### 1

#### The meta ethic is consistency with empiricism. Prefer-

#### 1] Non-natural moral facts are epistemically inaccessible

Papinau ’07 (David [David Papineau is an academic philosopher. He works as Professor of Philosophy of Science at King's College London, having previously taught for several years at Cambridge University and been a fellow of Robinson College, Cambridge], “Naturalism”. [http://plato.stanford.edu/entries/naturalism/](http://plato.stanford.edu/entries/naturalism/)) 2007)

Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If **all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world** (Harman, 1986). At first sight **this** may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it **has** **very awkward epistemological consequences.** For beings like us, **knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems. If moral facts cannot influence the physical world, then [we can’t] it is hard to see how we can have any knowledge of them.**

#### 2] Bindingness- only pursuing pleasure and avoiding pain can motivate action consistently- no external system of ethics has anything intrinsic that dictate it be followed. Chemical and biological responses to certain experiences provide objective markers of pleasure and pain while maximizing deontological ethical principles are unverifiable.

#### 3] If something happens 100 times we know it will happen again because of probability and mathematical analysis – only empirical processes can allow us to accurately make deductive predictions. Descionmakers have to use naturalism since its grounded in empirics, science, and facts while other moral theories can’t be reliably used.

#### Thus, the standard is maximizing expected utility. To clarify, this refers to maximizing life. Prefer-

#### 1] Pleasure/pain is intrinsically valuable

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### 2] There’s no act-omission distinction for states.

Sunstein et al 05 [Cass R. Sunstein and Adrian Vermeule. The University of Chicago Law School. “Is Capital Punishment Morally Required? The Relevance of Life‐Life Tradeoffs.” JOHN M. OLIN LAW & ECONOMICS WORKING PAPER NO. 239. The Chicago Working Paper Series. March 2005]

In our view, **both the argument from causation and the argument from intention** go wrong by **overlook**ing **the distinctive features of government** as a moral agent. Whatever the general status of the act-omission distinction as a matter of moral philosophy,38 the distinction is least impressive when applied to government.39 The most fundamental point is that **unlike individuals, governments always and necessarily** face a choice **between** or among possible **policies for regulating third parties.** The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, **government** is in the business of **creat**ing **permissions and prohibitions. When it** explicitly or **implicitly** authorizes private action, **it is not** omitting to do anything, or **refusing to act.**40 **Moreover, the distinction between authorized and unauthorized private action—for example, private killing—becomes obscure when the government formally** forbids private action, **but chooses a set of policy instruments that do not** adequately or **fully discourage it.**

#### 3] Substitutability—only consequentialism explains necessary enablers.

Sinnott-Armstrong 92 [Walter, professor of practical ethics. “An Argument for Consequentialism” Dartmouth College Philosophical Perspectives. 1992.]

