## 1

#### The standard is maximizing expected wellbeing. Prefer:

#### [1] Actor specificity: util is the best for governments, which is the actor in the rez – multiple warrants:

#### [a] No act-omission distinction—governments are responsible for everything in the public sphere so inaction is implicit authorization of action: they have to yes/no bills, which means everything collapse to aggregation.

#### [b] No intent-foresight distinction – the actions we take are inevitably informed by predictions from certain mental states, meaning consequences are a collective part of the will.

#### [c] Actor-specificity comes first since different agents have different ethical standings. Takes out util calc indicts since they’re empirically denied and link turns them because the alt would be no action.

#### [2] Death is the worst form of evil since it destroys the subject itself.

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

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 alter- native 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 conclusion, concerning willed human actions, it is justifiable to state that any 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.82

#### [3] Util is a lexical pre-requisite to any other framework-threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose – so, util comes first and my offense outweighs theirs under their own framework.

#### [4] Ethical frameworks must be theoretically legitimate. Any standard is an interpretation of the word ought-thus framework is functionally a topicality argument about how to define the terms of the resolution. Definitions should be subject to theoretical contestation in the same way other words should be. My framework interprets ought as maximizing happiness. To clarify- this is a framework warrant, not a reason to drop the debater. Prefer:

**A] Ground & Clash- every argument has a weighable util impact as long as you explain why it causes pain or pleasure, whereas other frameworks like meta-ethics, kant, and skepticism are narrowly designed to exclude offense**

**B] Predictability- Policy and LD debate have been using util for decades. No framework is more predictable**

**C] Topic Lit- most people write about empirical circumstances form a utilitarian perspective- proven by the fact that phil debaters read more analytics**

## 2

#### Bipartisan infrastructure bill passing now but PC is needed – there is no margin for error.

Kapur et al 9/8 [Sahil, Frank Thorp, and Leigh Ann Caldwell; 9/8/21; Sahil Kapur is a national political reporter for NBC News, Frank Thorp V is a producer and off-air reporter covering Congress for NBC News, managing coverage of the Senate, Leigh Ann Caldwell is an NBC News correspondent; “*Democrats plow 'full speed ahead' on sweeping Biden budget, despite tensions*,” <https://www.nbcnews.com/politics/congress/democrats-plow-full-speed-ahead-sweeping-biden-budget-despite-tensions-n1278722>] Justin

