# 1NC R3 Loyola

## 1

### Theory

#### Interpretation: affirmative debaters must delineate what intellectual property and medicines they reduce in the 1AC.

#### Four types of IP that are vastly different.

Ackerman 17 [Peter; Founder & CEO, Innovation Asset Group, Inc; “The 4 Main Types of Intellectual Property and Related Costs,” Decipher; 1/6/17; <https://www.innovation-asset.com/blog/the-4-main-types-of-intellectual-property-and-related-costs>] Justin

Intellectual property protection isn’t as simple as declaring ownership of a particular product or asset. In most countries, there are four primary types of intellectual property (IP) that can be legally protected: patents, trademarks, copyrights, and trade secrets. Each has their own attributes, requirements and costs.

Before narrowing your focus on which form of protection to use, know that these forms of protection are not mutually exclusive. Depending on what you’re doing, you might be able to use a “belt & suspenders” approach and apply multiple forms of protection, or one approach might be the most sensible. Read the descriptions below to get some of the basics.

Used to protect inventive ideas or processes – things that are new, useful and nonobvious - patents are what most often come to mind when thinking of IP protection. **Patents** are also used to protect newly engineered plant species or strains, as well.

Procedure For most companies, patents result from the following stages: Conceptualization Typically, innovation teams work to address a common problem facing their organization, industry, or the world at large when developing their idea. When they’ve arrived at a solution or concept, they’ll draw up plans and gather the resources necessary to make it a reality. Prototypes or drawings can be created to provide a more accurate description of the end product or process. Invention Disclosure An internal review process often occurs with every invention. The innovation team consists of internal counsel and an invention review panel of varying disciplines. The reviewers assess, rate, rank, score, and highlight potential flaws in the supporting documents and descriptions for the invention, which are then addressed by the inventor. These reviews can and often do take place multiple times for a single invention. Patent Application If the invention is deemed meritorious enough for the pursuit of patent protection, some organizations prepare their own provisional or nonprovisional patent applications. Others will farm this stage out. There may be more tweaks as an application is prepared, and then submission to the appropriate patent office and the prosecution stage begins (the back & forth with the government patent office). Typically it is outside counsel that manages this process and related docketing activities. Docketing is the overarching name for activities that include management of paperwork and meeting filing deadlines specified by the government patent office. Because the application process is often very complicated, patent offices highly recommend working with experienced patent attorneys to handle this process. Maintenance Once a patent is approved, it has a finite lifetime. Patent holders are responsible for maintaining and tracking the usage of their patents and paying the appropriate periodic government renewal fees. If a given technology or other patented asset is collecting dust, you might not want to renew it. Instead, you can try and sell, license or donate it. Conversely, if a patented asset is performing well through product sales or licensing activities and its life is getting shorter, you might think about innovating ahead and maintaining competitive momentum. Costs Costs will vary depending on the country or countries where you file an application, and can run into tens of thousands of dollars depending on the invention’s complexity, plus attorney fees. Maintenance fees over the lifetime of the patent can run into thousands more per patent, per country where patent rights have been granted. You have to keep your eyes on these costs.

Trademark

A trademark is unlike a patent in that it protects words, phrases, symbols, sounds, smells and color schemes. Trademarks are often considered assets that describe or otherwise identify the source of underlying products or services that a company provides, such as the MGM lion roar, the Home Depot orange color scheme, the Intel Inside logo, and so on.

Procedure Trademarks do not necessarily require government approval to be in effect; they can apply through abundant use in interstate commerce. Still, registration of a trademark affords far superior protection and is gained by filing an application with the proper government office. A trademark application requires the company or user to provide a clear description and representation of the mark and its uses in conjunction with associated products or services. As with patents, it’s a good idea to partner with outside counsel that specializes in trademark applications and/or search services so they can help ensure there is a clear path for your desired mark. Costs Trademarks are generally quite less expensive to obtain. According to the US Patent and Trademark Office, trademark registration currently costs between $225 and $325 for each class code you use per mark. Attorney and search fees are extra. There are also periodic (and relatively inexpensive) government maintenance fees for trademarks.

Copyrights do not protect ideas, but rather the manner in which ideas are expressed (“original works of authorship”) - written works, art, music, architectural drawings, or even programming code for software (most evident nowadays in video game entertainment). With certain exceptions, copyrights allow the owner of the protected materials to control reproduction, performance, new versioning or adaptations, public performance and distribution of the works. Procedure Copyrights in general attach when the original works become fixed in a tangible medium, but should be registered with the government copyright office for optimal protection in the form of damages, injunctions and confiscation. Copyright registration applications are much simpler than patents or trademarks, and typically can be obtained by the author alone. The US Copyright Office encourages use of their online application system, and requires a sample of the work to be protected and some background information about the author. Costs Depending on the type of work being protected, currently fees vary between $25-$100 in the US. The most frequent copyright registration sought is for one work by one author, and costs about $35.

Trade Secret

Trade secrets are proprietary procedures, systems, devices, formulas, strategies or other information that is confidential and exclusive to the company using them. They act as competitive advantages for the business. Procedure There actually isn’t a federally-regulated registration process for trade secrets. Instead, the onus is on the company in possession of the secret to take necessary precautions to maintain it as such. This is an ongoing, proactive process and can include clearly marking relevant documents as “Confidential,” implementing physical and data security measures, keeping logs of visitors and restricting access. The issuance of nondisclosure agreements or other documented assurances of secrecy can also be employed. One of the first defenses typically put up when you assert that someone misappropriated your trade secret is that you failed to adequately treat it as a trade secret. Costs Though there are no official registration costs, there are costs associated with taking appropriate precautions and security measures. You must weigh the competitive significance of your secrets against the cost of protecting them.

#### Violation:

#### Negate:

#### 1] Shiftiness- they can redefine what intellectual properties the 1ac defends in the 1ar which decks strategy and allows them to wriggle out of negative positions which strips the neg of specific IP DAs, IP PICs, Medicine DAs, and Medicine PICs and case answers. They will always win on specificity weighing.