A moral reason to do an act is consequential if and only if the reason depends only on the consequences of either doing the act or not doing the act. For example, a moral reason not to hit someone is that this will hurt her or him. A moral reason to turn your car to the left might be that, if you do not do so, you will run over and kill someone. A moral reason to feed a starving child is that the child will lose important mental or physical abilities if you do not feed it. All such reasons are consequential reasons. All other moral reasons are non-consequential. Thus, a moral reason to do an act is non-consequential if and only if the reason depends even partly on some property that the act has independently of its consequences. For example, an act can be a lie regardless of what happens as a result of the lie (since some lies are not believed), and some moral theories claim that that property of being a lie provides amoral reason not to tell a lie regardless of the consequences of this lie. Similarly, the fact that an act fulfills a promise is often seen as a moral reason to do the act, even though the act has that property of fulfilling a promise independently ofits consequences. All such moral reasons are non-consequential. In order to avoid so many negations, I will also call them 'deontological'. This distinction would not make sense if we did not restrict the notion of consequences. If I promise to mow the lawn, then one consequence of my mowing might seem to be that my promise is fulfilled. One way to avoid this problem is to specify that the consequences of an act must be distinct from the act itself. My act of fulfilling my promise and my act of mowing are not distinct, because they are done by the same bodily movements.10 Thus, my fulfilling my promise is not a consequence of my mowing. A consequence of an act need not be later in time than the act, since causation can be simultaneous, but the consequence must at least be different from the act. Even with this clarification, it is still hard to classify some moral reasons as consequential or deontological,11 but I will stick to examples that are clear. In accordance with this distinction between kinds of moral reasons, I can now distinguish different kinds of moral theories. I will say that a moral theory is consequentialist if and only if it implies that all basic moral reasons are consequential. A moral theory is then non-consequentialist or deontological if it includes any basic moral reasons which are not consequential. 5. Against Deontology So defined, the class of deontological moral theories is very large and diverse. This makes it hard to say anything in general about it. Nonetheless, I will argue that no deontological moral theory can explain why moral substitutability holds. My argument applies to all deontological theories because it depends only on what is common to them all, namely, the claim that some basic moral reasons are not consequential. Some deontological theories allow very many weighty moral reasons that are consequential, and these theories might be able to explain why moral substitutability holds for some of their moral reasons: the consequential ones. But even these theories cannot explain why moral substitutability holds for all moral reasons, including the non-consequential reasons that make the theory deontological. The failure of deontological moral theories to explain moral substitutability in the very cases that make them deontological is a reason to reject all deontological moral theories. I cannot discuss every deontological moral theory, so I will discuss only a few paradigm examples and show why they cannot explain moral substitutability. After this, I will argue that similar problems are bound to arise for all other deontological theories by their very nature. The simplest deontological theory is the pluralistic intuitionism of Prichard and Ross. Ross writes that, when someone promises to do something, 'This we consider obligatory in its own nature, just because it is a fulfillment of a promise, and not because of its consequences.'12 Such deontologists claim in effect that, if I promise to mow the grass, there is a moral reason for me to mow the grass, and this moral reason is constituted by the fact that mowing the grass fulfills my promise. This reason exists regardless of the consequences of mowing the grass, even though it might be overridden by certain bad consequences. However, if this is why I have a moral reason to mow the grass, then, even if I cannot mow the grass without starting my mower, and starting the mower would enable me to mow the grass, it still would not follow that I have any moral reason to start my mower, since I did not promise to start my mower, and starting my mower does not fulfill my promise. Thus, a moral theory cannot explain moral substitutability if it claims that properties like this provide moral reasons.

### 2

#### Current WTO legislation on IP rights promotes innovation

Ezell et al 4/29 Jaci McDole, Stephen Ezell [Stephen Ezell is vice president, global innovation policy, at the Information Technology and Innovation Foundation (ITIF). He focuses on science and technology policy, international competitiveness, trade, manufacturing, and services issues.] 4/29/21, “Ten Ways IP Has Enabled Innovations That Have Helped Sustain the World Through the Pandemic” Information Technology and Innovation Foundation, <https://itif.org/publications/2021/04/29/ten-ways-ip-has-enabled-innovations-have-helped-sustain-world-through> DD AG

Although anti-IP proponents have attacked biopharmaceutical manufacturers particularly hard, the reality is all IP-protected innovations are at risk if these rights are ignored, or vitiated. Certain arguments have shown a desire for the term “COVID-19 innovations” to include everything from vaccines, therapeutics, diagnostics, and PPE to biotechnology, AI-related data, and educational materials.14 This could potentially open the floodgates to invalidate IP protection on many of the innovations highlighted in this report.

However, much of the current discussion concerning IP focuses almost entirely on litigation fears or R&D incentives. Although R&D is an important aspect of IP, as previously mentioned, these discussions ignore the fact that IP protection can be—and often is—used for other purposes, including generating initial capital to create a company and begin manufacturing and, more importantly, using licensing agreements and IP to track the supply chain and ensure quality control of products.

