## 1

#### Interpretation: The affirmative debater must defend reducing intellectual property protections for substances that treat diseases. To clarify, they may not defend substances that prevent diseases.

#### Violation: They defend \_\_\_\_\_\_.

#### Medicines treat diseases

Webster (Merriam Webster is America's leading and most-trusted provider of language information, accessed on 6-30-21, Merriam Webster, "Definition of MEDICINE,” https://www.merriam-webster.com/dictionary/medicine)// ww pbj

Definition of medicine 1a: a substance or preparation used in treating disease cough medicine

#### Treatment is different than prevention

Pflanzer 20 (Lydia Ramsey Pflanzer is a healthcare editor for Business Insider. She joined Business Insider in 2015 after graduating from Northwestern University, 4-29-2020, accessed 6/30/21, "Scientists are racing to discover ways to treat and prevent coronavirus. Here's the difference between a treatment and a vaccine.," Business Insider, <https://www.businessinsider.com/whats-the-difference-between-a-vaccine-and-a-treatment-2020-4)//ww> pbj

Vaccines are used to prepare the body's immune system to fight off infections. They work by giving the body a small taste of what the virus is like so that way it can produce antibodies that fight off an intruding virus, ideally keeping people from falling ill. Some vaccines protect better than others, and they're typically administered across broad populations. There are vaccines for some infectious diseases, like the flu, smallpox, measles, and chickenpox. But others, like HIV and hepatitis C, don't have vaccines that protect against them. Vaccines that protect against two other deadly outbreaks, MERS and SARS, have yet to be approved after the outbreaks subsided. There are more than 70 potential coronavirus vaccines in the works, with a number in early human trials. Drugmakers are looking into ways to produce the billions of doses that might be needed to suppress the pandemic. Read more: There are more than 70 potential coronavirus vaccines in the works. Here are the top efforts to watch, including the 16 vaccines set to be tested in people this year. FILE - In this March 2020 photo provided by Gilead Sciences, a vial of the investigational drug remdesivir is visually inspected at a Gilead manufacturing site in the United States. Given through an IV, the medication is designed to interfere with an enzyme that reproduces viral genetic material. (Gilead Sciences via AP) FILE - In this March 2020 photo provided by Gilead Sciences, a vial of the investigational drug remdesivir is visually inspected at a Gilead manufacturing site in the United States. Given through an IV, the medication is designed to interfere with an enzyme that reproduces viral genetic material. (Gilead Sciences via AP) Associated Press Treatments, on the other hand, are meant to do just that: treat COVID-19, helping patients sickened by the virus survive and recover more quickly. Treatments for disease are there to lessen symptoms and ultimately improve the outcomes of a particular disease. Sometimes, medications can be used preventatively. For instance, patients with high cholesterol might be prescribed a medication called a statin to prevent heart attacks. Some potential coronavirus treatments are being studied to see if they can prevent people from contracting the virus in the first place. For COVID-19, researchers are testing everything from antimalarial medications to antivirals, to even common heartburn medications in hospitalized patients with the hopes that more patients will survive severe forms of the illness and potentially recover faster. Some are looking at ways to use patients' own bodies to fight the virus with antibody treatments.

#### Vaccines specifically are different from medicines

Immunize BC 20 (Immunize British Colombia is a collaborative project of the BC Ministry of Health, the BC Centre for Disease Control (an agency of the BC Provincial Health Services Authority), the regional health authorities (First Nations Health Authority, Fraser Health, Interior Health, Island Health, Northern Health and Vancouver Coastal Health), the BC Pharmacy Association and the Public Health Association of BC. Our mission is to improve the health of British Columbians by continuing to reduce the number of vaccine-preventable diseases, along with the illness, disability and death that they cause, What are vaccines?, Date last reviewed: Thursday, Mar 19, 2020, accessed on 6-30-21, <https://immunizebc.ca/what-are-vaccines)//ww> pbj

Vaccines are products that protect people against many diseases that can be very dangerous and even deadly. Different than most medicines that treat or cure diseases, vaccines prevent you from getting sick with the disease in the first place.

#### Standards:

#### [1] Limits – they explode the topic to include tons of substances that prevent disease rather than treat them like soap, medical supplies, or food and make it so there is *no* unified neg generics. The aff still gets the core of the topic lit: they get medicine, innovation, and global inequality. Explosion of aff ground makes neg prep burden impossible, either killing neg ground or forcing the neg to read generics that barely link, always letting aff win. Force the 1AR to read a definition card with a clear list of what’s included and excluded – otherwise, vote neg since they can’t put a clear limit on the topic. Our interp solves – it establishes a clear bright-line for that gives the neg a chance to predict and prepare for every aff ahead of time. At best, the aff’s extra-T still links to all our offense since they can get extra-T advantages to solve disads and defend whatever they want, magnifying limits.

#### [2] Precision – not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which a] means they’re not within the topic which is a voter for jurisdiction since you can only vote affirmative on the resolution and this debate never should have happened, b] they’re unpredictable and impossible to engage in so we always lose

#### Drop the Debater –

#### [1] sets a precedent that debaters wont be abusive

#### [2] DTA is the same since you drop the aff

#### Voters:

#### [1] Fairness – constitutive to the judge to decide the better debater, only fairness is in your jurisdiction because it skews decision making

#### [2] Education – the only portable education from debate that we care about

#### Competing Interps:

#### [1] reasonability on t is incoherent: you’re either topical or you’re not – it’s impossible to be 77% topical, links to all limits offense

#### [2] functionally the same as reasonability – we debate over a specified briteline which is a counter interp

#### [3] judge intervention – judge has to intervene on what’s reasonable, creates a race to the bottom where debaters exploit judge tolerance for questionable argumentation.