#### CX can’t resolve this and is bad because A] Not flowed B] Skews 6 min of prep C] They can lie and no way to check D] Debaters can be shady.

#### 2] Real World- policy makers will always specify what the object of change is. That outweighs since debate has no value without portable application. It also means zero solvency since the WTO, absent spec, can circumvent aff’s policy since they can say they didn’t know what was affected.

#### This spec shell isn’t regressive- it literally determines what the affirmative implements and who it affects

## 2

### K

#### International relations is complicit in an anti-black rationalism that pathologizes the realities of minorities as insufficient – only the incorporation of race into policy debates enshrines the empathy and connectedness necessary to challenge white supremacy.

**Gordon and Harper-Shipman ’20** [Lewis and T.D.; 2020; Professor of Philosophy at UCONN-Storr; Assistant Professor of Africana Studies at Davidson College; *The Routledge Handbook to Rethinking Ethics in International Relations*, “Race and Ethics in International Relations,” p. 75-77] // Re-Cut Justin

Through a systematic positing of rationalism and parsimonious models, conventional IR elides the possibility of including the lived realities of black, brown, and red peoples in the Global South as valid forms of evidence and critical perspectives. To the extent that these voices can be quantified in an undifferentiated manner, they do not figure legitimately into the existing disciplinary paradigm. Without intentionally incorporating race into the framework, scholars are unable to explain phenomena such as the Global North’s continued imperial domination through globalization or the racialized political economy of contemporary forms of slavery such as sex-traffcking and forced domestic servitude in the United States (Crawford 2002; Georgis and Lugosi 2014; J.A. Gordon 2019). Alternative methodologies that may allow for a more ethical incorporation of race into IR include the world-travelling goal of achieving ‘a space of mutual understanding using the tool of empathy, which is the ability to enter the spirit of a different experience and find it in an echo of some part of oneself’ (Sylvester 2017, 182; see also Anzaldúa 1987; Sylvester 1995).There isalso poise, an epistemological framework for offering a critique of and reconstructing IR in a fashion that is void of colonial, capitalist-patriarchy (see Agathangelou and Ling 2004). Grovogui (2001) proposes reverse ethnography as a methodology available to the formerly colonized for assessing the colonizers’ ontological dispositions for what they are and not what the colonizers say they are. Exposing the limitations in this line of thinking in IR knowledge production demonstrates the provincial nature of the predominantly white approach to International Relations, which contradicts the current positivist paradigm. that calls for universal theorizing. Finally, though not exclusively, ethics demands connectedness and its concomitant obligation to others. This involves being in-relation-with-others instead of being separate. Models of IR premised on purity would require the elimination of relations with others (read as forms of contamination), whereas those premised on being-in-relations leads to a form of structural, ongoing mixture and transformation, which Jane Anna Gordon (2014) describes as ‘creolizing theory’. As the white supremacist origins of IR oppose such a model, overcoming that history requires acknowledging a different model of coexistence on our planet.

Conclusion

Race conjoined with ethics in IR thus raises normative, disciplinary, and methodological challenges to the field. The first raises the obligation of overcoming the normative project of global white supremacy through acknowledging that history and addressing how its continuation is often preserved through ongoing practices of denial. It also demands addressing how dominant global policies and the arguments that support them also facilitate disempowerment, dehumanization, and violence in the Global South and its manifestations in the Global North. This leads to disciplinary and methodological concerns that break down a neat divide between epistemological and normative practices. As the constructivist approaches tend to lead also to normative constructivism, the challenge of race and ethics in IR becomes also the imaginative act of theorizing different kinds of power relations and modes of coexistence with fidelity to extant global challenges on the organization of human and other planetary forms of life.

#### Their demand for durable fiat is a form of white delusion that represents an active misapprehension of reality – there is an epistemic imperative to dismantle this anti-black social practice.

**McRae ’19** [Emily; May 13; Associate Professor of Buddhism at the University of New Mexico; *Buddhism and Whiteness: Critical Reflections*, *Philosophy of Race*, “Chapter 1,” p. 44-45] // Re-Cut Justin

I offer this story not only as an example of everyday white delusion, but also to set the tone of this chapter: From both the Buddhist and critical race theoretical perspectives that I draw on here, ignorance (delusion) is not someone else’s problem. There is a moral, and epistemic imperative to confront our own ignorance, to dismantle the false beliefs and misunderstandings that inform our everyday sense of reality. In this chapter, I use the Buddhist concept of avidyā (ignorance, confusion, delusion) to analyze the causes, mechanisms, and possible correctives for white delusion. In Buddhist contexts, avidyā refers not only to a lack of knowledge but also (and primarily) to an active misapprehension of reality, a warped projection onto reality that reinforces our own dysfunction and vice. Ignorance is rarely innocent; it is not an isolated phenomenon of just-not-happening-to-know-something. It is maintained and reinforced through personal and social habits, including practices of personal and collective false projection, strategic ignoring, and convenient “forgetting.” This view of avidyā has striking similarities to philosophical analyses of white ignorance, such as Charles Mills’s, which understand white ignorance not in terms of a passive lack of knowledge but as an active refusal by whites to confront basic facts about our social world.

I argue that Buddhist analyses of avidyā may help us understand the mechanisms of white ignorance and the practices for deconstructing it. On the Buddhist view, the mechanisms for maintaining avidyā include obsession with self and clinging to fixed narratives about the self (in the case of white delusion, “I’m not racist” or “I’ve earned and deserve everything I have”) and the refusal to take seriously cause and effect (such as a failure to historicize racism, the failure to understand broad, systemic effects of racism, and the inability to apply abstract knowledge of racism to specific cases). In my own case of white delusion, I was guilty of both kinds of mistakes: I was clinging to a narrative that obscured reality—that it was only women who bore the burden of managing physical appearance in our society—and I failed to apply my knowledge of how racism works in the abstract to the specifics of my partner’s life.  
Buddhist conceptions of ignorance or delusion may also help to locate possible correctives for white ignorance. Because avidyā is not simply a lack of knowledge, it cannot be completely remedied by exposure to facts and analyses of those facts. To be receptive to such knowledge in the first place, to remember and apply it, we must overcome our own dysfunctional emotional patterns that sustain our confusion. So, on a Buddhist ethical view, white people cannot combat white ignorance simply with knowledge about racism (which is already widely available) but rather white people need to do the personal and emotional work of deconstructing our own whiteness, as it arises in our own lives, to uproot our white ignorance. This is uncomfortable and ugly (but necessary) work that will require white people to correct for major moral blind spots by developing the moral skill of equanimity (or “tarrying,” as George Yancy has argued).3

