I negate and value morality as “**an act** or course of action **to which a person is morally** or legally **bound**; a duty or commitment.” [Front page of Google]

The reason morality exists in the first place is to regulate our actions towards others. If any moral code is not motivational then there is no reason to do what is right. Motivational externalism collapses into internalism. **Joyce[1]**:

Back to the [Suppose] external reason[s]. Suppose it were claimed, instead, that I have a reason to refrain from drinking the coffee because it is tapu and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. [r]egardless of my desires (it is claimed) I ought not drink - l have a reason not to drink. But **how could** that reason ever explain any action of mine? Could the **external reason** even **explain** my **[action]** from drinking**?** Clearly, in order to explain it **the** external **reason must have some causal**ly efficacious **role [in]** among the antecedents of **the action** (in this case, an omission) — l must have. in some manner. "internalized" it. The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the **belief alone can[not] produce action**, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in order to explain** an **action** the **belief must couple with desire**s (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: if I believe that the coffee is [bad] tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with [desire] elements - but in that case the putative **external reason collapses into** an **internal** one.3

Additionally, agents can only be motivated their own desires; not the external desires of another because A) They are epistemically inaccessible and B) Because individuals have unlimited wants and those are not communicated C) We only care about our own desires as individuals are self interested and don’t care about helping others.

Only a contractarian system that derives principles of mutual restraint from individuals’ self-interest account for this fact because contractarian principles are necessarily in the interest of all parties involved because they wouldn’t constrain their action against their will, **Gauthier[2]:**

**Moral principles are** introduced as the **objects of** full voluntary ex ante **agreement among** rational **persons.** Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules and practices.**But the parties to agreement are real,** determinate individuals, **distinguished by their** capacities, **situations, and concerns.**  In so far as **[Since] they** would **agree** **to constrain**ts **on their choices**,restraining their pursuit of their own interests, **they acknowledge a distinction between what they may and may not do.  As rational persons** understanding the structure of their interaction, **they recognize for mutual constraint**, and so for a moral dimension in their affairs.

Thus, the standard is **consistency with** **contractarian principles of mutual restraint**

Additionally, prefer the standard

**1. Consent-** Contractarianism is based on consent—implicit in acceptance of a contract—which ultimately determines what qualifies as a net good or harm, i.e. if euthanasia is murder. Moral theories must be based in consent otherwise actions could never be determinate.

**2. Infinite Regress-**  When we form morals, we can always continue to question them and ask why our conception of the good is right. Contacts is the only way to avoid this infinite questioning by establishing some things as mutually agreed to be true.

I contend that no contractarian principle exists that wills us to affirm.

Contractarianism requires parties to be equal when entering contracts. **Gauthier[3] [2]:**

But the strengths of a contractarian theory may seem to be accompanied by grave weaknesses. We have already noted that for a contractarian, morality requires **a context of mutual benefit**. John Locke held that 'an Hobbist . . . will not easily admit a great many plain duties of morality'. And this may seem equally to apply to the Hobbist's modern-day successor. Our theory does not **assume[s]** any fundamental concern with impartiality, but only a concern derivative from the **benefits of agreement**, and those benefits are **determined by the effect** that **each person can have** on the interests of her fellows. **Only beings whose** physical and mental **capacities are** either roughly **equal** or mutually complementary **can expect to find cooperation beneficial to all.** Humans benefit from their interaction with horses, but they do not co-operate with horses and may not benefit them. **Among unequals, one party may benefit most by coercing the other,** and on our theory would have no reason to refrain.  We may condemn all coercive relationships, but only within the context of mutual benefit can our condemnation appeal to a rationally grounded morality.

Thus - always negate because the WTO has unequal power compared to businesses and the inventors of products that are patented. This the WTO doesn’t have a contractual obligation to reduce intellectual property protections for medicines.

[1] Joyce, Richard (Professor of Philosophy at Victoria University Wellington, New Zealand). The Myth of Morality. 2001. ***[Bracketed for grammatical clarity]***

[2] Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print.

[3] Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print.