In 2018, Forbes identified counterfeiting as the largest criminal enterprise in the world.15 The global struggle against counterfeit and non-regulated products, which has hit Latin America particularly hard during the pandemic, proves the need for safety and quality assurance in supply chains.16 Some communities already ravaged by COVID-19 are seeing higher mortality rates related to counterfeit vaccines, therapeutics, PPE, and cleaning and sanitizing products.17

Polish authorities discovered vials of antiwrinkle treatment labeled as COVID-19 vaccines. 18 In Mexico, fake vaccines sold for approximately $1,000 per dose.19 Chinese and South African police seized thousands of counterfeit vaccine doses from warehouses and manufacturing plants.20 Meanwhile, dozens of websites worldwide claiming to sell vaccines or be affiliated with vaccine manufacturers have been taken down.21 But the problem is not limited to biopharmaceuticals. The National Intellectual Property Rights Coordination Center has recovered $48 million worth of counterfeit PPE and other products.22

Collaborative efforts between law enforcement and manufacturers have kept numerous counterfeits from reaching the population. In countries with strong IP protection, the chances of counterfeit products reaching the market are significantly lower. This is largely because counterfeiting tends to be an IP-related issue, and these countries generally provide superior means of tracking the supply chain through trademarks, trade secrets, and licensing agreements. This enables greater quality control and helps manufacturers maintain a level of public confidence in their products.

By controlling the flow of knowledge associated with IP, voluntary licensing agreements provide innovators with opportunities to collaborate, while ensuring their partners are properly equipped and capable of producing quality products. Throughout this difficult time, the world has seen unexpected collaborations, especially between biopharmaceutical companies worldwide such as Gilead and Eva Pharma or Bharat Biotech and Ocugen, Inc.

Throughout history, and most significantly in the nineteenth century through the widespread development of patent systems and the ensuing Industrial Revolution, IP has contributed toward greater economic growth.23 This is promising news as the world struggles for economic recovery. A 2021 joint study by the EU Intellectual Property Office (EUIPO) and European Patent Office (EPO) shows a strong, positive correlation between IP rights and economic performance.24 It states that “IP-owning firms represent a significantly larger proportion of economic activity and employment across Europe,” with IP-intensive industries contributing to 45 percent of gross domestic product (GDP) (€6.6 trillion; US$7.9 trillion).25 The study also shows 38.9 percent of employment is directly or indirectly attributed to IP-intensive industries, and IP generates higher wages and greater revenue per employee, especially for small-to-medium-sized enterprises.26 That concords with the United States, where the Department of Commerce estimated that IP-intensive industries support at least 45 million jobs and contribute more than $6 trillion dollars to, or 38.2 percent of, GDP.27

In 2020, global patent filings through the World Intellectual Property Organization’s (WIPO) Patent Cooperation Treaty (PCT) system reached a record 275,900 filings amidst the pandemic, growing 4 percent from 2019.28 The top-four nations, which accounted for 180,530 of the patent applications, were China, the United States, Japan, and Korea, respectively.29 While several countries saw an increase in patent filings, Saudi Arabia and Malaysia both saw significant increases in the number of annual applications, with the top two filing growths of 73 percent and 26 percent, respectively.30

#### Reductions in protections kill medical innovation, economic growth, and knowledge building for the future

McDole and Ezell 04/29 – Jaci McDole is a senior policy analyst covering intellectual property (IP) and innovation policy at ITIF. She focuses on IP and its correlations to global innovation and trade. Her work includes ITIF’s Innovate4Health Initiatives (2017–2019) and A Covid-19 TRIPS Waiver Makes No More Sense for Copyrights Than It Does for Patents (2021). McDole comes to ITIF from the Institute for Intellectual Property Research, an organization she cofounded to study and further robust global IP policies. Stephen J. Ezell is ITIF vice president for Global Innovation Policy. He focuses on science, technology, and innovation policy as well as international competitiveness and trade policy issues. He is the coauthor of Innovating in a Service Driven Economy: Insights Application, and Practice (Palgrave McMillan, 2015) and Innovation Economics: The Race for Global Advantage (Yale 2012). The Information Technology and Innovation Foundation (ITIF) is an independent, nonprofit, nonpartisan research and educational institute focusing on the intersection of technological innovation and public policy. Recognized by its peers in the think tank community as the global center of excellence for science and technology policy, ITIF’s mission is to formulate and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress; April 29, 2021; “Ten Ways IP Has Enabled Innovations That Have Helped Sustain the World Through the Pandemic”; <https://itif.org/publications/2021/04/29/ten-ways-ip-has-enabled-innovations-have-helped-sustain-world-through> //advay

Innovation can—and does—happen anywhere and at any time. As society ground to a halt in 2020, innovators around the world worked tirelessly to develop treatments, vaccines, and solutions to COVID-19 pandemic-related challenges. From personal protective equipment (PPE) to treatments and vaccines to autonomous delivery robots to remote and social distancing solutions for the workplace, intellectual property (IP) played an indispensable role in enabling research, development, and commercialization of many of the innovations meeting the challenges of the pandemic. IP enables start-ups to gain access to much-needed capital. IP gives innovators the confidence to invest in research and development (R&D) and provides incentives for commercialization. Indeed, it is difficult to innovate without the protection of ideas.

