# Theory

#### Interpretation: affirmative debaters must delineate what intellectual property 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, and case answers. They will always win on specificity weighing.

#### CX can’t resolve this and is bad because A] Skews 6 min of prep and pre-round prep B] They can lie and no way to check C] Debaters can be shady during cx which wastes tons of time

#### 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

#### Voters:

#### Fairness is a voter: all argumentation assumes it’ll be evaluated fairly which means it’s a gateway issue to other layers

#### Education is a voter: it’s the only portable impact to debate, other impacts won’t matter in 10 years

#### Drop the debater [1] to deter future AC abuse [2] because my strat was already completely skewed by the one abusive practice

#### Competing interps because reasonability invites a race to the bottom where debaters set lower brightlines to defend abuse

#### No RVIs – [A] Illogical – fairness is a burden – they can’t win for following the rules. [B] Incentivizes good theory debaters to run abusive strategies, bait theory, and win off the RVI **[C**] Chilling effect—chills theory because I’ll be scared that they’ll win off the RVI

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier. Norming outweighs - It’s the constitutive purpose of theory debating

# Hobbes NC

#### To negate means “to deny the truth of” (Merriam Webster) so presumption and permissibility semantically negate. (https://www.merriam-webster.com/dictionary/negate)

#### The metaethic is constructivism – truth is not absolute but rather created by individuals based on their own individual perspective. Prefer it

#### [1] Opacity – we can never access another person’s perspective because we can never fully understand how someone else thinks. Every truth I create cannot be universalized because I can’t guarantee that they will create the same truth because they do what they want

#### [2] Linguistics – Truth is constructed by language, which is completely arbitrary. Nothing tells me that a chair is a chair; I only assign it that name arbitrarily because I want to. Meaning can’t be contained within language if we make it up ourselves, and truth doesn’t exist absent language.

#### But, the state of nature leads to infinite violence – competing truth claims means conflicts cannot be resolved. Two warrants:

#### [1] Ambiguity – everyone can assert their own claims to be true and refuse contestation – this means we always fight over who is correct. This is irresolvable because there is no mediator to adjudicate the dispute and tell who is correct – we just fight forever

#### [2] Self-Interest – everyone wants their truth claims to be true because it benefits them – this leads to conflict because we can’t divide limited resources and have to compete with each other – terminates in death because neither of us want to concede to the other

#### This state of nature is brutish and has no conception of morality because we don’t have any unified truth to guide us, and thus outweighs on magnitude. The solution is the creation of the sovereign to mediate what is true and enforce the law; she is the ultimate ruler and arbitrator. It must eliminate all conflicts to bring peace to our violent natures.

#### Therefore, the standard is adhering to the state’s perspective.

#### Impact Calculus: Only evaluate impacts to structural purpose –what you justify through doing the action. We can control what we justify but we can’t control what we cause.

#### Reject consequentialism: A) Normativity, moral theories that hold agents responsible for all consequences of their actions destroy motivation to be ethical because moral intentions can still lead to immoral consequences B) Infinite Regress, every consequence leads to another consequence ad infinitum which means under consequences every action has the same infinite impact and triggers permissibility.

#### Prefer my standard additionally

#### 1. Moral Discourse- outside of the state there is no regulative authority to ensure that individuals are capable of engaging in the same moral language. For example, one party can think good means x and another thinks that good means y. The state clarifies this dispute by being an ultimate arbiter and declaring what is good and bad. This means that absent my standard, moral language makes no sense.

#### 2. Infinite Regress- other moral theories inevitably fail because individuals can question why they follow them, but state basedmorality escapes this because individuals consent to the state by virtue of engaging in it.

#### 3. Constitutivism– other moral theories might matter in the abstract but obligations differ based on the nature of agency. For example, a janitor has different obligations than teachers, in the same vein the state has unique obligations that might be inconsistent with morality in general.

#### Now negate –

#### 1: the state’s perspective determines what is just so if the state decides not to reduce intellectual property protections that’s what the state has decided is just

# Case