#### [Rikowski 06] Failure to understand how IPR are situated within the capitalist frameworks overlooks the root cause and problematizes the symptoms, a Marxist analysis of TRIPS and WTO are desperately needed to understand the topic which comes before the aff, thus the role of the ballot is to vote for the debater to best deconstructs capitalism

[Rikowski 06 (Ruth Rikowski is the author of Globalisation, Information and Libraries: the implications of the World Trade Organisation's GATS and TRIPS Agreements, Chandos publishers, 2005.)|A Marxist Analysis of the World Trade Organisation’s Agreement on Trade-Related Aspects of Intellectual Property Rights] Comrade PW

An Open Marxist Theoretical Perspective on TRIPS In my book, Globalisation, Information and Libraries (Rikowski, 2005), I place TRIPS within an Open Marxist theoretical perspective. In essence, my argument is that IPRs, through TRIPS, are being transformed into international tradable commodities. Value that is created from labour (and particularly from intellectual labour in this regard) becomes embedded in the commodity. Furthermore, value can only ever be created from labour. These commodities are then sold in the marketplace and profits are made and this ensures the continued success of global capitalism, whilst labour is exploited, alienated and objectified. Following on from Marx, we need to begin our analysis of capitalism with the commodity. The logic of capitalism is the commodification of all that surrounds us. Now, we are seeing this process A Marxist Analysis of TRIPS 407 starting to take effect in areas that were unheard of before – this includes schools, universities and libraries. These are areas that were previously thought to be something beyond commercialisation and trading. But through the WTO we are now witnessing a dramatic change. The logic of this at a future date will be that the public will probably have to pay for services, the same way that they pay for other goods in shops, and services provided by other private companies, such as a taxi service. So, the aim in TRIPS is to transform knowledge, information and ideas into IPRs that can then be traded in the marketplace. Fundamentally, the TRIPS assists with the process of commodifying more and more areas of social life. But what exactly is this value, which becomes embedded in the commodity? I consider this in depth in my dissertation on value creation through knowledge (Rikowski, 2003a), and also provide an overview of it in Globalisation, Information and Libraries (Rikowski, 2005), and further explore it in the forthcoming book that I am editing, Knowledge Management: social, cultural and theoretical perspectives (Rikowski, 2007). Capitalism goes through different stages, such as the Agricultural Revolution and the Industrial Revolution, and now we are moving into the knowledge revolution (see Rikowski, 2000a, b, 2003b). Throughout all these periods, capitalism is sustained by value, and this value can only ever be created by labour. As Marx said: ‘human labour creates value, but is not itself value. It becomes value only in its congealed state, when embodied in the form of some object’ (1867, p. 57). In the Industrial Revolution, value was largely extracted from manual labour, but in the knowledge revolution value is being increasingly extracted from intellectual labour. TRIPS assists with this extraction of value, and with the embedding of it in the commodity. Conclusion Thus, in essence global capitalism is being perpetuated and furthered through the WTO. This is because trade agreements that are being developed at the WTO, such as the GATS and TRIPS, are helping to ensure that more and more areas of social life are being commodified. Capitalism is sustained by value, and not by any set of moral principles, and this includes any possible moral issues in regard to intellectual property rights. We need to try to grasp the complexities of the world that we find ourselves in, in global capitalism today, so that we can then try to find a way to break free from it all, in order to create a better, a kinder and a fairer world. If one took a different position, and argued that global capitalism was a very good system, and that we just need to work through the various issues and dilemmas, one would quickly come up against an insurmountable number of problems (as indeed people do) in regard to issues such as IPRs, moral and humane issues, the public service ethos and the balance in copyright. A Marxist analysis is complex, but it seeks to explain and solve many of these real problems and contradictions, whilst also enabling us to face up to these contradictions. We need a theoretical analysis that helps us to understand and explain the system that we find ourselves in – global capitalism, with all its injustice, inequality, cruelty, suffering and death – and an Open Marxist theoretical analysis provides us with this, in my view. Once we have this understanding, we can then endeavour to create a better, kinder and a fairer social, economic and political system – one that is based on human wants and needs and one that will enable humans to find selfexpression and fulfilment, rather than a system that is based on the exploitation, alienation and objectification of labour, value-creation and the never-ending drive to increase profit margins.

