

# Contention 1- Harms

## *[HRC] HIV disproportionately affects queer people*

**HRC 2017** (The Human Rights Campaign, February 2017, How HIV Impacts LGBTQ+

People, <https://www.hrc.org/resources/hrc-issue-brief-hiv-aids-and-the-lgbt-community>) SJ

\*\*\*PLWH = people living with HIV

According to the [U.S. Centers for Disease Control and Prevention](#) (CDC), there are 1.2 million people living with HIV (PLWH) in the United States, and approximately 40,000 people were diagnosed with HIV in 2015 alone. While the annual number of new diagnoses fell by 19% between 2005 and 2014, progress has been

uneven. For example, **gay and bisexual men made up an estimated 2% of the U.S. population in 2013 but 55% of all PLWH in the United States. If current diagnosis rates continue, 1 in 6 gay and bisexual men will be diagnosed with HIV in their lifetime.**

For Latino and Black men who have sex with men, the rates are 1 in 4 and 1 in 2, respectively. **Transgender people**

**have also been hit especially hard by the epidemic** despite comprising a similarly small percentage of the U.S.

population. **While better data is needed to understand the full impact of HIV on the transgender community, one international analysis found**

**that transgender women in certain communities have 49 times the odds of living with HIV than the general population.** Although HIV prevalence among transgender men is relatively low (0-3%) [according to the CDC](#), some data suggest transgender men may still yet

be at elevated risk for HIV acquisition.

## *[Pellowski 14] HIV hurts people of color and poor people*

**Pellowski Kalichman et al 14** (Jennifer Pellowski, Seth Kalichman, Karen Mathews, and Nancy

Adler, May 1st, 2014, "A pandemic of the poor: social disadvantage and the U.S. HIV epidemic",

NCBI, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3700367/> SJ

**Poverty, discrimination, inequality and other social conditions facilitate HIV transmission by influencing local HIV prevalence as well as an individual's risk behaviors.** For example, substance use can both

reduce the likelihood that a person will take protective actions, such as using condoms, and substance

use can stimulate HIV replication and therefore increases infectiousness ([Kapadia, Vlahov, Donahoe, &](#)

[Friedland, 2005](#)). Relationship instability caused by economic stress, stigma, discrimination, domestic

violence, migration, and incarceration also contribute to sexual partner mixing patterns that foster HIV

transmission. Access to health care offers the potential to alleviate multiple sources of HIV transmission

risk by reducing infectiousness through antiretroviral therapy and decreasing susceptibility through

mental health, substance use, and STI treatment. Each year, since the late 1990s, an estimated 56,000

Americans have become infected with HIV. **The U.S. HIV epidemic disproportionately affects men who**

**have sex with men (MSM) and ethnic and racial minorities.** The group consistently at greatest risk for

HIV infection represents the intersection of sexual orientation and racial disparities; **MSM are by far the**

**most HIV affected Americans and African American MSM are at six times the risk for HIV than white**

**MSM (CDC, 2011d).** **AIDS is the third leading cause of death among Black men and women between ages**

**35 and 44, and the fourth leading cause of death among Latinos of the same age group.** AIDS remains a

mostly urban disease in the United States, with nearly half of all people living with AIDS residing in ten

metropolitan areas. Furthermore, different ethnic groups account for the preponderance of AIDS cases

in the ten metropolitan areas, e.g. Puerto Ricans in New York City, Haitians in Miami. There are HIV

infection sub-epidemics also occurring throughout southern sub-urban and rural America.

## *[Avert 19] The HIV epidemic reinforces homophobia*

**Avert 2019** (Avert, 10 October 2019, "Homophobia and

HIV", <https://www.avert.org/professionals/hiv-social-issues/homophobia> ) SJ

Homophobia continues to be a major barrier to ending the global AIDS epidemic. **The global HIV epidemic has always been**