#### That causes extinction.

**Loy ’18** [David; April 21st; Former professor of Ethics, Religion, and Society at Xavier University; Mountain Cloud, “Are Humans Special? Part 3 by David Loy,” <https://www.mountaincloud.org/are-humans-special-part-3-by-david-loy-2/>] // Re-Cut Justin

If we are special because of our potential, we must choose. We are free to derive the meaning of our lives from delusions about who we are — from dysfunctional stories about what the world is and how we fit into it—or we can derive that meaning from insight into our nonduality with the rest of the world. In either case, there are consequences.

The problem with basing one’s life on delusions is that the consequences are unlikely to be good. As well as producing poetry and cathedrals, our creativity has recently found expression in world wars, genocides, and weapons of mass destruction, to mention a few disagreeable examples. We are in the early stages of an ecological crisis that threatens the natural and cultural legacy of future generations, including a mass extinction event that may lead to the disappearance of half the earth’s plant and animal species within a century, according to E. O. Wilson—an extinction event that may include ourselves.

What needs to be done so that our extraordinary co-creative powers will promote collective well-being (collective in this case referring to all the ecosystems of the biosphere)?

From a Buddhist perspective our unethical tendencies ultimately derive from a misapprehension: the delusion of a self that is separate from others, a big mistake for a species whose well-being is not separate from the well-being of other species. Insofar as we are ignorant of our true nature, individual and collective self-preoccupation naturally motivates us to be selfish. Without the compassion that arises when we feel empathy — not only with other humans, but with the whole of the biosphere — it is likely that civilization as we know it will not survive many more generations.

In either case, we seem fated to be special. If we continue to devastate the rest of the biosphere, we are arguably the worst species on earth: a cancer of the biosphere. If, however, humanity can wake up to become its collective bodhisattva —undertaking the long-term task of repairing the rupture between us and Mother Earth — perhaps we as a species will fulfill the unique potential of precious human life.

#### The alternative is to submit to Black Buddhist meditation – in the face of the affirmative, we only offer silence.

**Vesely-Flad ’19** [Rima; May 13; Ph.D. Director of Peace and Justice Studies at Warren Wilson College; *Buddhism and Whiteness: Critical Reflections*, *Philosophy of Race*, “Chapter 5,” p. 85-86] // Re-Cut Justin

Lovingkindness practices toward the self, alongside personal interpretations of the Four Noble Truths and the Eightfold Noble Path, guide many Black Buddhist practitioners who have suffered generational trauma and racist degradation in our contemporary moment. Valerie Mason-John, also known as Vimalasara, an African-Canadian teacher in the Nichiren tradition, speaks of the importance of the Four Noble Truths for people of African descent in particular. The First Noble Truth is that suffering is a universal experience. Mason-John states, “We of African descent know what suffering is. It’s in our DNA.”20 The Second Noble Truth states that suffering is a result of ignorant craving. For many Black Buddhists, the interpretations of the causes of suffering are greatly expanded into teachings of white myopia, the desire to exist in delusion, and the collective ego of the dominant white culture. The Third Noble Truth is that there is a path to end suffering. The very promise of liberation is enticing for people of African descent. The Fourth Noble Truth describes the path of liberation, known as the Noble Eightfold Path. In this path, “Right Concentration,” which leads to settling the mind, is a particularly compelling practice.

Manuel writes in The Way of Tenderness:

Only in the deep silence of meditation did I begin to disbelieve that I was born only to suffer. Eventually after many years of sitting meditation, I recognized the root of my self-hatred, both external and internal, as a personal and collective denial or denigration of the body I inhabited.

Her reflections are echoed by Owens’s reflections on silence: “silence became the medium in which I was reborn into a sense of happiness and contentment. But overall, it ushered me into a period of thriving and flourishing in my life.”22 In meditation, practitioners cultivate their ability to confront the suffering wrought by their mental constructs rather than avoid pain. They seek to heal the damage wrought by racism and to rearticulate profound teachings that are rooted in concentration practices. In-depth interviews with Black Buddhist teachers and practitioners illuminate a progression in the process of acknowledging one’s racial identity and embracing teachings of non-self. The progression begins with claiming and rearticulating Blackness as part of the social self, and in so doing, embracing African ancestry. For many, the next step is entering into an experience of silence that facilitates a recognition of the truth of non-self. Finally, Black Buddhist teachers and long-term practitioners integrate embodiment with the psychologically liberating practice of silence. The ten Black Buddhist teachers and long-term practitioners interviewed for this chapter emphasized four primary themes in their articulation of embodiment and Anatta: (1) Being visible in social spaces; (2) Claiming African ancestral lineages; (3) Embracing the two truths of relative and absolute existence; and (4) Liberating the self and the community.

## 3

### DA

#### Bipartisan antitrust bills passing now but continued PC needed to pacify republicans.

Perlman 9/3 [Matthew; 9/3/21; “*Interest Groups Back Big Tech Antitrust Bills In House,*” LAW360, <https://www.law360.com/competition/articles/1418789/interest-groups-back-big-tech-antitrust-bills-in-house>] Justin

