## 1

#### Interpretation: The affirmative debater must defend policy implementation of the resolution, “****The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.****

#### The World Trade Organization is:

"What is the WTO?," <https://www.wto.org/english/thewto_e/thewto_e.htm>

The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to ensure that trade flows as smoothly, predictably and freely as possible.

#### Intellectual property and rights are:

"Intellectual property" refers to creations of the mind. These creations can take many different forms, such as artistic expressions, signs, symbols and names used in commerce, designs and inventions. Governments grant creators the right to prevent others from using their inventions, designs or other creations — and to use that right to negotiate payment in return for others using them. These are “intellectual property rights”. They take a number of forms. For example, books, paintings and films come under copyright; eligible inventions can be patented; brand names and product logos can be registered as trademarks; and so on. Governments grant creators these rights as an incentive to produce and spread ideas that will benefit society as a whole.

#### Violation: They don’t defend the topic, they say the res is anti-social. I.e. res is bad.

#### Standards:

#### [1] Limits – the resolution creates a stasis point for negative engagement and constrains what topical debate looks like. Topic lit is primarily policy-based, and not defending implementation moots core neg generics (like innovation, vaccine safety, ip limitations, etc.) , and other post-fiat offense], causing massive prep skew. That exacerbates resource disparities since only debaters with a bunch of coaches can generate enough prep for every non-policy aff in the direction of the topic – accessibility is an independent voter – key to equal normsetting and diverse perspectives in debate. Limits key to engaging the aff from multiple angles which o/w since testing is the role of the neg. We’re forced to read generic method k’s they’ll have prepped out. Also key to deliberation – if the neg can’t read its best prep, we can’t determine if their method is good or portable – o/w it’s the constitutive purpose of debate.

#### [2] SSD – our model is one of self-reflexivity, forcing debaters to not just engage in one style of debate but discover an intersectional approach that allows critique within the context of a topical plan. Solves their offense – they get access to their framing and offense as long as it’s topical and can read the aff as a K on the neg. Disidentification serves as the balance that causes policy debaters to understand critical literature and vice versa – o/w on portability – pure critique is less likely to gain traction because of widespread societal dogmas.

#### [3] Ground – they get to choose any topic which makes negating impossible. They defend a body of literature they know much more about and can additionally defend topics like “racism bad” which has no negative ground.

#### [4] TVAs solve the aff:

#### Any DAs to the aff’s method supercharge the TVA. 1AR responses to the TVA is offense for us because it proves our model allows for clear contestation and reading the rest of their theory on the negative solves their offense.

#### Fairness first and you don’t get cross-apps:

#### [1] Constitutiveness – All argumentation presupposes fairness that the judge won’t hack for either side. You can’t impact turn this – because you rely that the judge won’t hack for me which means you implicitly value fairness. Just like hacking is against the rules, so too is not defending the topic.

#### [2] Evaluation – Judges can’t evaluate the round if skewed, just like an official allowed an athlete on steroids into a competition. If the judge can’t evaluate the aff fairly it means you don’t get access to the impacts because they aren’t ever evaluated on the same field.

#### [3] Accessibility – Unfair activities cause people to quit. The circuit is already inaccessible to countless minority groups and a method of inclusion is best. This turns case – you’re making the debate space worse for minority novices which o/w because it precludes future engagement and anti-racism.

#### [4] Truth testing – If the affirmative can’t be evaluated fairly then we don’t know the truth value of any of the claims. If a student cheated on a test, we wouldn’t treat the results as legitimate because they engaged in a way antithetical to the rules of the activity.

#### Drop the Debater: I’m indicting their entire advocacy so anything else is incoherent.

#### Can’t weigh case – a. begs the question of you winning your model of debate – it’s a question of form vs. content b. engagement was skewed to begin with, so you have a lower threshold of justification

#### No RVIs: A. Logic – it’s their burden to be fair and anything else justifies getting a 100 for proving you didn’t cheat on a test B. Encourages baiting abuse and then winning theory off the scripted counterinterp.

#### No Impact Turns: A. I’m not forcing you to do anything – under a competing interps model of debate we decide which norm is best. B. T is an argument why the aff is a bad idea just like any indict we would read on case so it’s NUQ.

## 2

**Permissibility and presumption negate: a) Lack of obligation proves the resolution false. Ought means moral obligation (Merriam Webster) so if the aff can’t prove there is a moral obligation, then they haven’t proven the res true. b) A statement is more likely false because any part can be false. 2 + 3 = 5 can be altered in any way and it would be false c) affirming is easier—they have infinite prep going in, speak first and last, and there is no time skew because we both have 13 minutes, meaning they get more time to make new arguments.**

#### 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 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

#### 3] Frameworks are an interpretation of the word “ought” in the resolution, which means they are a topicality interpretation and thus should be theoretically justified. Prefer my framework bc of Resource disparities—a focus on evidence and statistics privileges debaters with the most prep which excludes lone-wolfs who lack huge files.

#### 4] Paradoxes-

#### A] Good Samaritan- In order to say I want to fix X problem, you must say that you want X problem to exist, since it requires the problem to exist to solve, which makes a moral attempt inherently immoral. This also means affirming negates because you need the resolution to not have happened in order to have an obligation.

