# NC

### 1

#### Interp: The aff must defend reducing IPP for medicines.

#### They violate – they defend reducing IPP for vaccines, which are distinct.

Vecchio 21 (Christopher Vecchio, [CFA, Senior Strategist,], 7-22-2021, “Delta Variant Concerns Won't Cripple Markets, US Economy“, DailyFX, accessed: 8-9-2021, https://www.dailyfx.com/forex/video/daily\_news\_report/2021/07/22/market-minutes-delta-variant-concerns-wont-cripple-markets-us-economy.html) ajs

Let’s stick to the facts. The COVID-19 vaccines are not medicines, which by definition “treat or cure diseases.” Vaccines “help prevent diseases,” an important distinction. Why does this matter? Because data coming out of some of the world’s developed economies with high adult vaccination rates suggest that the vaccines are working as intended: tail-risks have been reduced, with hospitalizations and deaths falling relative to the recent spike in infections (which have been occurring primarily among the unvaccinated at this point). Put another way, vaccines are like a Kevlar vest for the immune system; while they don’t make you bulletproof, they dramatically increase the odds of surviving an adverse event.

#### 1] Semantics first – they’re the only stable starting point for the round.

Nebel 18 [Jake Nebel is an assistant professor at University of Southern California, School of Philosophy. “The Meaning of the Resolution by Jake Nebel” Victory Briefs September/October 2018 LD Brief. Citing: “Reporters and Correspondents”, https://www.bls.gov/oes/current/oes273022.htm ]

Unlike direct appeals to desirable consequences, the actual meaning of the resolution provides a more salient—and therefore more predictable—focal point upon which debaters could more reliably expect each other to converge given a good-faith effort. Even if it would be better, in some sense, if everyone took the resolution to mean something other than what it actually means, the probability of everyone identifying anything like the same proposition as the one that would be best to debate is so small as to be easily outweighed by the value of coordinating on a shared proposition at all; this coordination can only happen if debaters at least try to debate the resolution under its most accurate interpretation. Even if some disagreements would remain, there would at least be an impartial basis for resolving them. That is why debate would be better if debaters tried to debate the proposition actually expressed by the resolution, rather than whichever nearby proposition they think would be better to debate.

#### 2] Limits – ignoring the definitions makes for infinite aff cases – its unfair because explodes aff ground and I can’t prep out all those cases.

#### 3] Neg ground – speccing vaccines takes out neg ground on medicines and links/cps to reducing ip on medicine and guts our ability to engage.

#### The voters are

#### Fairness b/c a) it’ an intrinsic good b) it control the internal link to education c) debate is a game, if it’s unfair no-one will want to play.

#### And it’s drop-the-debater, k2 deterring further abuse and substance is skewed b/c I had to spend time on theory, and can’t engage with them cause their nontopical.

#### No RVI on T, a) logic, you don’t win for being topical, b) debaters will act abusively on purpose to bait out theory and dump on the RVI.

#### Competing interpretations, a) reasonability is bad it requires judge intervention and b) arguing about the norms is the only way to get to the best norms possible.

### 2

#### Interp: The aff must defend reducing IPP for medicines.

#### They violate – they defend a suspension of IPP in the form of a waiver, which is distinct from reduction.

Reynolds 59. Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway. The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency. Aside from the practical aspect indicating permanency other indicia point to the same conclusion. From 1924 (L. 1924, ch. 619) to 1947 (L. 1947, ch. 841) a provision appeared in the Civil Service Law which read substantially as follows: "If the pension of a beneficiary is reduced for any reason, the amount of such reduction shall be transferred from the pension reserve fund to the pension accumulation fund during that period that such reduction is in effect." (See L. 1924, ch. 619, § 2 [Civil Service Law, § 58, subd. 4]; L. 1947, ch. 841 [Civil Service Law, § 66, subd. e].) This provision reappears in the 1955 Retirement and Social Security Law as subdivision f of section 24. This provision is useful for interpretative purposes. Since it prescribes that moneys not paid because of reduction should be transferred back to the accumulation fund the conclusion is inescapable that such reductions were meant to be permanent. If temporary suspensions were intended this bookkeeping device would result in a false picture of the funds, i.e., the reserve fund would be depleted when it would contain adequate funds to meet eventual payments 57\*57 to present pensioners. Likewise, the accumulation fund would be improperly inflated with respect to the present pensioners. Section 64 of the Retirement and Social Security Law (§ 85 under the 1947 act) provides that any disability pension must be reduced by the amount payable pursuant to the Workmen's Compensation Law if applicable. In Matter of Dalton v. City of Yonkers (262 App. Div. 321, 323 [1941]) this court interpreted "reduce" to mean "offset" in holding that under then section 67 (relating to Workmen's Compensation benefits as do its successors sections 85 and 64), pensions were to be offset by compensation benefits. This is merely another indication that "reduce" means a diminishing of the pension pursuant to a given formula rather than a mere recoverable, temporary suspension during the time other benefits or salaries are being received by the pensioner. (Also, cf., Retirement and Social Security Law, § 101 [§ 84 under the 1947 act].)

