theories linking pleasure as a required component of health benefits salutogenesis, (salutogenesis). In essence, under these terms, pleasure is described as a state or feeling of happiness and satisfaction resulting from an experience that one enjoys. Regarding pleasure, it is a double-edged sword, on the one hand, it promotes positive feelings (like mindfulness) and even better cognition, possibly through the release of dopamine [22]. But on the other hand, pleasure simultaneously encourages addiction and other negative behaviors, i.e., motivational toxicity. It is a complex neurobiological phenomenon, relying on reward

circuitry or limbic activity. It is important to realize that through the "Brain Reward Cascade" (BRC) endorphin and endogenous morphine mechanisms may play a role [23]. While natural rewards are essential for survival and appetitive motivation leading to beneficial biological behaviors like eating, sex, and reproduction, crucial social interactions seem to further facilitate the positive effects exerted by pleasurable experiences. Indeed, experimentation with addictive drugs is capable of directly acting on reward pathways and causing deterioration of these systems promoting hypodopaminergia [24]. Most would agree that pleasurable activities can stimulate personal growth and may help to induce healthy behavioral changes, including stress management [25]. The work of Esch and Stefano [26] concerning the link between compassion and love implicate the brain reward system, and pleasure induction suggests that social contact in general, i.e., love, attachment, and compassion, can be highly effective in stress reduction, survival, and overall health. Understanding the role of neurotransmission and pleasurable states both positive and negative have been adequately studied over many decades [26–37], but comparative anatomical and neurobiological function between animals and homo sapiens appear to be required and seem to be in an infancy stage. Finding happiness is different between dogs and humans. As stated earlier in this expert opinion one key to happiness involves a network of good friends [38]. However, it is not entirely clear exactly how the higher forms of satisfaction and pleasure are related to a sugar rush, winning a sports event or even sky diving, all of which augment dopamine release at the reward brain site. Recent multidisciplinary research, using both humans and detailed invasive

brain analysis of animals has discovered some critical ways that the brain processes pleasure. Remarkably, there are pathways for ordinary liking and pleasure, which are limited in scope as described above in this commentary. However, there are many brain regions, often termed hot and cold spots, that significantly modulate (increase or decrease) our pleasure or even produce the opposite of pleasure—that is disgust and fear [39]. One specific region of the nucleus accumbens is organized like a computer keyboard, with particular stimulus triggers in rows—producing an increase and decrease of pleasure and disgust. Moreover, the cortex has unique roles in the cognitive evaluation of our feelings of pleasure [40]. Importantly, the interplay of these multiple triggers and the higher brain centers in the prefrontal cortex are very intricate and are just being uncovered.

**Desire and reward centers** It is surprising that many different sources of pleasure activate the same circuits between the mesocorticolimbic regions (Figure 1). Reward and desire are two aspects pleasure induction and have a very widespread, large circuit. Some part of this circuit distinguishes between desire and dread. The so-called pleasure circuitry called "REWARD" involves a well-known dopamine pathway in the mesolimbic system that can influence both pleasure and motivation. In simplest terms, the well-established mesolimbic system is a dopamine circuit for reward. It starts in the ventral tegmental area (VTA) of the midbrain and travels to the nucleus accumbens (Figure 2). It is the cornerstone target to all addictions. The VTA is encompassed with neurons using glutamate, GABA, and dopamine. The nucleus accumbens (NAc) is located within the ventral striatum and is divided into two sub-regions—the motor and limbic regions associated with its core and shell, respectively. The NAc has spiny neurons that receive dopamine from the VTA and glutamate (a dopamine driver) from the hippocampus, amygdala and medial prefrontal cortex. Subsequently, the NAc projects GABA signals to an area termed the ventral pallidum (VP). The region is a relay station in the limbic loop of the basal ganglia, critical for motivation, behavior, emotions and the "Feel Good" response. This defined system of the brain is involved in all addictions—substance, and non—substance related. In 1995, our laboratory coined the term "Reward Deficiency Syndrome" (RDS) to describe genetic and epigenetic induced hypodopaminergia in the "Brain Reward Cascade" that contribute to

addiction and compulsive behaviors [3,6,41]. Furthermore, ordinary "liking" of something, or pure pleasure, is represented by small regions

mainly in the limbic system (old reptilian part of the brain). These may be part of larger neural circuits. In Latin, hedus is the term for "sweet"; and in Greek, hodone is the term for "pleasure." Thus, the word Hedonic is now referring to various subcomponents of pleasure: some associated with purely sensory and others with more complex emotions involving morals, aesthetics, and social interactions. The capacity to have