1. *The ROTB is TT -*

*extempt*

Moral agency requires the formation of intent and the ability to recognize and conceptualize relationships among agents. States cannot engage in these processes because they lack the concrete characteristics necessary to constitute agency. **Wall:**

**“**On the other hand, **if** social groups do exist (i.e., if **there are metaphysical entities beyond individuals** that somehow unite them and their activities), **it would be very difficult to attribute** intentions, desires, and other **properties of** **agency to them.** For, at this point, it seems that **the properties** would have to be transcendental, when commentators take them to be concrete properties of human relations. The attempt to establish any transcendental properties would be an enormous undertaking, to say the least; and even if such an attempt were successful, it is doubtful that the attempt **could [not] satisfy the more concrete demands of moral agency.** After all, **we cannot locate a corporate brain** or central nervous system. We can refer to the activities and relationships  between  certain  individuals  within  a  corporation,  each  of  whom  has  a brain, but we have seen that a genuine corporate act will have to include more than an agglomeration of disparate mental states.**”**

Wall, Edmund. “The problem of group agency.” *The Philosophical Forum,* Vol. 31, No. 2, Summer 2000.

This is an apriori reason to negate,WTO not being moral agents means the rez is incoherent.

Also negates under CW,

**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>] Recut Mini

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 propert**y (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: they don’t**

**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] 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**

**Voters extempt n analytic**

CX doesn’t check, my strat was skewed from the start of the AC, that’s 6 minutes wasted. Incentivizes sketchiness because it allows debaters to shift advocacies when asked and be super vague in CX to allow them to shift later. Judges don’t flow CX it will never be binding.

1. **Waiving patents doesn’t work. Tabarrok 21:**

Alex Tabarrok, 21 — [Alex Tabarrok, Alex Tabarrok is Bartley J. Madden Chair in Economics at the Mercatus Center and a professor of economics at George Mason University. Along with Tyler Cowen, he is the co-author of the popular economics blog Marginal Revolution and co-founder of Marginal Revolution University. He is the author of [numerous academic papers](https://mason.gmu.edu/~atabarro/TabarrokCV.pdf) in the fields of law and economics, criminology, regulatory policy, voting theory and other areas in political economy. He is co-author with Tyler of [Modern Principles of Economics](https://marginalrevolution.com/our-textbook), a widely used introductory textbook. He gave a [TED talk](https://www.ted.com/talks/alex_tabarrok_foresees_economic_growth) in 2009. His articles have appeared in the New York Times, the Washington Post, the Wall Street Journal, and many other publications. “Patents are Not the Problem!,” Marginal REVOLUTION, 5-6-2021, <https://marginalrevolution.com/marginalrevolution/2021/05/ip-is-not-the-constraint.html>, bracketed for grammatical clarity] Valley JS

**Patents are not the problem**. All of the vaccine manufacturers are trying to increase supply as quickly as possible. **Billions of doses are being produced**–more than ever before in the history of the world. **Licenses are widely available. AstraZeneca [has]**have **licensed their vaccine for production** with [manufactures](https://www.astrazeneca.com/what-science-can-do/topics/technologies/pushing-boundaries-to-deliver-covid-19-vaccine-accross-the-globe.html) **around the world**, including in India, Brazil, Mexico, Argentina, China and South Africa. J&J’s vaccine has been licensed for production by multiple firms in the United States as well as with firms in Spain, South Africa and France. Sputnik has been licensed for production by firms in India, China, South Korea, Brazil and pending EMA approval with firms in Germany and France. Sinopharm has been licensed in the UAE, Egypt and Bangladesh. Novavax has licensed its vaccine for production in South Korea, India, and Japan and it is desperate to find other licensees but technology transfer isn’t easy and there are [limited supplies of raw materials](https://endpts.com/as-fears-mount-over-jj-and-astrazeneca-novavax-enters-a-shaky-spotlight/):

Virtually overnight, [Novavax] set up a network of outside manufacturers more ambitious than one outside executive said he’s ever seen, but they struggled at times to transfer their technology there amid pandemic travel restrictions. They were kicked out of one factory by the same government that’s bankrolled their effort. Competing with larger competitors, they’ve found themselves short on raw materials as diverse as Chilean tree bark and bioreactor bags. They signed a deal with India’s Serum Institute to produce many of their COVAX doses but now face the realistic chance that even when Serum gets to full capacity — and they are behind — India’s government, dealing with the world’s worst active outbreak, won’t let the shots leave the country.

