# 2NR

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### 1NC – T

**Interpretation: The affirmative may only garner offense off the hypothetical enactment of the resolution, Resolved: Member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.**

#### Resolved means a legislative policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964. ED

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Member nations of the WTO are the 164 countries

https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

#### Medicines prevent, diagnose, or treat disease and injury

**MRS 20** [(MAINE REVENUE SERVICE SALES, FUEL & SPECIAL TAX DIVISION) “A REFERENCE GUIDE TO THE SALES AND USE TAX LAW” <https://www.maine.gov/revenue/sites/maine.gov.revenue/files/inline-files/Reference%20Guide%202020.pdf> December 2020] SS

[Medicines](https://www.lawinsider.com/dictionary/medicines) means antibiotics, analgesics, antipyretics, stimulants, sedatives, antitoxins, anesthetics, antipruritics, hormones, antihistamines, certain “dermal fillers” (such as BoTox®), injectable contrast agents, vitamins, oxygen, vaccines and other substances that are used in the prevention, diagnosis or treatment of disease or injury and that either (1) require a prescription in order to be purchased or administered to the retail consumer or patient; or (2) are sold in packaging.

#### Intellectual property includes four things

Brewer 19 [(Trevor, advises clients on business structuring and sale transactions, regulatory compliance, third-party contracts, liability protection and general matters facing small business owners. His focus extends beyond legal advice and includes business strategy and wealth preservation.) “WHAT ARE THE FOUR BASIC TYPES OF INTELLECTUAL PROPERTY RIGHTS?” Brewer Long, 5/16/19. <https://brewerlong.com/information/business-law/four-types-of-intellectual-property/>] RR

There are four types of intellectual property rights and protections (although multiple types of intellectual property itself). Securing the correct protection for your property is important, which is why consulting with a lawyer is a must. The four categories of intellectual property protections include:

TRADE SECRETS

Trade secrets refer to specific, private information that is important to a business because it gives the business a competitive advantage in its marketplace. If a trade secret is acquired by another company, it could harm the original holder.

Examples of trade secrets include recipes for certain foods and beverages (like Mrs. Fields’ cookies or Sprite), new inventions, software, processes, and even different marketing strategies.

When a person or business holds a trade secret protection, others cannot copy or steal the idea. In order to establish information as a “trade secret,” and to incur the legal protections associated with trade secrets, businesses must actively behave in a manner that demonstrates their desire to protect the information.

Trade secrets are protected without official registration; however, an owner of a trade secret whose rights are breached–i.e. someone steals their trade secret–may ask a court to ask against that individual and prevent them from using the trade secret.

PATENTS

As defined by the U.S. Patent and Trademark Office (USPTO), a patent is a type of limited-duration protection that can be used to protect inventions (or discoveries) that are new, non-obvious, and useful, such a new process, machine, article of manufacture, or composition of matter.

When a property owner holds a patent, others are prevented, under law, from offering for sale, making, or using the product.

COPYRIGHTS

Copyrights and patents are not the same things, although they are often confused. A copyright is a type of intellectual property protection that protects original works of authorship, which might include literary works, music, art, and more. Today, copyrights also protect computer software and architecture.

Copyright protections are automatic; once you create something, it is yours. However, if your rights under copyright protections are infringed and you wish to file a lawsuit, then registration of your copyright will be necessary.

TRADEMARKS

Finally, the fourth type of intellectual property protection is a trademark protection. Remember, patents are used to protect inventions and discoveries and copyrights are used to protect expressions of ideas and creations, like art and writing.

Trademarks, then, refer to phrases, words, or symbols that distinguish the source of a product or services of one party from another. For example, the Nike symbol–which nearly all could easily recognize and identify–is a type of trademark.

While patents and copyrights can expire, trademark rights come from the use of the trademark, and therefore can be held indefinitely. Like a copyright, registration of a trademark is not required, but registering can offer additional advantages.

#### Two violations—

#### 1] They don’t meet WTO Member Nations—the aff doesn’t have a plan that defends policy action by them, but rather says piracy by private entities is good.

#### 2] They don’t meet Reduce—the aff just violates IP law through piracy but that’s not a reduction. That’s like saying murdering reduces anti-murder laws or smoking weed reduces cannabis laws.

#### Vote neg—

#### 1] Clash – post facto topic adjustment structurally favors the aff by manipulating the balance of prep. They can specialize in 1 area of literature for 4 years which gives them a huge edge over people switching topics every 2 months – this crushes clash because all neg prep is based on the rez as a stable stasis point and they create a structural disincentive to do research – we lose 90% of negative ground while the aff still gets the perm which makes being neg impossible.

#### 2] Also destroys mechanism education—their model creates a structural disincentive to substantial research. Failure to defend the actor and mechanism of the resolution allows them to shift their advocacy to the terms most favorable to them – causes dogmatism and forces the neg into generics at the margins of the literature – destroys good scholarship.

#### 3] SSD solves all your offense—advocate piracy as a CP or K alt and defend a topical aff—the process of defending and answering proposals is an benefit of engaging the topic.

#### Reject the team—T is question of models of debate and the damage to our strategy was already done

#### Competing interps—they have to proactively to justify their model and reasonability links to our offense

### 1NC – CP

#### We affirm piracy as a method to reduce intellectual property protections for medicines except for piracy by non-Indigenous groups for medicines derived from traditional/Indigenous knowledge.

#### Piracy is continually happening in the status quo to indigenous medicine. Two implications—1] The aff has no unique solvency deficit or turn to the PIC because piracy is already the squo, 2] Proves that piracy on indigenous medicine has massive negative consequences.

Bhattacharya 14 [Sayan Battacharya, Department of Environmental Studies at Rabindra Bharati University in Kolkata, India], “Bioprospecting, biopiracy and food security in India: The emerging sides of neoliberalism”, International Letters of Social and Humanistic Sciences, SciPress Ltd, pg. 49-54, 2014 //SLC PK

2. BIODIVERSITY, BIOPROSPECTING AND BIOPIRACY

Historically there has been prolific scientific interest in the lifestyles, knowledge, cultures, histories, and worldviews of indigenous peoples. Rural communities depend on traditional knowledge for food, health and agriculture. This traditional knowledge forms the basic cultural identity for them, contributing to social cohesiveness and thereby reducing vulnerability and poverty. 80 % of the world’s populations, mostly the ‘undeveloped’ regions, still rely on the indigenous medicinal knowledge of local plants for their medical needs.3 In India, around 70 % of the population directly depends on land-based occupations, forests, wetlands and marine habitats for ecological livelihoods and cultural sustenance.4

Over 7500 species of plants and several hundred animal species and also metals and minerals are utilized by the folk tradition in India. The custodians and carriers of these traditions are tribal as well as non-tribals, including house wives and welders, thousand of herbal healers, bone setter, vishvaidyas, birth attendants, potters, gold-smiths, black smiths, barbers and even wandering monks.