pleasure is part of being healthy and may even extend life, especially if linked to optimism as a dopaminergic response [42]. Psychiatric illness often includes symptoms of an abnormal inability to experience pleasure, referred to as anhedonia. A negative feeling state is called dysphoria, which can consist of many emotions such as pain, depression, anxiety, fear, and disgust. Previously many scientists used animal research to uncover the complex mechanisms of pleasure, liking, motivation and even emotions like panic and fear, as discussed above [43]. However, as a significant amount of related research about the specific brain regions of pleasure/reward circuitry has been derived from invasive studies of animals, these cannot be directly compared with subjective states experienced by humans. In an attempt to resolve the controversy regarding the causal contributions of mesolimbic dopamine systems to reward, we have previously evaluated the three-main competing explanatory categories: "liking," "learning," and "wanting" [3]. That is, dopamine may mediate (a) liking: the hedonic impact of reward, (b) learning: learned predictions about rewarding effects, or (c) wanting: the pursuit of rewards by attributing incentive salience to reward-related stimuli [44]. We have evaluated these hypotheses, especially as they relate to the RDS, and we find that the incentive salience or "wanting" hypothesis of dopaminergic functioning is supported by a majority of the scientific evidence. Various neuroimaging studies have shown that anticipated behaviors such as sex and gaming, delicious foods and drugs of abuse all affect brain regions associated with reward networks, and may not be unidirectional. Drugs of abuse enhance dopamine signaling which sensitizes mesolimbic brain mechanisms that apparently evolved explicitly to attribute incentive salience to various rewards [45]. Addictive substances are voluntarily self-administered, and they enhance (directly or indirectly) dopaminergic synaptic function in the NAc. This activation of the brain reward networks (producing the ecstatic "high" that users seek). Although these circuits were initially thought to encode a set point of hedonic tone, it is now being considered to be far more complicated in function, also encoding attention, reward expectancy, disconfirmation of reward expectancy, and incentive motivation [46]. The argument about addiction as a disease may be confused with a predisposition to substance and nonsubstance rewards relative to the extreme effect of drugs of abuse on brain neurochemistry. The former sets up an individual to be at high risk through both genetic polymorphisms in reward genes as well as harmful epigenetic insult. Some psychologists, even with all the data, still infer that addiction is not a disease [47]. Elevated stress levels, together with polymorphisms (genetic variations) of various dopaminergic genes and the genes related to other neurotransmitters (and their genetic variants), and may have an additive effect on vulnerability to various addictions [48]. In this regard, Vanyukov, et al. [48] suggested based on review that whereas the gateway hypothesis does not specify mechanistic connections between "stages," and does not extend to the risks for addictions the concept of common liability to addictions may be more parsimonious. The latter theory is grounded in genetic theory and supported by data identifying common sources of variation in the risk for specific addictions (e.g., RDS). This commonality has identifiable neurobiological substrate and plausible evolutionary explanations. Over many years the controversy of dopamine involvement in especially "pleasure" has led to confusion concerning separating motivation from actual pleasure (wanting versus liking) [49]. We take the position that animal studies cannot provide real clinical information as described by self-reports in humans. As mentioned earlier and in the abstract, on November 23rd, 2017, evidence for our concerns was discovered [50]. In essence, although nonhuman primate brains are similar to our own, the disparity between other primates and those of human cognitive abilities tells us that surface similarity is not the whole story. Sousa et al. [50] small case found various differentially expressed genes, to associate with pleasure related systems. Furthermore, the dopaminergic interneurons located in the human neocortex were absent from the neocortex of nonhuman African apes. Such differences in neuronal transcriptional programs may underlie a variety of neurodevelopmental disorders. In simpler terms, the

system controls the production of dopamine, a chemical messenger that plays a significant role in pleasure and rewards. The senior author, Dr. Nenad Sestan from Yale, stated: "Humans have evolved a dopamine system that is different than the one in chimpanzees." This may explain why the behavior of humans is so unique from that of non-human primates, even though our brains are so surprisingly similar, Sestan said: "It might also shed light on why people are vulnerable to mental disorders such as autism (possibly even addiction)." Remarkably, this research finding emerged from an

extensive, multicenter collaboration to compare the brains across several species. These researchers examined 247 specimens of neural tissue from six humans, five chimpanzees, and five macaque monkeys. Moreover, these investigators analyzed which genes were turned on or off in 16 regions of the brain. While the differences among species were subtle, there was a remarkable contrast in the neocortices, specifically in an area of the brain that is much more developed in humans than in chimpanzees. In fact, these researchers found that a gene called tyrosine hydroxylase

(TH) for the enzyme, responsible for the production of dopamine, was expressed in the neocortex of humans, but not chimpanzees. As discussed earlier, dopamine is best known for its essential role within the brain's reward system: the very system that responds to everything from sex, to gambling, to food, and to addictive drugs. However, dopamine

also assists in regulating emotional responses, memory, and movement. Notably, abnormal dopamine levels have been linked to disorders including Parkinson's, schizophrenia and spectrum disorders such as autism and addiction or RDS. Nora Volkow, the director of NIDA, pointed out that one alluring possibility is that the neurotransmitter dopamine plays a substantial role in humans' ability to pursue various rewards that are perhaps months or even years away in the future. This same idea has been suggested by Dr. Robert Sapolsky, a professor of biology and neurology at Stanford University. Dr. Sapolsky cited evidence that dopamine levels rise dramatically in humans when we

anticipate potential rewards that are uncertain and even far off in our futures, such as retirement or even the possible afterlife. This may explain what often motivates people to work for things that have no apparent short-term benefit [51]. In similar work, Volkow and Bale [52] proposed a model in which dopamine can favor NOW processes through phasic signaling in reward circuits or LATER processes through tonic signaling in control circuits. Specifically, they suggest that through its modulation of the orbitofrontal cortex, which processes salience attribution, dopamine also enables shifting from NOW to LATER, while its modulation of the insula, which processes interoceptive information, influences the probability of selecting NOW versus LATER actions based on an individual's physiological state. This hypothesis further supports the concept that disruptions along these circuits contribute to diverse pathologies, including obesity and addiction or RDS.