Despite this, some—particularly anti-business IP opponents—have blamed IP rights for a host of problems, including limited access to therapeutics, vaccines, and biotechnology. They offer seemingly simple solutions—weaken or eliminate IP rights—and innovation will flow like manna from heaven. Eliminating IP rights might accelerate the diffusion of some pre-existing innovations, but it would absolutely limit future innovations. Innovators, a bit like Charlie Brown kicking the football held by Lucy, would be wary of trusting governments who might say, “Well, this time we won’t take away your IP rights, so go ahead and invest large amounts of time and money.” Given the nature of COVID-19, nations around the world cannot afford to take this risk. Future pandemics and other challenges for which we will need to rely on IP-protected innovations to overcome are near certain to arise.

Moreover, the blame game usually ignores the real, underlying problems. For access to innovations to fight COVID-19, especially biotechnology, vaccines, and therapeutics, the underlying problems are regulatory delays and a lack of adequate and appropriate manufacturing infrastructure.1 The lack of infrastructure has resulted in supply chain bottlenecks in places where few are currently equipped to handle the manufacturing requirements.2 Meanwhile, regulatory delays have prevented vaccines, therapeutics, and diagnostics from entering certain markets.3

To better understand the role of IP in enabling solutions related to COVID-19 challenges, this report relies on 10 case studies drawn from a variety of nations, technical fields, and firm sizes. This is but a handful of the thousands of IP-enabled innovations that have sprung forth over the past year in an effort to meet the tremendous challenges brought on by COVID-19 globally. From a paramedic in Mexico to a veteran vaccine manufacturing company in India and a tech start-up in Estonia to a U.S.-based company offering workplace Internet of Things (IoT) services, small and large organizations alike are working to combat the pandemic. Some have adapted existing innovations, while others have developed novel solutions. All are working to take the world out of the pandemic and into the future.

The case studies are:

Bharat Biotech: Covaxin

Gilead: Remdesivir

LumiraDX: SARS-COV-2 Antigen POC Test

Teal Bio: Teal Bio Respirator

XE Ingeniería Médica: CápsulaXE

Surgical Theater: Precision VR

Tombot: Jennie

Starship Technologies: Autonomous Delivery Robots

Triax Technologies: Proximity Trace

Zoom: Video Conferencing

As the case studies show, IP is critical to enabling innovation. Policymakers around the world need to ensure robust IP protections are—and remain—in place if they wish their citizens to have safe and innovative solutions to health care, workplace, and societal challenges in the future.

THE ROLE OF INTELLECTUAL PROPERTY IN R&D-INTENSIVE INDUSTRIES

Intangible assets, such as IP rights, comprised approximately 84 percent of the corporate value of S&P 500 companies in 2018.4 For start-ups, this means much of the capital needed to operate is directly related to IP (see Teal Bio case study for more on this). IP also plays an especially important role for R&D-intensive industries.5

To take the example of the biopharmaceutical industry, it is characterized by high-risk, time-consuming, and expensive processes including basic research, drug discovery, pre-clinical trials, three stages of human clinical trials, regulatory review, and post-approval research and safety monitoring. The drug development process spans an average of 11.5 to 15 years.6 For every 5,000 to 10,000 compounds screened on average during the basic research and drug discovery phases, approximately 250 molecular compounds, or 2.5 to 5 percent, make it to preclinical testing. Out of those 250 molecular compounds, approximately 5 make it to clinical testing. That is, 0.05 to 0.1 percent of drugs make it from basic research into clinical trials. Of those rare few which make it to clinical testing, less than 12 percent are ultimately approved for use by the U.S. Food and Drug Administration (FDA).7