According to ASI, there are 4635 ethnic communities in India. In principle each of these communities could be having their own oral medical traditions that have been evolving across time and space.3 Traditional knowledge does not only include only the recorded knowledge of plants for medicinal use but also the oral knowledge that has been passed on from generations to generations. In India there have been a lot of cases where the indigenous knowledge has been tried to be taken away. Due to its easy access, it has been prone to piracy. According to UNDP Human Development Report 1999: “The South is the source of 90 per cent of the world’s biological wealth – India, for example, has 81,000 species of fauna and 47,000 of flora, including 15,000 plant varieties unique to the country – and yet industrial countries hold 97 per cent of all patents worldwide and are driving the rush to patent plant genetic resources.” 5

Today, the genomics revolution is fueling a new wave of scientific research in the form of bioprospecting, and it is impacting the lives of indigenous peoples around the world. Bioprospecting involves searching for, collecting, and deriving genetic materials from biodiversity samples that can be used in commercialized pharmaceutical, agricultural, industrial, or chemical processing end products.6

The megadiversity countries with 60-70 % of the world`s known biological diversity have significant stake for harnessing the potential of biotechnology and bioprospecting for achieving sustainable economic development.1 The Convention on Biological Diversity (CBD), the first international treaty provides opportunities to biodiversity rich countries to realize benefits arising out of the utilization of their bioresources. The CBD mentioned that national governments have authority to determine access to their genetic resources, and calls on governments to provide for conservation, sustainable use and equitable sharing of benefits from commercial use of those resources.

Between 4 and 40 million biological species are still unknown in the world. New species are being discovered even today. In the last few decades, biotechnology has developed and played a vital role in the development of the agricultural, pharmaceutical and medical industries. As the importance of the biotechnology industry increases, many useful biotechnological inventions can earn their inventors millions of dollars.

The real pirates are those developed countries, especially the US, who benefited and prospered from the plundering of natural resources from the developing and less developed countries without paying any royalty to the source countries at all. Between 25-50 % of current prescription pharmaceuticals come from plants, either directly or through modifications by biochemical methods, and the value of drugs to the U.S. pharmaceutical industry coming from plant species is estimated at over 30 billion USD per year.2 A multinational company or individual who wishes to develop a new product often makes use of the traditional knowledge of local people in deciding upon a plant, animal or other biological source to study.

After the successful production of commercially useful products from those organisms, the company applies for a patent in its own name on those products. In most cases, the inventor not even acknowledges in his patent application that his product was derived from information provided by a local community. Biopiracy therefore can be described as the unjustified extraction of the environmental heritage and traditional knowledge from various regions of the earth for economic exploitation and industrial monopolization.7

Daniel F. Robinson distinguished between three different categories of biopiracy:

“Patent-based biopiracy: The patenting of (often spurious) inventions based on biological resources and/or traditional knowledge that are extracted without adequate authorization and benefit-sharing from other (usually developing) countries, indigenous or local communities.

Non-patent biopiracy: Other intellectual property control (through plant-variety protection or deceptive trademarks) based on biological resources and/or traditional knowledge that have been extracted without adequate authorization and benefit-sharing from other (usually developing) countries, indigenous or local communities.

Misappropriation: The unauthorized extraction of biological resources and/or traditional knowledge from other (usually developing) countries, indigenous or local communities, without adequate benefit-sharing.” 8

2. 1. Global emergence of Biopiracy

A recent report of United Nations Development Programme (UNDP) mentioned that “if unpaid royalty payments were being made to developing countries and indigenous peoples for the plant varieties and local knowledge used by multinational food and drug companies, those providers would earn approximately 5.4 billion USD per year”.2 Examples of countries not receiving their full share of these royalties include Tibet, India, Sri Lanka, South Africa, Samoa, Madagascar, Ecuador, Mexico and the Philippines. Since the 1980s, individual inventors or corporations in some countries, such as the United States, Japan, and some European countries, successfully lobbied government to permit exclusive rights to certain biological materials they developed through patenting. They were given exclusive rights to plant and/or reproduce and market them and have the right to prohibit others from planting, reproducing and selling the material provided.

2. 2. Biopiracy in India: few examples

In the recent past, there have been several cases of biopiracy of traditional knowledge from India. First it was the patent on wound healing properties of haldi (turmeric).9 Curcuma longa, a type of turmeric, is an Indian herb that has been used as treatment for sprains, inflammatory conditions and wounds. The orange coloured root is native to the subcontinent and South East Asia, and for thousands of years has been a one of the major components of Ayurvedic medicine. In 1995, two US scientists from the University of Mississippi were granted US patent 5,401,504 on the use of turmeric. The scientists claimed that turmeric could heal wounds and claiming this to be novel. They have mentioned in their patent application that turmeric has long been used in India as a traditional medicine for treatment of various sprains and inflammatory conditions. But they claimed that there was no research on the use of turmeric as a healing agent for external wounds. The Indian government vigorously challenged the patent and provided numerous research papers predating the patent, proving that turmeric has long been used in India to heal wounds. As a result, the US Patent and Trademark office rejected all patent claims related to turmeric.10

The Neem tree case is another significant example of biopiracy of Indian medicinal plant. Azadirachtin is one of many active compounds present in bark, leaves, flowers and seeds of the Neem tree or Azadirachta indica. The remarkable properties of this compound have been utilized in India from ancient times in the form of extracts of various kinds produced by Indian farmers and small industrial firms in medicine and agriculture. Use of neem had been described in ancient Indian texts written over 2,000 years ago as an air purifier and effective medicine for almost all types of human and animal diseases because of its insect and pest repellant properties.9,10 A US timber importer studied the curing properties of neem and began importing neem seed to his company headquarter in Wisconsin since 1971. He successfully extracted a pesticidal agent from neem extract called Margosan-O. In 1985, the bio-pesticide derived from neem tree received clearance for the product from the US Environmental Protection Agency (EPA). The patent for the product was sold to the multinational chemical corporation, W.R. Grace after 3 years. Since then, many US and Japanese firms gained patents on formulae for stable neem-based solutions and emulsions and other products. The W.R.Grace approached several Indian manufacturers and industries to purchase their technology. The company ultimately managed to start a joint venture with a firm called P.J. Margo Pvt. Ltd to set up a plant in India. The plant processes up to 20 tonnes of seed a day and also established a network of neem seed suppliers in order to guarantee a constant supply of the seeds at a cheap price. In May 2000, a coalition of groups successfully overturned the patent held by the US company, WR Grace and the US Department of Agriculture over the Indian neem tree.10

Basmati is produced largely in Punjab, Western India and in Pakistan. Basmati rice has been one of the fastest growing export items from India in recent times. It is evident that Basmati has been grown for centuries in the subcontinent. After centuries of observation, experimentation and selection, the Indian farmers have developed numerous varieties of the rice to meet various ecological conditions, cooking needs and taste.9 On 2 September 1997, Texasbased RiceTec Inc. was granted patent number 5663484 for a new plant variety that is a cross between American long-grain rice and Basmati rice. RiceTec claimed that the new varieties have the same or better characteristics as the original Basmati rice and can be successfully grown in specified geographical areas in North America. The patent covers the genetic lines of the basmati and includes genes form the varieties developed by farmers. RiceTec has already been trading rice under brand names such as Kasmati, Texmati and Jasmati. RiceTec’s strain possesses the same qualities and characteristics of the Indian traditional varieties of Basmati. On the question of consumer deception, RiceTec clearly labels its product as ‘American type Basmati rice’.10 No case has been filed in the US so far by any interested party from the Indian subcontinent regarding this serious issue. By mid 2000, however, the Indian government decided to challenge some of the claims of the RiceTec patent. World’s largest importer of Basmati rice, Saudi Arabia and the UK, recognized that Basmati rice is unique to Northern India and Pakistan. Furthermore, the Agricultural and Processed Food Export Development Authority and Trade Mark Watch Agency of India have managed to win the Basmati patent case in at least 15 countries (including UK, Australia, France, Spain, Chile and the UAE). In the Basmati case, RiceTec’s action would really become a threat to the sales of Basmati rice from India, and could affect the economic conditions of the rice farmers in India.