WASHINGTON — The top two Democrats said they’re pushing forward with President Joe Biden’s sweeping safety net expansion, as House committees circulate legislative text with hearings scheduled Thursday to start advancing major sections of the bill. “We're moving full speed ahead,” Senate Majority Leader Chuck Schumer told reporters on a call Wednesday. The New York Democrat effectively cast aside calls by Sen. Joe Manchin, D-W.Va., for a “strategic pause” in the process of crafting the bill, as he voiced concerns about inflation and debt in a recent op-ed for the Wall Street Journal. Schumer is navigating demands by Manchin, as well as Sen. Kyrsten Sinema, D-Ariz., to reduce the price tag that Democrats set at a maximum of $3.5 trillion in the budget resolution. “There are some in my caucus who believe $3.5 trillion is too much; there are some in my caucus who believe it's too little,” Schumer said. “We're going to work very hard to have unity, because without unity, we're not going to get anything.” Speaker Nancy Pelosi said Wednesday the House is moving forward at the $3.5 trillion level. But she left open the possibility of a lower final price tag before the bill becomes law, while promising that “we will get the job done” with “a great bill” that honors Biden’s vision. “We will have our negotiations,” Pelosi, D-Calif., said, when asked by NBC News if the House could pass a bill at a lower amount. “I don’t know what the number will be. We are marking at 3.5 [trillion]. ... We will pay for more than half, maybe all of the legislation.” The remarks by Schumer and Pelosi point to a complicated balancing act, facing a broad range of opinions from centrist lawmakers skeptical of the price tag to progressives who believe $3.5 trillion should be the minimum. Democratic leaders are also juggling an aggressive timeline by seeking to ready the bill by Sept. 27 — the self-imposed House deadline to vote on the separate infrastructure bill — to ensure progressives will support the latter. They are betting Manchin can ultimately be won over on the substance of the package. Lawmakers and committees are keeping options open in case the price tag needs to be cut: For instance, they’ve privately discussed setting some provisions to expire sooner. Manchin has been somewhat vague in his demands. He has not specified what price tag he would support or what provisions of the emerging bill he wants to cut. His office did not have a comment when asked those questions Wednesday. In June, he said on ABC's "This Week" that he wants to “make sure we pay for” the bill. A source close to Manchin said he is a big proponent of targeting benefits on the basis of income and capping them so the money reaches people who need it the most — principles he believes are critical for Democrats' proposals on community college subsidies and on home-based care provisions for the disabled and elderly. Manchin also has issues with the climate change proposals in the legislation, the source said. As chairman of the Senate Energy and Natural Resources Committee, Manchin has major influence over the climate provisions. His committee was instructed to write legislation costing $198 billion for a clean electricity payment program, consumer rebates to weatherize and electrify homes, the creation of financing for domestic manufacturing of clean energy and auto supply chain technologies and climate research. “He’s not opposed to the overall bill,” the source said. “He’s going to shape the bill to what he feels is closer to the needs. People shouldn’t read into it more than that.” Senate Budget Chair Bernie Sanders, I-Vt., has said if the safety net package does not pass, the $550 billion bipartisan infrastructure package — which Manchin co-wrote — will fail as well. He told reporters the $3.5 trillion level was too low. “To my mind, this bill, that $3.5 trillion, is already the result of a major, major compromise,” Sanders said. “And at the very least, this bill should contain $3.5 trillion.” Pelosi said slashing the cost would require making difficult policy choices. “We have to talk about: What does it take? Where would you cut?” she asked. “Child care? Family medical leave paid for? Universal pre-K? Home health care?” On Thursday, the House committees on ways and means and education and labor will hold hearings on major portions of the bill they released this week. That includes 12 weeks' paid family and medical leave for all workers; expanding Medicare to cover dental, vision and hearing benefits; universal pre-K for 3- and 4-year-olds; and two years' tuition-free community college. Republicans are unified against the effort, leaving Democrats to pass the bill alone under narrow majorities. The package can bypass a Senate filibuster. Senate Minority Leader Mitch McConnell, R-Ky., said Wednesday that he hopes Manchin and Sinema “will dig in their heels” against some of the tax increases Democrats are eyeing to finance the package. “It comes down to — in the Senate — to two people,” he said. “Either one of them could kill the whole bill. I don't expect that to happen,” he said. “Either one of them could make dramatic changes in it — that could happen. Or either one of them could basically make a few cosmetic changes and throw in the towel.”

#### Aff doesn’t solve but requires negotiations that saps PC.

Pooley 21 [James; Former deputy director general of the United Nations’ World Intellectual Property Organization and a member of the Center for Intellectual Property Understanding; “Drawn-Out Negotiations Over Covid IP Will Blow Back on Biden,” Barron’s; 5/26/21; <https://www.barrons.com/articles/drawn-out-negotiations-over-covid-ip-will-blow-back-on-biden-51621973675>] Justin

The Biden administration recently announced its support for a proposal before the World Trade Organization that would suspend the intellectual property protections on Covid-19 vaccines as guaranteed by the landmark TRIPS Agreement, a global trade pact that took effect in 1995. The decision has sparked furious debate, with supporters arguing that the decision will speed the vaccine rollout in developing countries. The reality, however, is that even if enacted, the IP waiver will have zero short-term impact—but could inflict serious, long-term harm on global economic growth. The myopic nature of the Biden administration’s announcement cannot be overstated. Even if WTO officials decide to waive IP protections at their June meeting, it’ll simply kickstart months of legal negotiations over precisely which drug formulas and technical know-how are undeserving of IP protections. And it’s unthinkable that the Biden administration, or Congress for that matter, would actually force American companies to hand over their most cutting-edge—and closely guarded—secrets. As a result, the inevitable foot-dragging will cause enormous resentment in developing countries. And that’s the real threat of the waiver—precisely because it won’t accomplish either of its short-term goals of improving vaccine access and facilitating tech transfers from rich countries to developing ones. It’ll strengthen calls for more extreme, anti-IP measures down the road. Experts overwhelmingly agree that waiving IP protections alone won’t increase vaccine production. That’s because making a shot is far more complicated than just following a

