# 1AC vs Lexington AK

### Burden

#### The neg burden is to prove that it is possible to own intellectual property while the aff burden is to prove it impossible –

#### 1] The burden logically affirms – for a statement to be true, its foundational assumptions must be justified since by modus ponens a conclusion can only follow when its assumptions are justified – protections on intellectual property of medicines presuppose the existence of IP in the first place, meaning that proving the burden proves that IP protections are incoherent and thus ought not exist as all moral statements are constrained by the rules of logic.

#### 2] Topic Ed – the question of whether inventors can have exclusive rights to IP is the basis for discussions related to IP on medicines.

WTO, [World Trade Organization], 2018, “THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS FOR PHARMACEUTICAL INVENTIONS IN VIETNAM” <https://www.wto.org/english/tratop_e/trips_e/colloquium_papers_e/2018/chapter_16_2018_e.pdf> JS

In many international negotiations on IP protection of pharmaceutical inventions, the main concern of parties revolved around, (i) the enhancement of protection level and the rights of the invention owner; and (ii) the desire for better public health by keeping the availability of drugs at a reasonable price. The Paris Convention, the first international treaty on industrial property rights protection, is an important guideline for citizens of the contracting parties to ensure IP rights protection in the other member states’ territory. Under the Paris Convention, the member states have an obligation to protect inventions in all fields of technology. In the final rounds of discussion and the final draft, participating countries mutually agreed to establish a flexible regulation on a protection regime towards the subject matter of IP protection affecting significantly the public health (including pharmaceutical inventions). It is the regulation on compulsory license.5 The countries, particularly developing countries like Vietnam, want to maximize the advantage of this regulation, thanks to its flexibility, the exclusiveness of patent owners in using products bearing IP protection subject matter could be reducing for the reason relating to public health, and for the demand of prevention and cure of diseases. Turning to TRIPS, inventions in the pharmaceutical industry attracted more attention and became a hot issue when the protection requirements became more specific. For example, there have been several regulations relating to the pharmaceutical industry. Article 27 of TRIPS stipulates that the contracting parties shall have an obligation to grant a patent for any invention in any field of technology; therefore, inventions in the pharmaceutical industry shall not be excluded from this article. By regulating patents available in any field of technology, TRIPS resolved the most controversial issue during the negotiation rounds, the scope of protection for the invention. This regulation of TRIPS seemed to be a concession of the developing countries and a success of the developed ones, especially the United States in the negotiation of TRIPS. The negotiations ended with a regulation that the contracting parties shall commit to protect inventions in all fields of technology provided they fulfil the requirements.

#### Topic ed outweighs – we only have 2 months to discuss the topic but years to access any other form of education

#### 3] Reciprocity – the burden creates a 1:1 burden since we prove non-existence and you prove existence of IP, which is most reciprocal – our burden is key to prevent NIBs like skep from being read since they don’t prove the existence of IP – skews time since we have to respond to all of them but you can extend 1 to win.

#### 4] Interpretation: If the aff justifies their burden and the text is that the aff burden is to prove that it is impossible to own intellectual property, then the neg must concede to that burden as it is contextualized in the AC and debate under it. Violation’s preemptive. Prefer –

#### 1] Strat Skew: shifting the burden structure in nullifies 6 minutes of the AC and forces me to restart the debate in the 1AR at a massive time disadvantage.

#### 2] Time Skew: 7-6, 4-3 rebuttal time difference is a problem. Helping me choose burden structure allows me to combat time skew since I can craft a framework that compensates for impossibly short 1Ars by preventing uplayering

#### 3] Debateability: there are multiple contradictory interpretations of the resolution: the aff needs to be able to pick one in order to start the debate and form an advocacy, which means you should accept mine.

#### Fairness is a voter: a] it’s an intrinsic good – debate is fundamentally a game and some level of competitive equity is necessary to sustain the activity, b] every argument concedes its authority since they presume they’ll actually be evaluated unbiasedly

#### No RVI’s on 1AC or 1AR theory – a] otherwise neg sandbags against theory and wins on the RVI – b] NC speeches are longer so affs don’t check abuse in fear of a massive 1NC dump.