**closely linked with negative attitudes towards LGBT people, especially men who have sex with**

**men** (sometimes referred to as **MSM**); a group that is particularly affected by HIV and AIDS. At

the beginning of HIV epidemic, in many countries **gay men** and other men who have sex with

men were frequently singled out for abuse as they were seen to be responsible for the transmission of HIV. Sensational reporting in the press, which became increasingly homophobic, fuelled this view. Headlines such as “Alert over ‘gay plague’”<sup>2</sup> and “Gay plague may lead to blood ban on homosexuals”<sup>3</sup> demonised the LGBT community. LGBT people face specific challenges and barriers, including violence, human right violations, stigma and discrimination. Criminalisation of same-sex relationships, cross-dressing, sodomy and ‘gender impersonation’ feeds into social homophobia — everyday instances of discrimination – and both factors prevent LGBT people from accessing vital HIV prevention, testing, and treatment and care services.<sup>4</sup> As a result, some LGBT people are unknowingly living with HIV or being diagnosed late when HIV is harder to treat.<sup>5</sup> Moreover, research has shown that men who have sex with men may exhibit less health-seeking behaviour and have greater levels of depression, anxiety and substance misuse because of stigma they face.<sup>6</sup> For example, a study published in 2016 on men who have sex with men in China found that depression experienced by Chinese men who have sex with men due to community norms and feelings of self-stigma around homosexuality directly affected HIV testing uptake.<sup>7</sup>

### ***[Sultso 01] The WTO’s intellectual property protections are the cause for higher medicine costs***

**Sultso 01** (Sir John Sulsto, February, 2001, “Patent Injustice: How World Trade Rules Threaten the Health of Poor People”, Co-founder of the Human Genome Project, Institute for Agriculture and Trade Policy, [https://www.iatp.org/sites/default/files/Cut\\_the\\_Cost\\_-\\_Patent\\_Injustice\\_How\\_World\\_Trade.htm](https://www.iatp.org/sites/default/files/Cut_the_Cost_-_Patent_Injustice_How_World_Trade.htm)) SJ

Oxfam’s briefing paper shows how new global patent rules, introduced by the World Trade Organisation, will raise the costs of vital medicines, with potentially disastrous implications for poor countries. In brief, these rules require all countries to provide patent protection for a minimum of 20 years for inventions in all fields of technology, including medicines. As the report points out, in the pharmaceutical sector the winners will be the large northern-based transnational companies which, as a result of the lengthened patent protection provided by WTO rules, will be able to sell their new medicines at higher prices. The losers are likely to be the millions of people who will be unable to afford vital new medicines, and hard-pressed government health services. This situation will undermine efforts to increase productivity and eradicate poverty, and will result in a widening of the gap between rich and poor nations. Patents have an important role to play in stimulating investment and innovation. But any patent system has to balance the need to reward inventors with the greater public interest for people to benefit from new inventions. Oxfam’s paper makes a compelling case that current WTO rules, as a result of corporate lobbying, sacrifice public health for private profit. It also points out the extraordinary anomaly whereby the WTO, an organisation charged with developing rules for ‘free trade’, is providing a legal framework for the development of corporate monopolies. I hope this report will convince governments and companies of the urgent need to review and revise global patent rules in order to prevent adverse impact on health and development. While the full effects of WTO patent rules may not be seen for some time, this report shows that there is enough evidence to warrant action now.

### ***[Frontline Aids 19] Intellectual Property Protections make HIV treatments expensive and inaccessible***

**Frontline Aids 2019** (Frontline Aids, October 2nd, 2019, HOW PATENTS AFFECT ACCESS TO HIV TREATMENT, <https://frontlineaids.org/how-patents-affect-access-to-hiv-treatment/>) SJ

Frontline AIDS and the International Treatment Preparedness Coalition (ITPC) have released a joint report looking at one of these crucial barriers – the problem with patents in middle-income countries (MICs). In 2019, people aren’t dying because the drugs for treating HIV, MDR-TB, hepatitis C and many other diseases don’t exist. People are dying because they can’t access them. With an increasing focus on voluntary mechanisms to provide access to medicines, the problem with patents in MICs is being seriously over-looked, as are the legitimate tools that governments can use to increase access and availability and decrease prices. The use of legal mechanisms like TRIPS flexibilities by governments has proven highly effective; in the use of these legal tools, governments, global health agencies and civil society all have an essential role to play. It will not be possible to achieve a sustainable response to HIV without tackling intellectual property (IP) barriers, particularly in MICs. One of the most critical barriers that has existed since treatment for HIV was first approved relates to patents. Patenting of medicines has increased considerably since 2005. More worrying is the trend of ‘evergreening’ patents. Evergreening is a tactic used by pharmaceutical companies to extend their exclusivity over a medicine by applying for, and usually getting, multiple, overlapping patents on a single medicine. Most medicines are covered by several patents, known as patent ‘thickets’ and are used to delay or complicate generic