#### No RVIs

#### [1] illogical for you to get offense just for being fair – it’s the 1ac’s burden

#### [2] baiting - rvi’s incentivize debaters to read abusive positions to win off theory

#### [3] discourages checking abuse since debaters will be afraid to lose on theory

## 2

#### Interpretation: The affirmative debater may specify either a member nation or medicine; to clarify they can do one, but not both.

#### Violation: they specify both

#### Standards:

**[1] Limits – affirmatives gets infinite permutations of every medicine and every member nation which creates a huge caselist. That results in shallow debates that skirts clash and pushes argumentation to the fringes to find broad theses that disagree with everything. This prevents rigorous argument testing – anyone can skim a Wikipedia article, but the process of clash is unique to debate.**

**[2] Ground – double spec destroys offense on strength of link – we lose the innovation DA, inequality DA, econ DAs, and health diplomacy DA, destroys CPs since they wouldn’t be competitive – kills testing of the 1AC and creates an unfair division of ground – kills fairness and advocacy skills**

#### TVA – defend the US or covid waivers

## 3

#### FDI is expected to recover but is tentative – uncertainties from pandemic and economic recovery

UNCTAD 7/21, 6-21-2021, [United Nations Conference on Trade and Development "Global foreign direct investment set to partially recover in 2021 but uncertainty remains," UNCTAD, https://unctad.org/news/global-foreign-direct-investment-set-partially-recover-2021-uncertainty-remains]//anop

Looking ahead, global FDI flows are expected to bottom out in 2021 and recover some lost ground with an increase of 10% to 15% (Figure 2). “This would still leave FDI some 25% below the 2019 level. Current forecasts show a further increase in 2022 which, at the upper bound of projections, bring FDI back to the 2019 level,” said UNCTAD’s director of investment and enterprise, James Zhan. Figure 2 - Foreign direct investment outflows, top 20 home economies, 2017 and 2018 (Billions of dollars) Figure 2 - Foreign direct investment outflows Source: UNCTAD, World Investment Report 2021. Prospects are highly uncertain and will depend on, among other factors, the pace of economic recovery and the possibility of pandemic relapses, the potential impact of recovery spending packages on FDI, and policy pressures. The relatively modest recovery in global FDI projected for 2021 reflects lingering uncertainty about access to vaccines, the emergence of virus mutations and the reopening of economic sectors. “Increased expenditures on both fixed assets and intangibles will not translate directly into a rapid FDI rebound, as confirmed by the sharp contrast between rosy forecasts for capex and still-depressed greenfield project announcements,” Mr. Zhan said. The FDI recovery will be uneven. Developed economies are expected to drive global growth in FDI, both because of strong cross-border mergers and acquisitions (M&A) activity and large-scale public investment support. FDI inflows to Asia will remain resilient as the region has stood out as an attractive destination for international investment throughout the pandemic. A substantial recovery of FDI to Africa and to Latin America and the Caribbean is unlikely in the near term.

#### **The plan decreases foreign direct investment from negative signals – turns case**

Kogan 11, Lawrence A [Lawrence A. Kogan is founder and Managing Attorney of The Kogan Law Group, P.C., a New York City–based multidisciplinary professional services firm specialized in identifying and addressing emerging regulatory, policy and trade risks posed to multinational company assets, operations and supply-chains. (2011), "Commercial High Technology Innovations Face Uncertain Future Amid Emerging “BRICS” Compulsory Licensing and IT Interoperability Frameworks" San Diego International, https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1091&context=ilj]//anop

Similarly, the enactment of national laws and regulations promoting the availability and flexible use by governments of a compulsory licensing mechanism as an exception or limitation to the patent right to secure foreign companies’ patented high technologies at less than their fair market value can increase economic risks and result in acts of regulatory arbitrage and protectionist opportunism by home country as well as foreign companies operating pursuant to divergent business models. The security of property rights has been placed into question where compulsory licenses have been issued or threatened against foreign patented high technologies. Studies have shown that a corresponding reduction in the flow of knowledge-based foreign direct investment (FDI) will follow.81 82 [T]he practice of compulsory licensing comes with a price: the temporary or permanent deprivation of some part of a patent owner’s right to exclude disrupts the investment-backed expectation of the property right. In the future, pharmaceutical companies and other industries dependent upon intellectual property rights may mistrust licensing nations’ promises to protect and enforce patent rights, not to mention copyrights, and trademarks. As a result, industries that find the security of property rights lacking in a given nation may avoid engaging in foreign direct investment with that nation. Because foreign direct investment (FDI) is a major potential source of economic growth for recipient nations, the loss of such investment resources arising from compulsory licensing practices could force developing nations to pay a particularly heavy cost for providing needed medicines for its citizens.83 While government patent policy by itself is an incomplete measurement of a country’s market and investment friendliness, it is generally agreed that such legal protections reflect a country’s interest in fostering business and technology development. Through effective deterrence of imitation, “patents reduce the costs of enforcing contracts and at the same time increase the expected returns on FDI and licensing, which will have a positive effect on technology transfer. Patent rights encourage technology transfer by providing owners with legal certainty.”84 Consequently, the passage of IP laws that do not include a provision for compulsory licensing, for example, may favorably signal to foreign investors that a government is willing to allow strategic business decisions without undue interference and ensure more transparent and unbiased application of commercial laws with the prospect of reduced government corruption.85 “There is little doubt that developing countries who issue compulsory licenses also face additional risks in attracting global capital. Particularly, for MDC’s [middle developing countries], a compulsory license can trigger the loss of significant FDI.”86 If patent ownership rights indicate to prospective investors a firm’s proper regard for its intellectual property security, then surely a company’s willingness to engage in a foreign market where the government has decided to adopt or enforce anti-patent measures will convey negative signals to the investment community about the company, the quality of its management, and the strength and economic value of its patents and associated projected revenue streams. Just as the sale of a product through a low-status selling channel of a product can signal a diminution in brand status to the consumer, exposure of a patent to an uncertain legal environment can signal that the firm may not consider the patent to be as valuable as others believe. Even the threat of an ‘anti-patent’ such as a compulsory license can impair firm equity, thereby reducing the attractiveness of a country as an investment partner. Any firm calculating its returns from FDI will have to account for the possibility of these signaling-based losses.87