recipe, and two of the most effective vaccines are based on cutting-edge discoveries using messenger RNA. As Moderna Chief Executive Stephane Bancel said on a recent earnings call, “This is a new technology. You cannot go hire people who know how to make the mRNA. Those people don’t exist. And then even if all those things were available, whoever wants to do mRNA vaccines will have to, you know, buy the machine, invent the manufacturing process, invent creation processes and ethical processes, and then they will have to go run a clinical trial, get the data, get the product approved and scale manufacturing. This doesn’t happen in six or 12 or 18 months.” Anthony Fauci, the president’s chief medical adviser, has echoed that sentiment and emphasized the need for immediate solutions. “Going back and forth, consuming time and lawyers in a legal argument about waivers—that is not the endgame,” he said. “People are dying around the world and we have to get vaccines into their arms in the fastest and most efficient way possible.” Those claiming the waiver poses an immediate, rather than long-term, threat to IP rights also misunderstand what the waiver will—and won’t—do. The waiver petition itself is more akin to a statement of principle than an actual legal document. In fact, it’s only a few pages long. As the Office of the United States Trade Representative has said, “Text-based negotiations at the WTO will take time given the consensus-based nature of the institution and the complexity of the issues involved.” The WTO director-general predicts negotiations will last until early December. That’s a lot of wasted time and effort. The U.S. Trade Representative would be far better off spending the next six months breaking down real trade barriers and helping export our surplus vaccine doses and vaccine ingredients to countries in need.

#### Infrastructure secures the grid against worsening and increasing cyberattacks.

Carney 21 [Chris; 8/6/21; Senior policy advisor at Nossaman LLC, former US Representative, former professor of political science at Penn State University; "*The US Senate Infrastructure Bill: Securing Our Electrical Grid Through P3s and Grants*," JDSupra, <https://www.jdsupra.com/legalnews/the-us-senate-infrastructure-bill-4989100/>] Justin

As we begin to better understand the main components of the Infrastructure Investment and Jobs Act that the US Senate is working to pass this week, it is clear that public-private partnerships ("P3s") are a favored funding mechanism of lawmakers to help offset high costs associated with major infrastructure projects in communities. And while past infrastructure bills have used P3s for more conventional projects, the current bill also calls for P3s to help pay for protecting the US electric grid from cyberattacks. Responding to the increasing number of cyberattacks on our nation’s infrastructure, and given the fragile physical condition of our electrical grid, the Senate included provisions to help state, local and tribal entities harden electrical grids for which they are responsible. Section 40121, Enhancing Grid Security Through Public-Private Partnerships, calls for not only physical protections of electrical grids, but also for enhancing cyber-resilience. This section seeks to encourage the various federal, state and local regulatory authorities, as well as industry participants to engage in a program that audits and assesses the physical security and cybersecurity of utilities, conducts threat assessments to identify and mitigate vulnerabilities, and provides cybersecurity training to utilities. Further, the section calls for strengthening supply chain security, protecting “defense critical” electrical infrastructure and buttressing against a constant barrage of cyberattacks on the grid. In determining the nature of the partnership arrangement, the size of the utility and the area served will be considered, with priority going to utilities with fewer available resources. Section 40122 compliments the previous section as it seeks to incentivize testing of cybersecurity products meant to be used in the energy sector, including SCADA systems, and to find ways to mitigate any vulnerabilities identified by the testing. Intended as a voluntary program, utilities would be offered technical assistance and databases of vulnerabilities and best practices would be created. Section 40123 incentivizes investment in advanced cybersecurity technology to strengthen the security and resiliency of grid systems through rate adjustments that would be studied and approved by the Secretary of Energy and other relevant Commissions, Councils and Associations. Lastly, Section 40124, a long sought-after package of cybersecurity grants for state, local and tribal entities is included in the bill. This section adds language that would enable state, local and tribal bodies to apply for funds to upgrade aging computer equipment and software, particularly related to utilities, as they face growing threats of ransomware, denial of service and other cyberattacks. However, under Section 40126, cybersecurity grants may be tied to meeting various security standards established by the Secretary of Homeland Security, and/or submission of a cybersecurity plan by a grant applicant that shows “maturity” in understanding the cyber threat they face and a sophisticated approach to utilizing the grant. While the final outcome of the Infrastructure Investment and Jobs Act may still be weeks or months away, inclusion of these provisions not only demonstrates a positive step forward for the application of federal P3s and grants generally, they also show that Congress recognizes the seriousness of the cyber threats our electrical grids face. Hopefully, through judicious application of both public-private partnerships and grants, the nation can quickly secure its infrastructure from cyberattacks.