production. **Over-pricing as a result of unmerited and extended monopolies puts a huge strain on health budgets.** While in theory a government may commit to universal access, in reality the budget may not stretch. **Prices for HIV treatment can vary from under \$100 to tens of thousands of dollars per person per year (pppy) – for the same drug.** Take dolutegravir (DTG) for example. In July 2019, the World Health Organization (WHO) recommended all countries immediately adopt DTG-based regimens as the preferred first-line treatment for HIV. Prices pppy range from \$75 for countries that are in a 'voluntary license', up to \$9656 for those that are not.

### ***[Rubenstein 18] Oppression causes physical violence – extinction is already happening to the most vulnerable***

**Rubenstein 2018** (Richard Rubenstein, "Responsibility for Peacemaking in the Context of Structural Violence," International Journal on Responsibility, Vol. I Issue 1.2 (May)

2018, <https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=1019&context=ijr>) //neth

Within these nested systems, Galtung points out, **structural violence and direct violence "crossbreed."** **Repressive structures generate rebellion, crime, and self-destructive behaviors such as suicide and substance abuse, while rebellious acts incubate repressive institutions and punitive norms.** To illustrate how this crossbreeding occurs, the theorist introduces **a third element of the conflict triangle, cultural violence,** defined as "those aspects of culture . . . that **can be used to justify or legitimize direct or structural violence.**"<sup>14</sup> The cultural products that he considers especially potent in this regard are religion, ideology, language, art, science, and cosmology, although he might also have noted the peculiar importance in today's world of narrative forms, including the graphic arts (films, videogames, images and stories shared on social media), as well as the subconscious imagery explored by psychoanalysts like Freud, Jung, and Lacan. Like Pierre Bourdieu, who sees "symbolic violence" as authority's most effective tool, Galtung stresses the extent to which cultural conditioning maintains the oppressive structures that end by provoking and delivering violence: **The culture preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and/or repression as normal and natural, or into not seeing them (particularly not exploitation) at all.** Then come the eruptions, the **efforts to use direct violence to get out of the structural iron cage . . . and counter-violence to keep the cage intact.**<sup>15</sup> Other commentators, noting that cultural ideas and practices tend to lag behind changes in the system of production, consider deep-rooted socioeconomic shifts the primary causal factor.<sup>16</sup> But **the causes can flow in any direction once the triangle – an integrated violent system – has been established.** Moreover, Galtung's theory points to the fact that **the generation and crossbreeding of violent conflict can take place in a wide variety of social systems. The family, school, workplace, religious community, nation, and empire – all can become sites and producers of direct, structural, and cultural violence.** This is especially likely to happen under certain conditions, which will be described differently, of course, by those challenging the system and those defending it. What are those conditions? And, what sorts of violent system do they produce?

### ***[HRW 18] Anti HIV medication legislation is due to anti queer sentiment***

**Human Rights Watch 18** (HRW, July 1, 2018, "Indonesia: Anti-LGBT Crackdown Fuels Health

Crisis", <https://www.hrw.org/news/2018/07/01/indonesia-anti-lgbt-crackdown-fuels-health-crisis#>) SJ

**Indonesian authorities are fueling an HIV epidemic through complicity in discrimination against lesbian, gay, bisexual, and transgender (LGBT) people.** The government's failure to halt arbitrary and unlawful raids by police and

militant Islamists on private LGBT gatherings has effectively derailed public health outreach efforts to vulnerable populations. **The 70-page report, "Scared in Public and Now No Privacy': Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic," documents how hateful rhetoric has translated into unlawful action by Indonesian authorities – sometimes in collaboration with militant Islamist groups – against people presumed to be LGBT.** Based on in-depth interviews with victims and witnesses, health workers, and activists, this report updates a