#### [Vanni 21] Reformism not only fails but also perpetuate global inequality – the aff is a weaponization of medicines that increases Global South dependency in service of the corporate giants

Vanni 21[(Dr. Vanni obtained both her PhD and LLM degrees in International Economic Law from the University of Warwick, She has BA(Hons) in International Relations Her main area of research is international economic law, with a focus on intellectual property law, international trade law, global economic governance, law and development.  )“On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism.” TWAILR, 23 Mar. 2021, twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/. Accessed 6 Sept. 2021.] PW

These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### [Kleiner 10] The Alt is to embrace copyleft activism and the building of venture communist societies – creates incremental steps and conditions necessary for the overthrow of capitalism and a new society free from oppression

[(Dymitri Kleiner is a software developer and the author of The Telekommunist Manifesto. Dmytri is a contributing artist to the Miscommunication Technologies continuing series of artworks by Telekommunisten, such as deadSwap, Thimbl, R15N and OCTO.)“The Telekommunist Manifesto.” Telekommunisten, Oct, 2010, telekommunisten.net/the-telekommunist-manifesto/. Accessed 22 Aug. 2021.] Comrade PW

VENTURE COMMUNISM Venture communism provides a structure for independent producers to share a common stock of productive assets, allowing forms of production formerly associated exclusively with the creation of immaterial value, such as free software, to be extended to the material sphere. Part of the apparatus that allowed the free software community to grow and spread was the creation of copyleft, a type of license that allows for the re-use of the software it covers, so long as the derived works are also licensed under compatible terms. By releasing software under such licenses, the work becomes a collective stock for all free software developers. The core innovation of copyleft was to turn the copyright system against itself. The chief vehicle of asserting control under copyright is the license a work is released under, which establishes the terms under which others are permitted to use the copyrighted material. Copyleft effectively hijacks the existing apparatus that enforces privilege over intellectual assets, using the authority granted by the copyright license to guarantee access for all, and require that this freedom is passed on. This is consistent with copyright laws, and dependent on them, because without copyright and the institutions that protect it, there could be no copyleft. Venture communism requires that this same freedom be extended to material productive assets. The chief vehicle for asserting control over productive assets is the ﬁrm. Venture communism is therefore based on a corporate form: the venture commune. Employing a venture commune to share material property hijacks the existing apparatus that enforces privilege, to instead protect a common stock of productive assets that is available for use by independent producers. Legally, a venture commune is a ﬁrm, much like the venture capital funds of the capitalist class. However, the venture commune has distinct properties that transform it into an effective vehicle for revolutionary workers’ struggle. The venture commune holds ownership of all productive assets that make up the common stock employed by a diverse and geographically distributed network of collective and independent peer producers. The venture commune does not coordinate production; a community of peer producers produce according to their own needs and desires. The role of the commune is only to manage the common stock, making property, such as the housing and tools they require, available to the peer producers. The venture commune is the federation of workers’ collectives and individual workers, and is itself owned by each of them, with each member having only one share. In the case that workers are working in a collective or co-operative, ownership is held individually, by the separate people that make up the collective or co-operative. Ownership in a venture commune can only be acquired by contributions of labor, not property. Only by working is a share in the commune earned, not by contributing land, capital or even money; only labor. Property is always held in common by all the members of the commune, with the venture commune equally owned by all its members. Thus, each member may never accumulate a disproportionate share of the proceeds of property. Property can never be concentrated in fewer and fewer hands. The function of the venture commune is to acquire material assets that members need for living and working, such as equipment and tools, and allocate them to its members. The commune acquires this property when