Karela (bitter gourd), Jamun (blackberry), Gumar and Brinjal, for instance, are commonly known in India for their anti diabetic characteristics. Their usees are so common in India that there is no novelty involved while using them for curbing diabetes. A patent was, however, obtained in the U.S. by three NRIs for their utilization as a cure for diabetes.11

North East India is very rich in flora especially in cultivation of medicinal plants by the tribes. Resource-rich Nagaland is plagued by bio-piracy with rare medicinal herbs, orchids and other endangered species being smuggled out of the state. These plants are being borne off by pharmaceutical companies for commercial benefits. Ginseng, taxus baccata and cephallu taxus and paris cordifolia have medicinal properties and are often smuggled to Myanmar.12

Some cases have been highlighted with a success story, but there are also numerous stories of deprivation in the context of biopiracy. Corporate patents usually do not recognize or compensate the indigenous people who are the main conservators of those resources. Indigenous communities, over the centuries, have identified and classified plants native to their lands and found their beneficial characteristics. But, the tribes do not have access to legal information that would protect their plants and cultural knowledge nor do they have the finances to obtain them.9 The profit incentive companies often overexploit the beneficial plant resources for commercial use, which ultimately result in the loss of forests and genetic material, crisis of land, plants and cultural knowledge of the indigenous communities.

2. 3. Biopiracy and food security

The stealing of biological resources and indigenous knowledge would affect food security, livelihood of indigenous people, and consumers’ choice. More than 70 % of our food supply is dependent on a small number of edible plant resources, mainly wheat, maize, rice, and potato, which are fundamental to food security. Patenting of these plants varieties will definitely pose threat to the consumers. The patenting of biological technology will encourage monopoly control of plant material by Western transnational corporations. Farmers will become dependent of on corporations for their input in agriculture, i.e. seeds, fertilizers, pesticides and herbicides. It has particularly troubling implications for the developing world as the farmers cannot afford to buy seed each year and traditionally set aside a portion of their harvest to plant in the next growing season. Moreover, with the introduction of the genetically modified crops and high yielding varieties, the local crop varieties are being lost and outcompeted.13 The farmer’s rights to choose the desired crops have become difficult to implement. The technology can execute a devastating effect on the economy and food security of the farmers in developing world and can eventually destroy the locally adapted, inexpensive traditional crop varieties.14 The entire process will eventually lead to the monopolization of trade, which is ultimately against the principle of free trade fostered by the World Trade Organization (WTO).

India’s agriculture being rich in bio-diversity has been always been an easy prey for big corporations engaging in agribusiness for the purpose of bio-piracy.15 Monsanto, for instance, tried to spread genetically modified brinjals in India in the form of Bt Brinjals in spite of the fact that India itself is a source of over 2500 different unique varieties of brinjals.16 Monsanto’s attempt of taking over the market was opposed by the public forcing the government to ban it for an indefinite period of time.16 But Monsanto is still stealing native crops, including brinjals, and quietly working on GM varieties of them in test fields, which is a clear violation of India's Biological Diversity Act 2002 (BDA). The farmer variety has been used by Monsanto in its breeding programs without taking prior permission from Indian farmers and without entering into any kind of benefit sharing agreement with them. This is not just grossly unethical; it is in violation of international agreements like the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources (ITPGR) which recognize the rights of the farming community over the genetic wealth used in agriculture.17

### 1NC – Framing

#### 1. The role of the ballot is to determine if the aff’s a good idea—anything else is self-serving, arbitrary and begs the question of the rest of the debate. Evaluate consequences

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

#### 2. Biological death is the ultimate evil – it obliterates metaphysics and ontology

Paterson 3 - Department of Philosophy, Providence College, Rhode Island Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, SAGE

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alternative of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather**,** death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclu sion, concerning willed human actions, it is justifiable to state thatany intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility**.**

#### 3. Focus on large scale catastrophes is good and they outweigh – appeals to social costs, moral rules, and securitization play into cognitive biases and flawed risk calculus – 2020 is living proof

Weber 20 (ELKE U. WEBER is Gerhard R. Andlinger Professor in Energy and the Environment and Professor of Psychology and Public Affairs at Princeton University.), November-December 2020 Issue, "Heads in the Sand," Foreign Affairs, <https://www.foreignaffairs.com/articles/2020-10-13/heads-sand> mvp

We are living in a time of crisis. From the immediate challenge of the COVID-19 pandemic to the looming existential threat of climate change, the world is grappling with massive global dangers—to say nothing of countless problems within countries, such as inequality, cyberattacks, unemployment, systemic racism, and obesity. In any given crisis, the right response is often clear. Wear a mask and keep away from other people. Burn less fossil fuel. Redistribute income. Protect digital infrastructure. The answers are out there. What’s lacking are governments that can translate them into actual policy. As a result, the crises continue. The death toll from the pandemic skyrockets, and the world makes dangerously slow progress on climate change, and so on.

It’s no secret how governments should react in times of crisis. First, they need to be nimble. Nimble means moving quickly, because problems often grow at exponential rates: a contagious virus, for example, or greenhouse gas emissions. That makes early action crucial and procrastination disastrous. Nimble also means adaptive. Policymakers need to continuously adjust their responses to crises as they learn from their own experience and from the work of scientists. Second, governments need to act wisely. That means incorporating the full range of scientific knowledge available about the problem at hand. It means embracing uncertainty, rather than willfully ignoring it. And it means thinking in terms of a long time horizon, rather than merely until the next election. But so often, policymakers are anything but nimble and wise. They are slow, inflexible, uninformed, overconfident, and myopic.

Why is everyone doing so badly? Part of the explanation lies in the inherent qualities of crises. Crises typically require navigating between risks. In the COVID-19 pandemic, policymakers want to save lives and jobs. With climate change, they seek a balance between avoiding extreme weather and allowing economic growth. Such tradeoffs are hard as it is, and they are further complicated by the fact that costs and benefits are not evenly distributed among stakeholders, making conflict a seemingly unavoidable part of any policy choice. Vested interests attempt to forestall needed action, using their money to influence decision-makers and the media. To make matters worse, policymakers must pay sustained attention to multiple issues and multiple constituencies over time. They must accept large amounts of uncertainty. Often, then, the easiest response is to stick with the status quo. But that can be a singularly dangerous response to many new hazards. After all, with the pandemic, business as usual would mean no social distancing. With climate change, it would mean continuing to burn fossil fuels.