**That outweighs---bindingness---if I put my hand on a hot stove, I'd pull it back before a signal is sent to my brain---pleasure and pain always guide action, anything else regresses**

**2] Actor spec—governments must use util because they don't have intentions and are constantly dealing with tradeoffs**

3] Use epistemic modesty for clash---disincentives debaters going all in for framework

4] Utilitarianism should be used in the context of public health emergencies---this framework avoids abuses while ensuring just outcomes at the tail end of disease risks.

Kirkwood 9 School of Health Studies, Faculty of Health Sciences, University of Western Ontario. 06/01/2009. "In the Name of the Greater Good?" *Emerging Health Threats Journal*, vol. 2, no. 0. CrossRef, doi:10.3402/ehth.v2i0.7092.

Public health authorities in many economically advantaged nations are bracing themselves to face future pandemics that will harm large numbers of citizens. Modern medical horrors such as Monkeypox or the much-feared future mutations of Avian Influenza (H5N1) are mentioned in the same breath as virulent strains of influenza, as a danger to our 'way of living.' Far beyond sickness and large numbers of death, an outbreak of one of these pandemics poses a real threat to long-term health, as well as to the social and economic well being of significant percentages of our surviving population.<sup>1</sup> While confronting issues brought forth by a pandemic, the fundamental nature of 'public health' and its focus on the welfare of a population demands special attention to utilitarian considerations of promotion of the greatest good—in this case, health—as well as the limitation of illness and death in the 'worst-case' scenarios posed by the most lethal of pandemics. Of particular interest to this paper are questions related to the obligation of health-care workers (HCWs) to report to work in the face of heightened immunological threat and whether those same workers should have greater access to immunizations and treatments than should non-HCWs. Utilitarianism within public health ethics The fundamental feature of the ethical theory of utilitarianism states that moral behavior is that which promotes good and minimizes harm.<sup>2</sup> In writings based on public health, utilitarianism is widely recognized as a fragment in the ethical 'scheme' of public health,<sup>3</sup> but it is not afforded a stronger role for two primary reasons: first, considering its extreme position, utilitarianism is morally problematic,<sup>4</sup> as it could literally permit anything in the name of the 'greatest good to the greatest number,' and second it is virtually impossible to live a moral life under the most extreme forms of utilitarianism, because the obligations are too difficult to discern (the 'what' of promoting the good) and impossible to execute (the 'how').<sup>5</sup> Utilitarianism, in a moderate form, used in public health ethics, means that our actions and policies should be focused on increasing the total 'net' goodness rather than an average 'net' good for each person. The institutions of individual rights and the recognition of patient autonomy are not contradictory to this, but are believed to serve the overall good, as individual benefit increases the total good, and serves as a preventative measure of unjustified majoritarian actions against smaller groups. This model of utilitarianism is evident in many aspects of public health. Not only through health-promotion projects that encourage the otherwise illness-free individuals to take up a more healthful diet and exercise regimen but also through harm-reduction programs, in which people with negative health behaviors such as abuse of drugs or dietary fats are aided to eliminate, or at least minimize the harm they cause to those around them. In everyday practice, the force of this utilitarian aspect has a supportive role along with other ethical elements of public health practice, and presents a balanced moral justification for all actions undertaken in accordance with this practice.<sup>6</sup> However, I contend that there must be an 'escalator clause' in the utilitarian aspect that suggests that in the event of an extensive threat to the existence of a population, the force of this utilitarian aspect becomes the primary consideration in proportion to the threat. Therefore, the greater the threat, the greater the moral force of utilitarianism in making public health decisions. This also entails that the greater the threat, the greater the moral impetus to minimize the harm to the population. On duty, outbreaks, and distribution of resources Obligations to minimize harm and promote the goods of public health are not particularly controversial in times of relatively stable 'good-health' measures among the populace. The more troubling question emerges from the scenario in which promoting health and minimizing illness and death demands more from HCWs. How can, or should, we compel HCWs to attend to their duties in the event that a highly lethal form of communicable disease should start spreading? Although current debates focus on questions of duty, and how much personal risk invalidates that commitment, utilitarian aspects of that obligation are not given enough weight in the debate. In many of the debates, the question of risk is posed in terms of how we do not expect a trained 'first responder' to recklessly endanger his or her life to save the life of another. The classic story of the lifeguard is offered as exemplar: a lifeguard is not expected to rescue a drowning swimmer if a shark is clearly present.<sup>8</sup> Although this statement seems reasonable, it does not justify itself. By contrast, the consideration of the utilitarian aspect makes the point that in attempting to save a life, two are likely to be lost, thus propagating a greater total harm. The same holds true for the example of firefighters rushing into a house badly damaged by an active fire. Although there may be a life on that second floor to save, we do not expect any number of firefighters to sacrifice their lives for the doomed soul because the loss of many, including the original life in peril, is a maximization of harm, when harm should be minimized. When you control for the risks involved, such as using precautions to assure a level of safety for the rescuers, such as shark nets for the lifeguard, or safety gear for the firefighters, then the obligation to assist comes back into full force, as the potential for greater harm is manageable.<sup>9</sup> It is the variable of risk, which creates variable demands on those whose duty it is to care for the population in times of crisis. We consider not only the risk to the obligated but also a question of the scope of risk to the population. In academic and public debates regarding the compulsion to attend to duty in the face of danger, one fallacy has been allowed to stand: the notion that exposure to a pandemic can be avoided if one simply does not come to his or her job as a HCW. Although it is true that working in a hospital during times of influenza outbreak puts one at a greater risk for contracting the illness,<sup>10</sup> the more widespread the outbreak, the more people become sick, and the more likely the 'stay-at-home' HCW will become sick even after having avoided contact in the course of his or her duties. We could reasonably state that, by virtue of staying home during a time of need for his or her service, the HCW improves the odds that he or she will contract this illness outside professional practice as part of the greater number who will be exposed. Another feature of the argument offered to defend dereliction of duty is to suggest that this risk that the HCW takes with his or her own health is a fixed variable, and thus should be considered as an exception to duty. On the contrary, it is a common feature of the infection-control literature that states that doctors and nurses are overwhelmingly neglectful toward their own basic infection-control protocols.<sup>11</sup> Therefore, the threat is not a fixed variable, but one that is actually quite within the scope of the control of a HCW. Ethically, one cannot willfully or negligently enhance the exceptions to duty. At the same time, it is an obligation of the management to ensure that diligent HCWs are equipped to do all they can to reduce their risks. During the SARS crisis in Toronto, health-care administrators did not effectively communicate which precautions should be undertaken by HCWs to protect themselves.<sup>12</sup> It bears mentioning that once clear direction could be given about the type and execution of masking procedures, the intrahospital transmission of SARS decreased to 0%.<sup>13</sup> This fact speaks to the issue of risk, as the non-transmission of SARS correlated with the increased attentions of management and staff to infection-control precautions and the provision and use of proper equipment.<sup>14</sup> When we speak in terms of risk and pandemics from the utilitarian perspective discussed herein, we recognize that it is completely nonsensible to sacrifice highly trained HCWs by rushing them ill equipped into dangerous situations. Much as with the example of firefighters and the unsafe burning house, we find it morally unacceptable to treat them as disposable, because of the singularity of their lives and their right to exist as individuals. There is also the detriment we would cause in an event such as a pandemic by losing the people trained to save us to the very threat they were trained to save us from. By that same logic, it could be argued that HCWs should have first access to available and medically accepted vaccinations by virtue of the fact that those HCWs are absolutely essential to our survival. The fear of an Avian Influenza outbreak brought with it much debate about scarce Tamiflu supplies and giving HCWs preferential access.<sup>15</sup> However, the added value of a HCW