Human Rights Watch August 2016 [report](#) that documented the sharp rise in anti-LGBT attacks and rhetoric in Indonesia that began that year. **It examines major incidents between November 2016 and June 2018, and the far-reaching impact of this anti-LGBT "moral panic" on the lives of sexual and gender minorities and the serious consequences for public health in the country. "The Indonesian government's failure to address anti-LGBT moral panic is having dire consequences for public health,"** said **Kyle Knight**, LGBT rights researcher at Human Rights

Watch and author of the report. “The Indonesian government should recognize that **its role in abuses against LGBT people is seriously compromising the country’s response to HIV.**” Beginning in early 2016, politicians, government officials, and state offices issued anti-LGBT statements – calling for everything from criminalization to “cures” for homosexuality, to censorship of information related to LGBT individuals and positive reporting on their activities. The government’s response to the country’s HIV epidemic in recent decades has helped **slow the number of new infections.** However, **widespread stigma and discrimination against populations at risk of HIV, as well as people living with HIV, has discouraged some HIV-vulnerable populations from accessing prevention and treatment services.** As a result, HIV rates among men who have sex with men (MSM) have increased five-fold since 2007 from 5 percent to 25 percent. And while the majority of new HIV infections in Indonesia occur through heterosexual transmission, one-third of new infections occur in MSM. The anti-LGBT moral panic and unlawful police raids have made public health outreach to the most at-risk populations far more difficult making wider spread of the virus more likely, Human Rights Watch said.

## Contention 2- Framing

*Thus we affirm that the member nations of the World Trade Organization ought to reduce intellectual property protections for medications that are used to treat and manage HIV.*

*[Damante 16] The role of the judge is to promote queer inclusion in educational spaces*

**Damante 2016** (Rebecca Damante, June 16, 2016, “Can Education Reduce Prejudice against LGBT People?”, The Century Foundation, graduated from Smith College with a B.A. in the Study of Women and Gender. She worked as an LGBTQ Opposition Researcher at Media Matters for America in Washington D.C., <https://tcf.org/content/commentary/can-education-reduce-prejudice-lgbt-people/?agreed=1>) SJ

**Incorporating LGBT people, history, and issues in schools’ curricula could combat the widespread homophobia prevalent throughout the United States.** In an ideal world, laws like those in [North Carolina](#) and [Tennessee](#) would be deemed unconstitutional, and people would not violently target those in the LGBT community. However, even the strictest gun control policies and largest campaigns to ban these laws doesn’t erase the problem at hand: intense homophobia exists in our country. **Ensuring that information on the LGBT community is provided to the public during the developing years of their lives can begin to address this issue.** There are many notable LGBT people that can be included in school curricula across a variety of fields such as Harvey Milk, Sylvia Rivera, Michel Foucault, Audre Lord, and Bayard Rustin; as well as notable media and sports icons like Anderson Cooper, Ellen DeGeneres, Jason Collins, Lady GaGa, and Laverne Cox. Talking about these individuals’ contributions to society, as well as the battles faced by the LGBT community as a whole, could open people’s minds to LGBT issues. **While including LGBT content in schools is beneficial for students,** the way in which this content is presented is just as important, if not more. **Going forward, teachers can adopt an anti-bias lens, a form of social-emotional learning that respects diversity and challenges sexism, racism, ableism, classism, and other societal prejudices. This means educating students about the history of heterosexism, and encouraging these students to speak out in support of the LGBT community.** Some states have already begun to include LGBT history in their curricula. In 2011, for example, California passed the [Fair Education Act](#), which requires schools to teach some aspect of LGBT history, and [the results were astounding](#). Both LGBT and non-LGBT students reported feeling safer in their classrooms when LGBT issues were included in the curriculum.