But the explanation for humanity’s woeful response to crises goes beyond politics and incentives. To truly understand the failure to act, one must turn to human psychology. It is there that one can grasp the full impediments to proper decision-making—the cognitive biases, emotional reactions, and suboptimal shortcuts that hold policymakers back—and the tools to overcome them.

AVOIDING THE UNCOMFORTABLE

People are singularly bad at predicting and preparing for catastrophes. Many of these events are “black swans,” rare and unpredictable occurrences that most people find difficult to imagine, seemingly falling into the realm of science fiction. Others are “gray rhinos,” large and not uncommon threats that are still neglected until they stare you in the face (such as a coronavirus outbreak). Then there are “invisible gorillas,” threats in full view that should be noticed but aren’t—so named for a psychological experiment in which subjects watching a clip of a basketball game were so fixated on the players that they missed a person in a gorilla costume walking through the frame. Even professional forecasters, including security analysts, have a poor track record when it comes to accurately anticipating events. The COVID-19 crisis, in which a dystopic science-fiction narrative came to life and took everyone by surprise, serves as a cautionary tale about humans’ inability to foresee important events.

Not only do humans fail to anticipate crises; they also fail to respond rationally to them. At best, people display “bounded rationality,” the idea that instead of carefully considering their options and making perfectly rational decisions that optimize their preferences, humans in the real world act quickly and imperfectly, limited as they are by time and cognitive capacity. Add in the stress generated by crises, and their performance gets even worse.

Because humans don’t have enough time, information, or processing power to deliberate rationally, they have evolved easier ways of making decisions. They rely on their emotions, which serve as an early warning system of sorts: alerting people that they are in a positive context that can be explored and exploited or in a negative context where fight or flight is the appropriate response. They also rely on rules. To simplify decision-making, they might follow standard operating procedures or abide by some sort of moral code. They might decide to imitate the action taken by other people whom they trust or admire. They might follow what they perceive to be widespread norms. Out of habit, they might continue to do what they have been doing unless there is overwhelming evidence against it.

Not only do humans fail to anticipate crises; they also fail to respond rationally to them.

Humans evolved these shortcuts because they require little effort and work well in a broad range of situations. Without access to a real-time map of prey in different hunting grounds, for example, a prehistoric hunter might have resorted to a simple rule of thumb: look for animals where his fellow tribesmen found them yesterday. But in times of crisis, emotions and rules are not always helpful drivers of decision-making. High stakes, uncertainty, tradeoffs, and conflict—all elicit negative emotions, which can impede wise responses. Uncertainty is scary, as it signals an inability to predict what will happen, and what cannot be predicted might be deadly. The vast majority of people are already risk averse under normal circumstances. Under stress, they become even more so, and they retreat to the familiar comfort of the status quo. From gun laws to fossil fuel subsidies, once a piece of legislation is in place, it is hard to dislodge it, even when cost-benefit analysis argues for change.

### 1NC – Case LBL

#### This aff is terrible and solves nothing—I’ll line by line each card:

#### Coombe 20—

#### This card isolates that info capital relies on all kinds of intangible goods but the aff only affects medical patents which are a tiny part—every other IP protection thumps.

#### There’s no binary—the IP protections can be reduced to varying degrees which means there’s no question of biocolonialism.

#### Coombe 2—

#### More alt causes—this card cites IP on pen names, commercialization of Hindu images, trademarks, nation branding, and more.

#### No reason trademarks are key to movements—if an entire movement is based off a logo then the movement is weak as hell and will fracture anyway.

#### Yoka 17—

#### This card literally just says we place higher value on branded things—huge alt cause because that is way more prevalent in other aspects of the world like fashion—which your own card cites as an alt cause.

#### It’s inevitable post plan, companies will still brand even if not protected under IP law.

#### Coombe 3—

#### No spillover—the closes this card gets to warranting it is one instance in Bamako where art piracy created an informal economy in copied music but that gets no where close to warranting that pirating medicine will cause Big Pharma to suddenly be like “oh shit we should just hand over meds.”

#### Big Pharma doesn’t give a fuck about the aff—they dig their heels in and will preserve patents.

Hutteman 20 [Emmarie Huetteman, Correspondent, came to KHN from The New York Times, where she covered Congress with a focus on the House of Representatives and, most recently, the investigations into Russian meddling in the 2016 election. “Senators who led pharma-friendly patent reform also prime targets for pharma friendly cash.” Mar. 24, 2020. https://khn.org/news/senators-who-led-pharma-friendly-patent-reform-also-prime-targets-for-pharma-cash/]