#### 1] CA Nebel, semantics first.

#### 2] Limits – They could spec infinite timeframes to reduce IP which is a regress, and since they didn’t spec the timeframe in the AC they could just be shifty in the 1ar and say the timeframe is right until the brink of the disads.

#### 3] Neg ground – most neg das and counterplans come from long-term impacts of reducing ip like innovation DA, but they kill our ability to link and gut neg ground.

CA voters

### 3

#### Climate Patents and Innovation high now and solving Warming but patent waivers set a dangerous precedent – the mere threat is sufficient is enough to kill investment.

Brand 21 Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/.

The biotech industry is making remarkable advancestowards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensationand no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass**,** reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietaryknow-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary internationalcollaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to investat the current and required levels**.**

#### The best scientific models prove that climate change cause extinction.

Strona 18 Giovanni, Flinders University, Bradshaw, Corey J. A., Scientific Reports, Science Daily, “Climate Change risks ‘extinction domino effect,’” https://www.sciencedaily.com/releases/2018/11/181129122506.htm

New research reveals the extinction of plant or animal species from extreme environmental change increases the risk of an [leads to] 'extinction domino effect' that could annihilate all life on Earth. This would be the worst-case scenario of what scientists call 'co-extinctions', where an organism dies out because it depends on another doomed species, with the findings published today in the journal Scientific Reports. Think of a plant's flower pollinated by only one species of bee -- if the bee becomes extinct, so too will the plant eventually. "Even the most resilient species will inevitably fall victim to the synergies among extinction drivers as extreme stresses drive ecosystems to collapse." says lead author Dr Giovanni Strona of the European Commission's Joint Research Centre based in Ispra in northern Italy. Researchers from Italy and Australia simulated 2,000 'virtual earths' linking animal and plant species. Using sophisticated modelling, they subjected the virtual earths to catastrophic environmental changes that ultimately annihilated all life. Examples of the kinds of catastrophes they simulated included runaway global warming, scenarios of 'nuclear winter' following the detonation of multiple atomic bombs, and a large asteroid impact. "What we were trying to test is whether the variable tolerances to extreme global heating or cooling by different species are enough to explain overall extinction rates," "But because all species are connected in the web of life, our paper demonstrates that even the most tolerant species ultimately succumb to extinction when the less-tolerant species on which they depend disappear." "Failing to take into account these co-extinctions therefore underestimates the rate and magnitude of the loss of entire species from events like climate change by up to 10 times," says co-author Professor Bradshaw of Flinders University in South Australia Professor Bradshaw and Dr Strona say that their virtual scenarios warn humanity not to underestimate the impact of co-extinctions. "Not taking into account this domino effect gives an unrealistic and exceedingly optimistic perspective about the impact of future climate change," warns Professor Bradshaw. It can be hard to imagine how the demise of a small animal or plant matters so much, but the authors argue that tracking species up to total annihilation demonstrates how the loss of one can amplify the effects of environmental change on the remainder. "Another really important discovery was that in the case of global warming in particular, the combination of intolerance to heat combined with co-extinctions mean that 5-6 degrees of average warming globally is enough to wipe out most life on the planet," says Dr Strona. Professor Bradshaw further warns that their work shows how climate warming creates extinction cascades in the worst possible way, when compared to random extinctions or even from the stresses arising from nuclear winter.

### 4

#### Thus, the Counterplan – add a Health Impact Fund to incentivize Pharmaceuticals to voluntarily lower prices and increase access. This would add a complement to IPP rather than reducing it.

Pogge 10 [Thomas Pogge, Thomas Winfried Menko Pogge is a German philosopher and is the Director of the Global Justice Program and Leitner Professor of Philosophy and International Affairs at Yale University. Cambridge University Press, “Incentives for Global Health: Patent Law and Access to Essential Medicines. The Health Impact Fund: Better Pharmaceutical Innovations at Much Lower Prices,” 2010, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1431180]/ lm

The exclusion of the poor by the existing patent regime requires reform. Given the foregoing discussion, a straightforward and moderate reform would create a supplementary mechanism that, by addressing the needs of the poor, would remedy the injustice now imposed upon them. This reform proposal comprises six elements. First, just as the patent regime provides a general innovation incentive, so its complement encourages pharmaceutical innovation through an incentive that is specified in general terms: as a promise to reward any successful new medicine, in proportion to its success. This kind of mechanism has been described as a comprehensive AMC.14 Second, while the patent regime rewards medicines on the basis of the market demand each generates and then satisfies, thereby effectively excluding the poor, its complement gives equal standing to all by defining success simply in terms of human health. On this complementary track, the success of a medicine is assessed by the reduction in human morbidity and premature mortality it achieves – regardless of whether these harms are averted from rich or poor patients. Third, in order to help overcome the last-mile problem, the rewards available under the complementary mechanism should be tied not to what a medicine can do, but to what it actually achieves in the world. Fourth, when such a general mechanism provides large enough health impact rewards, it will attract sufficient innovation and sufficient efforts to ensure real access to new medicines worldwide. This avoids any need for compulsion. Innovators can be left free to choose between the two tracks, developing on the new track high-impact medicines needed also by many poor patients and on the conventional patent track low-impact medicines desired by the more affluent. Making the health-impact track optional is also crucial for the political success of the proposal. Fifth, in order to reinforce the incentive toward facilitating real access, health impact rewards should be conditional on the medicine being priced no higher than the lowest feasible cost of production and distribution.