Law360 (September 3, 2021, 7:25 PM EDT) -- A contingent of public interest groups are urging leaders of the U.S. House of Representatives to advance a package of legislation aimed at reining in Big Tech companies through updates and changes to antitrust law, though free market advocates have been jeering many of the bills. A total of 58 public interest and consumer advocacy groups signed on to a letter Thursday asking House leaders to swiftly pass the package of six antitrust bills that the Judiciary Committee approved in late June after a marathon markup session. The proposals include legislation prohibiting large platform companies from acquiring competitive threats, preferencing their own services and using their control of multiple business lines to disadvantage competitors in other ways. The proposals would also impose interoperability and data portability requirements on large tech platforms, increase merger filing fees and boost enforcement by state attorneys general. Charlotte Slaiman, competition policy director for Public Knowledge, which signed on to the letter, said in a statement Thursday that the package charts a path toward putting "people back in control of the digital economy." "The broad range of groups supporting this package shows just how widespread the problem of Big Tech dominance is, and that these bills deserve a full vote in the House imminently," Slaiman said. The letter contends that America has a monopoly problem that is resulting in lower wages, reduced innovation and increased inequality, while also undermining the free press and perpetuating "racial, gender and class dominance." "Big Tech monopolies are at the center of many of these problems," the letter said. "Reining in these companies is an essential first step to reverse the damage of concentrated corporate power throughout our economy." The proposals followed a 16-month investigation by the House antitrust subcommittee into Amazon, Apple, Facebook and Google that resulted in a sprawling report from Democratic members calling for a range of reform measures to rein in the dominance of the companies. While consumer advocacy groups have largely supported the measures, the tech companies themselves and other interest groups have been highly critical, including a coalition of more than 25 right-leaning groups that sent a letter to Congress ahead of the markup hearing. The letter called the bills a "Trojan horse package" aimed at cynically using conservative anger over Big Tech, particularly at perceived censorship by social media platforms, to seek bipartisan support for "European-style over-regulation." For its part, Facebook has called the proposals a "poison pill for America's tech industry at a time our economy can least afford it" and said the bills underestimate the fierce competition the U.S. companies face from abroad. Apple and Google also raised concerns about the impact the bills would have on innovation, as well as on privacy and security. And Amazon has warned about the potential consequences of the proposals for both small businesses that sell on its platform and the consumers who use it to shop. Ending Platform Monopolies Act Thursday's letter said that the Ending Platform Monopolies Act would address "the most problematic aspects of the Big Tech companies" by allowing enforcers to break-up or separate pieces of the businesses when they create conflicts of interest that give the platforms an advantage over potential competitors and business users. A fact sheet from Public Knowledge accompanying the letter said that the bill is an important tool to help the antitrust agencies "protect consumers from mammoth platforms and to ensure compliance with other parts of the package." But during the markup hearing, ranking Republican committee member Rep. Jim Jordan of Ohio blasted the bill as a regulatory overreach, calling it "quite literally central planning" and arguing that it has significant ambiguities, which is bad for business. The Competitive Enterprise Institute argued in a June statement that the bill "kills the goose that lays the golden egg," and would actually result in small businesses being unable to access the large platforms, which in turn would focus on their own offerings instead. The Chamber of Progress has warned that the proposal could bar Amazon from offering its Prime services and its Amazon Basics private label products, since they would compete against other sellers on the platform. Other groups have also warned it could also force tech companies to divest popular apps, including Google's Maps and YouTube, Facebook's WhatsApp and Instagram and Apple's iMessage and FaceTime. American Innovation and Choice Online Act The American Innovation and Choice Online Act is aimed at barring the platform companies from preferencing their own products and services over those of rival businesses and from excluding or discriminating against rivals. Thursday's letter said this proposal would "promote innovation and competition" by preventing the platforms from protecting their monopolies. The right-leaning think tank American Enterprise Institute and others have argued that the bill could prevent Apple from pre-installing certain apps on its mobile phones, since that would advantage it over competing app developers. It could also prevent Google from integrating maps or customer reviews into search results, among other things. "At a minimum, the act would significantly disrupt these platforms' business models in ways that undermine consumer value," Daniel Lyons, a senior fellow for the group wrote in a blog post in June. Platform Competition and Opportunity Act The Platform Competition and Opportunity Act is aimed at preventing platform companies from acquiring potential or nascent competitors and its supporters argued in Thursday's letter that it would prevent the tech giants from enhancing or maintaining their market power. The bill would presumably have blocked Facebook's purchases of WhatsApp, Instagram and other services it has acquired, as well as a slew of deals by Google over the past two decades. Detractors have contended that this bill would limit investments in startups because it restricts their ability to be acquired by the larger technology firms, which they say is a key way for founders to benefit from their success. An American Enterprise Institute blog post from June argues that "opportunities for acquisition have been important drivers of innovation in tech" and also said the bill would prevent the tech companies from entering new areas of business to compete with each other. ACCESS Act The Augmenting Compatibility and Competition by Enabling Service Switching, or ACCESS Act, imposes requirements for the tech companies to make user data portable and able to be used by competing services. The bill's supporters argued in Thursday's letter that this prevents the tech giants from locking users into their services, since users can take their data with them and use it on other networks. Privacy and security implications have been flagged as potential problems for the proposal, with the Competitive Enterprise Institute saying in a statement in June that it's an "anti-privacy bill" that forces companies to turn over private user information to others. The group also said the bill would try to micromanage "complex, dynamic, and highly competitive markets" that are beyond understanding for most politicians and regulators. The American Enterprise Institute has also contended that the requirements would actually make rivals even more dependent on the incumbent platforms. Filing fees and state enforcement Of the antitrust bills approved by the House Judiciary Committee, the ones with the most bipartisan support appear to be the Merger Filing Fee Modernization Act and the State Antitrust Enforcement Venue Act, though it took a day of debate before the committee passed them. A Senate version of the filing fee bill passed that chamber in June as part of the U.S. Innovation and Competition Act. It would raise the fees merging parties pay when reporting large transactions, while lowering fees for smaller deals, in order to raise more resources for the antitrust agencies. Information Technology & Innovation Foundation argued in an August blog post that the legislation does not give Congress enough oversight over how the agencies will use the funds that it raises and called for the bill to include provisions requiring the money be used to hire more staff dedicated to antitrust enforcement. The Competitive Enterprise Institute also raised concerns about congressional oversight and contended that the bill would increase the cost of doing business at a time when the economy is sputtering. "U.S. consumers need innovative services and affordable products, not higher prices passed onto them by businesses avoiding new, unnecessary regulatory compliance costs," the group said in a June blog post. The state enforcement bill would prevent antitrust cases brought by state attorneys general from being transferred to a different venue by the Judicial Panel on Multidistrict Litigation, similar to protections afforded to federal enforcers. The bill is intended to prevent companies targeted by state-led enforcement actions from trying to move the cases to more favorable venues, and it also has an analog in the Senate. Information Technology & Innovation Foundation acknowledged in their August post that having cases included in multidistrict litigation can handicap state enforcers, but contended the changes should only apply to criminal matters and that the current version is wrong to block transfers of civil cases too. Thursday's letter from supporters of the bills said the proposals were carefully crafted to address the abusive practices of Big Tech, informed by the House antitrust subcommitee's sprawling investigation and "historic" 450-page report. "We believe that these bills will bring urgently needed change and accountability to these companies and an industry that most Americans agree is already doing great harm to our democracy," the letter said.