is the fact that he or she will be facing the greater risk by virtue of faithful and responsible execution of his or her duty, and if this is true and we have seen from the example of SARS that it is not always the case that HCWs exercise due diligence or face unmanageable risks of infection simply by being 'on-site'. Then we should do more to protect them. Nevertheless, if the claim is that they can excuse themselves from duty because of risk, then we excuse ourselves from privileging their protection, through the preferential access to measures such as Tamiflu. The same should be true for access to vaccines or treatments: those who are compelled into service to defend the overall health of a society at tremendous risk should be first in line, as their opportunity for infection and to act as a vector for infection both within and outside their health-care facilities means that the greater good is served by privileging their access to prophylaxis. A common objection to this comes from the perspective of social justice. The objection would point out that those who are least able to prevent their own infection, such as those from the lower socioeconomic classes, retirees and pensioners, and other vulnerable groups, would be denied access to the protections and treatments that are going to HCWs who have varying degrees of enjoyment of more comfortable socioeconomic positions. Although this question of access is valid in questions of many public health interventions, the preference of HCWs in questions of preferential access to vaccines and treatments is not unjust in these terms. Fundamentally, justice addresses unjustified imbalances in treatment. Aristotle famously mandated that equals should be treated as equals, and unequals as unequals.<sup>16</sup> The key point of justice is that there should be a valid justification for differential treatment, and in that light, in this context, we are describing

**pandemics that pose a unique and credible threat to the public in a manner that could fundamentally undermine our way of life.** Preferential treatment of HCWs, in this limited context, is a just and defensible practice. It is **this** same special status that we afford those who can save us from the most lethal and dangerous illnesses in times of public health emergency that also **places greater demands on** those same people. **The greater the risk to society, the greater the responsibilities on those who can reduce the body count.** The relationship between the duty of a HCW and the lethality of a disease is **proportional—danger and obligation increase in step with each other**, as opposed to other conceptions that suggest a threshold of exception as the risk of illness becomes too great. The fundamental flaw with this suggestion is that a negation of duty in such an outbreak simply allows the outbreak to pose an even greater threat to the population. Including that same derelict HCW rather than confronting the illness in the relatively controlled environment of a hospital. Conclusions **Utilitarianism in the form of promoting the good and diminishing the bad is a key moral belief in the realm of public health.** It is one view in concert with others, all working to counterbalance each view to achieve a tenable moral equilibrium. In **the extreme cases** under consideration herein, **such equilibrium dictates that the moral force of health promotion and harm minimization increases in relation to the threat posed to the well being of a larger society.** In the case of widespread death or disability caused by a pandemic, this paper contended that an increased threat **generates a heightened obligation** on the part of HCWs, while also creating a reasonable expectation that those same HCWs will have preferential access to vaccines and treatments.