Sixth, health impact rewards should be funded by governments as a public good. In order to minimise burdens and deadweight losses due to taxes, the cost should be spread as widely as possible. This suggests that the complementary funding mechanism should be global (rather than national) in scope. The reasons that make the reform compelling in any one country or region make it compelling everywhere. Moreover, global scope avoids the problems associated with large price differentials. Global scope also brings huge efficiency gains by diluting the cost of the scheme without diluting its benefits: no matter how many beneficiaries we may add, the cost of achieving an innovation remains the same even while its aggregate benefit increases with the number of beneficiaries.15 Finally, an international agreement would also reinforce the commitment of individual countries to the scheme. Pharmaceutical innovation is therefore best encouraged by promising to reward any safe and effective new medicine in proportion to its global health impact. Such a promise constitutes an AMC that is fully comprehensive: by including not merely all diseases but also all patients.

The proposal is then for the creation of a new international agency that offers to reward any new medicine based on its health impact during its first decade or so.16 This Health Impact Fund („HIF‟) would provide ample rewards for the development of new high-impact medicines without excluding the poor from its use.

#### That solves the aff by including the poor and increasing access while it’s voluntary, and IPP remains unchanged – their author

Pogge 10 [Thomas Pogge, Thomas Winfried Menko Pogge is a German philosopher and is the Director of the Global Justice Program and Leitner Professor of Philosophy and International Affairs at Yale University. Cambridge University Press, “Incentives for Global Health: Patent Law and Access to Essential Medicines. The Health Impact Fund: Better Pharmaceutical Innovations at Much Lower Prices,” 2010, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1431180]/ lm

Let us recapitulate how the HIF would provide a full systemic solution to the seven problems described earlier: High Prices would not exist for HIF-registered medicines. Innovators would typically not even want a higher price as this would reduce their health impact rewards by impeding access to their product by most of the world‟s population. The HIF counts health benefits to the poorest of patients equally with health benefits to the richest. Diseases Concentrated among the Poor, insofar as they substantially aggravate the GBD, would no longer be neglected. In fact, the more destructive ones among them would come to present some of the most lucrative R&D opportunities for biotechnology and pharmaceutical companies. This would happen without undermining the profit opportunities such companies now enjoy by developing remedies for the ailments of the affluent. Bias toward Maintenance Drugs would be absent from HIF-encouraged R&D. The HIF assesses each registered medicine‟s health impact in terms of how its use reduces mortality and morbidity worldwide – without regard to whether it achieves this reduction through cure, symptom relief, or prevention. This would guide firms to deliberate about potential research projects in a way that is also optimal for global public health: namely in terms of the expected global health impact of the new medicine relative to the cost of developing it. The profitability of research projects would be aligned with their cost-effectiveness in terms of global public health. Wastefulness would be dramatically lower for HIF-registered products. There would be no deadweight losses from large mark-ups. There would be little costly litigation as generic competitors would lack incentives to compete and innovators would have no incentive to suppress generic products (because they enhance the innovator‟s health impact reward). Innovators might therefore often not even bother to obtain, police, and defend patents in many national jurisdictions. To register a medicine with the HIF, innovators need show only once that they have an effective and innovative product. Counterfeiting of HIF-registered products would be unattractive. With the genuine item widely available near or even below the marginal cost of production, there is little to be gained from producing and selling fakes. Excessive Marketing would also be much reduced for HIF-registered medicines. Because each innovator is rewarded for the health impact of its addition to the medical arsenal, incentives to develop me-too drugs to compete with an existing HIF-registered medicine would be weak. And innovators would have incentives to urge a HIF-registered drug upon doctors and patients only insofar as such marketing results in measurable therapeutic benefits for which the innovator would then be rewarded. The Last-Mile Problem would be mitigated because each HIF-registered innovator would have strong incentives to ensure that patients are fully instructed and properly provisioned so that they make optimal use (dosage, compliance, etc) of its medicines, which will then, through wide and effective deployment, have their optimal publichealth impact. Rather than ignore poor countries as unprofitable markets, pharmaceutical companies would, moreover, have incentives to work with one another and with national health ministries, international agencies and NGOs toward improving the health systems of these countries in order to enhance the impact of their HIFregistered medicines there.

### Underview

#### Presumption negates – infinite ways for something to be false but only one way for them to be true, and the aff has the burden of proof. Permissibility negates – if IPP isn’t bad then its morally neutral and permissible. No 1ar theory, any response to the CI will be new in the 2ar, means neg loses every rnd, and 7-6 time skew after 1n. No new 2ar weighing a] arguments must be made in the first available speech to make them and b] they get two speeches to reply to NC weighing while I get none.

# Case