#### Aff 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.

#### Antitrust is key to the DIB – brink is now.

Sitaraman 20 [Ganesh; Vanderbilt University Law School; “The National Security Case for Breaking Up Big Tech,” Knight First Amendment Institute at Columbia; 3/12/20; <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3537870>] brett // Re-Cut Justin

Concentration in the tech sector also threatens the defense industrial base due to higher costs, lower quality, less innovation, and even corruption and fraud.71 Each of these dynamics has already been a problem for America’s over-consolidated defense industrial base. As technology becomes more and more central to defense and national security, it is likely that these same dynamics will replicate themselves with big tech companies. This will become a national security threat, both directly, in terms of the quality and speed of procurement, and indirectly, by reducing innovation and functionally redirecting defense budgets from research spending to higher monopoly profits.72 Conventional economic theory suggests that monopolists have the ability to increase prices and reduce quality because consumers are captive.73 When it comes to defense spending, the Government Accountability Office commented in 2019 that “competition is the cornerstone of a sound acquisition process and a critical tool for achieving the best return on investment for taxpayers.”74 At the same time, the GAO observed that “portfolio-wide cost growth has occurred in an environment where awards are often made without full and open competition.”75 Indeed, it found that 67 percent of 183 major weapons systems contracts had no competition and almost half of contracts went to a handful of firms. Of course, consolidation also means that the Defense Department is in a symbiotic relationship with these big contractors. Some startup executives wanting to sell to the government thus see the Pentagon as “a bad customer, one that is heavily skewed in favor of larger, traditional players,” and they don’t feel like they can break into the sector.76 Standard stories about political economy and capture also suggest that these firms will have outsized power over government.77 As Frank Kendall, the former head of acquisitions at the Pentagon, has said, “With size comes power, and the department’s experience with large defense contractors is that they are not hesitant to use this power for corporate advantage.”78 In the defense context, that means monopolists retain power (and profits), even if they overcharge taxpayers and risk the safety of military personnel in the field. In an important article in The American Conservative on concentration in the defense sector, researchers Matt Stoller and Lucas Kunce argue that contractors with de facto monopoly at the heart of their business models threaten national security. They write that one such contractor, TransDigm, buys up companies that supply the government with rare but essential airline parts and then hike up the prices, effectively holding the government “hostage.”79 They also point to L3, a defense contractor that had ambitions to be a “Home Depot” for the Pentagon, as its former CEO put it. L3’s de facto monopoly over certain products, according to Stoller and Kunce, means that it continues to receive lucrative government contracts, even after admitting in 2015 that it knowingly supplied defective weapons sights to U.S. forces.80 Consolidation also threatens U.S. defense capacity. The decline of competition, according to a 2019 Pentagon report, leaves the military vulnerable to “sole source suppliers, capacity shortfalls, a lack of competition, a lack of workforce skills, and unstable demand.”81 With a limited number of producers, there is less talent and knowhow available in the country if there is a need to build capacity rapidly.82 In 2018, the Defense Department released a report on vulnerable items in the military supply chain, including numerous items in which only one or two domestic companies (and, in some cases, zero domestic companies) produced the essential goods.83 How did the United States lose so much of its industrial base? The combination of consolidation and global integration is part of the story. As Stoller and Kunce argue, companies consolidated in the 1980s and 1990s while shifting emphasis from production and R&D to Wall Street-demanded profits. Globalization then allowed them to shift production overseas at a lower cost. The result was to gut America’s domestic industrial base—and, in many cases, to shift it to China, which engaged in a decades-long strategic plan to develop its own industrial base. The result, in the words of the 2018 Defense Department report, is that “China is the single or sole supplier for a number of specialty chemicals used in munitions and missiles.” In other areas too, the risks of losing access to critical resources are real. Describing the problem of limited carbon fiber sources, the same Pentagon report notes, “[a] sudden and catastrophic loss of supply would disrupt DoD missile, satellite, space launch, and other defense manufacturing programs. In many cases, there are no substitutes readily available.”84 As technology becomes more integral to the future of national security, it is hard to see how big tech will not simply go the way of the big defense contractors. Corporate mottos not to “be evil” are long gone,85 and big tech companies spend millions on conventional Washington, D.C., lobbying efforts.86 Over time, as contracts move to tech behemoths, there will no longer be competitive alternatives, and the Pentagon will likely be locked into relationships with big tech companies—just as they currently are with big defense contractors.87 Some commentators suggest that robust antitrust policies are a problem because only a small number of tech companies can contract for defense projects.88 But there is another way to look at it: The goal should be to encourage competition in the tech sector so that there are multiple contractors available. As former secretary of homeland security Michael Chertoff has said, defending the antitrust case against Qualcomm, “a single-source national champion creates an unacceptable risk to American security—artificially concentrating vulnerability in a single point. ... We need competition and multiple providers, not a potentially vulnerable technological monoculture.”89 The consequence of consolidation in tech is that taxpayers will likely see higher bills even as innovation slows due to reduced competition. Worse still, every taxpayer dollar that goes to monopoly profits—whether in the form of higher prices or fraud and corruption—is a dollar that is not going toward innovation for the future. A concentrated defense sector means not only less innovation due to the lack of competition in the sector; it means that funding that could have been available for innovation instead gets redirected via monopoly profits to the pockets of big tech executives and shareholders.