## 5] Extinction first under any framework

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. "Moral Agreement on Saving the World" Practical Ethics, University of Oxford. May 18, 2015] brett

There appears to be a lot of disagreement in moral philosophy. Whether these many apparent disagreements are **deep and irresolvable**, I believe there is at least **one thing** it is reasonable **to agree on** right now, whatever general moral view we adopt: **that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war.** How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that **we — whether we're consequentialists, deontologists, or virtue ethicists — should all agree that we should try to save the world.** According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. **Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here.** If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how **reducing existential risk is easily the most important thing in the whole world.** This is for the familiar reason that there are so many people who could exist in the future — **there are trillions upon trillions... upon trillions.** There are so many **possible future people** that reducing existential risk is arguably the most important thing in the world, **even if the well-being of these possible people were given only 0.001% as much weight as that of existing people.** Even on a wholly person-affecting view — according to which there's nothing (apart from effects on existing people) to be said in favor of creating happy people — the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there's a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. **There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists.** But **that is a huge mistake.** Non-consequentialism is the view that there's more that **determines rightness than** the goodness of **consequences** or outcomes; **it is not the view that the latter don't matter.** Even John Rawls wrote, "**All ethical doctrines** worth our attention **take consequences into account in judging rightness.** One which did not would simply be irrational, crazy." **Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view.** They'd thus imply very strong reasons to reduce existential risk, at least when this doesn't significantly involve doing harm to others or damaging one's character. What's even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial "point of view of the universe," indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. **Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk.** It will depend,

among other things, on what one's own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don't care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler's recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I'd have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I've just argued that there's agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions... upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It's possible they'll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won't get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: "We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy.... Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly." (From chapter 36 of *On What Matters*)



# Cannabis, Marijuana

**Counterplan text: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines except for cannabis, medical marijuana, and medicines containing chemicals from cannabis.**

**It competes – weed is a medicine and is used in medicine**

**WebMD 20** [WebMD Medical Reference, WebMD is an American corporation known primarily as an online publisher of news and information pertaining to human health and well-being. The site includes information pertaining to drugs. It is one of the top healthcare websites by unique visitors. It was founded in 1998 by internet entrepreneur Jeff Arnold., August 20, 2020, "Medical Marijuana FAQ.", WebMD LLC, <https://www.webmd.com/a-to-z-guides/medical-marijuana-faq>, 8-21-2021] //WHS MR

What is medical marijuana? **Medical marijuana uses** the **marijuana** plant or chemicals in it **to treat diseases or conditions**. It's basically the same product as recreational marijuana, but it's taken for medical purposes. The marijuana plant contains more than 100 different chemicals called cannabinoids. Each one has a different effect on the body. Delta-9-tetrahydrocannabinol (**THC and** cannabidiol (**CBD are** the main chemicals **used in medicine**. **THC** also **produces the "high"** people feel when they smoke marijuana or eat foods containing it. What is medical marijuana used for? Researchers are studying whether medical marijuana can help treat a number of conditions including: Alzheimer's disease Appetite loss Cancer Crohn's disease Diseases affecting the immune system like HIV/AIDS or Multiple Sclerosis (MS) Eating disorders such as anorexia Epilepsy Glaucoma Mental health conditions like schizophrenia and posttraumatic stress disorder (PTSD) Multiple sclerosis Muscle spasms Nausea Pain Seizures Wasting syndrome (cachexia). But it's not yet proven to help many of these conditions, with a few exceptions, Bonn-Miller says. "The greatest amount of evidence for the therapeutic effects of cannabis relate to its ability to reduce chronic pain, nausea and vomiting due to chemotherapy, and spasticity [tight or stiff muscles] from MS," Bonn-Miller says. How does it help? Cannabinoids -- the active chemicals in medical marijuana -- are similar to chemicals the body makes that are involved in appetite, memory, movement, and pain. Limited research suggests cannabinoids might: Reduce anxiety Reduce inflammation and relieve pain Control nausea and vomiting caused by cancer chemotherapy Kill cancer cells and slow tumor growth Relax tight muscles in people with MS Stimulate appetite and improve weight gain in people with cancer and AIDS Can medical marijuana help with seizure disorders? Medical marijuana received a lot of attention a few years ago when parents said that a special form of the drug helped control seizures in their children. The **FDA** recently **approved Epidiolex**, which is **made from CBD**, as a therapy for people with very severe or hard-to-treat seizures. In studies, some people had a dramatic drop in seizures after taking this drug. Has the FDA approved medical marijuana? The cannabidiol Epidiolex was approved in 2018 for treating seizures associated with two rare and severe forms of epilepsy, Lennox-Gastaut syndrome and Dravet syndrome. In addition, the **FDA** has **approved two man-made cannabinoid medicines** -- dronabinol (Marinol, Syndros) and nabilone (Cesamet) -- to treat nausea and vomiting from chemotherapy. The cannabidiol Epidiolex was approved in 2018 for treating seizures associated with two rare and severe forms of epilepsy, Lennox-Gastaut syndrome and Dravet syndrome. How do you take it? **To take medical marijuana**, you can: **Smoke it**. Inhale it through a device called a vaporizer that turns it into a mist **Eat it** -- for example, in a brownie or lollipop Apply it to your skin in a lotion, spray, oil, or cream Place a few drops of a liquid under your tongue How you take **it is up to you**. Each method works differently in your body. "If you smoke or vaporize cannabis, you feel the effects very quickly," Bonn-Miller says. "If you eat it, it takes significantly longer. It can take 1 to 2 hours to experience the effects from edible products."

