### Novice Affirmative Case 2.0

#### I affirm the resolution that "The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines." I will defend that countries should waive patents on COVID vaccines and medical technologies during the pandemic.

#### My value is life which means doing what it takes to ensure that every person has the resources they need to live. This is the most important value because life is the first natural right given to every human being.

#### My criterion is Utilitarianism defined as the greatest benefit to a majority. Saving the most lives is the greatest good for the greatest number of people.

Contention One: Patents Prolong the Pandemic

#### Subpoint One – The coronavirus is devastating low income nations because they cannot get enough vaccines.

Shah, 2021 - president of the Rockefeller Foundation [Rajiv, “The choice for rich nations: Help vaccinate the developing world, or face a prolonged pandemic” March 19, 2021 https://fortune.com/2021/03/19/rich-countries-covid-vaccine-developing-world-options/]

An insufficient and inequitable response to the pandemic risks dividing the world in two. Advanced economies, feasting on fiscal and monetary stimulus and freed up by early access to vaccines, look likely to move beyond the worst of the pandemic by later this year. Meanwhile, developing economies, with less fiscal space and access to vaccines and other treatments, may be mired in the pandemic for years, losing lives and further ground against poverty, hunger, and disease. The longer this crisis lasts, the wider this divergence will grow, exacerbating stark disparities between these two worlds and increasing health, economic, and eventually security risks for all of us. Vaccine-resistant variants that mutate in an under-vaccinated country can quickly spread to one that’s been immunized. As developing economies struggle with outbreaks and sluggish growth, developed economies will eventually suffer. And amid outbreaks and recessions, nations are more likely to pose risks to others through the spread of unrest or even war. Even with so many problems demanding attention at home, the most critical step is getting the world vaccinated. Unfortunately, vaccination distribution has thus far been deeply inadequate and inequitable. According to Bloomberg, 22% of those in the United States have received at least one dose of the vaccine, while in Ghana, only 0.7% of the population have done the same. With so few vaccinated in the developing world, new outbreaks and development of additional variants are inevitable. Such variants may be more transmissible, more deadly, less responsive to existing vaccines and therapeutics, or a combination of these dangerous changes.

#### Subpoint Two - Low income nations cannot get vaccines because of an Artificial Scarcity created by patents – not enough companies are allowed to produce vaccines, and current doses are already sold out.

Ogwell, 2021 - the deputy director of the African CDC, [Ahmed AUGUST 3, 2021 'Absolutely Unacceptable' COVID-19 Vaccination Rates in Developing Countries | The Development Podcast <https://www.worldbank.org/en/news/podcast/2021/07/30/-absolutely-unacceptable-vaccination-rates-in-developing-countries-the-development-podcast>]

Ahmed Ogwell: There are a few things, factors, that are contributing to the very low vaccination rates. In fact, as of today, we are at about 1.65% fully vaccinated, which is extremely far when you consider our target of 60% of the population on the continent. Raka Banerjee: [crosstalk 00:13:35] I'm sorry. That's across the whole continent? 1.65% across across the African continent? Ahmed Ogwell: Correct, fully vaccinated. Paul Blake: We're- Raka Banerjee: [crosstalk 00:13:43] Fully vaccinated. Paul Blake: And fully vaccinated, yeah. And just for anyone who's listening in the future, we're recording this on July 28th, in late July. So data as of July 28. Ahmed Ogwell: That's correct. So a few factors are contributing to the low vaccination. One, is that there are a few entities that are actually manufacturing COVID-19 vaccines. And particularly those that have achieved emergency use authorization. There are few that are doing that. While, at the same time, the whole world wants the vaccines. So access is heavily limited by the rate of supply of the vaccines. Second, is that the relativity well to do countries bought up the vast majority of the vaccines that are to be made available during this year, because what we want are vaccines now. We don't want vaccines in 2022, 2023. And those vaccines that could be made available now have already been bought up. And in that way, it means that even though we have the money, we can't be able to buy because there's nothing to buy. And we are negotiating very hard with the manufacturers to see if we can be able to get some of these items earlier.

#### Subpoint Three - Programs like COVAX are failing because they only have a Fraction of the vaccines necessary.

Stone 2021 - Infectious Disease specialist [Judy May 11 Forbes “Covid Vaccine Equity - Developing Countries Need Our Help” https://www.forbes.com/sites/judystone/2021/05/11/vaccine-equitydeveloping-countries-need-our-help/?sh=6d1e32cd3ec8]