#### Cyberattacks on the grid spiral to all-out nuclear conflict.

Klare 19 [Michael; November 2019; Professor emeritus of peace and world security studies at Hampshire College; “*Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation*,” Arms Control Association, <https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation>] Justin

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13 The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

## 3

#### CP Text: Member States of the WTO ought to reduce intellectual property predictions for diabetes medicines except trademarks

**That solves the aff, their offense only deals with patents which drive up prices and undermine competition.**

#### Yes it’s competitive- WTO TRIPS agreement requires trademark protection

Buckley 13 Buckley, Gillian J. (The National Academies of Sciences, Engineering, and Medicine | IOM · Institute of Medicine (IOM), and Lawrence O. Gostin, eds. "Countering the problem of falsified and substandard drugs." (2013)./SJKS

TRIPS requires World Trade Organization (WTO) member countries to treat “willful trademark counterfeiting … on a commercial scale” as a criminal offense3 (Clift, 2010). This kind of crime may be different from the civil offense of trademark infringement, if the willfulness of the crime is unclear, for example, or if the trademark is not identically copied (Clift, 2010). These distinctions are not important to some stakeholders. As a 2011 Oxfam policy paper explained, “whether a falsely labeled, substandard, or unregistered product is also the result of willful trademark infringement on a commercial scale, as criminalized under the TRIPS Agreement, is irrelevant from the perspective of public health” (Brant and Malpani, 2011, p. 23).

#### Trademarks are the best IP to combat counterfeiting- enforcement and remedies are much better than patents alone

Konski 8 Antoinette Konski (Partner, Biotechnology & Pharmaceutical Practice Foley & Lardner LLP), IP Strategies to Combat Distribution of Counterfeit Drugs, BIOPROCESS INT’L, 1, 4 (2008)/SJKS

Because trademarks seek to prevent exactly what counterfeiters seek to obtain, i.e. the economic benefit and investment in product integrity of the manufacturer, a strong trademark is the most valuable type of intellectual property that can be used to combat counterfeiting. Similar to patents, trademarks are enforceable on a country-by-country basis, and therefore trademark protection must be obtained in each country where the product is made or distributed.11 However, in contrast to patents, trademarks are not limited to a finite period of time but can extend as long as the trademark is used in commerce in connection with the product. Trademarks are used to identify the source of goods or services. Words, names, numbers, symbols, devices, designs, sounds, and colors that function as brands to distinguish the source of goods and their packaging may be registered as trademarks. The colors of pills as well as their shape may be trademarked. In contrast to patents, a trademark cannot be obtained on the process of making the product or medicine and does not protect the innovation of the underlying product. However, trademarks are available to generic manufacturers who identify their products with a unique logo or other identifying mark or property. Misappropriated trademarks mislead consumers by copying the unique name, logo, product packaging, shape and/or color used by the manufacturer on the genuine product or packaging, thus confusing consumers as to the actual source, and quality, of the product. Therefore, all unique aspects of the product and packaging should be considered as worthy of trademark protection and the company’s trademark should be applied as frequently as possible, e.g., on the pill itself, on both inner and outer packaging, etc. All modifications of the label, such as the product logo or other unique identifying descriptive marks should be protected in the language of the country where the product is to be sold. As compared to patents, obtaining and enforcing trademark rights are typically less costly, and a final enforceable judgment is usually obtained faster than in a patent infringement action. Indeed, evaluation of whether a trademark is likely to be infringed can be limited to a visual inspection rather than a complicated analysis of the patented technology. Most significantly, however, in many countries trademark owners can have the counterfeit goods and accompanying documents, and even sometimes manufacturing equipment immediately seized at the outset of the lawsuit. Such powerful preliminary remedies are generally not available in patent lawsuits and can lead to swift resolution of the action.

#### TENS OF THOUSANDS DIE EACH YEAR AS THE RESULT OF FAKE DRUGS

Magdun 21 Melanie Magdun (JD candidate, Indiana University of Law), Trademark Enforcement of Counterfeit Drugs: A Guardian of the Rich and Poor Alike, 9 Ind. J.L. & Soc. Equality 281 (2021)./SJKS

There are more detected cases of counterfeit drugs in Africa than in any other region of the world.100 Along with the reasons mentioned above, these counterfeit drugs are especially prevalent in Africa due to the desire for affordable medicine, so much so that even some pharmacists admit to purchasing medicine from the cheapest, but not always the safest, drug suppliers.101 Furthermore, many African nations are led by corrupt governments that either fail to regulate the counterfeit market or sympathize with small business owners even if they are “engaging in the counterfeit drug trade.”102 The types of drugs counterfeited in Africa are most commonly crucial, life-saving drugs for diseases such as malaria.103 For every one million people who die from malaria, up to forty-five percent of the deaths were affected by counterfeit medicine.104 One WHO report estimated that “at least 72,000 children die of pneumonia and 69,000 people die of malaria each year as a result of falsified or substandard treatments.”105 While counterfeit drugs have been an issue in Africa for decades, the issue is not likely to go away anytime soon, especially due to the incredible growth rate of the continent’s pharmaceutical market.106 It was predicted that the market would triple and reach $65 billion by 2020.107 As Africa becomes more popular for pharmaceutical companies, it will begin to attract additional counterfeiters.1

#### Counterfeit contraceptives don’t do their jobs and can lead to death

Ossola 21 OSSOLA , ALEXANDRA. “The Fight against Fake Birth Control.” *Popular Science*, 26 Apr. 2021, https://www.popsci.com/article/science/fight-against-fake-birth-control/.