#### That solves extinction through great power war.

Marks 19 [Michael; Former Senior Policy Advisor to the Under Secretary for Security Assistance, Science and Technology at the U.S. Department of State; "Strengthen US Industry To Counter National Security Challenges," American Military News; 10/10/19; <https://americanmilitarynews.com/2019/10/strengthen-us-industry-to-counter-national-security-challenges/>] Justin

While U.S. defense budgets have recently been on the rise, it is likely that we will see a spending decline in the coming years as competition for non-defense federal budget dollars increases and deficits grow. The United States, therefore, must take action to ensure that we maintain our technological edge against our adversaries by empowering the private sector to provide cost-effective innovation for America’s defense. Since the end of the Second World War the U.S. has relied on qualitative superiority over its potential adversaries, especially those like the Soviet Union/Russia and China, who enjoyed comparative quantitative advantages. These qualitative advantages were vital to maintaining global stability and helped enable our nation to become the preeminent global economy, but they have been eroded over the last few decades. In 1960, the U.S. share of global research and development (R&D) spending stood at 69%. U.S. defense-related R&D alone accounted for 36% of total global expenditures. Soon thereafter other nations recognized the need to increase their R&D expenditures and build their own defense industrial bases to compete with the United States. From 2000-2016, China’s share of global R&D rose from 4.9% to 25.1% while the U.S. share of global R&D dropped to 28%. U.S. defense-related R&D meanwhile now makes up a mere 4% of global R&D spending. There can be no doubt that Russia and China are determined to challenge America’s qualitative advantage. From the rebirth of Russian military power under Vladimir Putin to the ever-growing Chinese military prowess across the board, their efforts show no sign of slowing down. Russia has been and continues to undergo a major modernization of its armed forces. For example, they are in the midst of a ten-year program to build hundreds of new nuclear missiles and have set a goal of modernizing 70% of the Russian Ground Force’s equipment by 2020. One of the most frightening examples of Russia’s resurgence is its development of a hypersonic missile that could be ready for combat as early as 2020. Worryingly, the US is currently unable to defend against this type of missile. To accompany these developments came the emergence in 2017 of Russia as the world’s second-largest arms producer, ready and able to support nations hostile to US interests. China, on the other hand, used to be a country that only manufactured cheap products and knockoffs, but that is no longer true. Technology development and innovation figure prominently in all of China’s national planning goals, with plans to make the country the global leader in science and innovation and the preeminent technological and manufacturing power by 2049, the 100th anniversary of the Chinese communist revolution. This, of course, has huge implications for China’s military capability. The country now has the second-largest national defense budget behind the U.S. and wants to be Asia’s preeminent military power. Beijing is developing next-generation fighter jets, ICBMs and shorter-range ballistic missiles, as well as advanced naval vessels. The People’s Liberation Army has reached a critical point of confidence and now feel they can match competitors like the United States in combat. This has implications for the security of Taiwan, Japan, other US allies in the region as well as to America itself. To make matters worse, there are a growing number of experts that see China developing asymmetric technologies, combined with conventional and nuclear systems that could create an existential threat to the U.S. pacific based assets. It is in the wake of these growing threats to our national security American industry will likely be expected to shoulder an even larger responsibility concerning investment in defense-related R&D. One of the ways we can empower companies to make these additional investments and lead next-generation defense innovation is to allow commonsense mergers between important defense and aerospace companies. Horizontal consolidation eliminates the redundancy of enormous fixed costs, leading to savings passed down to customers. Mergers can also create economies of scale and existing synergies that help the combined company realize access to larger numbers of engineers and innovators, while keeping costs low and improving the timeline for taking a product from concept to development. FA recent example of how this can work is the proposed Raytheon and United Technologies merger. The two parties project that the new combined company will employ more than 60,000 engineers, hold over 38,000 patents and invest approximately $8 billion per year in research and development. This will allow the development of new, critical technologies more quickly and efficiently than either company could on its own. Such private sector investments in innovation will be critical in the face of the growing challenges to American military dominance. America’s R&D advantage, crucial to maintaining military superiority, is increasingly at risk. As China and Russia continue to challenge America’s military dominance and pressures on the defense budget continue to mount, the federal government will likely turn more and more to contractors and commercial companies to develop next-generation defense capabilities. Strengthening U.S. industry, therefore, will be critical to countering our national security challenges.

## 4

### CP

#### The member nations of the World Trade Organization except for the United States ought to terminate current and ban secondary patents.

#### The United States ought to terminate current and ban secondary patents through a supreme court decision by petitioning the PTAB and getting a formal ruling from APJs.

#### APJs have the authority to rule on intellectual property---the CP solves case.

Mosier 21 [Kevin; 8/9/21; “*Supreme Court Finds Constitutional Violation in Patent Challenges, But Provides Quick Fix*,” JDSupra, <https://www.jdsupra.com/legalnews/supreme-court-finds-constitutional-4702991/>] Justin