#### FDI is key to long term economic stability – it dictates future investments and industries

Susic et al 17 [I Susic1 , M Stojanovic-Trivanovic2 and M Susic3 1University of Business Studies, Jovan Ducic Street, No 23A, 78000 Banja Luka, Bosnia and Herzegovina 2 Independent University Banjaluka, Veljka Mladjenovica Street No 12E, 78000 Banja Luka, Bosnia and Herzegovina 3Enterprise Fructa Trade – Kort, Marije Bursac Street No 70, 74400 Derventa, Bosnia and Herzegovina 2017 IOP Conf. Ser.: Mater. Sci. Eng. 200 012019. https://iopscience.iop.org/article/10.1088/1757-899X/200/1/012019/pdf]//anop

Foreign direct investments (FDI) represent such a form of investment in which foreign investor keeps the ownership right, provides the control and the management of the firm in which they invested the funds, in order to achieve long-term interests. These investments are the most important instrument of foreign capital inflow because they represent a direct inflow from abroad, i.e. direct inflow of the capital in the economic system of the host country. Foreign direct investment, as a form of international capital mobility, represents an important contributor to more efficient activities in the economy. They provide faster exit to the international market and as the aftermath are ensuring improved the living standard of the society. Evaluation of investment efficiency is the basis for making investment decisions from one country to another, which will consequently lead to improvement of the economy. Foreign investments are a key development factor in the modern economy, and jointly with the trade, represent the most important leverage of an enterprise, organization of production, supplying goods and services on a global scale. FDI are supporting the companies in organizing production on a global scale, providing an efficient supply of raw materials, energy, labor as the input, and are facilitating the placement of products and services as the output in the most important markets in a profitable way. On the basis of such activities, the companies can on optimal way use its advantages in technology, expertise, and economies of scale. Developing countries having high state debt and unfavorable economic situation show huge interest in gaining as higher foreign investments as possible. It has been especially important after bank loans and various financial aid ceased to arrive in some countries. Countries in transition, aiming to integrate into the world economic system, can overcome negative economic tendencies with the help of international capital inflow. Developed countries, faced with a financial crisis, have been also interested in an increased inflow of foreign capital, since the foreign investments are the most important element of development strategies in general. With foreign direct investment is not coming just the capital from one country to another, but also the investment package containing new technologies, managerial skills and new markets. In addition, bearing higher risks, FDIs are significantly increasing the opportunities for making profits. Foreign direct investments are autonomous transactions of long-term capital movements, motivated by economic interests, with the profit at the first place.\

#### FDI is key to COVID recovery – increases employment and strengthens relations between countries.

Chalamish et al 20 [Dr. Efraim Chalamish is a Senior Advisor with Duff & Phelps and an Adjunct Professor of Law at New York University. Nicole Y. Lamb-Hale is a former Assistant Secretary of Commerce in the International Trade Administration and Managing Director and Chair of the CFIUS and National Security Practice at Kroll, a division of Duff & Phelps. She is a member of the Board of Directors of the Center for International Private Enterprise. Andrew Wilson is the Executive Director of the Center for International Private Enterprise. ANDREW WILSON, DR. EFRAIM CHALAMISH, NICOLE Y. LAMB-HALE. Center for International Private Enterprise, 10-21-2020, "Foreign Investment in a Post-COVID-19 World," https://www.cipe.org/blog/2020/10/21/foreign-investment-in-a-post-covid-19-world/]//anop