In addition to high risks, drug development is costly, and the expenses associated with it are increasing. A 2019 report by the Deloitte Center for Health Solutions concluded that since 2010 the average cost of bringing a new drug to market increased by 67 percent.8 Numerous studies have examined the substantial cost of biopharmaceutical R&D, and most confirm investing in new drug development requires $1.7 billion to $3.2 billion up front on average.9 A 2018 study by the Coalition for Epidemic Preparedness found similar risks and figures for vaccines, stating, “In general, vaccine development from discovery to licensure can cost billions of dollars, can take over 10 years to complete, and has an average 94 percent chance of failure.”10 Yet, a 2010 study found that 80 percent of new drugs—that is, the less than 12 percent ultimately approved by the FDA—made less than their capitalized R&D costs.11 Another study found that only 1 percent (maybe three new drugs each year) of the most successful 10 percent of FDA approved drugs generate half of the profits of the entire drug industry.12

To say the least, biopharmaceutical R&D represents a high-stakes, long-term endeavor with precarious returns. Without IP protection, biopharmaceutical manufacturers have little incentive to take the risks necessary to engage in the R&D process because they would be unable to recoup even a fraction of the costs incurred. Diminished revenues also result in reduced investments in R&D which means less research into cancer drugs, Alzheimer cures, vaccines, and more. IP rights give life-sciences enterprises the confidence needed to undertake the difficult, risky, and expensive process of life-sciences innovation secure in the knowledge they can capture a share of the gains from their innovations, which is indispensable not only to recouping the up-front R&D costs of a given drug, but which can generate sufficient profits to enable investment in future generations of biomedical innovation and thus perpetuate the enterprises into the future.13

#### Future pandemics are more likely and more deadly which makes innovation key to stop extinction

Ceballos 5/27 Gerardo Ceballos [PhD, Dr Gerardo Ceballos is an ecologist and conservationist at the Universidad Nacional Autonoma de Mexico. He is particularly recognized for his influential work on global patterns of distribution of diversity, endemism, and extinction risk in vertebrates. He is also well-known for his contribution to understanding the magnitude and impacts of the sixth mass extinction.], 5/27/21, “THE SIXTH MASS EXTINCTION AND THE FUTURE OF HUMANITY”, Population Matters, <https://populationmatters.org/news/2021/05/sixth-mass-extinction-and-future-humanity> DD AG

Somewhere, sometime in late 2019, a coronavirus from a wild species, perhaps a bat or a pangolin, infected a human in China. This could have been an obscure event, lost without trace in the annals of history, as it is very likely this has occurred many times in the last centuries. But this particular event was somehow different. The coronavirus became an epidemic first and a pandemic later. Covid-19 became the worst pandemic since the Spanish flu in 1918. The horrific human suffering it has caused, and its economic, social and political impacts, are still unraveling.

The reason Covid-19 and more than forty other very dangerous viruses, such as Lassa fever, HIV and Ebola, have jumped from wild animals to humans in the last four decades is the destruction of natural environments and the trafficking and consumption of wild animals.

The wildlife trade is to satisfy the insatiable and extravagant demand for these species in the Asian market, in countries such as China, Vietnam and Indonesia. The illegal wildlife trade is a gigantic business. It is as lucrative as the drug trade, but without the legal implications. The immense appetite of China and other Asian societies for exotic animals has promoted exponential growth in trade and profits. Wild and domestic animals sold in “wet markets” are kept in unsanitary and unethical conditions. There, feces, urine and food waste from cages at the top spill into cages at the bottom, creating the perfect conditions for viruses to leap from wild animals to domestic animals and humans. Thousands of wildlife species or their products are traded annually.

Wildlife trade is one of several human impacts, including habitat loss and fragmentation, pollution, toxification and invasive species, that have caused the extinction of thousands of species and threaten many more. Indeed, most people are unaware that the current extinction crisis is unprecedented in human history. Extinction occurs when the last individual of a species dies. The UN recently estimated that one million species, such as the panda, the orangutan and the Sumatran rhino, are at risk of extinction.

The second finding is that population extinctions, which are the prelude to species extinctions, are occurring at very fast rates (Ceballos et al., 2017). Around 32 percent of a sample of 27,000 species have declining populations and have experienced massive geographic range contractions. Population extinctions are a very severe and widespread environmental problem which we have called “Biological Annihilation”.