### 1NC – Offense

#### 1] Intellectual property is an inalienable personal right of economic use

**Pozzo 6** Pozzo, Riccardo. “Immanuel Kant on Intellectual Property.” Trans/Form/Ação, vol. 29, no. 2, 2006, pp. 11–18., doi:10.1590/s0101-31732006000200002. SJ//DA recut SJKS recut Cookie JX

Corpus mysticum, opus mysticum, propriété incorporelle, proprietà letteraria, geistiges Eigentum. All these terms mean **intellectual property, the existence of which is intuitively clear because of the unbreakable bond that ties the work to its creator.** The book belongs to whomever has written it, the picture to whomever has painted it, the sculpture to whomever has sculpted it; and this independently from the number of exemplars of the book or of the work of art in their passages from owner to owner. The initial bond cannot change and it ensures the author authority on the work. Kant writes in section 31/II of the Metaphysics of Morals: “Why does unauthorized publishing, which strikes one even at first glance as unjust, still have an appearance of being rightful? Because on the one hand a book is a corporeal artifact (opus mechanicum) that can be reproduced (by someone in legitimate possession of a copy of it), so that there is a right to a thing with regard to it. On the other hand a book is also a mere discourse of the publisher to the public, which the publisher may not repeat publicly without having a mandate from the author to do so (praestatio operae), and this is a right against a person. The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, **the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed.** Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way **The peculiarity of intellectual property consists 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. In Publishing Considered anew, Reimarus considered on the contrary copyright in its patrimonial aspects as a limitation to free trade: “What would not happen were a universal protection against pirate publishing guaranteed? Monopoly and safer sales certainly do not procure convenient price; on the contrary, they are at the origin of great abuses. The only condition for convenient price is free-trade, and one cannot help noticing that upon the appearance of a private edition, publishers are forced to substantially lower the price of a book” (Reimarus, 1791a, pp.402-3). Reimarus admitted of being unable to argue in terms of justice. Justice was of no bearing, he said, for whom, like himself, considered undemonstrated the author’s permanent property of his work (herein supported by the legislative vacuum of those years). What mattered, he said, was equity. In sum, Reimarus anticipated today’s stance on free use by referring to the principle that public interest on knowledge ought to prevail on the author’s interest and to balance the copyright. Moreover, Reimarus extended his argument beyond the realm of literary production to embrace, among others, the today vital issue of pharmaceutical production on patented receipts. “Let us suppose that at some place a detailed description for the preparation of a good medicine or of any other useful thing be published, why may not somebody who lives in places that are far away from that one copy it to use it for his own profit and but must instead ask the original publisher for the issue of each exemplar?” (Reimarus, 1791b, t.2, pp.584). To sum up, Reimarus’s stance does not seem respondent to rule of law. For in all dubious case the general rule ought to prevail, fighting intellectual property with anti-monopolistic arguments in favor of free trade brings with itself consequences that are not tranquilizing also for the ones that are expected to apply the law. **By resetting literary texts, one could obviously expurgate some errors. More frequently, however, some were added, given the exclusively commercial objectives of the reprints. The valid principle was, thus, that reprints were less precise than original editions, but they were much cheaper for the simple reason that the pirate publisher had a merely moral obligation against the author and the original publisher. In fact, he was not held to pay any honorarium to the author upon handling over the manuscript, nor to paying him royalties, nor to pay anything to the original publisher. The** only expense in charge of the pirate publisher was buying the exemplar of the original edition out of which he was to make, as we say today, a free use.

#### Unauthorized publication and usage of text is wrongful and infringes on inalienable moral rights

Barron ’11. [Barron, Anne (2011) Kant, copyright and communicative freedom. Law and philosophy . pp. 1-48. <http://eprints.lse.ac.uk/37521/1/Kant_Copyright_and_Communicative_Freedom_%28lsero%29.pdf>] NChu

My claim in this article is that a significantly different, and arguably richer, conception of what a free culture entails and how the rights of authors relate to it emerges from a direct engagement with the philosophy of Immanuel Kant.15 The immediate justification for turning to Kant in this context is that he dealt very directly with the issue of authors’ rights – first in an essay published in 178516 (hereinafter ‘1785 Essay’) and again briefly in a section – entitled “What is a Book” – of his late work of political philosophy, Part I of The Metaphysics of Morals. 17 Moreover, he theorized these rights as speech rights, and not as rights of property in works considered as crystallizations of their authors’ communications.18 The most wellknown of the arguments contained in these writings can be briefly outlined. Kant’s premise is that a book considered as a material object must be distinguished from a book considered as the vehicle for an activity of authorial speech. On the one hand, an author’s manuscript, and every printed copy of it, is an ordinary object of property attracting an ordinary right of property vested in whomever is legitimately in possession of the object. This right would include the right to use the object, to sell the object and indeed to copy the object. On the other hand, a published book (considered as the vehicle of its author’s speech) is also a communication from publisher to public in the name of the author. Hence it is also an action, and as such it has its existence in a person – the person of the author. For Kant, it follows that unauthorized publication of copies of the author’s text – though not unauthorized reproduction as such – is wrongful. By

#### [2] 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**

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## Case

#### Negate on presumption –

#### **[A] Voting aff relies on neoliberal meritocracy – wins equate to visibility, the ballot is an act of recognition. This attachment to the ballot is cruelly optimistic because nothing leaves this round nor does it affect subjectivities – it just pits us against each other without breaking the game.**

#### **[B] It’s not enough to just assert that we should resist antiBlackness and discuss the undercommons– they don’t have any explanation for how voting aff for their method spills-up to institutional change or provides a strategy for making debate better writ-large for other people.**

#### **[C] Five dictionaries define affirm as to prove true which means they must prove the resolution true and the judge’s obligation is to vote on the resolution’s truth or falsity. That negates – they haven’t met their burden since they don’t engage in the resolution and thus have no offense.**

#### **[Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true]**