As the new gatekeeper for laws and oversight of the nation’s patent system, the North Carolina Republican signaled he was determined to make it easier for American businesses to benefit from it — a welcome message to the drugmakers who already leverage patents to block competitors and keep prices high. Less than three weeks after introducing a bill that would make it harder for generic drugmakers to compete with patent-holding drugmakers, Tillis opened the subcommittee’s first meeting on Feb. 26, 2019, with his own vow. “From the United States Patent and Trademark Office to the State Department’s Office of Intellectual Property Enforcement, no department or bureau is too big or too small for this subcommittee to take interest,” he said. “And we will.” In the months that followed, tens of thousands of dollars flowed from pharmaceutical companies toward his campaign, as well as to the campaigns of other subcommittee members — including some who promised to stop drugmakers from playing money-making games with the patent system, like Sen. John Cornyn (R-Texas). Tillis received more than $156,000 from political action committees tied to drug manufacturers in 2019, more than any other member of Congress, a new analysis of [KHN’s Pharma Cash to Congress database](https://khn.org/news/campaign/) shows. Sen. Chris Coons (D-Del.), the top Democrat on the subcommittee who worked side by side with Tillis, received more than $124,000 in drugmaker contributions last year, making him the No. 3 recipient in Congress. No. 2 was Sen. Mitch McConnell (R-Ky.), who took in about $139,000. As the Senate majority leader, he controls what legislation gets voted on by the Senate. Neither Tillis nor Coons sits on the Senate committees that introduced legislation last year to lower drug prices through methods like capping price increases to the rate of inflation. Of the four senators who drafted those bills, none received more than $76,000 from drug manufacturers in 2019. Tillis and Coons spent much of last year working on significant legislation that would expand the range of items eligible to be patented — a change that some experts say would make it easier for companies developing medical tests and treatments to own things that aren’t traditionally inventions, like genetic code. They have not yet officially introduced a bill. As obscure as patents might seem in an era of public outrage over drug prices, the fact that drugmakers gave most to the lawmakers working to change the patent system belies how important securing the exclusive right to market a drug, and keep competitors at bay, is to their bottom line. “Pharma will fight to the death to preserve patent rights,” said Robin Feldman, a professor at the UC Hastings College of the Law in San Francisco who is an expert in intellectual property rights and drug pricing. “Strong patent rights are central to the games drug companies play to extend their monopolies and keep prices high.” Campaign contributions, closely tracked by the Federal Election Commission, are among the few windows into how much money flows from the political groups of drugmakers and other companies to the lawmakers and their campaigns. Private companies generally give money to members of Congress to encourage them to listen to the companies, typically through lobbyists, whose activities are difficult to track. They may also communicate through [so-called dark money groups](https://www.opensecrets.org/darkmoney/dark-money-basics.php), which are not required to report who gives them money. Over the past 10 years, the pharmaceutical industry [has spent about $233 million per year on lobbying](https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2762509), according to a new study published in JAMA Internal Medicine. That is more than any other industry, including the oil and gas industry. Why Patents Matter Developing and testing a new drug, and gaining approval from the Food and Drug Administration, can take years and cost hundreds of millions of dollars. Drugmakers are generally granted a six- or seven-year exclusivity period to recoup their investments. But drugmakers have found ways to extend that period of exclusivity, sometimes accumulating hundreds of patents on the same drug and blocking competition for decades. One method is to patent many inventions beyond a drug’s active ingredient, such as patenting the injection device that administers the drug. Keeping that arrangement intact, or expanding what can be patented, is where lawmakers come in. Lawmakers Dig In Tillis’ home state of North Carolina is also home to three major research universities and, not coincidentally, multiple drugmakers’ headquarters, factories and other facilities. From his swearing-in in 2015 to the end of 2018, Tillis received about $160,000 from drugmakers based there or beyond. He almost matched that four-year total in 2019 alone, in the midst of a difficult reelection campaign to be decided this fall. He has [raised nearly $10 million for his campaign](http://www.opensecrets.org/members-of-congress/summary?cid=N00035492), with lobbyists among his biggest contributors, according to OpenSecrets. Daniel Keylin, a spokesperson for Tillis, said Tillis and Coons, the subcommittee’s top Democrat, are working to overhaul the country’s “antiquated intellectual property laws.” Keylin said the bipartisan effort protects the development and access to affordable, lifesaving medication for patients,” adding: “No contribution has any impact on how [Tillis] votes or legislates.” Tillis signaled his openness to the drug industry early on. The day before being named chairman, he reintroduced a bill that would limit the options generic drugmakers have to challenge allegedly invalid patents, effectively helping brand-name drugmakers protect their monopolies. Former Sen. Orrin Hatch (R-Utah), whose warm relationship with the drug industry [was well-known](https://www.statnews.com/2018/01/02/senator-hatch-pharma-retirement/), had introduced the legislation, the Hatch-Waxman Integrity Act, just days before his retirement in 2018. At his subcommittee’s first hearing, Tillis said the members would rely on testimony from private businesses to guide them. He promised to hold hearings on patent eligibility standards and “reforms to the Patent Trial and Appeal Board.” In practice, the Hatch-Waxman Integrity Act would require generics makers challenging another drugmaker’s patent to either take their claim to the Patent Trial and Appeal Board, which acts as a sort of cheaper, faster quality check to catch bad patents, or file a lawsuit. [A study released last year](https://www.ncbi.nlm.nih.gov/pubmed/30141133) found that, since Congress created the Patent Trial and Appeal Board in 2011, it has narrowed or overturned about 51% of the drugmaker patents that generics makers have challenged. Feldman said the drug industry “went berserk” over the number of patents the board changed and has been eager to limit use of the board as much as possible. Patent reviewers are often stretched thin and sometimes make mistakes, said Aaron Kesselheim, a Harvard Medical School professor who is an expert in intellectual property rights and drug development. Limiting the ways to challenge patents, as Tillis’ bill would, does not strengthen the patent system, he said. “You want overlapping oversight for a system that is as important and fundamental as this system is,” he said. As promised, Tillis and Coons also spent much of the year working on so-called Section 101 reform regarding what is eligible to be patented — “a very major change” that “would overturn more than a century of Supreme Court law,” Feldman said. Sean Coit, Coons’ spokesperson, said lowering drug prices is one of the senator’s top priorities and pointed to [Coon’s support for legislation the pharmaceutical industry opposes](https://www.coons.senate.gov/news/press-releases/sen-coons-cosponsors-legislation-to-bring-down-prescription-drug-costs). “One of the reasons Senator Coons is leading efforts in Congress to fix our broken patent system is so that life-saving medicines can actually be developed and produced at affordable prices for every American,” Coit wrote in an email, adding that “his work on Section 101 reform has brought together advocates from across the spectrum, including academics and health experts.” In August, when much of Capitol Hill had emptied for summer recess, Tillis and Coons [held closed-door meetings to preview their legislation to stakeholders](https://www.tillis.senate.gov/2019/8/tillis-coons-to-hold-new-huddles-on-patent-eligibility-proposal), including the Pharmaceutical Research and Manufacturers of America, or PhRMA, the brand-name drug industry’s lobbying group. “We regularly engage with members of Congress in both parties to advance practical policy solutions that will lower medicine costs for patients,” said Holly Campbell, a PhRMA spokesperson. Neither proposal has received a public hearing. In the 30 days before Tillis and Coons were named leaders of the revived subcommittee, drug manufacturers gave them $21,000 from their political action committees. In the 30 days following that first hearing, Tillis and Coons received $60,000. Among their donors were PhRMA; the Biotechnology Innovation Organization, the biotech lobbying group; and five of the seven drugmakers whose executives — as Tillis laid out a pharma-friendly agenda for his new subcommittee — were getting chewed out by senators in a different hearing room over patent abuse. Cornyn Goes After Patent Abuse Richard Gonzalez, chief executive of AbbVie Inc., the company known for its top-selling drug, Humira, had spent the morning sitting stone-faced before the Senate Finance Committee as, one after another, senators excoriated him and six other executives of brand-name drug manufacturers over how they price their products. Cornyn [brought up AbbVie’s more than 130 patents on Humira](https://www.c-span.org/video/?c4782349/user-clip-sen-john-cornyn-calls-senate-judiciary-committee-referral). Hadn’t the company blocked its competition? Cornyn asked Gonzalez, who carefully explained how AbbVie’s lawsuit against a generics competitor and subsequent licensing deal was not what he would describe as anti-competitive behavior. “I realize it may not be popular,” Gonzalez said. “But I think it is a reasonable balance.” A minute later, Cornyn turned to Sen. Chuck Grassley (R-Iowa), who, like Cornyn, was also a member of the revived intellectual property subcommittee. This is worth looking into with “our Judiciary Committee authorities as well,” Cornyn said, effectively threatening legislation on patent abuse. The next day, Mylan, one of the largest producers of generic drugs, gave Cornyn $5,000, FEC records show. The company had not donated to Cornyn in years. By midsummer, every drug company that sent an executive to that hearing had given money to Cornyn, including AbbVie. Cornyn, who faces perhaps the most difficult reelection fight of his career this fall, ranks No. 6 among members of Congress in drugmaker PAC contributions last year, KHN’s analysis shows. He received about $104,000. Cornyn has received about $708,500 from drugmakers since 2007, KHN’s database shows. According to OpenSecrets, he has [raised more than $17 million for this year’s reelection campaign](https://www.opensecrets.org/members-of-congress/summary?cid=N00024852). Cornyn’s office declined to comment. On May 9, Cornyn and Sen. Richard Blumenthal (D-Conn.) introduced the Affordable Prescriptions for Patients Act, which proposed to define two tactics used by drug companies to make it easier for the Federal Trade Commission to prosecute them: “product-hopping,” when drugmakers withdraw older versions of their drugs from the market to push patients toward newer, more expensive ones, and “patent-thicketing,” when drugmakers amass a series of patents to drag out their exclusivity and slow rival generics makers, who must challenge those patents to enter the market once the initial exclusivity ends. PhRMA opposed the bill. The next day, it gave Cornyn $1,000. Cornyn and Blumenthal’s bill would have been “very tough on the techniques that pharmaceutical companies use to extend patent protections and to keep prices high,” Feldman said. “The pharmaceutical industry lobbied tooth and nail against it,” she said. “And when the bill finally came out of committee, the strongest provisions — the patent-thicketing provisions — had been stripped.” In the months after the bill cleared committee and waited to be taken up by the Senate, Cornyn blamed Senate Democrats for blocking the bill while trying to secure votes on legislation with more direct controls on drug prices. The Senate has not voted on the bill.