*[Damante 16] Therefore discussing queer issues in the debate space is important for spillover into material change and makes the debate space more inclusive. The role of the ballot is to endorse the debater who performatively creates the best impacts for queer people.*

**Damante 2016** (Rebecca Damante, June 16, 2016, “Can Education Reduce Prejudice against LGBT People?”, The Century Foundation, graduated from Smith College with a B.A. in the Study of Women and Gender. She worked as an LGBTQ Opposition Researcher at Media Matters for America in Washington D.C., <https://tcf.org/content/commentary/can-education-reduce-prejudice-lgbt-people/?agreed=1>) SJ

Ensuring that these instances of anti-LGBT violence and discrimination do not continue to repeat themselves may require society to turn to one of its oldest tools:

education. [Reports from GLAAD have found](#) that **increased knowledge about LGBT people leads to lower levels of discomfort toward this community, and thus can reduce anti-LGBT discrimination.** Yet, there is a lack of education across the nation on this sector of the population, with [only one state](#)—California—mandating the implementation of LGBT figures and history into school curricula. Taking that into consideration, one can’t help but wonder: what would have happened if state lawmakers or the Orlando shooter had received more education about LGBT people? **As the American public learns more about the LGBT community, this can foster LGBT**

**acceptance.** LGBT education can be fulfilled in a variety of ways, including getting to know a family member who is gay or a friend that is transgender; it can also include consuming media that features LGBT people or characters. Seeing Caitlyn Jenner on TV, for example, can help make the change from misunderstanding to acceptance, which is extremely important given that only [16 percent of people know someone who is transgender](#). With that in mind, teaching students about LGBT issues and individuals within the classroom could help them better understand LGBT people. **Similar to the benefits of racial and**

**socioeconomic integration** explored in The Century Foundation’s report [How Racially Diverse Schools and Classrooms Can Benefit All Students](#), **the inclusion of LGBT issues** in a school’s curriculum **could reduce stereotypes and biases against the LGBT population.** Interacting with people from different backgrounds and varying preferences is an [integral skill](#), as [employers today](#) are seeking professionals who can collaborate with our world’s [increasingly diverse population](#). Furthermore, as the TCF contributors Amy Stuart Wells, Lauren Fox, and Diana Cordora-Cobo explain, **learning in diverse environments has been shown to improve one’s educational experience, as it “promote[s] creativity, motivation, deeper learning, critical thinking, and problem-solving skills.”** Including LGBT content in curricula could also offer LGBT students—who disproportionately feel the effects of bullying in schools—**a safer, improved educational experience.** More than [one-third of gay youth](#) have missed a day of school because they felt unsafe, and [nine out of ten of LGBT teens](#) have been bullied in school, which [can cause students to suffer academically](#). Educating students about LGBT issues could foster an environment where LGBT students [feel safer in the classroom](#), improving their overall educational experience for years to come.

*[Fahs 13] Academic spaces are used to communicate values systems and are important for promoting critical thinking and enacting social change.*

**Fahs and Bertagni 13**(Breanne Fahs, Department of Women and Gender Studies, Arizona State University, Jennifer Bertagni, Arizona State University, “Up from SCUM: Radical Feminist Pedagogies and Consciousness-Raising in the Classroom”, Radical Pedagogy, 2013, [http://www.breannefahs.com/uploads/1/0/6/7/10679051/2013\\_radical\\_pedagogy\\_fahs\\_bertagni.pdf](http://www.breannefahs.com/uploads/1/0/6/7/10679051/2013_radical_pedagogy_fahs_bertagni.pdf)) SJ

Many scholars that utilize **critical** and feminist **pedagogies have critiqued the traditional model of education** as one that creates a learning environment centered on a grading system, memorization, and an authoritarian teacher and submissive student relationship. Embedded within this model, power imbalances are perpetrated without much consideration for how such imbalanced power dynamics affect student learning. Critics of traditional pedagogy argue that it overrelies upon what Paolo Freire describes as “banking,” where students become passive receptacles that teachers supposedly “fill” with information (Beckman, 1990; Freire, 1970; hooks, 1994; Larson, 2006). **Both critical and feminist theorists argue that knowledge is socially constructed and that schools perpetuate certain value systems via beliefs, attitudes, and priorities set forth in the classroom.** Pedagogical practices are therefore not “neutral,” but rather, modes of communicating dominance, social norms, and ideologies about social identities like **race, class, and gender** (Leistyna, Woodrum, & Sherblom, 1999; McLaren, 1998). Though feminist pedagogy and critical theory share similar criteria and goals for educating students, feminist pedagogy focuses specifically on women’s lives and experiences