requested to do so by a member of the commune. The members interested in having this property offer a rental agreement to the commune, giving the terms they wish to have for possession of this property. The commune issues a series of bonds to raise the funds required to acquire the property, which then becomes collateral for the bondholders. The rental agreement is offered as a guarantee that the funds will be available to redeem the bonds. Should this guarantee not be met, the property can be liquidated with the proceeds going to the bondholders. This series of bonds are sold in a public auction setting. If the bond sale clears, the commune acquires the property, and the rental agreement is executed transferring possession to the renter. The property returns to the commune whenever those renting it no longer require it, or are unable to meet the agreed terms, at which point the commune offers it once again at auction to its members, who bid on new rental terms. If there is no more demand for the asset it is liquidated. After the bonds that were issued to acquire an asset are fully redeemed, it becomes fully owned by the commune. The remaining rental income the property earns is from then on divided up equally among all members of the commune and paid out to them. Proceeds from liquidated property are likewise divided. Because all the rent collected from property rental is divided up evenly among the members of the commune, those members who pay rent for property that is equal to the amount they would receive in return essentially get to use an equal share of the collectively owned property for free. What they pay in rent for the property is equal to the rent they receive back as a member of the commune. Members renting more than their per-capita share of the collective property will pay more, and presumably be choosing to pay because they are employing the property as a productive asset, and thus earning enough to pay. Conversely, members using less than their per-capita share receive more in payment than they pay in rent, thus being rewarded for not hoarding property. The main activities of the venture commune, managing bonds and rental agreements, do not impose a high level of coordination and, just like the computer networks that manage the allocation of immaterial goods, are activities that are well suited for computerized automation. Many venture communes could exist, and as they become interrelated, merge together forming larger, and more stable and sustainable communities of commons-based producers. Any change that can produce a more equitable society is dependent on a prior change in the mode of production that increases the share of wealth retained by the worker. The change in the mode of production must come ﬁrst. This change cannot be achieved politically, not by vote, or by lobby, or by advocacy, or by revolutionary violence, not as long as the owners of property have more wealth to apply to prevent any change by funding their own candidates, their own lobbyists, their own advocates, and ultimately, developing a greater capacity for counter-revolutionary violence. Society cannot be changed by a strike, not as long as owners of property have more accumulated wealth to sustain themselves during production interruptions. Not even collective bargaining can work, for so long as the owners of property own the product, they set the price of the product and thus any gains in wages are lost to rising prices. Venture communism should not be understood as a proposal for a new kind of society. It is an organizational form with which to engage in social struggle. Venture communes are not intended to replace labor unions, political parties, NGOs and other potential vehicles of class conﬂict, but to compliment them, to tilt the economic balance of power in favor of the representatives of workers’ class interest. Without venture communism, these other organized forms are always forced to work against opposition with much deeper pockets, and are thus doomed to endless co-option, failure and retreat. The only way is to stop applying our labor to property owned by non-producers and instead form a common stock of productive assets. Venture communism is taking control of our own productive process, retaining the entire product of our labor, forming our own capital, and expanding until we have collectively accumulated enough wealth to achieve a greater social inﬂuence than those that defend exploitation. This new economic balance allows for change that is far greater than the modest goals of venture communism. A truly free society would have no need for copyleft, or venture communism; these are only practices around which workers can unite towards the realization of their historic role of building a classless society, a society of equals. WORKERS OF THE WORLD UNITE! YOU HAVE NOTHING TO LOSE BUT YOUR CHAINS. YOU HAVE A WORLD TO WIN.