As a traditionally Catholic country, Peru has been slower than most to accept contraceptives. Over the past decade, most citizens’ ideology has gradually stretched to accommodate the need for birth control, but emergency contraception (AKA the “morning after” pill) is still highly controversial in Peru. Although some question the pill on moral grounds, others are starting to question it based on sinister scientific findings: some of the pills are not the pill. With a growing number of “verified” emergency contraceptives being registered in Peru over the past few years, leaders of [Prosalud Interamericana](http://prosaludinteramericana.org/), a nonprofit organization dedicated to raising awareness about sexual health, became suspicious that some of the birth control being sold in Peruvian pharmacies was not the pill described on the packaging. “While each product had been registered by the authorities, it was well known that the registration procedures were not very stringent,” said Alan Lambert, the president of Prosalud Interamericana. Fearing that the pills were faulty, the organization contacted researchers in the United States to investigate what exactly was in them. What they found, as they reported in [a recent study](http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0095353/), alarmed them: one in four of the emergency contraceptives they sampled wasn’t what it appeared to be. In fact, one wasn’t even birth control at all—it was just a cheap antibiotic being sold as birth control. But how did these drugs get into the supply chain? How can fraud like this be prevented, and what can women do to be sure they’re not getting fake pills? Facundo Fernandez, a professor of biochemistry at Georgia Tech in Atlanta, applied his experience detecting counterfeit antimalarials to this new challenge. His team purchased samples from different pharmacies all over Lima. “When you buy drugs, and the pharmacist smiles at you, you don’t expect anything to be wrong,” he said. With faulty pills, the stakes are high; some simply don’t work, while others could contain toxic compounds or combinations that could endanger the patient’s life. Fernandez said many of the female postdocs and grad students who were working on this project were deeply disturbed by what they found—and for good reason. Most women trust their contraceptives, assuming that the production and regulation is sound enough to protect their reproductive health. For the women of Peru, that sense of security may prove to be a false one. Despite the fact that these contraceptives had gone through the necessary regulatory procedures (which mostly involved an inspection of the paper trail before the pills got to Peru), some of them were outright falsified. A falsified medication is one that is intended to look like the original drug, but it doesn’t interact with the human body in the same way, Fernandez explained. Many of these falsified medications are wrapped in deceptive packaging that is almost identical to the original product, and the pills are only distinguishable when compared side by side. In developing countries, sometimes these fake pills are sold in “informal outlets” like open-air markets. In some that Fernandez has seen in Africa, customers select their medications from a huge bag of loose pills based simply on color, size and shape. Sometimes, these falsified meds are sold in pharmacies, and the pharmacists often don’t know they’re fakes.

## Case

#### Permissibility and presumption negate – [a] the resolution indicates the aff has to prove an obligation, and permissibility would deny the existence of an obligation [b] Statements are more often false than true because any part can be false. This means you negate if there is no offense because the resolution is probably false.

#### Reject 1ar theory on face –

#### [1] 1ar theory time skews the rest of the round since they have the 1ar and 2ar, which is 7 minutes compared to my 2nr, which is 6 minutes. This gives them a whole minute advantage on the theory debate, that’s a lot in such a time crunched event and outweighs their strat args since I need time to execute strat and get ground.

#### [2] I lose the flex of being able to indict practices of the aff without going new in the 2nr, which gives them the ability to effectively weigh on the theory debate. Also outweighs on spikes because you have the ability to weigh an entirely conceded theory spike while I have to weigh my theory interp against all possible interps of the aff.