### Contention 1

#### The metaethic is perspectivism – truth is not absolute but rather created by individuals based on their own individual perspective. Prefer it

#### [1] Opacity – we can never access another person’s perspective because we can never fully understand who someone else is or what they think. Every truth I create cannot be universalized because I can’t guarantee that they will create the same truth because they do what they want

#### [2] Linguistics – Truth is constructed by language, which is completely arbitrary. Nothing tells me that a chair is a chair; I only assign it that name arbitrarily because I want to. Meaning can’t be contained within language if we make it up ourselves, and truth doesn’t exist absent language.

#### But, the state of nature leads to infinite violence – competing truth claims means conflicts cannot be resolved. Two warrants:

#### [1] Ambiguity – everyone can assert their own claims to be true and refuse contestation since that’s most beneficial – this means we always fight over who is correct. This is irresolvable because there is no mediator to adjudicate the dispute and tell who is correct – we just fight forever

#### [2] Action Theory—the imposition of your world view through action necessitates violence against the other since it de-legitimizes their perspective.

#### This state of nature is brutish and has no conception of morality because we don’t have any unified truth to guide us, and thus outweighs on magnitude. The solution is the creation of the sovereign to mediate what is true and enforce the law; it must eliminate all conflicts to bring peace to our violent natures. Thus, the standard is consistency with the will of the sovereign. Prefer it because it outweighs on bindingness: Only the sovereign is able to get everyone to follow her rule and enforce the law, it creates motivations for any moral rules we create. Otherwise, the framework collapses and truth becomes impossible.

#### I’ll defend the resolution as worded. Now affirm –

#### 1] Property rights don’t exist.

Lopata, Benjamin B. “Property Theory in Hobbes.” Political Theory, vol. 1, no. 2, Sage Publications, Inc., 1973, pp. 203–18, <http://www.jstor.org/stable/191194>. JS

Hobbes believes that it is only when all men transfer their rights to a sovereign, thereby enabling him to enforce his will as law, that the goal of peace will be achieved. Consequently, Hobbes' sovereign is absolute, individual men retaining only the right to disobey the sovereign if he threatens their self-preservation; self-preservation is, in the final analysis, the very motivation which impels men to form a commonwealth and cannot, therefore, be alienated. For Hobbes, then, as Michael Oakeshott (1946: xvi) has observed, civil society offers the removal of some of the circumstances that, if they are not removed, must frustrate Felicity. It is a negative gift, merely making not impossible that which is desirable. Here in civil society is neither fulfillment nor wisdom to discern fulfillment, but peace, a Pax Romana, a tranquilitas. Hobbes makes the sovereign absolute and self-perpetuating because he believes that it is only such a wide grant of power to the ruler that will enable him effectively to make and enforce law, thereby preventing a return to the state of nature in which life and security are so tenuous. Hobbes necessarily believes that it is the sovereign who determines property rights, since, in the state of nature, men have the right to all things, a prime cause of strife and war. In what is perhaps Hobbes' definitive statement on property, he notes (Hobbes, 1958: 148) that the sovereign possesses the whole power of prescribing the rules whereby every man may know what goods he may enjoy and what actions he may do without being molested by any of his fellow subjects; and this is it men call propriety [sic]. For before constitution of sovereign power, as has already been shown, all men had a right to all things, which necessarily causes war; and therefore this propriety, being necessary to peace and depending on sovereign power, is the act of that power in order to the public peace [sicl. These rules of propriety. or meum and tuum, and of good, evil, lawful, and unlawful in the actions of subjects, are the civil law. The vital fact, for Hobbes, is that the state of nature is a condition in which no property rights exist; since Schlatter (1951: 140) observes, "All men have a right to everything, it is impossible to conceive of this political authority as protecting men's natural rights to property." The evidence considered points to the realization that, unlike the classical liberal, who views the state as protecting natural rights to private property, Hobbes considers the sovereign as the very institution which determines all property relations. There is no private property in the absence of sovereignty; the Leviathan and private property are necessarily concomitant. One need not turn only to Leviathan to find support for this position. In De Cive, Hobbes (1949: 74) writes that since "the opinions of men differ concerning meum and tuum," it "belongs to the chief power to make some common rules for all men and to declare them publicly, by which every man may know what may be called his, what another's." Again, in A Dialogue between a Philosopher and a Student of the Common Laws of England, written toward the end of his life, Hobbes observes: Lawmakers were before that which you call own, or property of goods and lands ... for without statute-law, all men have right to all things.... You see then that no private man can claim a propriety in any lands, or other goods, from any title from any other man but the King, or them that have the sovereign power [Schlatter, 1951: 140J

#### 2] Rights don’t exist since a constitutive feature of rights is that they cannot be violated but that’s a hindrance on the sovereign which we prove is bad.