Finally, our third finding indicates that the magnitude of the extinction crisis is underestimated because there are thousands of species on the brink of extinction (Ceballos et al., 2020). Those species will likely become extinct in the near future unless a massive conservation effort is launched soon.

Many times, people have asked me why we should care about the loss of a species. There are ethical, moral, philosophical, religious and other reasons to be concerned. But perhaps the one that is most tangible for most people is the loss of ecosystem services, which are the benefits that humans derive from the proper function of nature. Ecosystem services include the proper mix of gases in the atmosphere that support life on Earth, the quantity and quality of water, pollination of wild crops and plants, fertilization of the soil, and protection against emerging pests and diseases, among many others. Every time a species is lost, ecosystem services are likely to erode and human well-being is reduced.

The loss of so many ecosystems and species is pushing us towards the point of collapse of civilization. The good news is that there is still time to reduce the current extinction crisis. The species and ecosystems that we manage to save in the next 10 – 15 years will define the future of biodiversity and civilization. What it is at stake is the future of mankind.

### 3

#### Counterplan text: member nations of the WTO should establish a government-financed Pharmaceutical Innovation Fund, which will financially reward companies for therapeutic drugs, cost-reducing innovations, and reward those who prove patents to be invalid.

#### That incentivizes better therapeutic drugs and boosts innovation

Hollis 04

Aidan Hollis [Dr. Aidan Hollis is Professor in Economics at the University of Calgary, and President of Incentives for Global Health, a US-based NGO focused on the development of the Health Impact Fund proposal], 10 June 2004, “An Efficient Reward System for Pharmaceutical Innovation”, [https://www.who.int/intellectualproperty/news/Submission-Hollis6-Oct.pdf //](https://www.who.int/intellectualproperty/news/Submission-Hollis6-Oct.pdf%20//) AK

This section describes a method for rewarding patented pharmaceuticals with payments or rewards paid out of a government-financed Pharmaceutical Innovation Fund (PIF). When a drug is approved for use in a country, it would be registered by a firm, normally by the owner of related patents required in the production of the drug.18 The PIF would make payments to registrants, and in exchange for such payments, registrants would be compelled to grant zero-priced licenses for all listed patents when used to make and sell the drug. The payments would be annual during the period in which the registrant’s drugs were patented. Rewards would also be paid for patented cost-reducing process innovations, for exceptional discoveries not protected by patents, and for court verdicts of invalidity or non-infringement which allowed for generic production without a compulsory license. The purpose of this section is to outline how the fund should determine the reward for a given innovation. Payments from the PIF would be made based on the proportion of points attributable, according to the following categories: (1) Drugs which advance health should be given points reflecting the gain in average therapeutic value less costs of treatment over that of the next best pre-existing treatment, for all units of the drug sold by the registrant and by other manufacturers in a given year. Therapeutic value is determined by multiplying the incremental QALYs of the treatment by the dollar value of a QALY.19 (In determining the next best treatment, the PIF should exclude patented medicines registered by the same firm and medicines relying on the same patented innovations as the medicine under consideration.) In other words, the PIF agency will determine the net benefit of a drug, and then compare it to the net benefit of the next most effective pre-existing therapy, and award points based on the improvement. These points would be awarded to the registrant for each year in which the registrant’s patents would, in the absence of compulsory licensing, be sufficient to prevent other firms from producing bio-equivalent products. Evaluation would be undertaken annually, based on the available information about a drug.20 See the appendix (S. 8) for more details on quantifying this amount. (2) Cost-reducing innovations should be granted points equal to the price reductions enabled by implementation of the patented innovation. Specifically, points allocated for cost-reducing innovations should be equal to the difference between the average price of the medicine set by all sellers using the patented innovation and the average price of those not using the innovation, times the number of pills in which the innovation was implemented. See the appendix for more details on quantifying this amount. (3) A person who was able to show in court the invalidity of all remaining patents on a drug should be rewarded with a share (say 10%) of the previous year’s reward for that drug. Payment of monetary awards would be according to the following ordering. First, the PIF would pay out any awards under (3). Each registrant (for type (1)) or patentee of a cost- saving process (for type (2)) would obtain a payment equal to the total remaining monetary reward multiplied by its share of the total points allocated under (1) and (2). 21