**Maintaining IPRs in cannabis businesses is key to its progression and protects the industry.**

**Sander 16** [Jason is a versatile writer and marketer with twelve years of experience serving clients. He couples this expertise with a passion for cannabis businesses and the science of medical marijuana "Patenting Cannabis Strains – Good or Bad?" June 8, 2016 <https://www.marijuanatimes.org/patenting-cannabis-strains-good-or-bad/>] //WHS MR

While copyright and **Intellectual Property** has been debated in the music and movie industries for decades, it's starting to pick up **in** the **cannabis industry**. Proponents of copyright laws and intellectual property feel like they **need to** have something in place that will **protect** from **their work** being stolen and pirated. Those against copyright and intellectual property say that if your music, screenplay, comic book, or whatever is good enough, then you'll be willing to compete in a marketplace and accept the reality that people will likely get your material for free no matter what you do. Either no one will hear the song, or read the book, or someone will -- and then point you in the direction of who produced it. Regardless of how you feel about intellectual property and copyright law, most **cannabis enthusiasts do not realize how close the industry is to this**. Cannabis **breeders and enthusiasts** all over the world **have** their favorite **strains** that they or their colleagues developed and **they want to patent them, owning them forever**. This will **allow them to license** the **strains to other growers, breeders and marijuana businesses**. **This will** in turn, no doubt **create** a brand **new** niche for **cannabis patent lawyers**. While **this might help** some **cannabis businesses**, do we really want to throw more money at lawyers? You decide. The progression of the cannabis industry is inevitable. At some point, cannabis will finally be removed from Schedule I status. Once that happens, big agriculture, the pharmaceutical industry and probably even big tobacco are going to want a piece of the green pie. As the industry stands right now, basically every single strain that is publicly available for sale becomes open source. Patent law states that you can't apply for a patent of any kind anything that's been being sold for a year or more. Cannabis **breeders are trying to perfect** their best **strains**, develop better phenotypes, etc., to boost their credibility in the industry. Once the industry moves forward into this new territory, the reality is very clear. There's not a single grower or cannabis business that will have the power to compete with large corporations. So obviously, **strain patents could become integral parts of any new growing operation or cannabis business**. And while **small time** breeders obtaining

patents for their best individual strains could protect them from the big corporations, let's not forget that these corporations will also have the ability to patent their own strains – with the legal and financial muscle to blow any small timer out of the water.

## Cannabis is key to agricultural tech innovation – key 2 long term sustainability and security

**Yamazaki 17** Kevin Yamazaki (founder and CEO of [Sidebench](#), a leading digital product and venture studio that creates custom software and apps), 3-27-2017, "High Tech: How Marijuana Legalization Breeds Innovation," Observer, <https://observer.com/2017/03/high-tech-how-marijuana-legalization-breeds-innovation/>, SJBE

**With the competition blazing and increased legalization on the horizon, we can expect to see the weed market become a hotbed for tech innovations.** Forecasts indicate that revenue in the U.S. from medical marijuana alone will reach at least **\$10.8 billion by 2018.** **When states expand to allow recreational use, this number will surely increase. As investors become more comfortable deploying capital around cannabis, tech will revolutionize the marijuana ecosystem for producers, distributors, and consumers alike.** The future of marijuana innovation Innovation has begun to outpace legalization as tech organizations make groundbreaking strides in researching and developing applications for marijuana. For example, [Kalytera](#) is exploring how cannabidiol — a non-psychoactive cannabinoid with a number of potential medical applications — can be used to target diseases such as obesity and osteoporosis. The findings of such research could transform how people cope with chronic illness and pain. Companies are also experimenting with improvements in [weed-growing processes](#). Cannabis is a finicky crop, so the ability to fine-tune growing processes could generate products far superior to today's. **Several organizations are devising smart, energy-efficient systems that automatically adjust growing environments according to changes in moisture, temperature, and sunlight. Meanwhile, data-capture technologies enable growers to identify optimal conditions for their plants, leading to larger and better-quality yields. The primary speed bump for the industry at this point is that marijuana is still classified as a Schedule I drug and is illegal at the federal level. Even if this factor doesn't inhibit marijuana-centric technology innovation directly, it certainly has a strong indirect effect, as many potential financiers (and entrepreneurs) are scared away by either fear of prosecution or skepticism about the industry's stability. That said, as more states allow for medical marijuana or legalize the drug entirely, the potential market size for marijuana-centric products expands as well.** Perhaps more importantly, with some form of state legalization becoming the norm rather than the exception, there is a degree of safety in numbers. **Assuming we see the trend of legalization for medical and recreational uses continue, production will inevitably become an even bigger business. Technology will play an increasing role in ensuring quality, consistency, and efficiency on the production side.** We're already seeing startups like [Cannafuse](#) and [Teewinoit Life Sciences](#) focusing on providing a tech-enabled scientific approach to the mass scientific production and distribution of cannabis. Advances in the irrigation systems, efficiency lamps, and data tracking processes used to grow marijuana may have far-reaching effects beyond the cannabis industry. Industrial farmers could adopt these techniques to increase their outputs and reduce energy expenses, while building managers can use them to lower energy loads from their properties. On the consumer side, the medical marijuana industry, in particular, will likely see an explosion of on-demand delivery services. Consumers are accustomed to using their smartphones to book cars, buy groceries, and mail packages. Why wouldn't they receive their medical marijuana that way, too? Expect to see personalized services as well — think apps that recommend strains of marijuana on the basis of your preferences. Apps such as [MassRoots](#) bring the social media aspect to what is, for many people, a social product by connecting weed enthusiasts to one another through news updates and other types of content. Even Microsoft is throwing its hat into the ring with [marijuana tracking software](#) that ensures growers comply with their tax obligations and prevents legally grown pot from ending up on the black market. **As the cannabis industry expands, the opportunities for growth are diverse and extensive. Tech-enabled companies will inevitably spur that growth, driving breakthroughs in medicine, crop development, and customer experiences. The momentum created by legalization will transform a once-taboo drug into a mainstream commodity, and the tech world stands to benefit enormously.**