#### [Robinson 18] mode of production determines the social relations – the capitalistic mode is an inherently unsustainable and expansionary one – causes extinction via overaccumulation, environmental degradation, and mass social crisis

Robinson 18 [William I, professor of sociology, global studies and Latin American studies at the University of California at Santa Barbara. 2018. “Accumulation Crisis and Global Police State.”<http://revolutionary-socialism.com/en/accumulation-crisis-and-global-police-state/>] JCH-PF, recut by PW

Each major episode of crisis in the world capitalist system has presented the potential for systemic change. Each has involved the breakdown of state legitimacy, escalating class and social struggles, and military conflicts, leading to a restructuring of the system, including new institutional arrangements, class relations, and accumulation activities that eventually result in a restabilization of the system and renewed capitalist expansion. The current crisis shares aspects of earlier system-wide structural crises, such as of the 1880s, the 1930s or the 1970s. But there are six interrelated dimensions to the current crisis that I believe sets it apart from these earlier ones and suggests that a simple restructuring of the system will not lead to its restabilization – that is, our very survival now requires a revolution against global capitalism (Robinson, 2014). These six dimensions, in broad strokes, present a “big picture” context in which a global police state is emerging. First, the system is fast reaching the ecological limits of its reproduction. We have already passed tipping points in climate change, the nitrogen cycle, and diversity loss. For the first time ever, human conduct is intersecting with and fundamentally altering the earth system in such a way that threatens to bring about a sixth mass extinction (see, e.g., Foster et al., 2011; Moore, 2015). These ecological dimensions of global crisis have been brought to the forefront of the global agenda by the worldwide environmental justice movement. Communities around the world have come under escalating repression as they face off against transnational corporate plunder of their environment. While capitalism cannot be held solely responsible for the ecological crisis, it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system given capital’s implacable impulse to accumulate and its accelerated commodification of nature. Second, the level of global social polarization and inequality is unprecedented. The richest one percent of humanity in 2016 controlled over half of the world’s wealth and 20 percent controlled 95 percent of that wealth, while the remaining 80 percent had to make do with just five percent (Oxfam, 2017). These escalating inequalities fuel capitalism’s chronic problem of overaccumulation: the TCC cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to chronic stagnation in the world economy (see next section). Such extreme levels of social polarization present a challenge of social control to dominant groups. As Trumpism in the United States as well as the rise of far-right and neo-fascist movements in Europe so well illustrate, cooptation also involves the manipulation of fear and insecurity among the downwardly mobile so that social anxiety is channeled towards scapegoated communities. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Extreme inequality requires extreme violence and repression that lend themselves to projects of 21st century fascism. Third, the sheer magnitude of the means of violence and social control is unprecedented, as well as the magnitude and concentrated control over the means of global communication and the production and circulation of symbols, images, and knowledge. Computerized wars, drone warfare, robot soldiers, bunker-buster bombs, a new generation of nuclear weapons, satellite surveillance, cyberwar, spatial control technology, and so forth, have changed the face of warfare, and more generally, of systems of social control and repression. We have arrived at the panoptical surveillance society, a point brought home by Edward Snowden’s revelations in 2013, and the age of thought control by those who control global flows of communication and symbolic production. If global capitalist crisis leads to a new world war the destruction would simply be unprecedented. Fourth, we are reaching limits to the extensive expansion of capitalism, in the sense that there are no longer any new territories of significance to integrate into world capitalism and new spaces to commodify are drying up. The capitalist system is by its nature expansionary. In each earlier structural crisis, the system went through a new round of extensive expansion – from waves of colonial conquest in earlier centuries, to the integration in the late 20th and early 21st centuries of the former socialist countries, China, India and other areas that had been marginally outside the system. There are no longer any new territories to integrate into world capitalism. At the same time, the privatization of education, health, utilities, basic services, and public lands is turning those spaces in global society that were outside of capital’s control into “spaces of capital,” so that intensive expansion is reaching depths never before seen. What is there left to commodify? Where can the system now expand? New spaces have to be violently cracked open and the peoples in these spaces must be repressed by the global police state. Fifth, there is the rise of a vast surplus population inhabiting a “planet of slums” (Davis, 2007) pushed out of the productive economy, thrown into the margins, and subject to sophisticated systems of social control and to destruction, into a mortal cycle of dispossession-exploitation-exclusion. Crises provide capital with the opportunity to accelerate the process of forcing greater productivity out of fewer workers. The processes by which surplus labor is generated have accelerated under globalization. Spatial reorganization has helped transnational capital to break the territorial-bound power of organized labor and impose new capital–labor relations based on fragmentation, flexibilization, and the cheapening of labor. These developments, combined with a massive new round of primitive accumulation and displacement of hundreds of millions, have given rise to a new global army of superfluous labor that goes well beyond the traditional reserve army of labor that Marx discussed. Global capitalism has no direct use for surplus humanity. But indirectly, it holds wages down everywhere and makes new systems of 21st century slavery possible. Dominant groups face the challenge of how to contain both the real and potential rebellion of surplus humanity. In addition, surplus humanity cannot consume and so as their ranks expand the problem of overaccumulation becomes exacerbated. Sixth, there is an acute political contradiction in global capitalism: economic globalization takes places within a nation-state system of political authority. Transnational state apparatuses are incipient and have not been able to substitute for a leading nation-state with enough power and authority to organize and stabilize the system, much less to impose regulations on transnational capital. In the age of capitalist globalization governments must attract to the national territory transnational corporate investment, which requires providing capital with all the incentives associated with neoliberalism – downward pressure on wages, deregulation, austerity, and so on – that aggravate inequality, impoverishment, and insecurity for working classes. Nation-states face a contradiction between the need to promote transnational capital accumulation in their territories and their need to achieve political legitimacy. As a result, states around the world have been experiencing spiraling crises of legitimacy. This situation generates bewildering and seemingly contradictory politics and also helps explain the resurgence of far-right and neo-fascist forces that espouse rhetoric of nationalism and protectionism even as they promote neo-liberalism.