#### Drug prices will drop significantly

Hollis 04

Aidan Hollis [Dr. Aidan Hollis is Professor in Economics at the University of Calgary, and President of Incentives for Global Health, a US-based NGO focused on the development of the Health Impact Fund proposal], 10 June 2004, “An Efficient Reward System for Pharmaceutical Innovation”, [https://www.who.int/intellectualproperty/news/Submission-Hollis6-Oct.pdf //](https://www.who.int/intellectualproperty/news/Submission-Hollis6-Oct.pdf%20//) AK

Prices of medicines under this proposal would fall to approximately the average cost of production. Based on experience with drugs facing generic competition today, this implies that patented drug prices would decrease by on average 50% to 80%. This would obviously be beneficial for consumers and insurers, with total savings in the US of on the order of $100bn annually. Globally, savings might be on the order of $200bn.25 Aside from the reduction in total expense to consumers, there would be a welfare gain from increased consumption of lower-priced medicines. The deadweight loss (DWL) from the current patent system is certainly immense in pharmaceutical markets. The gains from pricing drugs at approximately the average cost of production could easily be valued at $100bn, and gains in terms of saved lives would likely be very large.

#### Perm fails – complete replacement of the patent system is fiscally impossible and drives down Innovation – only the CP’s compromise works

Stevens & Ezell 20

Philip Stevens, Stephen Ezell [His main research interests are the intersection of intellectual property, trade, and health policy. Formerly he was an official at the World Intellectual Property Organization (WIPO) in Geneva, where he worked in its Global Challenges Division on a range of IP and health issues. Prior to his time with WIPO, Philip worked as director of policy for International Policy Network, a UK-based think tank, as well as holding research positions with the Adam Smith Institute and Reform, both in London.], 3 February 2020, “Delinkage Debunked: Why Replacing Patents With Prizes for Drug Development Won’t Work”, [https://itif.org/publications/2020/02/03/delinkage-debunked-why-replacing-patents-prizes-drug-development-wont-work //](https://itif.org/publications/2020/02/03/delinkage-debunked-why-replacing-patents-prizes-drug-development-wont-work%20//) AK