Just as the adverse health effects of COVID-19 will not vanish immediately but will be resolved in stages, so too will the global economy recover in stages, across industries and around the world. As both Western economies and emerging markets consider approaches to accelerate post COVID-19 economic recovery, foreign direct investment (FDI) will be an important tool for success. FDI has been one of the primary drivers of global GDP growth in recent years. FDI not only benefits economies by creating good paying jobs, it also strengthens bilateral and regional diplomatic and commercial relations among countries. Further, FDI enables the private sector to “export” best business practices, such as good corporate governance, anti-corruption, and transparency. During the pre-COVID-19 economic boom, for example, FDI in the U.S. grew dramatically. In 2015, total foreign investment in America peaked at $477 billion. In 2018, FDI fell to $296 billion, but was still significant. Attracting FDI was also an important policy objective in emerging economies prior to the COVID-19 pandemic. According to the UNCTAD 2020 World Investment Report, in 2019, 54 countries introduced at least 107 measures affecting foreign investment, most of them focused on investment liberalization, promotion and facilitation. This effort was led by Asian developing countries and emerging economies. The goal of expanding investment incentives regimes in diverse sectors, from mining to financial services, and streamlining administrative procedures, has been to maintain and increase high volumes of FDI into developing markets. COVID-19 may lead to some changes in the tactics that countries employ to attract FDI. Governments will be under pressure to ensure that the quest for FDI is appropriately balanced with efforts to protect economic resilience and national security. Can FDI stimulate the world economy post-COVID-19? It appears likely, as many assets have seen reduced valuations that can attract foreign investment. Yet while both developed and emerging economies signal that they are open for investment, COVID-19 may lead to some changes in the tactics that countries employ to attract FDI. Governments will be under pressure to ensure that the quest for FDI is appropriately balanced with efforts to protect economic resilience and national security. This may mean increased screening by investment review agencies, such as the Committee on Foreign Investment in the United States (CFIUS). COVID-19 has exposed supply chain vulnerabilities in the U.S. and other countries and has shown how struggles to acquire the products to meet citizens’ healthcare needs can become a matter of national security. In COVID-19’s wake, the scope of transactions to be reviewed by entities like CFIUS from a national security standpoint may need to be expanded to include health care considerations, to ensure that FDI does not interfere with the ability to procure necessary supplies.

#### Continued recession causes war – stats support transition wars, resource conflicts, terrorism, and diversionary wars – other authors don’t base their analysis on global studies

Royal ’10 [Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises”, 2010, Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215]PM

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent slates. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modelski and Thompson's (19%) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often-bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (sec also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, likelihood for conflict increases. as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & I less. 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Wccrapana. 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blomberg. Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DcRoucn (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

## 4

#### America’s maintaining hegemony and countering China’s rise through “counter-punching” strategies, but sustained innovation and private sector investment are key – reject “US declining now” args – the US has historically punched over its weight whenever it’s challenged

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Rather than falling into the power projection arms race “trap“ that China desires, U.S. competitive strategies addressing China should adopt a framework based on “counter-punching.” As its name suggests, the counterpunch incorporates both defensive (“counter”) and offensive (“punch”) elements. Additionally, it is an adaptive maneuver that requires disciplined understanding and controlled strength that, effectively employed, offers better alternatives towards protecting and preserving U.S. power in the face of challenges from China. The defensive element of an American counterpunch towards China involves adopting military restraint and a revamped examination of deterrence. Classic deterrence strategy involves presenting the credible threat of force to adversaries to create undesirable risks for would-be aggressors. The key to deterrence, as Kenneth Waltz famously argued, is determining how much deterrence is “enough” to dissuade aggressors. That is, deterrence does not necessarily require the presentation of power projection assets capable of completely destroying an adversary, but only enough assets to make the risks of aggressive behavior not worth the projected losses involved. Seen in this light, a strategy that diligently examines how much deterrence is “enough” potentially eliminates the impulse to sustain the ever-increasing stakes in costly arms races while, critically, offering a chance to reinvest excess “deterrence” resources into areas that will preserve and protect U.S. power. The national resources freed up by foregoing an arms race with China represent the potent offensive element of the counterpunch. These resources can be reinvested in other areas such as the private sector which, besides being the hallmark of American prosperity and thus the critical reason for protecting American power in the first place, has historically played a decisive role in the United States’ successful war efforts. Buoyed by a strong and vibrant private sector where the United States remains a desirable global hub for innovation and technology, the needed capabilities for war (or intense competition) can be adaptively produced and rapidly called forward to tip the competitive (or combative) scales towards victory when required. Of course, the “punch” loses its effectiveness without clearly articulated triggers for employment. If China seeks to induce the United States into an uncontrolled arms race, then the current U.S. obsession with China—which seems to interpret every Chinese action in any sphere as a threat requiring a U.S. response—must be viewed as very encouraging in Beijing. An effective U.S. counterpunch requires clearly defined red lines that regulate and set behavior expectations between great powers and indicate when a Chinese competitive action warrants a U.S. response. Detractors of the counterpunch framework will immediately note the call for military restraint and interpret it as a reactive recipe for military weakness at precisely a time requiring proactive military strength. But military restraint does not imply weakness any more than eating fewer calories implies malnutrition. It simply means making smarter decisions that play to U.S. strengths and away from Chinese strategy. It also entails properly viewing the risks inherent in competition with China. The counterpunch skeptic incorrectly perceives greater risks in short-term military restraint (traded for economic investment and fortification) than in long-term arms races (traded for potential economic collapse). The counterpunch skeptic also fails to appreciate the United States’ historic strengths in adopting this approach. In fact, America has demonstrated exceptional skill as an adaptive counter-puncher—reacting and adapting to adversity and setbacks to rise above them and create positive effects preserving U.S. power and ideas. U.S. institutions have counter-punched their way to success in the political (from the failed Articles of Confederation to the Constitution), social (from abhorrent slavery to civil rights), and military (from disastrous Pearl Harbor to WWII victory) arenas to produce the stable and prosperous nation that exists today. As John Mearsheimer points out, China has the population size and economic capacity (the “sinew of power”) to pose unique and unprecedented challenges to U.S. power. Additionally, wasteful military exploits—often employed as a means of competing with rivals—have contributed to bringing down world powers again and again throughout history. China understands this apparent axiom and has woven its truth into its competitive strategy to displace the United States as the world’s preeminent power in the twenty-first century. U.S. competitive strategy against China must, therefore, resist the powerful (but seemingly prudent) urge to continually increase the stakes projecting power against China. Rather, the United States needs to adopt a disciplined counterpunch framework focused on protecting and preserving (not projecting) power. This framework leverages the elements of a successful counterpunch: it demonstrates a superior understanding of adversary strategy (China’s desire to economically exhaust the United States with power projection), it leverages smart defensive elements (adopting only “enough” deterrence to influence China’s actions), and it fortifies conditions of economic strength to ensure offensive actions can be brought to bear when required in competition or conflict (re-investing resources into a globally-leading private sector). Employing a counterpunch framework asks Americans to trust its institutions—which is a difficult task in the face of a rising China. But the ask is not for blind trust. As a country with less than one-sixth of the world’s population, the United States as a superpower has been punching above its weight for decades and has historically counter-punched successfully to muster adaptive and superlative responses whenever challenged with adversity. America must follow these historical impulses to remain a superpower in the twenty-first century.

