#### I value morality.

#### Ethics must be derived from the constitutive features of agents – ethics based internally fail because they can’t generate universal obligations and ethics based externally fail because they are nonbinding as agents could opt-out and have no motivation to follow them which means they fail to guide action.

#### Constitutivism solves – it allows for universal obligations among all agents but they are binding and cannot be opted out of. Thus, the meta ethic is constitutivism.

#### Next, only practical reason is constitutive:

#### [1] Regress – practical reason is inescapable because when you question why you should use practical reason, you are using reason itself. Anything else is infinitely regressive and nonbinding because you can always ask “why should I do that” continuously without any terminal justification. Bindingness is required in morality; otherwise people could opt out of it and have no moral guidance.

#### [2] Action Theory – Every action can be broken down to infinite amounts of movements, i.e. me moving my arm can be broken down to the infinite moments of every state my arm is in. Only reason can unify these movements because we use practical reason to achieve our goals, means all actions collapse to reason

#### Morality must be grounded in a priori truth to guide action, otherwise everyone would have different ethical codes and different rules. And, truth exists independent of human experience since certain things can be self-proving, i.e. a triangle has three sides. This is the difference between a priori and a posteriori. Reject a posteriori truth since they are just arbitrary states of being, not constitutive of ethics.

#### Next, practical reason means we all have a unified perspective: What can be justified to me can be justified to everyone who is a practical reasoner. If I can conclude that 2+2 is 4, then I understand not only that I know 2+2 is 4, but that everyone around me can arrive at the same conclusion

#### A priori truth has to apply to everyone: A) absent universal ethics, morality becomes arbitrary and fails to guide action, which means that ethics is rendered useless, B) otherwise it creates a contradiction in which you justify your freedom while limiting others’

#### Thus the standard or value criterion is consistency with the categorical imperative.

#### Prefer additionally:

#### 1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place, ow ur perf on spec

#### 2] Consequentialism fails - a] induction fails: the logic of looking into the past to predict the future is predicated on past experiences, meaning it’s circular, b] butterfly effect: every consequence is infinitely cascading so we don’t know the true extent of our actions, meaning we cannot predict consequences

3]resource disparities – a lone wolf debater from Idaho can defeat a Harvard-Westlake debater in a Kant debate as it doesn’t require loads of prep that big schools inevitably have more of; analytics are all that’s required. This controls the internal link to all other voters as we can’t debate without accessibility.

#### [1] The aff violates the categorical imperative and is non-universalizable- governments have a binding obligation to protect creations

**Van Dyke 18** Raymond Van Dyke, 7-17-2018, "The Categorical Imperative for Innovation and Patenting," IPWatchdog, <https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/> SJ//DA recut SJKS

As we shall see, applying **Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent.** So, employing this canon, **a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands.** This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. **However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment.** Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust.

#### Kant justifies a fundamental right to property

Merges 11 [(Robert, Wilson Sonsini Goodrich & Rosati Professor of Law and Technology, University of California, Berkeley, School of Law) “Justifying Intellectual Property,” Harvard University Press, 2011] JL

Kant believed that any object onto which a person projects his or her will may come to be owned. Kant seemed to consider ownership as a primitive concept whose roots run very deep in human consciousness. This is evident from the language he uses. The origin of property, he says, is in a deep and abiding sense of “Mine and Yours.” “That is rightfully mine,” he writes, “if I am so bound to it that anyone who uses it without my consent would thereby injure me.”15

But what is the point of this? Why do people want to be bound to things? In essence, Kant says, to expand their range of freedom— their autonomy.16 People have a desire to carry out projects in the world. Sometimes, those projects require access to and control over external objects. The genesis of property is the desire of an individual to carry out personal projects in the world, for which various objects are necessary. For Kant, this desire must be given its broadest scope, to promote the widest range of human choice, and therefore human projects. Kant accordingly refuses to accept any binding legal rule that makes some objects strictly unownable, because the rationale for such a rule would conflict with the basic need for maximal freedom of action. Freedom to appropriate is so basic, so tied to matters of individual will and personal choice, that Kant finds it unthinkable to rule out large categories of things from the domain of the potentially ownable. As Kant scholar Paul Guyer says, for Kant, “The fundamental principle of morality dictates the protection of the external use of freedom or freedom of action, as a necessary expression of freedom of choice and thus as part of autonomy as a whole. . . .”17 This captures it in a nutshell: freedom of action, including the right to possess, as a necessary expression of freedom of choice, or autonomy.