For those familiar with inter partes review—or IPR, as it is known—the recent Supreme Court decision in U.S. v. Arthrex was much anticipated because it carried with it the potential to upend the entire IPR system. IPR has been popular with patent challengers and trial court defendants since 2012, when the America Invents Act (“AIA”) took effect. Any person or entity may challenge the validity of a patent by petitioning the Patent Trial and Appeals Board (“the PTAB”). Although IPR petitioners are limited as to the grounds for invalidity they may present, IPR remains an efficient alternative to district court litigation on issues that can overlap with an IPR petition. If the PTAB determines there is a reasonable likelihood that the petitioner would prevail on least one of the patent claims challenged in the petition, the PTAB will institute the petition and hold a trial-like proceeding to determine whether the challenged claims are invalid. Active litigations concerning the same patent are often stayed, that is, put on ice, pending results of the IPR. IPRs are conducted by a panel of administrative patent judges (“APJs”) who are appointed by the Secretary of Commerce. Arthrex, a maker of surgical equipment, argued that APJs are “principal officers” under the Constitution because they wield significant authority and lack meaningful oversight. If APJs are principal officers, they must be appointed by the President and confirmed by the Senate. A Supreme Court holding that APJs are principal officers could have theoretically invalidated all IPR decisions and dramatically altered the IPR system. The lower appellate court—the Federal Circuit—had already determined that APJs are principal officers, but sought to remedy the constitutional concerns in a way that preserved the IPR system. As we wrote at the time, the Federal Circuit reinterpreted statutory limitations on at-will removal of APJs, rendering APJs “inferior officers” who do not need to be appointed by the President and confirmed by the Senate. Although the Supreme Court agreed with the Federal Circuit that the AIA as written caused the APJs to be principal officers, it reversed the Federal Circuit’s decision. The majority opinion held that the root of the constitutional violation was the lack of review authority by a superior officer. The court fixed this problem by bestowing upon the Director of the United States Patent and Trademark Office the unilateral authority to review all IPR decisions so that APJs are properly classified as inferior officers. U.S. v. Arthrex is highly significant for patent owners and IPR petitioners. First and foremost, patent owners who hoped that the IPR system would be scrapped or at least significantly altered did not get their wish. IPR has survived the day and will likely remain as popular as ever with patent challengers and parties accused as infringers. IPR litigants who were hoping for a new hearing before a new panel of APJs did not get their wish either: the Supreme Court made clear that this decision does not entitle prior litigants to new hearings. This decision does, however, present litigants with a vehicle to request that the Director review an IPR determination. All IPR determinations are subject to review and possibly modification or reversal by the Director. Previously, a final written decision by the PTAB was subject to a request for rehearing and then potentially an appeal to the Federal Circuit. Now, as explained in a PTAB Q&A, a party may request either a Director review or panel rehearing, but not both. The Director may also choose to review a final written decision on his or her own initiative. Like a panel rehearing, the Director’s review is appealable to the Federal Circuit. So what next? For now, not much will change aside from potentially greater influence being wielded by the Director. The Supreme Court did not issue guidelines for this additional avenue of review. The decision in Arthrex is notable for providing a simple, direct fix to a constitutional infirmity and not the sea change that those sympathetic to Arthrex’s cause were hoping for.

#### Circumvention is inevitable---the aff is unconstitutional and companies use that as a sword to prevent loss of IP.

Brown 21 [Delphine; 7/21/21; Partner in the firm's Litigation Practice Group, and a member of its Intellectual Property Practice Team. With over twenty years of trial experience, Delphine's practice focuses on complex intellectual property and technology cases, with extensive experience in the life sciences industry. Delphine has served as lead counsel for several global pharmaceutical companies in Hatch-Waxman litigation and trials involving dozens of drug products, dosage forms and delivery systems. Delphine’s lead counsel expertise also includes patent litigation involving biotech, medical device, computer hardware and software, design and business method patents, and counseling of established and emerging biotechnology companies regarding intellectual property, regulatory and litigation issues. Delphine has served as lead trial counsel in complex trademark and copyright infringement, misappropriation of trade secrets, and unfair competition cases. Delphine believes that the key to being the best litigator and trial lawyer is always keeping her "eyes on the prize" which she defines with her clients as accomplishing both legal victory and strategic objectives to get the client back to running its business as quickly as possible. A corporate client once remarked to Delphine's parents at her birthday party that "if Delphine wasn't such a good lawyer, we wouldn't have become such great friends." Delphine has three decades of experience representing both U.S. and foreign corporations in federal and state courts nationwide in pretrial proceedings, trials and appeals, and in arbitration proceedings. Delphine frequently publishes thought leadership and speaks on intellectual property issues. Delphine received her bachelors degree from Princeton University and her J.D. from St. John's University School of Law. In her spare time, she serves on the boards of several private foundations, and the CT Selection Committee for the Princeton Prize in Race Relations, as well as a USA swimming official. Delphine also enjoys skiing, golf, tennis and classic wood boats; “*Powerhouse Points: Will TRIPS Waiver of IP Protection for COVID-19 Vaccines Serve Global Need*,” Freeborn, <https://www.freeborn.com/perspectives/powerhouse-points-will-trips-waiver-ip-protection-covid-19-vaccines-serve-global-need>] Justin

Despite the current U.S. administration’s apparent support for waiving IP protection for COVID-19 vaccines, the response in the U.S. to the proposed broader waiver would most certainly involve intense lobbying by pharmaceutical companies to reverse or severely narrow its effect. The U.S. Congress has already introduced legislation to require Congressional approval of any waiver, and prohibit the use of federal funds to support a waiver.[vi] If the U.S. government seeks to enforce a TRIPS waiver, the takings clause of the Fifth Amendment to the U.S. Constitution could be used by U.S. companies as a sword to prevent the loss of intellectual property rights without compensation. In addition, compulsory licenses issued by foreign governments to U.S.-based pharmaceutical companies would be the subject of jurisdictional challenges and lack effective enforcement mechanisms.

## 5

### Theory

Interpretation: Debaters may not justify 1ar theory is dtd, competing interps, and it’s the highest layer

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# Case

## 1NC – Underview

## 1NC – Framing

### 1NC – Framing

#### Extinction outweighs: A] Reversibility- it forecloses the alternative because we can’t improve society if we are all dead B] Structural violence- death causes suffering because people can’t get access to resources and basic necessities C] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical D] Uncertainty- if we’re unsure about which interpretation of the world is true, we should preserve the world to keep debating about it

## 1NC – Solvency

### 1NC – Circumvention

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

## 1NC – Advantage

### 1NC – AT: Hemel

#### Laundry list of thumpers---your ev.

CMS = Centers for Medicare & Medicaid Services

**Hemel & Ouellette 20** [Daniel J Hemel, Assistant professor of law and Ronald H.Coase Research scholar@ university of Chicago law school. Lisa Larrimore Ouellette, Associate professor of law and Justin M. January-June 2020, “Innovation institutions and the opioid crisis” Journal of Law and the Biosciences, Volume 7, Issue

Finally, and notwithstanding our criticisms of the IP system, we again emphasize that non-IP innovation incentives and allocation mechanisms are imperfect. In the case of the opioid epidemic, CMS created powerful non-IP incentives for hospitals to prescribe more opioids.[327](javascript:;) That turned out to be a disaster. The root causes of this particular policy failure are unclear, but we should be cognizant in our critique of certain aspects of market-based IP policies that the grass is not always greener on the non-market side.