Unlike his predecessor, President Biden understands that sharing vaccine with other countries is also in our best interest, and joined the international Covax program. Covax is led by WHO, Gavi (Global vaccine alliance), CEPI (Coalition for Epidemic Preparedness Innovations) and the UN’s Children’s Fund (UNICEF). So far, only 0.3% of the vaccines that have been administered have gone to low-income countries, according to the Director-General of the World Health Organization (WHO) Tedros Adhanom Ghebreyesus. Covax’s goal is vaccinating 20% of the population of poorer countries. Covax had hoped to administer 2 billion vaccine doses in 2021 (that’s more than 25% of the world’s whole population); so far, they’ve only reached 29 million doses. We need at least a 70% vaccination rate to develop herd immunity and stop the pandemic. Another problem is that even if the patent protections are waived, allowing companies to have the “recipe” for producing vaccines, many lack the technical know-how or experience to do so. WHO is proposing a technology transfer hub to assist in this process. In 2019, the U.S. participated in the most recent of a series of pandemic preparedness exercises. This one, called Event 201, was a collaboration between the Johns Hopkins Center for Health Security, the World Economic Forum, and the Bill and Melinda Gates Foundation. Key recommendations at that time included: — to avoid lockdowns, — increase coordination to combat mis- and dis-information during a pandemic, — and to enhance internationally held stockpiles of MCMs (medical countermeasures) and personal protective equipment that could be equitably distributed. Obviously, we are nowhere near successful in reaching even those limited goals

#### Contention Two – A COVID Waiver is essential to solving the pandemic

#### Subpoint One - A COVID waiver would increase production of vaccines by allowing other nations to produce generic versions of the vaccine without fear of being sued.

Meredith, 2021 - a Correspondent at CNBC in London [Sam “Rich countries are refusing to waive the rights on Covid vaccines as global cases hit record levels” , APR 22 2021 <https://www.cnbc.com/2021/04/22/covid-rich-countries-are-refusing-to-waive-ip-rights-on-vaccines.html> ]

“In this Covid-19 pandemic, we are once again faced with issues of scarcity, which can be addressed through diversification of manufacturing and supply capacity and ensuring the temporary waiver of relevant intellectual property,” Dr. Maria Guevara, international medical secretary at Medecins Sans Frontieres, said in a statement on Wednesday. “It is about saving lives at the end, not protecting systems.” The urgency and importance of waiving certain intellectual property rights amid the pandemic have been underscored by the WHO, health experts, civil society groups, trade unions, former world leaders, international medical charities, Nobel laureates and human rights organizations. Why does it matter? The waiver, if adopted at the General Council, the WTO’s highest-level decision-making body, could help countries around the world overcome legal barriers preventing them from producing their own Covid vaccines and treatments.

#### Subpoint Two – Waivers would solve vaccine inequality – only intellectual property prevents a people’s vaccine.

Mazzucato, 2021 – director of the Institute for Innovation and Public Purpose at University College London [Mariana, with Jayati Ghosh and Els Torreele, “Intellectual property and covid-19” Apr 20th 2021 The Economist <https://www.economist.com/by-invitation/2021/04/20/mariana-mazzucato-jayati-ghosh-and-els-torreele-on-waiving-covid-patents>]

THE RAPID creation of covid-19 vaccines is an amazing technological feat. It shows how much can be accomplished when human inventiveness and private-sector involvement are given extensive public support, from basic research to massive subsidies. However, the innovation is futile unless the vaccines are distributed equitably. The public-health benefits are undermined by a deepening chasm in availability. With most inoculations occurring in just a few rich countries and the vast majority of the world still unprotected, the pandemic is likely to be prolonged unless this disparity is overcome. New virus mutations are already emerging that could threaten the limited progress so far to contain the disease. The solution is the People’s Vaccine—available to all, affordable by all. It would resolve the “vaccine apartheid” that is creating moral, health and economic catastrophes. The current scarcity of vaccines is artificial and avoidable. If the world were not blocked by intellectual-property claims, we could collectively mobilise enough production capacity to make vaccines to inoculate everyone—60% of the world this year, and everyone who wants a vaccine by the end of 2022, according to one estimate.

#### Subpoint Three – There is substantial capacity and infrastructure available in other countries – only patents stand in the way.

Mazzucato, 2021 – director of the Institute for Innovation and Public Purpose at University College London [Mariana, with Jayati Ghosh and Els Torreele, “Intellectual property and covid-19” Apr 20th 2021 The Economist <https://www.economist.com/by-invitation/2021/04/20/mariana-mazzucato-jayati-ghosh-and-els-torreele-on-waiving-covid-patents>]

The hoarding of doses by rich countries and the hoarding of technology by drug companies sustains the scarcity. Companies spanning the globe, from Canada to Bangladesh, are ready to produce hundreds of millions of doses if provided with the know-how. But they are unable to start. Were the technology shared, those manufacturers could produce doses quickly, just as Moderna and Pfizer did last year. This would get more people vaccinated in more countries, and make fewer countries dependent on wealthy ones. Monopoly control over critical public-health technologies cannot be justified in a global emergency.

#### Subpoint Four – Arguments against waivers don’t apply during a pandemic, when a limited, temporary waiver will solve.