#### IP is property

Schultz 14 [(Mark, Chair in Intellectual Property Law and the Director of the Intellectual Property and Technology Law Program at the University of Akron School of Law and co-founder and a leader of the Center for Intellectual Property x Innovation Policy at George Mason University) “A free market perspective on intellectual property rights,” American Enterprise Institute, 2/23/2014] JL

Point 1.Intellectual property secures the same values as physical property

As an institution, property secures rights in what we create through our work. In this regard, there’s no cause or need to distinguish intellectual property from any other forms of property. In all cases, a person employs his intellect and talents to impose his plan and will on his environment to bring something new into the world. This is the essence of productive labor, the fruits of which property protects.

Distinguishing between physical and intellectual labor, as some would, is misguided, because both are, at heart, the same activity. Whether it is a carpenter building a house, a farmer planting a field, an author writing a book, a director filming a movie, or an inventor developing a new drug, the activity is, ultimately, productive labor.

### 2

#### intellectual property protections are fundamental to motivating companies to take the risk to make new drugs

**[a] The research and development of new drugs takes billions of dollars and a huge time investment only for the smallest fraction of these drugs to make it to market. Intellectual property protection is necessary to motivate companies to endure this process.**

**Grabowski 15** [(Henry, Professor of Economics, member of the faculty for the Health Sector Management Program, and Director of the Program in Pharmaceuticals and Health Economics at Duke University) “The Roles of Patents and Research And Development Incentives In Biopharmaceutical Innovation,” Health Affairs, 2/2015] JL

The essential rationale for patent protection for biopharmaceuticals is that **long-term benefits** in the form **of continued future innovation by pioneer or brand-name drug manufacturers outweigh the relatively short-term restrictions on imitative cost competition associated with market exclusivity.** Regardless, the entry of other branded agents remains an important source of therapeutic competition during the patent term.

Several economic characteristics make patents and **intellectual property protection [is] particularly important to innovation incentives for the biopharmaceutical industry**. 5 **The R&D process often takes more than a decade to complete**, and according to a recent analysis by Joseph DiMasi and colleagues, per new drug approval (including failed attempts), **it involves more than a billion dollars** in out-of-pocket costs. 6 **Only** approximately **one in eight drug candidates survive** clinical **testing**.

**As a result** of the high risks of failure and the high costs, **research and development must be funded by the few successful, on-market products** (the top quintile of marketed products provide the dominant share of R&D returns). 7,8 **Once a new drug’s patent** term and any regulatory exclusivity provisions have **expire[s]**d, **competing manufacturers are allowed to sell generic equivalents that require the investment of only several million dollars and that have a high likelihood of commercial success.** **Absent intellectual property protections that allow marketing exclusivity, innovative firms would be unlikely to make the costly and risky investments needed to bring a new drug to market.**

Patents confer the right to exclude competitors for a limited time within a given scope, as defined by patent claims. However, they do not guarantee demand, nor do they prevent competition from nonidentical drugs that treat the same diseases and fall outside the protection of the patents.

New products may enter the same therapeutic class with common mechanisms of action but different molecular structures (for example, different statins) or with differing mechanisms of action (such as calcium channel blockers and angiotensin receptor blockers). 9 Joseph DiMasi and Laura Faden have found that the time between a first-in-class new drug and subsequent new drugs in the same therapeutic class has been dramatically reduced, from a median of 10.2 years in the 1970s to 2.5 years in the early 2000s. 10 Drugs in the same class compete through quality and price for preferred placement on drug formularies and physicians’ choices for patient treatment.