#### Reasonability on 1AR shells – 1AR theory is super aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing super abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiaiblity

#### Aff gets circumvented- powerful countries use bilateral agreements to force other countries to accept their IPR protections- its empirically proven

DC = developing country

NIT = Net Importers of Technology (this references developing countries)

NET = Net Exporters of Technology (countries with advanced economies)

Marcellin 16 Marcellin, Sherry (Professor, London School of Economics). The political economy of pharmaceutical patents: US sectional interests and the African Group at the WTO. Routledge, 2016./SJKS

In July 1988, prior to the Montreal Mid-Term Review, DCs had sensed that the approach being proposed by industrialised countries was desirable on the grounds that the alternative would be a proliferation of unilateral or bilateral actions (MTN.GNG/NG11/8: 31). These NITs maintained that acceptance of such an approach would be tantamount to creating a licence to force, in the name of trade, modifications in standards for the protection of IP in a way that had not been found acceptable or possible so far in WIPO (ibid). Brazil subsequently informed the Group that on October 20, 1988, unilateral restrictions had been applied by the US to Brazilian exports as a retaliatory measure in connection with an IP issue; that this type of action seriously inhibited Brazil’s participation in the work of the Group, since ‘no country could be expected to participate in negotiations while experiencing pressures on the substance of its position’ (MTN.GNG/NG11/10: 27). The Brazilian delegate maintained that such action by the US constituted a blatant infringement of GATT rules and was contrary to the Standstill commitment of the Punta del Este Declaration. ‘The United States action was an attempt to coerce Brazil to change its intellectual property legislation, and furthermore represented an attempt by the United States to improve its negotiating position in the Uruguay Round’ (ibid). A US delegate countered that the measures had been taken with regret and as a last resort after all alternative ways of defending legitimate US interests had been exhausted, and that the US further believed that the adoption of effective patent protection was in Brazil’s own interest (ibid: 28). The US had therefore applied its strategy of coercive unilateralism against one of the two most important players championing the cause of the South in the TRIPS negotiations, the other being India. Apprehensive about the resistance of this dominant Southern duo, the United States sought to utilise its market size as a bargaining tool to secure changes to national IP regimes. It therefore decided to impact the more powerful of the two at the time, thereby indirectly admonishing India and the entire coalition against strengthened IP rules, as well as their domestic export constituencies who would be affected by US decisions to restrict imports. Moreover, because Brazil and India appeared to be collaborating extensively in maintaining a united front, a resulting strain on Brazil’s economy would likely affect their co-operation. However, since market opening and closure have been treated as the currency of trade negotiations in the post-war period (Steinberg 2002: 347), the move to place restrictions on Brazilian exports by the largest consumer market in the GPE should not have been entirely unanticipated. Brazil was also the regional leader in South America and disciplining it would send an unequivocal warning to other South American countries (Drahos and Braithwaite 2002: 136), including Argentina, Chile and Peru who were also active participants in the negotiations. This would mark the start of a series of coercive strategies aimed at compliance with the US private-sector envisioned GATT IPP.

#### IPhones disprove.

Holman 19, Christopher (PhD biochemistry and molecular biology from the University of California at Davis and Professor of Law at UMKC). "Congress Should Decline Ill-Advised Legislative Proposals Aimed at Evergreening of Pharmaceutical Patent Protection." U. Pac. L. Rev. 51 (2019): 493.

It is generally recognized that an advanced smart phone, such as Apple’s iPhone, is covered by literally thousands of patents.80 In his opening remarks before the May 7, 2019, Senate Judiciary hearing Senator Thom Tillis noted this fact, pointing out that “[j]ust like an iPhone has thousands of patents, so does a complex pharmaceutical product.”81 In his written testimony prepared for that same hearing, Professor Olson pointed out that while some might expect the large number of patents on smart phones to create a “significant drag on innovation,” in fact “there is no conclusive evidence that smartphone or other high-tech innovation is being [stalled] ~~retarded~~ by the large numbers of patents that may cover these devices.”82 He goes on to point out that “[t]he number of patents that cover any particular drug or biologic, in comparison, are quite low, ranging from the single digits to perhaps one hundred. This is not enough patents to constitute a substantial patent thicket that will deter innovation.”

#### Antibiotics and other drugs for women’s health will be rendered useless through the aff

Horowitz and Moehring 04 [John and Brian; Department of Economics, Ball State University, Business Economist; “How property rights and patents a¡ect antibiotic resistance,” Economics of Pharmaceuticals, <https://sci-hub.se/10.1002/hec.851>] Justin