#### The rest of the aff is just IP bad—we’ll impact turn it but it also doesn’t matter because the aff solves none of it since you at best if you win 100 percent of the solvency of your plan, you just remove medicinal IP but not other IP which is an alt cause.

### 1NC – Impact Turns

#### IP is good—

#### First is counterfeits—

#### Counterfeit medicine is dangerous but contained now – sustained IP is key.

Bentley 1/29 “The insidious problem of counterfeiting in healthcare” Jan 29, 2021 Diana Bentley <https://www.raconteur.net/legal/intellectual-property/counterfeiting-healthcare/> SM

The insidious problem of counterfeiting in healthcare Legal > Intellectual Property Counterfeiting is a major problem for many industries, but in healthcare it can be a matter of life and death. While counterfeiters might be nimble, the industry is also finding new ways of tackling the issue Jan 29, 2021 Diana Bentley For holders of intellectual property (IP), counterfeiting presents an insidious problem. The manufacture and sale of falsified products erodes revenue and profits, damages brand confidence and reputation, and burdens consumers with substandard goods. In the case of healthcare products, the results can be even more dangerous. Counterfeited healthcare can pose serious health risks that, in the most serious of cases, could prove to be life threatening. For the producers of healthcare products, IP is an especially critical means of protecting scientific innovation and supporting business strategies. Yet according to the World Health Organization (WHO), two billion people worldwide lack access to necessary healthcare products, presenting significant opportunities for counterfeiters. Growth of ecommerce has only exacerbated the problem. Trade in counterfeit medicines, which have had their identity, source or composition misrepresented, reached $4.4 billion in 2016, the Organisation for Economic Co-operation and Development-European Union Intellectual Property Office Trade in Counterfeit Pharmaceutical Products report revealed in March 2020. Criminality in the field covers a wide variety of activities including theft, tampering and illegal diversion, with counterfeiting producing the highest volumes of incidents. The scope of trade in counterfeit medical devices, which covers a wide field from tweezers to advanced surgical instruments, is less well understood. “Unlike information on counterfeit medicines, medical device counterfeiting is still often regarded as classified in the healthcare world and as a result we don’t have consistent data on it,” says Phil Lewis, director general of the UK-based Anti-Counterfeiting Group. “The figures produced by WHO ten years ago revealed 8 per cent of medical devices at the time were known to be fake. The numbers are now likely to be much higher.” Criminal activity in healthcare has also intensified with the coronavirus pandemic. Under Interpol’s Operation Pangea XIII, conducted last March, police, customs and health authorities in 90 countries seized counterfeit face masks, self-testing kits, anti-viral medication and other products worth more than $14 million, leading to 121 arrests and the closure of 2,500 weblinks and websites. National and regional regulation, and the work of healthcare producers and law enforcement agencies including the police and customs officials, all provide the front-line defence against healthcare counterfeiting. Healthcare producers use a plethora of measures to combat the problem, notably barcodes, holograms and anti-tampering devices as well as a range of fieldwork. In addition to mandatory features required by regulators for packaging, including serialisation, pharmaceuticals giant Novartis uses overt and covert security features so country verifiers can identify falsified products. Mobile laboratories are used by its forensic teams to analyse suspected samples in the field. A new cloud-based, mobile-enabled solution, which will accelerate the testing, detecting and reporting of false medicines to national authorities and WHO, is now being piloted. Technology is a critical enabler in the fight against pharmaceutical crime, says Stanislas Barro, Novartis global head of anti-counterfeiting. “Detecting falsified medicines requires state-of-the-art technology to test packaging and products in the field. We use online monitoring, like webcrawlers with customised parameters, to monitor the internet 24/7 to detect illicit sales of suspected falsified medicines using our brands,” he says. The company has also built a data analytics and visualisation dashboard to support its risk-analysis effort, he adds. Although counterfeiters are prosecuted by law enforcement agencies, the actions of IP holders remain vital. “We file trademarks to clearly identify our products and record our IP rights with customs authorities globally to empower them to identify suspected falsified goods,” says Myrtha Hurtado Rivas, Novartis global head of legal brand protection. “But companies like ours cannot fully shift responsibility to reduce patient risk to national law enforcers. Taking action based on IP rights is necessary, for instance to ensure rogue online pharmacies are taken down swiftly. In the majority of legal actions, having an IP right increases the chances of success against counterfeiters.” Legitimate pharmaceutical companies also have a duty to report confirmed incidents of falsified versions of their products to local health authorities, Novartis points out, and it has voluntarily committed to reporting these to WHO within seven days of discovery following WHO’s recommendations. Ewan Grist, partner in the IP practice of international law firm Bird & Bird, concurs that IP remains the bedrock on which actions against counterfeiters are based. “The two IP rights most likely to be infringed in healthcare cases are patents and trademarks,” he says. “On the basis of IP infringements, IP owners can file take-down notifications with ecommerce platforms and they can take direct civil action against counterfeiters where it is possible and practical. Often the IP infringement enables the intervention of law enforcement agencies and supports prosecutions.” While organisations such as hospitals are diligent in ensuring the authenticity of their medical supplies, smaller organisations and private consumers can be more susceptible to counterfeiting. “Developing countries are particularly vulnerable as counterfeiters target areas where corruption is more rife and law enforcement weaker,” says Lewis at the Anti-Counterfeiting Group Some 90 per cent of fake products originate in China, according to Bob Barchiesi, president of the International AntiCounterfeiting Coalition. “In the last decade, the Chinese government has made marked improvements in addressing the issue, but more could be done. One particular problem is the propensity of Chinese authorities to seize counterfeit goods, but not prosecute producers. A significant issue remains the number of people employed in production of counterfeit goods,” he explains. But counterfeiters are nimble too and the fight against them requires the continued and concerted efforts of all stakeholders. “Collective action is the cornerstone of our strategy to combat falsified medicines,” says Barro.