Patents play an essential role in the economic “ecosystem” of discovery and investment that has developed since the 1980s. Hundreds of start-up firms, often backed by venture capital, have been launched, and a robust innovation market has emerged. 11 The value of these development-stage firms is largely determined by their proprietary technologies and the candidate drugs they have in development. As a result, **the strength of intellectual property protection plays a key role in funding and partnership opportunities** for such firms.

**[b] a statistical analysis of multiple studies confirms that intellectual property protections are key to productive research and development. We warrant exactly how patent rights have a direct relationship to research and development.**

**Cory ‘19**[Stephen Ezell, vice president & global innovation policy @ ITIF, BS Georgetown School of Foreign Service. Nigel Cory, associate director covering trade policy @ ITIF, MA public policy @ Georgetown. "The Way Forward for Intellectual Property Internationally," Information Technology & Innovation Foundation, 4-25-2019, accessed 8-25-2021, https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally] HWIC

**IPRs Strengthen Innovation**

**I**ntellectual **p**roperty **rights power innovation**. For instance, analyzing the level of intellectual property protections (via the World Economic Forum’s Global Competitiveness reports) and creative outputs (via the Global Innovation Index) shows that **counties with stronger IP protection have more creative outputs** (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even **at varying levels of development**.46

IPR reforms also introduce strong incentives for domestic innovation. Sherwood, using case studies from 18 developing countries, concluded that poor provision of intellectual property rights deters local innovation and risk-taking.47 In contrast, **IPR reform has been associated with increased innovative activity**, as measured by domestic patent filings, albeit with some variation across countries and sectors.48 For example, Ryan, in a study of biomedical innovations and patent reform in Brazil, found that patents provided incentives for innovation investments and facilitated the functioning of technology markets.49 Park and Lippoldt also observed that the provision of adequate protection for IPRs can help to stimulate local innovation, in some cases building on the transfer of technologies that provide inputs and spillovers.50 In other words, **local innovators are introduced to technologies** first **through** the technology **transfer** that takes place in an environment **wherein protection of IPRs is assured**; then, they may build on those ideas to create an evolved product or develop alternate approaches (i.e., to innovate). Related research finds that trade in technology—through channels including imports, foreign direct investment, and technology licensing—improves the quality of developing-country innovation by increasing the pool of ideas and efficiency of innovation by encouraging the division of innovative labor and specialization.51 However, Maskus notes that ***without protection from*** *potential* ***abuse of their*** *newly developed* ***technologies, foreign enterprises may be less willing to reveal technical information associated with*** *their* ***innovations***.52 The protection of patents and trade secrets provides necessary legal assurances for firms wishing to reveal proprietary characteristics of technologies to subsidiaries and licensees via contracts. Counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development. The relationship between IPR rights and innovation can also be seen in studies of how the introduction of **stronger IPR laws,** with regard to patents, copyrights, and trademarks, **affect R&D activity** in an economy. Studies by Varsakelis and by Kanwar and Evenson found that ***R&D to GDP ratios are positively related to the strength of patent rights***, and are conditional on other factors.53 Cavazos Cepeda et al. found a positive influence of IPRs on the level of R&D in an economy, with each 1 percent increase in the level of protection of IPRs in an economy (as measured by improvements to a country’s score in the Patent Rights Index) equating to, on average, a 0.7 percent increase in the domestic level of R&D.54 Likewise, a **1 percent increase in copyright protection was associated with a 3.3 percent increase in domestic R&D**. Similarly, **when trademark protection increased by 1 percent**, there was an **associated R&D increase of 1.4 percent**. As the authors concluded, “Increases in the protection of the IPRs carried economic benefits in the form of **higher** inflows of **FDI**, and **increases in** the levels of both domestically conducted **R&D** and service imports as measured by licensing fees.”55 As Jackson summarized, regarding the relationship between IPR reform and both innovation and R&D, and FDI, “In addition to spurring domestic innovation, strong intellectual property rights can increase incentives for foreign direct investment **which** in turn also **leads to economic growth**.”56

**Innovation is crucial. 3 impacts 1. Increasing accessibility of medicines around the world and increase their effectiveness 2. to respond to future health crises 3. increasing life expectancy for diseases without treatments yet ow on timeframe, scope and magnitude**

**Jenner ’16** Jenner, Andrew. “Value of Innovation.” IFPMA, IFPMA, 23 Feb. 2016, www.ifpma.org/subtopics/value-of-innovation/.