V. CONCLUSION

The opioid epidemic is not the first public health crisis that has exposed flaws in innovation institutions.[328](javascript:;) The global AIDS crisis drew the world’s eyes toward high prices for patented antiretroviral therapies and highlighted ways in which international IP law limited the ability of low-income countries to respond to health emergencies. The episode resulted in the World Trade Organization issuing its Doha Declaration in 2001, which in turn led to the loosening of restrictions in low- and middle-income countries on access to generic versions of lifesaving drugs.[329](javascript:;) Around the same time as the Doha Declaration, the anthrax attacks in the US also placed a spotlight on patent law’s allocative inefficiencies and resulted in Bayer AG, the manufacturer of the anthrax medicine Cipro, cutting prices steeply.[330](javascript:;) A crisis—as Nobel laureate economist Paul Romer once said—is a terrible thing to waste,[331](javascript:;) and innovation policy scholars and reformers did not let these earlier crises meet that fate.

Crisis-based policymaking raises the obvious concern that lawmakers and bureaucrats will sacrifice sense for speed. Yet the opioid epidemic, like AIDS but unlike the anthrax scare, is a crisis whose timeline is marked in months and years rather than hours or days. An optimistic scenario is that the crisis’s comparatively slow movement will allow for the sort of careful contemplation that crisis-based policymaking often lacks, while the crisis’s magnitude will overcome the legislative inertia that often stands in the way of innovation policy change. We ourselves lack the political predictive powers to say whether institutional reform will be the ultimate outcome or whether instead legislative interest in the subject will wane.

What we can say with confidence is that close consideration of the interaction between innovation institutions and the opioid epidemic has the potential to reveal important aspects of each. This is not to say that the opioid epidemic is entirely attributable to innovation policy or that the flaws of the innovation system are all at work in the opioid crisis. It is to say, however, that one cannot fully comprehend the causes of the opioid epidemic without understanding the role that innovation institutions played in it, and one’s understanding of innovation institutions will almost certainly be enhanced by attention to opioid problem. The epidemic already has wasted far too many lives and laid waste to communities across the country. Hopefully the opportunities for reflection and reform that can come from the crisis will not be squandered as well.

### 1NC – Generics

#### Generics drove the opioids crises---empirics flip your OxyContin example.

Nathan Yerby 19 [(writer and researcher. He is a graduate of the University of Central Florida )8/14/2019, DEA Database Shows Generic Drug Manufacturers Contributed Most To The Opioid Epidemic, <https://www.addictioncenter.com/news/2019/08/generic-drug-manufacturers-opioid-epidemic/>] Justin

In most ways, generic drugs are identical to brand-name medications. They share the same effects, risks, and recommended doses, and they’re both subject to FDA approval. Therefore, any generic drug should be as safe as its brand-name counterpart. Generic opioids and brand-name opioids are equally potent and addictive. The difference between generic and brand-name opioids is that generic opioids cost less to manufacture. Consequently, they cost less for patients to buy. In general, drug companies cannot start to manufacture generic medications until the patent for the original brand-name product expires. In 2004, the production and sale of generic opioid medications skyrocketed when federal courts rescinded the patent which Purdue Pharmaceuticals held on [OxyContin](https://www.addictioncenter.com/opiates/oxycodone/). The opioid ingredient in OxyContin in [oxycodone](https://www.addictioncenter.com/opiates/oxycodone/symptoms-signs/). This occurred only several years after OxyContin had entered the market, so there was not much time for researchers to study the addictive power of oxycodone and other opioids. How Generic Drug Manufacturers Fueled the Opioid Epidemic The U.S. Drug Enforcement Agency (DEA) tracked the production, distribution, and sale of every opioid pill in the United States from 2006 to 2012. Last month, the DEA published its database with this information in response to requests from The Washington Post and the Charleston Gazette-Mail, a [West Virginia](https://www.addictioncenter.com/states/west-virginia/) newspaper. The database is called the Automation of Reports and Consolidated Orders System, or ARCOS. According to ARCOS, from 2006 to 2012, 76 billion opioid pills were produced and sold to patients in America. In 2006, there were 8.4 billion opioid pills in distribution. That number rose to 12.6 billion pills by 2012. The vast majority of these pills originated from three generic opioid manufacturers: SpecGx, a subsidiary of the Ireland-based pharmaceutical company Mallinckrodt Par Pharmaceutical, a subsidiary of Endo Pharmaceuticals, which is also headquartered in Ireland Actavis, a subsidiary of the Israeli company Teva Pharmaceuticals ARCOS shows that SpecGx manufactured about 38% of the 76 billion opioid pills and that Actavis manufactured about 35%. Many of these pills went to distributors who then sent them to pharmacies and pain clinics in areas of the country which already had high rates of addiction and overdoses. The ARCOS database alerted DEA officials as early as 2011 that these three companies were supplying most of the country’s opioids. In response, the DEA asked the companies to voluntarily reduce their opioid production. Recently-publicized internal documents from SpecGX, Par, and Actavis show that they did not comply with these requests. Additionally, all three of the manufacturers failed to implement an effective system for monitoring their opioid sales for suspicious orders. These three companies actually controlled 88% of the American opioid market, while Purdue Pharmaceuticals only controlled about 3%. However, since they weren’t well-known, they avoided DEA scrutiny for many years. During the ARCOS time period, all three companies earned tremendous profits. For example, Par Pharmaceutical reported over $1 billion in revenue in 2012, and the company was worth $8 billion when Endo acquired it in 2015. Actavis experienced even more growth by selling billions of generic [hydrocodone](https://www.addictioncenter.com/opiates/hydrocodone-addiction/) pills. Teva Pharmaceuticals acquired Actavis in 2016 for a price tag of $40 billion. Nevertheless, now that the world knows the truth about the role these companies played in fueling the opioid crisis, it is likely they will all have to pay steep settlements and defend themselves in court.