#### Strong IP is key to fight counterfeit medicines.

Fifarma 4/22 Fifarma [Latin American Federation of the Pharmaceutical Industry] “This is how we fight counterfeit medicines with Intellectual Property” April 22, 2021 <https://fifarma.org/en/this-is-how-we-fight-counterfeit-medicines-with-intellectual-property/> SM

This is how we fight counterfeit medicines with Intellectual Property There is a threat to health security that is present in every country in the world: counterfeit medicines. These may appear as a promise to cure any disease, but they contain excessive, insufficient or no doses of the active ingredient that treats the disease. Counterfeit medicines also include stolen drugs, drugs that have been stored in poor conditions or are expired, so they may be ineffective or may be contaminated. In the end, the only goal of counterfeit medicines is to make money, regardless of the consequences they may have on people’s health. In fact, according to the World Health Organization (WHO), this business represents more than $30 billion dollars in low- and middle-income countries. Recently, EFPIA did a podcast where it deepens the relationship between the decrease in the distribution of counterfeit medicine and Intellectual Property. You can find it in the following link: Fighting the fakes – what’s industry’s role? Why does this relationship occur? Counterfeit medicines are more present where there is less strict regulatory control, where there is a lack of basic medicines, where there are unregulated supply chains, where medicines are priced very differently in the market, where intellectual property is not protected, and where no attention is paid to quality assurance. Therefore, this is a transversal issue to different sectors outside the health industry. It is necessary for different actors to be part of the solution. Decision-makers can create campaigns to inform people about the existence of these medicines. They must go hand in hand with regulatory agencies, as they are the ones that control the entry of medicines into countries. Likewise, the pharmaceutical industry must take action, since they are the ones who research and manufacture products. Thus, the international Fight The Fakes campaign, supported by FIFARMA, aims at raising awareness regarding the dangers of counterfeit medicines. Each actor must play a role, however, without partnerships and collaboration between different parties, it is difficult to fight the problem. Moreover, there are other tools that contribute to the elimination of these threats to public health, such as Intellectual Property (IP). The role of IP In addition to functioning as a tool to maintain constant innovation in the industry, IP helps reducing counterfeit medicines because medicines have better technologies and ingredients are more difficult to copy. This means that, through market incentives, the industry manages to have high quality infrastructure, new technology and trained personnel, to create specialized and specific medicines and therapies, which is why they are difficult to replicate. On the other hand, political will functions as another important axis, as it must prosecute those who are making counterfeit medicines. This is achieved through a constant conversation between industry and governments. Therefore, it will be absolutely clear how to identify the authenticity of medicines. In short, IP allows quality standards to be clearer and stricter, and regulators to have greater knowledge and traceability of each product that enters the market. Through IP, you can establish a record of all products globally, which makes it easier to find possible counterfeit medicines. Consequently, the best way to fight counterfeit medicines is through accessing the best quality medicines and for this to happen, an ecosystem between countries, regulators and industry is needed. This ecosystem shall take into account the structural deficiencies of each country and addresses them in a holistic manner, to provide the best quality medicines. In the end, with the Intellectual Property associated with the creation of the product, there are also associated standards of transparency and detailed information that every regulatory agency can access. Moreover, the value chains will receive all this information in order to be aware of the appearance of products that are not registered with the standards of a product protected by IP. Also,IP helps to combat counterfeit medicines internationally, since there are laws that cover all member countries of the United Nations and punish more severely those who commit this crime. Likewise, these laws provide countries with the necessary mechanisms to take concrete action once a counterfeit medicine is discovered. This, of course, must go hand in hand with the political will of each country, because only with collaboration between different actors will it be possible to prosecute the entire chain of counterfeit medicines. Plus, IP owners can receive electronic notifications worldwide more quickly and can take direct communication actions. In a nutshell, IP allows the industry to show the public almost immediately that there is a counterfeit medicine in a country or that a website is selling counterfeit medicines. This is because legally infringing a product protected by IP allows action to be taken to prosecute the counterfeit products. This is especially important for those consumers or small organizations that do not have access to information like a hospital or public health center has. However, it is necessary to involve other actors of the health system so that information about counterfeit medicines reaches remote regions or places, which do not have an internet connection. On the other hand, thanks to IP, the industry is creating specialized safety technology in order for each country to easily identify a drug that comes with a brand but does not belong to that brand. The industry has also used mobile laboratories to test samples of suspected medicines and report them quickly to the value chain. Thus, technology is becoming an important element in fighting this problem. Counterfeit medicines have a wide range of negative effects for different actors and especially for the people who fall victim of them. However, more and more governments and industries are creating concrete actions to pursue the entire chain of counterfeiters, as this is the only way to eradicate the problem all together. The tools to combat counterfeiting exist, the important thing is that actors know how to use them for the benefit of the greatest number of people in the world.

#### Counterfeit meds fuel African terror which escalates – leaders are cracking down now but the plan reverses that.

Dione 20 Ibrahima Dione [journalist at Agence de Presse Africaine] “Fake drugs trade: A funder of terrorism in Africa?” January 23, 2020 <http://www.apanews.net/en/news/drug-trafficking-a-funder-of-terrorism-in-africa> SM

Fake drugs trade: A funder of terrorism in Africa? January 23, 2020 to 22:41 852 APA-Dakar (Senegal) Terrorist groups operating in Africa are tapping into a rich vein, taking advantage of the trafficking in fake medicines on the continent as one of their main funders. By Ibrahima Dione “We now know that terrorism is a serious threat to Africa’s security. Drug trafficking contributes to the financing of transnational organized crime, including terrorism,” the Senegalese president Macky Sall told a summit on fake drugs held in the Togolese capital Lome on January 17 and 18. Sall and his Togolese and Ugandan counterparts, as well as the Ministers of Health from Niger, Congo and Ghana signed a political declaration committing their countries to the fight against drug trafficking promoted by the Brazzaville Foundation. Over time, Africa has become one of the bastions of international terrorism. From the Horn of Africa to the Sahel, many insurgent groups, the most prominent being Al-Qaeda in the Islamic Maghreb (AQIM), Boko Haram, Al-Shabaab, Al-Mourabitoune and Ansar al-Sharia, are making weapons crackle, plunging nations into an unprecedented spiral of violence. In order to multiply their strike forces tenfold, several of these groups have pledged allegiance to Al Qaeda or the Islamic State (ISIS), which are quick to provide funding. But the killing of Osama Bin Laden and the dismantling of the vast, self-proclaimed Caliphate of Abu Bakr al-Baghdadi in Iraq and Syria dealt a serious blow to the fundraising effort, which was essential for hatching plans to carry out deadly attacks. As a result, the jihadists swarming across Africa have set their sights on various forms of trafficking, particularly medicine. “In the Sahel, although it is not fully documented, terrorism is largely financed by drug trafficking. Counterfeit medical products account for about 60 percent of the sources of terrorist financing,” said Jean-Louis Bruiguière, a French anti-terrorism judge. As an illustration, he informed the member of the Steering Committee on drug trafficking set up by the Brazzaville Foundation, that “80 percent of attacks or operations carried out on French soil or in Europe come from trafficking.” During a visit to Burkina Faso on November 28, 2017, French President Emmanuel Macron said that “sub-Saharan Africa is home to all the vulnerabilities that will encourage substandard or falsified medicines: weak governance of health systems, insufficient healthcare provision and a network of pharmacies in the country, the existence of a parallel market that is almost tolerated and the poverty of the population.” He therefore urged African states to engage in a relentless fight against the trade in fake medicines. “It is urgent because this international traffic, led by criminal organizations, is growing exponentially. From $75 billion in 2010, the turnover of the trafficking in falsified medical products is estimated today at $200 billion. The profits from this trafficking effort are higher than those from drugs or arms,” said Togolese leader Faure Gnassingbé. According to Cécilia Attias, the president and founder of the Cécilia Attias Foundation, the Lomé initiative “heralds the end of impunity for counterfeiters who have, for too long, profited from trafficking that is far too lucrative. This will seriously penalize the actions of criminal organizations that happily finance themselves from the misery of the population.”