Governments worldwide would need to come up with nearly $200 billion a year to comprehensively replace the current market- and patent-based system with a prize system. As noted, in America, U.S. Senator Bernie Sanders’s plan calls for an $80-billion-a-year prize fund. As Dean Baker has written, “The [U.S.] government already spends more than $30 billion a year to finance biomedical research through the National Institutes of Health. It would probably be necessary to increase this amount by $50–$60 billion a year in order to replace the funding currently supported through patent monopolies.”11 In fact, drug companies invest in excess of $180 billion per year in R&D related to drug development.12 But even accepting Baker’s lower number, in a political and fiscal environment wherein the U.S. Congress cannot even index the gas tax to inflation to pay for badly needed roads and bridges (even with gas prices close to their lowest levels in nearly a generation), the chances Congress would be willing to appropriate the funds needed for any of these proposals is close to zero.13 In fact, the U.S. Congress’s modus operandi is to enact policies to shift public-sector costs to the private sector through mandates, not to take away private-sector costs with public-sector spending. And with government balance sheets tight everywhere (government debt as a share of GDP in Europe reached an all-time high in the mid-2010s, for instance), it is equally unlikely governments in other countries would be willing to allocate the sums needed. Given the general unwillingness of the public or lawmakers to support higher taxes or spending (in the United States or elsewhere), such proposals to replace private revenue with government spending would almost certainly lead to reduced overall investment (combined private and public) in biomedical innovation. Moreover, if the United States did not step up to the plate, the effort would be stillborn from the start. That is because the United States currently accounts for just under half of global biomedical R&D investment.14 And even that figure belies how significant U.S. contributions have been to biomedical R&D in recent years, with one study finding that the United States has been the world’s largest global funder of biomedical R&D investment over the past two decades, with a share some analyses suggest reached as high as 70 to 80 percent over that time period.15 A prize-based system would largely replace U.S. private capital with U.S. taxpayers as the leading funder of global biomedical innovation, and make the resulting IP and innovation a freely available global public good—a key reason why so many developing countries favor the scheme. Indeed, in a prize system, innovators would hold few cards. Their R&D costs would already be sunk at the time of prize disbursement, and to qualify for the prize, details of the invention would have to be disclosed to the government (or an international agency) at a level of detail far beyond that currently required by the patent system. Thus, the main advantage of a delinkage system for countries such as China—which as part of its “Made in China 2025” plan has targeted building the largest generic drug industry in the world—would be to obtain free IP for its budding industry, the lion’s share of which would be funded by prizes paid for by taxpayers from developed nations.16 In other words, what delinkage proponents really want is for taxpayers in developed countries (principally the United States) to finance the bulk of global biomedical research and innovation, which would then become freely available for generic drug manufacturers to immediately copy at marginal cost and then export back to the countries paying the most for the prizes. As such, a prize model would almost surely mean large trade deficits in biopharmaceutical products for developed nations. Delinkage would further advance proponents’ fundamental goal of undermining a global IP system they abhor, as reflected in reports such as Dean Baker’s “Is Intellectual Property the Root of All Evil? Patents, Copyrights, and Inequality.”17 Or, as Baker wrote with Joseph Stiglitz and Arjun Jayadev in a Project Syndicate article, “The IP standards advanced countries favor typically are designed not to maximize innovation and scientific progress, but to maximize the profits of big pharmaceutical companies and others able to sway trade negotiations.”18 In this way, delinkage isn’t much different from the compulsory licensing policies they’ve advocated for several middle-income countries—including Brazil, Colombia, India, Indonesia, Malaysia, and Thailand—to issue on patents for innovative medicines over the past 20 years. Whether through delinkage or compulsory licenses, advocates want to weaken global IP rights, and force divulgence of IP at prices that would usually be far below market (if not outright free). But returning to the underlying underinvestment and free-riding challenge; this challenge isn’t just theoretical, it’s already a reality. That’s because a drug development system in which prizes replaced intellectual property would have very limited impact if only one country chose to adopt it. Companies would be discouraged from applying for prizes in that country because unless the award were large enough to cover what otherwise would have been their global revenues from development of a patent-protected drug, they would not apply. Instead, they would focus their efforts elsewhere on countries that retained robust standards of IP protection.

### Case – Fwk

#### 6] Virtues are created by those who know more than us- knowledge is grounded in cooperation.

Woods and Roberts 10 Intellectual Virtues: An Essay in Regulative Epistemology January 4 2010

Thomas Reid pointed out that we humans tend to believe what we’re told. He considered this tendency “a good gift of Nature”, and the goodness he had in mind was in the first instance epistemic. Because the intellectual life is profoundly cooperative, this gift is important to us. It is a faculty, not something to suppress, eradicate, or bypass, but something to refine and develop, because we depend, and must depend, heavily on the unsupported testimony of others. Without this natural tendency, children could not get started in their cognitive lives, nor could adults come close to collecting all the truths they need to function well intellectually.

#### 7] Rejecting testimony is epistemic arrogance, which is a vice- link turns framework warrants.

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The threat posed by an undisciplined credulity disposition is gullibility, but in some intellectual ambiences a wholesale fastidiousness about belief formation may be the problem. Plantinga’s discussion of testimony is less polemical than his discussion of self-knowledge, but it might have been directed against a tendency suggested by some of the writings of Descartes, Locke, and Kant. These epistemologists are suspicious of testimony because it seems to compromise the principle that each person should be responsible for his own cognitions and because testimony may seem to be a generally low-grade kind of evidence. But, given natural human limitations, and the way things go according to the human cognitive design plan, the early modern tendency to prescribe a general suspicion of tradition and testimony could be read as an endorsement of epistemic arrogance and fastidiousness an insistence on the right and duty always to “see for oneself” . A character that made us generally suspicious of testimony or overly insistent on having in our own possession all the evidence supporting each of our beliefs, would be a paralyzing intellectual paranoia, a hyperindividualism that would be both unrealistic and, to the extent that it actually got instantiated as a personality trait, detrimental to our cognitive functioning. The virtues of intellectual humility and gratitude could be regarded as a liberation of the credulity disposition from unwarranted intellectual suspicion and distrust, and thus as dispositions promoting warrant in testimony circumstances.