How property rights and patents a¡ect antibiotic resistance Bacterial resistance to antibiotics has prevented humanity’s dreams of eliminating several diseases [1]. Antibiotic resistance also causes otherwise easily treatable diseases to become difficult or impossible to suppress. The Forum on Emerging Infections of the US Institute of Health found that ‘Antibiotic-resistant bacteria generate a minimum of $4 billion to $5 billion in costs to US society and individuals yearly . . . ’[2]. Previous authors have pointed out that antibiotic use creates both negative and positive externalities [3–7]. Antibiotic use creates a positive externality because antibiotic use can improve public health by preventing patients from becoming carriers of a disease and thus less likely to infect others (‘herd immunity’). Antibiotic use creates a negative externality because antibiotic use by one patient may generate resistant bacteria, that can infect others. Efficient antibiotic treatment implies that the antibiotic is used until the additional benefit (marginal value of treatment+improved public health) is equal to the additional costs incurred (costs of treatment+increased resistance). If each individual user of the antibiotic were bearing all the costs and receiving all the benefits of their antibiotic use, there would be no external effects, and antibiotic use would be efficient. Excessive antibiotic use arises because the user does not bear the cost of increased antibiotic resistance in the future [8]. When antibiotic use creates negative externalities, then (1) regulations, (2) taxation, and (3) tradeable permits can be used to reduce antibiotic use and reduce antibiotic resistance [6,9]. There has been little discussion of how property rights and patents can reduce antibiotic resistance. This article has three purposes. This article explains: (1) how a lack of property rights can cause excessive antibiotic use, (2) how patents create property rights and reduce excessive antibiotic use assuming there is little cross-resistance,a and (3) how a monopsonistic buyer can solve the property rights problem and decrease antibiotic resistance (but, in practice often increase resistance). The negative externality from antibiotic use is analogous to over-fishing in open-access fisheries. Open-access exists where property rights are not well defined and fishermen do not bear the full costs of their fishing efforts. A fisherman who leaves a fish, in the open fishery, to grow larger is unlikely to catch the fish in the future and thus will not receive future benefits from abstinence. An individual who is unable to capture future benefits will keep the fish creating inefficiently large current fishing efforts. Similarly, an individual who is unable to capture future benefits of a non-resistant bacterial strain (susceptible to a specific antibiotic treatment) will in the present use that antibiotic excessively. A model of antibiotic resistanceb Assume that j represents a particular antibiotic such as penicillin or streptomycin. The demand (D) for antibiotic j is represented by Pt=abQt where Pt is the price of an antibiotic treatment in time period t, a is the maximum price that people are willing to pay for the first antibiotic treatment, b is the slope of the demand curve, and Qt is the number of antibiotic treatments in time period t. c,d Antibiotic use reduces the risk of infection to other people. For simplicity, we assume the marginal external benefit (MEBt) is constant. The marginal social benefit is found by vertically adding MEBt to the demand curve. In other words, the marginal social benefit equals Pt \* =abQt+MEBt=D+MEBt. However, purchasers of the antibiotic are unlikely to benefit from the marginal external benefit to others from using the antibiotic. Since buyers are likely to ignore MEBt, there is an argument for the use of a public health system or other mechanism that subsidizes antibiotic use.e The marginal revenue faced by the supplier of antibiotic j is MRt= a2bQt. If there exists a public health system or other mechanism to account for the MEBt, the marginal revenue is MRt \* =a2bQt+MEBt. In Figure 1, the horizontal axis denotes the number of treatments of antibiotic j used to treat bacterial infections and the height of the demand curve (D) shows how much people are willing to pay for one more antibiotic treatment. MC depicts the marginal cost of antibiotic treatment, it includes the marginal cost of producing each additional unit of the antibiotic, the cost of visiting a doctor to get a prescription, and any discomfort from the use of the antibiotic.f The MC is assumed to be upward sloping. If the antibiotic treatment is stopped before all the bacteria are killed, use of the antibiotic in the current period causes more resistant bacteria in the future. P1 n¼1 an=ð1 þ rÞ n @Rtþn=@Qt measures the present value of the additional cost of increased resistance. @Rtþn=@Qt measures how a marginal increment in current antibiotic use increases the number of resistant bacteria in period t+n. t indicates the current time period and n is the number of time periods in the future that the resistance problem is being measured. Future resistance problems are discounted using the present value formula 1/(1+r) n where r is the interest rate at which future resistance is discounted into current dollars. The higher the interest rate, the less people are concerned about future resistance problems. In other words, the higher the interest rate, the lower the current value of the negative externality caused by future antibiotic resistance.