## Extinction – food insecurity causes conflict and goes nuclear

**FDI 12** FDI Team, 25 May 2012, "Food and Water Insecurity: International Conflict Triggers & Potential Conflict Points," Future Directions International, <https://www.futuredirections.org.au/publication/international-conflict-triggers-and-potential-conflict-points-resulting-from-food-and-water-insecurity/>, SJBE

There is little dispute that conflict can lead to food and water crises. **This paper will consider parts of the world, however, where food and water insecurity can be the cause of conflict and, at worst, result in war.** While dealing predominately with food and water issues, the paper also recognises the nexus that exists between food and water and energy security. There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. **Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany's**

**World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food.** Yet the general sense among those that attended FDI's recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, *Small Farmers Secure Food*, Lindsay Falvey, a participant in FDI's March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. . **He writes (p.36), "...if people are hungry, especially in cities, the state is not stable – riots, violence, breakdown of law and order and migration result."** "Hunger feeds anarchy." This view is also shared by Julian Cribb, who in his book, *The Coming Famine*, writes that if "large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow." He continues: **"An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts."** He also says: **"The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources."** As another workshop participant put it, **people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves.** Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. **A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict.** **Darfur, Rwanda, Eritrea and the Balkans experienced such wars.** Governments, especially in developed countries, are increasingly aware of this phenomenon. The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, **all identify famine as a potential trigger for conflicts and possibly even nuclear war.**

## **1NC – Patent Pooling**

**CP Text: The member nations of the WTO ought to adopt an international patent pooling system for medicines [change per spec]**

**Solves Drug access and Evergreening**

**Chadha 16** [Chadha & Chadha Ip, Chadha & Chadha IP is an Intellectual Property Firm based in New Delhi The practice traces its history to 1967 and has evolved for close to five decades into becoming one of India's most prominent IP Firms. Work in all aspects of Intellectual Property, including: Patents Trademarks Copyrights Designs Plant Varieties Emerging IP Rights Licensing] *Untangling The Patent Thickets*, 8-1-2016, No Publication, accessed 8-26-2021 <https://www.mondaq.com/india/patent/518368/untangling-the-patent-thickets//ramamurty>