as a starting point for creating and learning about epistemology in the women's studies classroom (Beckman, 1990; Larson, 2006). Feminist pedagogies insist upon a continual examination of the way gender affects lived experience, policy, and cultural norms, particularly by exploring and unpacking the unexamined dynamics of gender and power (Crabtree & Sapp, 2003; Stake, 2006). Crabtree and Sapp (2003) describe feminist pedagogy as "a set of classroom practices, teaching strategies, approaches to content, and relationships grounded in critical pedagogical and feminist theory" (p. 131). Feminist pedagogy challenges the teacher-student relationship and the student's relationship to knowledge (Stake, 2001). Jayne Stake and Francis Hoffman (2000; 2006) qualitatively measured women's studies professors' pedagogical practices and found the following four categories most commonly used: 1) participatory learning: student participation by expressing their personal experiences in the classroom; 2) development of critical thinking/ open-mindedness: strengthening of critical thinking skills, where students engaged in critical thinking about the topics in lecture, rather than accepting information or "debanking"; 3) validation of personal experience/ development of confidence: encouraging students to see the connection between assigned readings and their own life experiences and 4) development of political/social understanding: helping students to conceptualize connections between readings, their societal context, and their role in engaging actively in social change. Therefore, feminist pedagogy enables students to critically examine the microcosmic implications of macrocosmic and hegemonic cultural policies and to decipher how those belief systems affect them on the personal level (Stake, 2006). In addition to the aforementioned tenets of feminist pedagogy, women's studies professors often strive to practice egalitarian power dynamics in the classroom, as well as to encourage egalitarian attitudes in general (Crabtree & Sapp, 2003; hooks, 1994; Stake, 2006). This creates a supportive atmosphere where students respect everyone's right to comment and critically evaluate their world. Opinions inconsistent with feminism expressed in the classroom can serve as platform for critical analysis and debate, with students deconstructing comments construed as sexist, racist, heterosexist, etc. while maintaining the democratic structure of the classroom (Kimmel & Worrell, 1997). Women's studies classes have demonstrated the capacity to heighten students' awareness of gender inequality; increase confidence and sense of empowerment; develop less conventional beliefs about gender and create greater practices of egalitarianism. Enhanced confidence, empowerment, and critical thinking skills students developed in women's studies classes predicted feminist and political activism later on (Stake & Hoffman, 2001; 2007). No current studies have interrogated the intersections between radical politics and feminist pedagogy.

## Contention 3: Solvency

*[Heck & Vinti 21] The aff is politically popular – the Biden administration supports it, and so do over 100 countries*

**Heck & Vinti 2021** (David Heck and Baldassare Vinti, July 20 2021, "IP Waiver for COVID-19 Vaccines: What the United States' Support Means in Practice," The National Law Review, <https://www.natlawreview.com/article/ip-waiver-covid-19-vaccines-what-united-states-support-means-practice>) //neth

On May 5, 2021, the Biden Administration announced its support for waiving intellectual property protections for COVID-19 vaccines. Understandably, the news made headlines and stirred passionate reactions from the medical community and IP holders alike. But actually bringing about that waiver will be a complicated process, and one that depends on many countries and parties besides the United States. The text of the Administration's announcement shows that waiving international IP protections will be easier said than done: The Administration believes strongly in intellectual property protections, but in service of ending this pandemic, supports the waiver of those protections for COVID-19 vaccines. We will actively participate in text-based negotiations at the World Trade Organization (WTO) needed to make that happen. Those negotiations will take time given the consensus-based nature of the institution and the complexity of the issues involved. In other words, it is the WTO as a whole that must effectuate an IP waiver. And given that WTO decisions are made by unanimous agreement of its 164-country membership without any formal vote, that process will require far more than support from the United States, as dissent from any one country on the terms of a waiver would block the initiative. To be a member of the WTO, countries must agree to the Trade-Related Aspects of Intellectual Property Rights Agreement (known commonly as the TRIPS Agreement). That agreement contains a minimum set of standards by which each country must abide with respect to patents, trademarks, copyrights, trade secrets, and other forms of intellectual property. Thus, in order to waive IP protection for COVID-19 vaccines, the provisions of the TRIPS Agreement must be superseded. While the TRIPS Agreement provides that "Members may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health and nutrition," it adds that this may be done only if "such measures are consistent with the provisions of this Agreement." The endeavor to waive IP rights started before the United States' announcement. In October 2020—before any vaccines had even been approved—India and South Africa made a proposal to the WTO's TRIPS Council for the waiver of intellectual property rights related to the prevention, containment or treatment of COVID-19. Specifically, they sought waiver of protections for copyright (Part II, Section 1 of the TRIPS Agreement), industrial design (Part II, Section 4), patents (Part II, Section 5), and trade secrets (Part II, Section 7), as well as enforcement mechanisms under Part III. Per the terms of the proposal, member countries would not be obligated to implement, apply or enforce the foregoing protections with respect to COVID-19 prevention, containment or treatment. In other words, member countries