Bowman and Valentine, 2021 – NPR Correspondents [Emma and Ashish “The Coronavirus Crisis Biden Backs Waiving International Patent Protections For COVID-19 Vaccines” May 5, 2021 <https://www.npr.org/sections/coronavirus-live-updates/2021/05/05/993998745/biden-backs-waiving-international-patent-protections-for-covid-19-vaccines>]

The consequences of not passing the waiver are "staggering," Mustaqeem de Gama, South Africa's World Trade Organization counselor, told NPR — "not only on the level of the loss of human lives but also on the economic level." "We believe that intellectual property rights constitute a very substantial barrier to ensure equitable access," he said. "We believe that if we could have a limited, targeted waiver to ensure that we can ramp up production in various parts of the world, we would go a long way to ensure that we address not only the prevention but also the treatment of COVID-19."

#### Subpoint Five – even if a waiver does not remove every obstacle, it is an important first step. We must take every step during a pandemic

Mazzucato, 2021 - economics professor at University College London [Mariana, with Jayati and Els Torreele The Economist Apr 20th 2021 “To control the pandemic, it is essential to suspend intellectual property rights on medical products related to covid-19” <https://www.economist.com/by-invitation/2021/04/20/mariana-mazzucato-jayati-ghosh-and-els-torreele-on-waiving-covid-patents>]

Those opposing the waiver argue that there is no guarantee that this approach will solve the manufacturing shortage. Yet in a pandemic, it is imperative to remove as many barriers as possible to increase production, and patents are a foundational and far-reaching obstacle. Certainly, the suspension of intellectual-property rights will not be enough. Governments should insist that companies whose R&D they subsidised provide access to the technology and know-how. So far, voluntary knowledge sharing through a dedicated facility in the WHO called the Covid-19 Technology Access Pool has been dismissed by companies and as a result, has not been used since its creation in May 2020. More radical measures are thus warranted. Suspending intellectual property rights does not mean erasing the prospect of profits: waiver requirements can always incorporate reasonable compensation, taking into account the R&D costs and other investments that companies have made. However, keeping such information in private hands is not just unethical, it destroys the very purpose of the public investment that was meant to address the crisis. Covid-19 is a global public health and economic emergency. It will not end unless we have the courage to embrace new solutions for knowledge sharing and co-operation to meet our moment in history—and to affirm our humanity.

#### Contention Three: Waiving patents won’t hurt medical innovation.

#### Subpoint One - Pharmaceutical companies exaggerate the impact patents have on innovation – public funding is more important, and most innovations have no medical benefit.

Chaudhry, 2020 - Professor of Law, University of Dayton [Faisal, “A secret reason Rx drugs cost so much: A global web of patent laws protects Big Pharma” January 28, The Conversation https://theconversation.com/a-secret-reason-rx-drugs-cost-so-much-a-global-web-of-patent-laws-protects-big-pharma-122028]

Shaky justifications Since 1994, Big Pharma has imposed ever more severe requirements around patent rights. They have insisted that patent rights are necessary to “incentivize” the availability of drugs for conditions like tuberculosis and malaria that, having no markets in the developed world, require guaranteed premiums from whatever countries they are sold in. Yet for just as long, critics have alleged that Big Pharma typically uses inflated, misleading or otherwise opaque cost data to tout the billions of dollars it claims to spend on drug development. Likewise, critics have continuously called attention to the way that most drug development is built on publicly funded research. And, finally, critics have never stopped highlighting the fact that Big Pharma long ago largely abandoned research and development for drugs for infectious ailments in developing nations, and increasingly switched to spending on blockbuster noninfectious disease drugs. Yet as diseases such as cancer and heart disease begin to take an even greater toll in the developing world, patents will extract an ever greater toll on patient populations across the world. In a developing world where public health problems increasingly look similar to the developed world’s, in fact, multinational pharmaceutical corporations could become better – not worse – placed to expand their profits by tapping new markets for drugs like insulin and beta blockers.

#### Subpoint Two - Patents actual harm innovations by making data exclusive, which means other companies would have to start from scratch.

Penfold, 2015 - Research Fellow , South African Institute of International Affairs [Erica, August 6, 2015 The Conversation “Explainer: the problem drug patents pose for developing countries” https://theconversation.com/explainer-the-problem-drug-patents-pose-for-developing-countries-45667]

In addition to the patent challenge, India’s ability to produce generics could also be hampered if it finalises a free trade agreement with the European Union, which it has been negotiating for eight years. Talks are set to resume next month. Among the negotiations is a data exclusivity clause, which will allow the pharmaceutical producers of European Union member countries to retain the clinical test data which shows the safety and efficacy of a new drug before it can be commercialised for up to five years. It would mean that the generic companies would need to generate their own data before they market those off-patented drugs. If the clause is approved, it could constrain India’s generic industry and be detrimental to southern Africa’s pharmaceutical industries as generics of these drugs would not be imported to the region.

#### Subpoint Three - Even if patents allow for new medicines, these innovations are irrelevant if no one can afford them and they are distributed inequitably. Even if a waiver reduces someone’s profits, it is in the best interest for human lives.