#### The 1AC’s reduction of IPP for [vaccines] is America “handing over its crown jewels” to competing nations by disincentivizing record setting innovation that causes spillover to other fields and destroys American hegemony.

Iancu 8/11 [Andrei, American-Romanian engineer and intellectual property attorney, who served as the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office from 2017 to 2021, “Biden is trying to undermine America's world-leading IP protections”, https://m.washingtontimes.com/news/2021/aug/11/biden-is-trying-to-undermine-americas-world-leadin/]//pranav

In May of this year, the Biden administration announced its support for a proposal at the World Trade Organization that would allow other countries to seize American intellectual property on COVID-19 technologies, including vaccines. On cue, those countries promptly modified their ask. Whereas the original proposal called for the waiver to last a limited number of years, the new proposal makes the waiver effectively permanent. And why not? If America is willing to hand over its crown jewels, it might as well demand to keep them forever. As a former Director of the U.S. Patent and Trademark Office, I know that America’s world-leading IP protections laid the foundation for our economic success and technological prowess. And as an immigrant from a communist nation, I know all too well how disrespect for private property rights undermines innovation and saps economic vitality. Since the Founding Fathers, Americans have understood that private property extends well beyond land, buildings, factories, and machines. The real source of America’s power and promise are ideas. Walls, locks, or guards can protect physical property, but the implementation of ideas — new songs, artificial intelligence, or medicines — requires special protections and trust in the rule of law. That’s why the Founders included intellectual property rights in the Constitution — in the form of an “exclusive right” for authors and inventors — to “promote the progress of science and useful arts.” Indeed, this is the only time the word “right” appears in the Constitution (amendments aside). The Founders knew that only the rule of law, and our respect for it, can protect and enable the development of these ideas. Yet, President Biden undermined that respect by signaling his support for the appropriation of America’s intangible assets. In doing so, he jeopardized America’s uniquely successful intellectual property system. The history of our nation — indeed, much of the history of the world — since 1789 has been the revolution in knowledge led by American ingenuity in agriculture, industry, medicine, and information technology. Progress like this does not just happen. Indeed, it didn’t, for the millennia of the entire human history until our nation’s founding a couple of hundred years ago! It’s not a coincidence that the last two centuries of uninterrupted, IP-driven innovation — up to and including the miraculous creation in a record time of the Covid vaccines themselves — began when one nation finally committed itself to protect intangible assets as much as physical property. The reason is simple: knowledge is cumulative. Every new discovery becomes the basis for new research. The revolutionary mRNA technology behind Pfizer and Moderna’s vaccines is, in fact, an evolutionary iteration of previous — patented — breakthroughs over the last two decades. Sen. Bernie Sanders, among others, turns up his nose at all this science, history, and progress. Like President Biden, he supports waiving vaccine patents because, he says, “We need a people’s vaccine, not a profit vaccine.” Ignore for a moment that many companies have agreed to sell their vaccines at non-profit prices for the duration of the pandemic, or that the vaccines are completely free for all patients at pharmacies nationwide, or that the federal government pays $19.50 per Pfizer dose, about $15 per Moderna dose, and $10 for the Johnson & Johnson shot — less than the cost of a pizza for medicines that are saving millions of lives and restoring our economy. Instead, focus on the fact that intellectual property protections enabled the creation of “people’s vaccines” in the first place. The choice isn’t between cheap vaccines and even cheaper vaccines — it’s between shots that are protected by strong IP laws or no shots at all. The same goes for every industry. If President Biden doesn’t protect the IP behind new vaccines, investors and inventors will ask, what other technologies are next? Will similar takings be imposed on climate change technologies, for example? Food processing? Essential semiconductor technologies? Companies will scale back investments in medical devices, microchips, energy, and everything in between if they think the U.S. Government might waive IP protection after the fact so that others may copy their inventions with impunity. Of immediate concern is the need for more treatments for Covid-19, especially as the pandemic keeps raging with new variants. Knowing that their IP may be appropriated as soon as it is developed, private industry — especially start-ups and smaller businesses that depend heavily on outside capital — may not invest the resources necessary to develop these new technologies that are desperately needed right now. Here’s the reality: remove patents and other forms of intellectual property, and private-sector investment in innovation dries up. The government will then try to step in to fill the gap, inefficiently as always. Like the taking of factories to nationalize industry, this taking of intellectual property is effectively the nationalization of our innovation economy. The result will be the same as in every other socialist regime that nationalized its industries: the kind of poverty, corruption, and misery that my family escaped from decades ago. American innovation has cured diseases, enabled human flight, led to the development of computers, and made our nation the envy of the world. Waiving intellectual property rights could forfeit it all.

