## 1st

### T

#### Interp: The affirmative debater must specify and separately delineate the types of medicines the World Trade Organization ought to reduce intellectual property protections for.

#### Violation: they did not

#### Distinct patents and IP protections apply for different medicines

Walker, Anthony “Pharmaceutical Patents: an overview” Alacrita https://www.alacrita.com/blog/pharmaceutical-patents-an-overview

There are many different types of pharmaceutical patents, depending on the drug they are protecting. The exclusivity of each patent can be extended by various lengths because drug discovery, validation, and marketing can take more than 10 years. By extending the patent exclusivity, it encourages companies to study and develop new drugs by derisking the extended time and effort expended during development. This is especially important for drugs in understudied areas, such as rare diseases, antibiotics, and pediatric populations. Because a large portion (up to 80 percent) of pharmaceutical company’s revenue comes from their patents, they want to extend their patents for as long as possible. Once a patent expires, other companies can manufacture and sell the drug, which is where generic competitors come into play. Patents for new chemical entities (drugs that contain a portion that has never been FDA-approved) can be extended for five years under the FDA and European Medicines Agency (EMA). Sponsors may also receive up to 11 years of exclusivity for new drugs (eight years of data exclusivity, two years of market exclusivity, and a one-year extension). Patents for new methods of use (a new use for a drug or drug reformulation via extended-release drug versions, reduced dosing, or increased ease of use) can be extended for three years under the FDA and ten years under the EMA. Patents for drugs with orphan designation (drugs to treat rare diseases) have an extra seven years of exclusivity on drug sales under the FDA and ten extra years under the EMA. Patents for drugs with pediatric exclusivity (ones that include pediatric data) can enjoy an additional six months of exclusivity under the FDA and EMA. Patents for certain new antibiotics can have an extra five years of exclusivity under the FDA.

#### Standards

#### [1] Real world ed – they generalize that all medicines are the same and have the same IP protections, which means we cannot talk about the nuances of protections for different medicines as well as why certain medicines are necessarily good since the aff has already determined the direction of the round. This ow on portability b/c we are able to use we learn and apply it years from now especially if we become policymakers or enter the medical world.

#### [2] Stable advocacy – 1AR can delink from neg positions like DAs on specific medicines,e.g. the COVID vaccine DA, by reclarifying the IP protections of different medicines that the aff defend – wrecks neg ground and ballot access and kills in depth clash – CX doesn’t check, a] since it kills 1NC construction pre-round, b] encourages debaters to be as abusive and shifty as possible during cx, c] judges don’t flow.

#### Paradigms – Fairness – debate is a competitive activity that requires fairness for objective evaluation. Education – It’s the only reason why schools fund debate.

#### Drop the debater – a] indicts the aff so drop the arg is drop the debater b] deter future abuse

#### Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices. 1NC theory first-

#### No new 1ar paradigm issues – No 1ar theory -

## 2nd

### NC

#### Permissibility and presumption negate – Statements are more often false than true because any part can be false – outweighs on probability. This means you negate if there is no offense because the resolution is probably false.

#### 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.

#### 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

#### Ethics must be universalizable: 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 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

#### 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

### Offense

#### Negate:

#### [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.

#### [2] The aff encourages free riding- that treats people as ­means to an end and takes advantage of their efforts which violates the principle of humanity

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Also, **allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor**, would disrupt capitalism in a radical way. **The resulting more secretive approach in support of the above free-riding Statement** would be akin to a Communist environment **where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible,** apart from legitimate exigencies.

#### [3] No aff offense IP is considered a form of property under the fw

Pozzo 06 (POZZO, R. Immanuel Kant sobre propriedade intelectual. Trans/Form/Ação, (São Paulo), v.29(2), 2006, p.11-18.)

The peculiarity of **intellectual property** cons**is**ts thus first in being indeed a property, but **property of an action**; and second in being indeed **inalienable**, but also transferable in commission and license to a publisher. **The bond** **the author has** **on** his **work confers** him **a moral** right that is indeed a **personal right**. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other. In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. **Kant**, however, **was firm in embracing intellectual property**. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right. In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to **intellectual property as** an “**inalienable right** (ius personalissimum) always himself to speak through anyone else, the right, that is, that **no one may deliver the same speech to the public other than in his** (the author’s) **name**” (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. He saw **intellectual property** as a **part of** his **metaphysical construction of intellectual activity**, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library. In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. Kant and Fichte spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience. In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “**This intellectual element** must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection **in which**, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the **author’s exclusive right** to the intellectual content of his book – “the appropriation of which **through another is physically impossible**” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use.

## Case

#### Turn, biotech leads to more unpredictable and uncommbatable viruses, means your impact turns itself since it just increases biotech and thus pandemics, that causes extinction as per your 1st impact

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization.

A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6

While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and theWestern Abenaki (which suffered a staggering 98% loss of population).

In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2