Patent Pools: **Patent pools** have **always been considered as the best fit to tackle the potential for anti-competitiveness.**<sup>33</sup> They basically involve, **"an agreement between two or more patent owners to pool their patents and license amongst themselves or to a third party on pre-determined licensing terms."**<sup>34</sup> For the last 150 years, organizations have constructed multiple patent pools for collectively acquiring patent rights.<sup>35</sup> **America saw its first patent pool for sewing machines in the 1850s,** when no one person could manage to come up with the complete sewing machine and as such the use of multiple patents became essential. This resulted in the creation of the "Sewing Machine Combination", where the individuals pooled their patents.<sup>36</sup> The DVD pools between Philips & Sony and Hitachi, Matsushita, Mitsubishi, Time Warner, Toshiba and JVC in the 90s is also another example of strong patent pools and their impact.<sup>37</sup> For a patent pool to be successful, the **pool has to be pro-competitive.**<sup>38</sup> They have been considered as the perfect countering tool to patent thickets, especially in developing countries, particularly, in the fields of pharmaceuticals, biotechnology, nanotechnology and clean energy technologies etc.<sup>39</sup> For patent pools to be effective, **"all patents can be licensed at a single price."**<sup>40</sup> The problems, if any, have only been from an antitrust standpoint, but a pool in itself has pro-competitive benefits. They do come with their own share of risks, which apart from fostering monopoly and limiting competition, involve a much more serious threat in the form of a cartel.<sup>41</sup> A cartel is an agreement between organizations at the same stage of the supply chain, used to fix prices, allocate customers or territories, restrict outputs or rig bids.<sup>42</sup> This is the reason why in most of the jurisdictions, a Cartel is considered anti-competitive and is severely punished. As per the India Competition Act, 2002, a cartel includes "an association of producers, sellers, distributors, traders or service providers who, by agreement amongst themselves, limit, control or attempt to control the production, distribution, sale or price of, or, trade in goods or provisions of services."<sup>43</sup> A cartel is considered as an anti-competitive agreement,<sup>44</sup> punishable with a penalty up to three times of the profits for each year of the continuance of such agreement or ten percent of the average of the turnover of the cartel for preceding three financial years, whichever is higher.<sup>45</sup> The **U.S. Supreme Court** in **observed** that a **pool might be essential if** technical advancement is not be blocked by threatened litigation, such interchange may promote rather than restrain competition, **if patent pools are available in reasonable terms. In the USA, the entire patent pool system has been brought under one parameter,** "blocking (essential) or complementary patents belong in a pool, while substitute or competing patents are to remain separate."<sup>46</sup> **Affordable health care has been the biggest concern** for India, as **new diseases require new medicines at affordable prices,** which the **pharmaceutical companies are not willing to produce owing to the limited nature of the markets and the limited profit window.** In such circumstances, a **patent pool** appears to be an achievable **solution for various pharmaceutical industries that can pool together in order to reduce research & development and production costs** for such pharmaceuticals thereby **expanding profits and availability of pharmaceuticals as well.** As the patent pools involve multiple licensing agreements, the Indian Patents Act, 1970 (hereinafter referred to as the "Act") governs such agreements. Section 68 of the Patents Act mandates an assignment of a patent to be in writing and duly executed, Section 69 of the Act requires an assignee, mortgagee, licensee or a person



otherwise to any interest in a patent, to apply to the Controller in writing for registration of his title, or, of notice of his interest in the register and Section 140 of the Act establishes certain restrictive conditions that need to be avoided in a contract or a license, which may include:<sup>47</sup> Requiring the purchaser, lessee, or licensee to acquire from the vendor, lessor, or licensor or his nominees, or prohibiting him from acquiring or restricting in any manner or to any extent his right to acquire from any person or prohibiting him from acquiring except from the vendor, lessor, or licensor or his nominees any article other than the patented article or an article other than that made by the patented process; or Prohibiting the purchaser, lessee or licensee from using or restricting in any manner or to any extent the right of the purchaser, lessee or licensee, to use an article other than the patented article or an article other than that made by the patented process, which is not supplied by the vendor, lessor or licensor or his nominee; or Prohibiting the purchaser, lessee or licensee from using or restricting in any manner or to any extent the right of the purchaser, lessee or licensee to use any process other than the patented process, providing exclusive grant back, prevention to challenges to validity of Patent & Coercive package licensing, and any such condition shall be void. In furtherance to the above, while Section 84 of the Act allows compulsory licensing of certain goods on a number of stated conditions. Section 102 of the Act vests the power with the central government to acquire a patent for public purposes. The Act and the Competition Act therefore consist provisions that may take care of situations and problems, which arise out of patent pools. With India's stringent regimes against anti-competitive practices in place, keeping patent pools are a system of checks and balances, the pools in India may thus hold out as an alternative IP strategy to thickened patent landscape in many crucial sectors.

**Interp: Debaters must disclose their entire position 30 minutes prior to the round.**

**Violation: They don't – Check screenshots Standards:**

**A) Reciprocity – The affirmative can read anything in the 1AC, and the neg has to be reactive. Just saying “Kant with changes” doesn't solve because you can read whole rez or not under that, you can read random unknown advantages. You don't specify what you changed, for all I know you could have one card on Kant and the rest on some author that relates with Butler – engagement in debate leads to fairer debates and better clash leads to educational debates.**

**B) Academic Ethics - disclosure deters mis-cutting, power-tagging, abuse of brackets and ellipses, and plagiarism. This is an independent reason to vote you down because it promotes better norms about academic engagement---debate is an academic environment and must ensure that we become fair scholars. Even if you don't lose on fairness in the round, you will lose in college if you violate academic ethics which establish a crucial real-world norm, and outweighs any in-round impact.**

**C) Evidence Quality – Disclosure generates an information database that encourages debaters to find the best evidence on the topic. Key to education since we have better debates with better arguments.**

**Framing: You can't coopt any of the reasons why procedurals are bad in the context of the affirmative since I don't constrain your ability to read it– the contention is that this aff should've been read, just disclosed. Also, your prep outs argument is nonsense a) prep outs are a 2 way street b) they're good as per the shell c) being a good debater solves back.**

**No RVIs: a. Chills theory – If people know they might lose for reading theory, it will disincentivize them. b. You don't get to win by being fair. c. Theory Baiting – good theory debaters will bait people into reading theory against certain cases. T link turns 1AR theory – proves the aff forced me to be abusive**

Use competing interpretations: a. Reasonability causes a race to the bottom with testing the limit of it b. Judge intervention shouldn't be allowed bc it produces bias c. Uniquely, use competing interps on T – you can't be reasonably topical

Drop the debater: for being abusive – we can't restart the round from the 1AC and I'm skewed for the rest of the debate.