#### Only U.S. hegemony prevents global instability---alternatives can't maintain peace

Haass, 17 - President of the Council on Foreign Relations (Richard, "Who Will Fill America’s Shoes?," *Project Syndicate*, 6-24-2017, https://www.project-syndicate.org/commentary/global-leadership-successor-to-america-by-richard-n--haass-2017-06)

Still, a shift away from a US-dominated world of structured relationships and standing institutions and toward something else is under way. What this alternative will be, however, remains largely unknowable. What we do know is that there is no alternative great power willing and able to step in and assume what had been the US role.

China is a frequently mentioned candidate, but its leadership is focused mostly on consolidating domestic order and maintaining artificially high economic-growth rates to stave off popular unrest. China’s interest in regional and global institutions seems designed mostly to bolster its economy and geopolitical influence, rather than to help set rules and create broadly beneficial arrangements.

Likewise, Russia is a country with a narrowly-based economy led by a government focused on retaining power at home and re-establishing Russian influence in the Middle East and Europe. India is preoccupied with the challenge of economic development and is tied down by its problematic relationship with Pakistan. Japan is held back by its declining population, domestic political and economic constraints, and its neighbors’ suspicions.

Europe, for its part, is distracted by questions surrounding the relationship between member states and the European Union. As a result, the whole of the continent is less than the sum of its parts – none of which is large enough to succeed America on the world stage.

But the absence of a single successor to the US does not mean that what awaits is chaos. At least in principle, the world’s most powerful countries could come together to fill America’s shoes. In practice, though, this will not happen, as these countries lack the capabilities, experience, and, above all, a consensus on what needs doing and who needs to do it.

#### Goes nuclear---extinction

Thomas H. Henricksen 17, emeritus senior fellow at the Hoover Institution, 3/23/17, “Post-American World Order,” <http://www.hoover.org/research/post-american-world-order>

The tensions stoked by the assertive regimes in the Kremlin or Tiananmen Square could spark a political or military incident that might set off a chain reaction leading to a large-scale war. Historically, powerful rivalries nearly always lead to at least skirmishes, if not a full-blown war. The anomalous Cold War era spared the United States and Soviet Russia a direct conflict, largely from concerns that one would trigger a nuclear exchange destroying both states and much of the world. Such a repetition might reoccur in the unfolding three-cornered geopolitical world. It seems safe to acknowledge that an ascendant China and a resurgent Russia will persist in their geo-strategic ambitions.

What Is To Be Done?

The first marching order is to dodge any kind of perpetual war of the sort that George Orwell outlined in “1984,” which engulfed the three super states of Eastasia, Eurasia, and Oceania, and made possible the totalitarian Big Brother regime. A long-running Cold War-type confrontation would almost certainly take another form than the one that ran from 1945 until the downfall of the Soviet Union.

What prescriptions can be offered in the face of the escalating competition among the three global powers? First, by staying militarily and economically strong, the United States will have the resources to deter its peers’ hawkish behavior that might otherwise trigger a major conflict. Judging by the history of the Cold War, the coming strategic chess match with Russia and China will prove tense and demanding—since all the countries boast nuclear arms and long-range ballistic missiles. Next, the United States should widen and sustain willing coalitions of partners, something at which America excels, and at which China and Russia fail conspicuously.

There can be little room for error in fraught crises among nuclear-weaponized and hostile powers. Short- and long-term standoffs are likely, as they were during the Cold War. Thus, the playbook, in part, involves a waiting game in which each power looks to its rivals to suffer grievous internal problems which could entail a collapse, as happened to the Soviet Union.

## Case

### Solvency

#### No solvency – a. Domestic laws b. Every country would have to agree

King & Spalding 21 (King & Spalding, Update on the Proposed TRIPS Waiver at the WTO: Where is it Headed, and What to Expect?, JDSUPRA, June 8th 2021, <https://www.jdsupra.com/legalnews/update-on-the-proposed-trips-waiver-at-8411942/)//ww> pbj