Diagram

Description automatically generated

an converts the increase in antibiotic resistance into dollar terms. The larger an, the higher the cost of an increase in resistance. An increase in an might be caused by the current knowledge that there are few new antibiotics in the pipeline of the drug companies. Existing evidence indicates that the volume of antibiotic exposure is the key determinate in causing antibiotic resistance [11–13].g Resistance to some antibiotics has persisted years after usage has ceased or been substantially reduced. Twenty percent of Enterobacteriaceae were resistant to streptomycin approximately 25 years after streptomycin use was greatly reduced [14]. Likewise, when sulphonamide prescriptions decreased from 320 000 prescriptions per year in 1991 to 7000 in 1999, resistance fell from 46% in 1991 to 40% in 1999 [15]. Cross-resistance is probably one of the main reasons that resistance continues after ceasing or reducing antibiotic use.h Chiew et al. [14] found that of their isolates that were resistant to streptomycin, 86% were also cross-resistant to spectinomycin. Enne et al. [15] also conclude that their results suggest that cross-resistance is important. These results are different from a Finnish study where resistance of group A streptococci which were resistant to erythromycin fell quickly when erythromycin was reduced [16]. This may be because in Finland, erythromycin resistance had emerged recently and the strains were not crossresistant [15]. When there is cross-resistance, use of antibiotic x creates a negative externality by reducing the effectiveness of antibiotic j. People buy antibiotics to reduce and eliminate bacterial infections. If usage of antibiotic x reduces the effectiveness of antibiotic j, then using antibiotic x reduces the demand for antibiotic j. In other words, when there is cross-resistance between antibiotic x and j, usage of antibiotic x causes a decrease in demand for antibiotic j. Efficient antibiotic consumption implies that the antibiotic is used until the additional benefit (‘cure’+improved public health) is equal to the additional costs incurred (marginal costs of treatment+increased resistance). In Figure 1, the efficient quantity of the antibiotic is Qt \* where both the external benefit and external cost are taken into account. Since antibiotic resistance reduces the value of the antibiotic, suppliers of patented antibiotics have an incentive to take into account antibiotic resistance. However, unless there is some mechanism to incorporate external benefits such as subsidies or a public health system, suppliers do not have an incentive to take into account external benefits. To maximize profits, the suppliers will produce where marginal revenue (not including the external benefit) equals the marginal cost (including the external cost). In Figure 1, assuming no public health demand and no cross-resistance, Qt M of antibiotic j will be used which is less than the efficient quantity Qt \* . Extended patents reduce antibiotic resistance Ineffective antibiotics are most likely when there is open-access. In the case of antibiotics, open-access occurs when anyone can produce, sell, and use the antibiotic. In other words, no patents or licenses govern the production of the antibiotic and it is sold over the counter. Under these circumstances, producers would be unwilling to incur any cost to enhance the future efficacy of an antibiotic that had no property rights attached to it and thus was subject to open-access. The 14-year delay (1928– 1942) between the discovery and the production of penicillin may be attributed to the lack of property rights (patent protection) [1, p. 32–51]. Streptomycin and sulpha drugs got to market much faster partly because Merck and Company and I.G. Farben were secretive until they developed a patentable production process and financially benefitted from their discoveries. The classic case of open-access is a fishery. Any fisherman leaving a fish in the water to grow larger is unlikely to catch it in the future. This leads fishermen to act as if they were unconcerned about future fish stocks and catch too many immature fish. A prominent reason for open-access in antibiotics is expired patents. This causes the price of antibiotic j to decrease and the quantity used to increase. This is depicted in Figure 1. When there is openaccess, since producers have no private future benefits to discount, the industry’s equilibrium output and price is where D=MC. Quantity is now Qt c and price is Pt c . There is no economic profit at Qt c because total revenue (TR) equals total costs (TC).i With open-access, pharmaceutical companies have less incentive to research and develop new antibiotics. Antibiotic resistance can be reduced by extending the duration of the patent on antibiotic j. Patents give the owners an incentive to protect the value of antibiotics by curtailing their usage. However, near the end of patent protection, pharmaceutical firms may have an incentive to overuse antibiotics to capture profits which will not be accessible in the future. Another end period problem, is that effectively using old antibiotics may forestall resistance to newer antibiotics. Unfortunately, once a drug goes off patent there is little financial incentive to study new areas of use. One way to ameliorate this end period problem is to extend the effective life of antibiotic patents.j Optimal antibiotic use is achieved by establishing an owner with incentives to consider the effect of contemporary use on future antibiotic resistance. Permanent patents would prevent inefficiently accelerated use of the antibiotic near the termination of the patent. In other words, prolonging the patent period would reduce the incentives to excessively discount future resistance. A result of an extended patent system is that there will be more infections in the current time period. The cost of this increment in contemporary infections, however, is less than the value of future infections which will be treatable because of fewer resistant bacteria. The pharmaceutical company would establish a reservation price on the antibiotic equal to the discounted expected future value of a future treatment. Only current consumers who value their treatment less than this discounted future price will refrain from purchasing the antibiotic.