#### No neg turns – a] procedural offense about what solves the state of nature outweighs, the state cannot oppose these procedures as their very existence as sovereigns constitutively requires them – b] we fiat that states voluntarily will a reduction in IP rights in medicines so that’s the state’s will – the actor is not the WTO but the nations who happen to be in the WTO meaning that this is the most logical interp of the rez.

### Contention 2

#### Intellectual Property doesn’t exist:

#### 1] Exclusivity – property requires exclusivity because if I take your property then you are hindered from using it, else we wouldn’t have been incentivized to create a system of property in the first place – that doesn’t apply to ideas since me having an idea cannot hinder another from thinking about the same idea.

#### 2] One cannot own an idea – just as how one cannot own a number or how Einstein cannot own relativity, one cannot own the mere idea of a medicine – the distinction between inventions and discoveries doesn’t apply since every invention is a mere application of a discovery.

#### 3] Ideas are social products – individuals exist within a society who must provide them with the requisite knowledge and background to create new thought – thus creation of knowledge is a shared enterprise that cannot be owned by an individual, just as how an individual cannot own a building that an entire town built by laying the last brick.

#### 4] Reject consequentialist justifications for IP’s existence – a] they only prove that it would be beneficial to think that IP exists, but doesn’t prove that it actually does – if I was given a billion dollars to believe in Flat Earth theory, that doesn’t prove its truth even if it produces good results – b] it requires calculation of the consequences of actions, but calculation itself is an action that must be calculated as an action which regresses and means it’s impossible to use util

### Contention 3

#### Reject property independently:

#### 1] It is impossible to create a brightline for what one must do to turn an object into property – we think that etching a design on a pebble may grant you ownership of the pebble but etching the same design onto a mountain doesn’t grant you ownership of the mountain which makes defining ownership impossible and arbitrary.

#### 2] Property rights are unjust since one who has property also has the means to create more property whereas people with less property don’t have these means which makes the ability for property acquisition based on arbitrary and random factors which cannot be just.

#### 3] Ownership presumes that there is an agent that owns the property – however, personal identity does not exist.

Unger, Peter 1979. *I Do Not Exist. Perception and Identity*, 235–251. doi:10.1007/978-1-349-04862-5\_10 JS

A bit more informally, the idea is this. One cell, more or less, will not mean the difference between my being there and not. So, take one away, and I am still there. Take another away; again, no problem. But after a while there are no cells at all. Indeed, as they have been replaced by nothing, in the relevant structures, it is unclear what will be there: perhaps, some salty water. Supposedly, I am still there. But given anything like the developed perspective of science, this is really quite absurd. Thus, the supposition of my existence has been reduced to an absurdity.

#### 4] Property falls into a contradiction since by having exclusive ownership over an object you are preventing others from appropriating it which denies them their right to property

### Underview

#### [1] 1AR theory a) we get it since otherwise it would be impossible to check infinite NC abuse b) drop the debater – Time crunched 1ar means it becomes impossible to justify paradigm issues and win the shell. AFF fairness issues come prior to NC arguments a) The 1ar can’t engage on multiple layers if there is a skew since the speech is already time-crunched b) Sets up an invincible 2n since there are a million of unfair things you can collapse to to win every round.

#### [2] No 2n theory arguments and paradigm issues. a) overloads the 2AR with a massive clarification burden b) it becomes impossible to check NC abuse if you can dump on reasons the shell doesn't matter in the 2n. And, all neg interps are counter interps since the aff takes an implicit stance on every issue which means any neg theory interp requires an RVI to become offensive.

#### [3] And, reject theory on spikes –it would be a contradiction since they indict each other, but prefer mine since they are lexically prior. And, the neg may not read meta-theory – I only have time to check abuse 1 time but you can do it in the nc and 2n, up-layering my attempt means we never get to the best norm

#### [4] The neg may not read necessary but insufficient burdens a) Strat Skew- You can uplayer with 7 minutes of NIBs I have to beat back before I can access offense which is terrible for a 4 min 1ar, it is impossible for aff to overwhelm the neg because you always have longer times and reactive speeches to overcome any unfairness b) Norms- It would justify infinite neg abuse because neg would just read 7 min of auto-negate arguments which is infinite abuse