**Plastic bags are a bigger bottleneck than patents. The US embargo on vaccine supplies** to India was precisely that the Biden administration used the DPA to prioritize things like bioreactor bags and filters to US suppliers and that meant that India’s Serum Institute was having trouble getting its production lines ready for Novavax. CureVac, [another potential mRNA vaccine](https://www.reuters.com/business/healthcare-pharmaceuticals/curevac-says-mass-vaccine-rollout-thrown-into-doubt-by-us-restrictions-2021-05-04/), is also finding **[makes] it difficult to find supplies** due to US restrictions (**which means supplies are short everywhere**). As [Derek Lowe said](https://blogs.sciencemag.org/pipeline/archives/2021/04/22/a-look-at-novavax):

**Abolishing patents will not** provide more shaker bags or more Chilean tree bark, nor **provide** more of the **key filtration materials needed for production**. These processes have a lot of potential choke points and rate-limiting steps in them, and **there is no wand that will wave that complexity away.**

Technology transfer has been difficult for AstraZeneca–which is one reason they have had production difficulties–and their vaccine uses relatively well understood technology. The mRNA technology is new and has never before been used to produce at scale. Pfizer and Moderna had to build factories and distribution systems from scratch. **There are no mRNA factories idling on the sidelines. If there were, Moderna or Pfizer would be happy to license since they are producing in their own factories 24** hours a day, **seven** days a week (monopolies restrict supply, remember?). Why do you think China hasn’t [yet produced](https://www.scmp.com/news/china/politics/article/3128998/revolutionary-mrna-vaccines-made-chinese-firms-will-be-ready) an mRNA vaccine? Hint: it isn’t fear about violating IP. Moreover, even Moderna and Pfizer don’t yet fully understand their production technology, they are learning by doing every single day. **Moderna has said that they won’t enforce their patents during the pandemic** but **no one has stepped up to produce because no one else can.**

**The US** trade representative**’s announcement** is virtue signaling to the anti-market left and **will do little to nothing to increase supply.**

What can we do to increase supply? Sorry, there is no quick and cheap solution. We must spend. Trump’s Operation Warp Speed spent on the order of $15 billion. If we want more, [we need to spend more and on similar scale](https://science.sciencemag.org/content/371/6534/1107). The Biden administration paid $269 million to Merck to retool its factories to make the J&J vaccine. That was a good start. We could also offer Pfizer and Moderna say $100 a dose to produce in excess of their current production and maybe with those resources there is more they could do. South Africa and India and every other country in the world should offer the same (India hasn’t even approved the Pfizer vaccine and they are complaining about IP!??) We should ease up on the DPA and invest more in the supply chain–let’s get CureVac and the Serum Institute what they need. We should work like hell to find a s[ubstitute for Chilean tree bark](https://www.theatlantic.com/science/archive/2020/10/single-tree-species-may-hold-key-coronavirus-vaccine/616792/). See [my piece in Science](https://science.sciencemag.org/content/371/6534/1107) co-authored with Michael Kremer et. al. for more ideas. (Note also that these ideas are better at dealing with current supply constraints and they also increase the incentive to produce future vaccines, unlike shortsighted patent abrogation.)

Bottom line is that **producing more takes real resources not waving magic patent wands**.

You may have gathered that I am angry. I am indeed angry that the people in power think they can solve real problems on the cheap and at someone else’s expense. This is not serious. I am also angry that **they are sending the wrong message** about business, profits and capitalism. So let me end on positive note. Like the Apollo program and Dunkirk, the creation of the mRNA vaccines by Pfizer and Moderna should be lauded with Nobel prizes and major movies. Churchill called the rescue at Dunkirk a “miracle of deliverance,” well the miracle of Moderna will rescue many more. Not only was a vaccine designed in under a year, an entirely new production process was set up to produce billions of doses to rescue the world. The creation of the mRNA vaccines was a triumph of science, logistics, and management and it was done at a speed that I had thought [possible only for past generations](https://patrickcollison.com/fast).

ON CASE