Many lower and middle-income countries are making important investment in developing their healthcare infrastructure as part of their commitment to achieving Universal Health Coverage. Increasing access to new medicines and vaccines can help sustain such investment by reducing the need for costly surgical interventions and hospitalization. In many cases, the **use of innovative medicines** by health system**s can pay for themselves several times over**. One study found that a reduction in the age of drugs used reduces non-drug spending 7.2 times as much as it increases drug expediture, with most of the savings coming from reduced hospitalization and physician office-visit expenditures. Vaccines, for instance, have proven to be one of the most effective preventative technologies in the fight against infectious diseases with an almost unparalleled impact on public health, saving the lives of over 2.5 million children each year. Estimates show that increasing access to six vaccines (including new vaccines for rotavirus and malaria) **could save USD 6.2 billion in treatment costs globally. Increased productivity** due to averted illness **could gain** the world **an additional $145bn**. The upfront cost of procuring vaccines is dwarfed by these benefits. **In addition to** these **economic** benefits, the innovation we bring along has transformed the lives of millions of patients **all over the world.** For instance, **improvements in existing cancer treatments have cut** annual **death rates by half** in the United States. High cholesterol and **other** heart **diseases, which required extensive treatment** in the 1970s, **can now be easily managed** with oral therapy. Our industry has played a crucial role in researching and developing the medicines that have contributed to this.