#### Causes terrorist CBW usage.

Fyanka 20 Bernard B. Fyanka (epartment of History and International Studies, Redeemer’s University) (2020): Chemical, biological, radiological and nuclear (CBRN) terrorism: Rethinking Nigeria’s counterterrorism strategy, African Security Review, DOI: 10.1080/10246029.2019.1698441 (SGK)

The most commonly used non-conventional weapons are chemical or biological in nature. The long history of chemical and biological weapons usage dates as far back as 600 BC when, during a siege, Solon of Athens poisoned the drinking water of the city of Kirrha.44 More recently – starting with the use of mustard gas during the First World War – nations have acquired chemical and biological weapons easily, deploying them against enemies and their own citizens alike. For terrorist groups like Boko Haram, chemical and biological weapons are uniquely suited to their agenda and as such present very attractive alternatives to nuclear; they are extremely difficult to detect, cost effective and easy to deploy. Aerosols of biological agents are invisible to the naked eye, silent, odourless, tasteless and relatively easily dispersed. Most importantly they are 600 to 2000 times cheaper than other WMDs. Recent esti- mates place the cost of biological weapons at about 0.05% of the cost of a conventional weapon which could produce similar numbers of mass casualties per square kilometre. 45 The proliferation of chemical and biological weapons has proved to be very fluid over the past century due to advancements in technology. Production is comparatively easy via the commonplace technology that is used in the manufacturing of antibiotics, vaccines, foods and beverages, while delivery systems such as spray devices deployed from airplane, boat or car are widely available. Another advantage of biological agents is the natural lead time pro- vided by the organism’s incubation period (three to seven days in most cases), allowing the ter- rorists to deploy the agent and then escape before an investigation by law enforcement and intelligence agencies can even begin. Furthermore, not only would the use of an endemic infec- tious agent likely cause initial confusion because of the difficulty of differentiating between a biological warfare attack and a natural epidemic, but with some agents the potential also exists 46 for secondary or tertiary transmission from person to person or via natural vectors. Unlike their nuclear and radiological counterparts, biological and chemical weapons have been used for terrorism by both state and non-state actors. The challenges faced in preventing the use of these weapons through international control mechanisms include the increasing availability of larger quantities of substances, ease of use and most especially advanced tech- nological deployment facilities that portend a high risk factor to larger populations. Table 1 catalogues the use of biochemical weapons in warfare and by terrorists and other groups or individuals over the past century, offering concrete historical precedent and empirical grounds for the potential future actions of Boko Haram. The data shows consistent recourse to the use of these weapons, in spite of the chemical and biological weapons conventions out- lawing them. It can be seen that from the 1970s onwards there has been an increase in the use of biochemical weapons by religious cults and terrorist groups in pursuit of their agendas. The rise of Boko Haram and its ISIS affiliation could lead to a future where the use of biochemical weapons is the norm rather than the exception.

#### COVID incentivizes engineered bioterror- extinction

Walsh, 20 -- Axios Future correspondent [Bryan Walsh, "The coronavirus pandemic reawakens bioweapon fears," Axios, 5-14-2020, https://www.axios.com/coronavirus-pandemic-pathogen-bioweapon-45417c86-52aa-41b1-8a99-44a6e597d3a8.html, accessed 9-7-2020]

The coronavirus pandemic reawakens bioweapon fears

The immense human and economic toll of the COVID-19 pandemic only underscores the threat posed by pathogens that could be deliberately engineered and released.

Why it matters: New technology like gene editing and DNA synthesis has made the creation of more virulent pathogens easier. Yet security and regulation efforts haven't kept pace with the science.

What's happening: Despite some claims by the White House, overwhelming scientific evidence indicates that the novel coronavirus was not accidentally released from a lab or deliberately engineered, but naturally spilled over from an animal source.

That doesn't mean the threat from bioweapons isn't dire. Along with AI, engineered pandemics are widely considered the biggest existential risk facing humanity.

That's in part because a pathogen could be engineered in a lab for maximum contagiousness and virulence, well beyond what would arise through natural selection.

Case in point: a 2018 pandemic simulation put on by the Johns Hopkins Center for Health Security featured a fictional engineered virus called Clade X that combined the contagiousness of the common cold with the virulence of the real-life Nipah virus, which has a mortality rate of 40-75%. The resulting simulated global outbreak killed 150 million people.

COVID-19 isn't anywhere near that fatal, but the pandemic has shown the vulnerability of the U.S. and the world to biological threats both natural and manmade.

"Potential adversaries are of course seeing the same things we’re seeing," says Richard Pilch of the Middlebury Institute of International Studies. "Anyone looking for a radical leveling approach — whether a state actor like North Korea or a motivated terrorist organization — may be influenced by COVID-19 to consider pursuing a biological weapons capability."

Background: Bioweapons were officially banned by the Biological Weapons Convention in 1975, though North Korea is suspected of maintaining an offensive bioweapons program.

A particular concern about biowarfare and bioterror, though, is that many of the tools and methods that could be used to create a weaponized virus are largely indistinguishable from those used in the course of legitimate scientific research. This makes biotechnology "dual-use" — and that much more difficult to safely regulate without cutting off research that could be vitally important.

While earlier bioweapons fears focused on the possibility that a state or terror group could try to weaponize a known dangerous agent like smallpox — which would require somehow obtaining restricted pathogens — new technology means that someone could obtain the genetic sequence of a germ online and synthesize it in the lab.

"If you've been trained in a relevant technical discipline, that means you can make almost any potentially harmful agent that you're aware of," says Kevin Esvelt, a biologist at the MIT Media Lab and a member of the CDC's Biological Agent Containment Working Group. That would include the novel coronavirus that causes COVID-19, which was recently synthesized from its genetic sequence in a study published in Nature.

How it works: Currently, synthetic DNA is ordered through commercial suppliers. But while most suppliers screen DNA orders for the sequences of dangerous pathogens, they're not required to — and not all do, which means safety efforts are "incomplete, inaccurate, and insecure," says Esvelt.

Screening efforts that look for the genetic sequences of known pathogens also wouldn't necessarily be able to detect when synthetic DNA was being used to make something entirely novel and dangerous.

In the near future, desktop DNA synthesizers may be able to generate synthetic DNA in the lab, cutting out the need for commercial suppliers — and potential security screenings.

The democratization of biotechnology could unleash a wave of creativity and innovation, just as the democratization of personal computing did. But it also increases the number of people who could potentially make a dangerous engineered virus, whether deliberately or by accident.