The most immediate hurdle to passage of a TRIPS waiver lies in the requirement that all 164 WTO member countries agree to a specific waiver text. As noted above, Germany (among others) presently objects to any waiver proposal; the U.S. has only stated support for a waiver of significantly narrower scope than the sponsors’ current proposal; and a “third way” proposal that sidesteps a TRIPS waiver remains on the table. And in the U.S., legislation has been proposed in Congress to limit the USTR’s authority to agree to a TRIPS waiver, e.g., by requiring Congressional approval of any waiver,17 or prohibiting the use of federal funds to support a waiver.18 One of the proposals in the Senate was narrowly voted down, but garnered some bipartisan support. We expect that Congressional interest will remain high on this topic, and there may be a pathway to bipartisan action that would constrain the Administration’s waiver of IP protections under TRIPS. Even if a TRIPS waiver of some scope were passed in the WTO after text-based negotiations, hurdles would remain to its effective implementation. A TRIPS waiver would not change the applicable IP protections in the WTO member states; and each member state would need to decide on their own (through their individual lawmaking procedures) whether and how to change their domestic laws within the scope permitted by the TRIPS waiver. It is unlikely that the resulting global patchwork of inconsistent IP protections would facilitate further expansion of vaccine production – particularly if voluntary technology transfer from existing manufacturers remains critical to making safe and effective vaccines at scale. To that end, some waiver proponents have called on the U.S. to compel technology transfer from the U.S.-based vaccine manufacturers.19 But current U.S. statutes largely prohibit the FDA and other regulatory agencies from publicly divulging trade secret information submitted for purposes of regulatory approval.20 And even if authorized by future legislation, the Taking Clause of the Fifth Amendment would likely prohibit the U.S. government from disclosing trade secret information submitted under the current statutory and regulatory protections, without just compensation (e.g., damages awarded against the U.S. under the Tucker Act by the Court of Federal Claims).21

#### **Vote neg on presumption – the aff can’t solve any of their impacts**

Garde et al 5-6 [Damian Garde , Helen Branswell , and Matthew Herper May 6, 2021, 5-6-2021, "Waiver of patent rights on Covid vaccines may be mostly symbolic, for now," STAT, <https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/>] // WW LD

The U.S.’s stunning endorsement of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. But, at least in the short term, it’s likely to be more of a symbolic milestone than a turning point in the pandemic. For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. Experts suggested the earliest the world could expect to see additional capacity flowing from the waiver — if it’s approved at the World Trade Organization — would be in 2022. Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said. “My take is: By itself, it will not get us much benefit in increased manufacturing capacity,” Yadav said. “But as part of a larger package, it can.” That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents. Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines. “We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.” Even James Love, director of the nonprofit Knowledge Ecology International and a longtime advocate of intellectual property reform, acknowledges a patent waiver would be a valuable first step, not a panacea. The fairly narrow proposal would mostly allow countries to issue compulsory licenses, essentially allowing third-party manufacturers to make and sell other companies’ patented products, while also helping free up some information about how that manufacturing is done. But that, at least, could provide a financial incentive for those third parties to invest in vaccine production. “In our experience, when the legal barriers disappear and there’s a market, capacity increases faster than you would think,” he said. In October, Moderna vowed not to enforce its Covid-19-related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses. That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines. “There are currently no generic vaccines primarily because there are hundreds of process steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, but the transfer of skills is not that simple,” said Norman Baylor, who formerly headed the Food and Drug Administration’s Office of Vaccines Research and Review, and who is now president of Biologics Consulting. While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — using messenger RNA technology — require skilled expertise that even existing manufacturers are having trouble sourcing. “In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said. There are already huge constraints on some of the raw materials and equipment used to make vaccines. Pfizer, for instance, had to appeal to the Biden administration to use the Defense Production Act to help it cut the line for in-demand materials necessary for manufacturing. Rajeev Venkayya, head of Takeda Vaccines — which is not producing its own Covid vaccine but is helping to make vaccine for Novavax — said supply shortages are impacting not just Covid vaccine production but the manufacture of other vaccines and biological products as well. “This is an industry-wide … looming crisis that will not at all be solved by more tech transfers,” Venkayya said. He suggested many of the people advocating for this move are viewing the issue through the prism of drug development, where lifting intellectual property restrictions can lead to an influx of successful generic manufacturing. “I think in this area there is an unrecognized gap in understanding of the complexities of vaccine manufacturing by many of the ‘experts’ that are discussing it,” said Venkayya, who stressed that while he believes they have good intentions, “nearly all of the people who are providing views on the value of removing patent protections have zero experience in vaccine development and manufacturing.” As Michelle McMurry-Heath, CEO of the trade group BIO, put it in a statement, “handing needy countries a recipe book without the ingredients, safeguards, and sizable workforce needed will not help people waiting for the vaccine.” Conversely, the drug industry claims that waiving patents, even temporarily, risks irreparable damage to the system of incentives that made the rapid development of Covid-19 vaccines possible. Stephen Ubl, CEO of the powerful lobbying group PhRMA, said in a statement that the idea “flies in the face of President Biden’s stated policy of building up American infrastructure and creating jobs by handing over American innovations to countries looking to undermine our leadership in biomedical discovery.” Umer Raffat, an equities analyst who tracks pharmaceuticals at Evercore ISI, thinks the risks to the drug industry might be overstated. It’s highly doubtful a patent waiver would set a precedent beyond vaccines, Raffat wrote in a note to investors, and the scarcity of raw materials combined with complexity of modern pharmaceutical manufacturing makes it unlikely that any third party could meaningfully compete with a multinational drug company. But the decision could nonetheless be a sea change for the way governments think about intellectual property — a hole in the IP dam that unleashes a tidal wave. Love, of Knowledge Ecology, said that the decision shifts the discussion around pandemic vaccines from countries believing there is nothing that can be done to a new position: “What do we need to do?” Said Love: “If you really think this is a big emergency, ‘what do we need to do’ should be the question, not just saying we can’t do anything.” That could, in turn, have long-term impacts on how countries view pharmaceutical intellectual property — and how much protection drug makers are provided on their own patents.