The mission of the life sciences industry – in New Jersey, across the United States and around the world – is as ambitious as it is straightforward: to research and develop new medicines, therapies, medical devices, technologies and diagnostics to detect, treat and cure disease and improve the quality of life for patients. Driven to improve global human health, for more than 100 years, the life sciences industry – which includes biopharmaceutical, biotechnology and medical technology, device and diagnostics companies – has helped people live longer, more productive and fulfilling lives. **Medical innovation has consistently responded to the challenge in times of crisis and is currently at the forefront of the battle against the COVID-**19 pandemic as it has been through so many other health emergencies. **Discovering and developing new medicines,** therapies, medical devices and technologies **is a complex, time-consuming, expensive and risk-laden process** that life sciences companies willingly undertake, spending more than $100 billion annually in search of alleviating human suffering. **The societal value of new medical innovation lies not only in improving human health, but in doing so in a cost-effective manner** that brings efficiency to the delivery of health care.**When medical breakthroughs can cure a disease** rather than requiring an organ transplant, or when chemotherapy can be administered orally rather than by infusion, **the patient, the health care system and the economy all benefit**. MEDICAL INNOVATION: EXTENDING LIFE – SAVING LIVES Collectively, new therapies have been among the greatest contributors to increased life expectancy **over the past century. U.S. life expectancy at birth has risen from 47 years** at the turn of the 20th century **to 78 years today. New therapies accounted for 73 percent of the increased life expectancy in 30 developing and high-income countries** between 2000-09. U.S. **cancer survivorship alone has more than tripled** since 1970, **with nearly 16.9 million** cancer **survivors alive** in the country as of January 1, 2019. **This number is expected to increase to 22.2 million by 2030. As of 2018, the cancer death rate** for men and women combined **had fallen 31 percent from its peak in 1991.** This decline translates to **3.2 million deaths avoided.  Biopharmaceutical innovation**, through improvements in treatment**, has contributed to 76 percent of the improvements in mortality rates for HIV/AIDS patients and 60 percent of improvements in life expectancy** for breast cancer patients. **Heart disease mortality has been improved by 52 percent due to advancements** in medicines. MEDICAL INNOVATION’S ADDED VALUE – COST SAVINGS AND ECONOMIC PRODUCTIVITY In addition to improving patient outcomes, medical innovation offers other, often underappreciated benefits – reducing costs in the health care system and increasing economic productivity**.  With new technologies and therapies that can detect and treat a disease earlier in its onset, and medicines to manage chronic disease, the cost of health care can be significantly reduced**. Less than 10 cents of the U.S. health care dollar was spent on prescription medicines in 2019. This percentage has remained unchanged since the 1960’s. In 2013, the Congressional Budget Office (CBO) started to incorporate the savings from prescription medicines into the cost of Medicare policies. For every 1 percent increase in the number of prescriptions, the CBO incorporates a 0.2 percent decrease in spending on medical services.  According to the Centers for Disease Control and Prevention, improved medication adherence can save $100-$300 billion annually in direct health care costs. Between 1980 and 2010, advanced medical technology helped cut the number of days patients spent in hospitals by 58 percent. Treating people with chronic disease (e.g., heart disease, stroke, cancer, diabetes, obesity, arthritis) (about half of all U.S. adults) accounts for 86 percent of our nation’s health care costs. By investing in prevention and treatment of the most common chronic diseases, the cost of treatment in the U.S. could decrease by $218 billion per year, and the impact of disease on the economy would be reduced by $1.1 trillion annually. MEDICATION ADHERENCE – KEY TO IMPROVED OUTCOMES AND REDUCING HEALTH CARE COSTS Medication adherence is a critical factor in improving patient outcomes and bringing efficiency and cost savings to the health care system. Of the approximately 187 million Americans who take one or more prescription medications, it is estimated that up to one-half do not take their medications as prescribed, with more than 1 in 5 new prescriptions not being filled. Non-adherence in the U.S. is estimated to result in approximately 125,000 deaths and at least 10 percent of hospitalizations. Medication non-adherence costs the U.S. roughly $330 billion annually in unnecessary medical expenses, as estimated by Express Scripts in 2015. An extra $1 spent on medicines for adherent patients with congestive heart failure, high blood pressure, diabetes and high cholesterol can generate $3-$10 in savings on emergency room visits and inpatient hospitalizations. Adherence to medications for congestive heart failure could result in $22.4 billion saved in the U.S. over a 10-year period. Nearly 1 million hospitalizations could be avoided with better adherence to, and treatment with, hypertensive medicines. LIFE SCIENCES RESEARCH AND DEVELOPMENT – RESOURCES AND RISK IN SEARCH OF THE NEXT TREATMENT  Thousands of scientists go to their labs every day in search of the next treatment, therapy or technology to improve human health and alleviate the suffering of patients.  With the odds heavily against success, life sciences companies invest billions of dollars annually to support the work of these dedicated scientists in their quest to discover the next medical breakthrough.  America’s biopharmaceutical industry in total invested $102 billion in U.S. research and development in 2018. The biopharmaceutical industry is responsible for 17 percent of R&D spending by U.S. businesses, the single largest share of any industry. 91 percent of drugs are developed by the private sector with no direct government role. **On average, it costs $2.6 billion and takes 10-15 years to discover, develop and bring a new medicine to market. Only 5 of 5,000 compounds** that enter preclinical testing **will enter a clinical trial, and only one** will be **commercialized**. **Only 12 percent of new molecular entities** that enter clinical trials eventually **receive FDA approval**. **Only 2 of 10 new medicines** that come to market **will be deemed a commercial success – meaning** they will **produce revenues that exceed** the average R&D **cost**. **More than 7,000 medicines currently are in development** around the world for cancer, cardiovascular disease, diabetes, HIV/AIDS, immunological disorders, infectious disease and other disease states. **Of these 7,000 treatments, 70 percent are potential first-in-class therapies,** meaning they use a completely new approach to fighting disease.