could choose not to enforce IP rights against vaccine manufacturers who would otherwise be infringing on those rights. The scope of the proposal underscores the myriad IP rights that could conceivably be waived in order for COVID-19 vaccines to be made by additional manufacturers. While more than 100 countries have voiced support for IP waivers generally, they have yet to express agreement on the scope and the duration of those waivers. Sixty-two countries—including India and South Africa—submitted a revised proposal on May 21, 2021 that would limit the duration of waivers to three years, after which the WTO's General Council would "review the existence of the exceptional circumstances justifying the waiver."

### *[Jecker Atuire 21] Waiving IP protections brings us closer to global vaccination and avoids the innovation disad*

**Jecker & Atuire 2021** (Nancy S. Jecker and Caesar A. Atuire, "What's yours is ours: waiving intellectual property protections for COVID-19 vaccines," Journal of Medical Ethics, <https://jme.bmj.com/content/47/9/595>) //neth

Utilitarian arguments set as a goal producing the greatest good to society and hold that IP protections are instrumental to achieving that end. The primary basis for this claim is the belief that the profits IP generates are essential to spur innovation and discovery which in turn, advance society's interests. Absent such profits, discoveries would languish, and progress would slow. In reply, even if the final translation of science into marketable products would not occur absent financial incentives, how much money does it take? As noted, in 2021, Pfizer/BioNTech will make 15–30 billion US dollars from COVID-19 vaccine sales, Moderna 18–20 billion US dollars, and Johnson & Johnson 10 billion US dollars. Could these companies earn less and the incentive to innovate remain intact? To determine this, we make an evidence-based distinction between profits necessary to drive innovation and profits exceeding this. To gauge that, consider a study comparing the profits of 35 large pharmaceutical companies with 357 companies in the S&P 500 index between 2000 to 2018.<sup>14</sup> It found large pharmaceutical companies had significantly higher profits than other large companies. This suggests curbing pharmaceutical company profits would not necessarily cause innovation to grind to a halt. If profit aligned with comparable large S&P 500 companies, it seems reasonable to think it would sustain innovation. Since consequentialist justifications treat the value of IP as purely instrumental, they are also vulnerable to counterarguments showing that a sought-after goal is not the sole or most important end. During the COVID-19 pandemic, we submit that the vaccinating the world is an overriding goal. With existing IP protections intact, the world has fallen well short of this goal. Current forecasts show that at the current pace, there will not be enough vaccines to cover the world's population until 2023 or 2024.<sup>15</sup> IP protections further frustrate the goal of universal access to vaccines by limiting who can manufacture them. The WHO reports that 80% of global sales for COVID-19 vaccines come from five large multinational corporations.<sup>16</sup> Increasing the number of manufacturers globally would not only increase supply, but reduce prices, making vaccines more affordable to LMICs. It would stabilise supply, minimising disruptions of the kind that occurred when India halted vaccine exports amidst a surge of COVID-19 cases. It might be objected that waiving IP protections will not increase supply, because it takes years to establish manufacturing capacity. However, since the pandemic began, we have learnt it takes less time. Repurposing facilities and vetting them for safety and quality can often happen in 6 or 7 months, about half the time previously thought.<sup>17</sup> Since COVID-19 will not be the last pandemic humanity faces, expanding manufacturing capacity is also necessary preparation for future pandemics. Nkengasong, Director of the African Centres for Disease Control and Prevention, put the point bluntly, 'Can a continent of 1.2 billion people—projected to be 2.4 billion in 30 years, where one in four people in the world will be African—continue to import 99% of its vaccine?'<sup>18</sup>