#### Can’t solve for future disease – COVID waivers can’t solve for new diseases that causes extinction. No spillover effects, companies have zero incentive to allow it esp when BigPharma has control over politics, be highly skeptical of their powertagged evidence

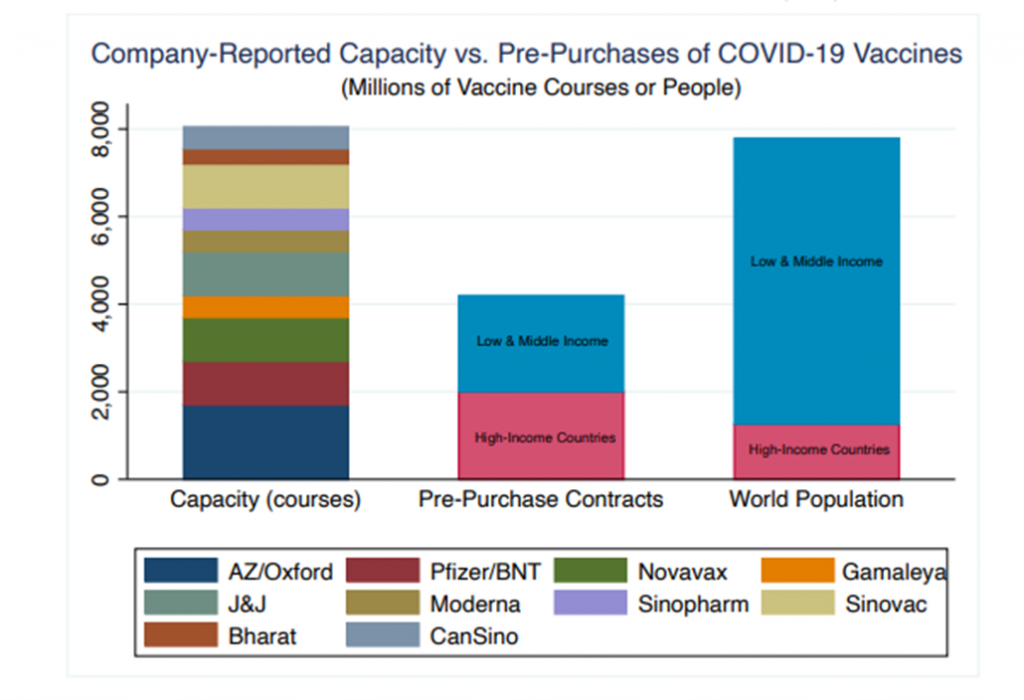
#### Can’t solve for innovation – one temporary patent waiver can’t solve for decades of profit motive, companies will just circumvent or resist future plans – also force the 1ar to prove they cause spillover besides just asserting they do.

#### No warrant to why production increases – esp true when the vaccine market is dominated by 5 monopolies already, other countries can’t compete with vaccine production or it’ll take time – their card about repurposing factories is about the US not foreign countries

#### The 1AC misdiagnoses the problem – the problem isn’t production of vaccines it’s the demand for them

Reed 21 (TRISTAN REED|JUNE 17, 2021, In the COVID-19 vaccine market, the problem has always been demand, n, ot supply, WorldBank Blogs, <https://blogs.worldbank.org/developmenttalk/covid-19-vaccine-market-problem-has-always-been-demand-not-supply)//ww> pbj

Some economies have now vaccinated more than half of their populations against COVID-19 and are reopening, while low- and middle-income economies still have limited access in the face of devastating outbreaks. Supply bottlenecks have been blamed. Though vaccine manufacturers report substantial capacity, essential vaccine manufacturing supplies like giant plastic bags and glass vials are hard to come by, understandably, as countries ordered more vaccines at one time than ever before. However, these supply-side challenges are overemphasized. The reason why low- and middle-income countries are not further along in their vaccination campaigns comes down to insufficient demand. As Ruchir Agarwal of the IMF and I show in a recent research paper, even though governments have substantial experience implementing vaccination campaigns and most individuals are not hesitant to take vaccines, governments did not commit to buy Covid-19 vaccines from manufacturers early enough (Figure 1). Figure 1: As of April 2021, despite available capacity for 10 vaccines showing effectiveness in Phase 3 trials, there were not enough advance purchases to cover the world’s population



### Adv

#### IP developed COVID vaccines rapidly and produced collaboration – turns case

Stevens and Schultz 21 [Philip Stevens and Mark Schultz, “WHY INTELLECTUAL PROPERTY RIGHTS MATTER FOR COVID-19”. Geneva Network, January, 2021. https://geneva-network.com/wp-content/uploads/2021/01/Why-IP-matters-for-Covid-19.pdf]

Some asserted that intellectual property would inevitably hold up urgent research. They theorised that the “winner-takes-all” nature of intellectual property rights, especially patents, would prevent scientists from rapidly disclosing research results, and discourage the sharing of unpatentable insights that may potentially lead to patentable treatments with further work. Members of Congress warned that IP would “put public health at risk”, while NGO Médecins Sans Frontières (MSF) called for “no patents or profiteering” on yet to be developed health technologies. A coalition of over 500 NGOs claimed that IP rights were a “hindrance” to efforts to tackle the pandemic, calling for all COVID-19-related IP to be rescinded. As events demonstrated, critics of IP were wrong by a wide margin. In January 2020 very little was known about COVID-19. By January 2021, three safe and highly efficacious vaccines had been authorised for use by stringent regulatory authorities, with several others poised to follow. As of 21st December 2o20, there were 1052 COVID-19-19 vaccines, therapeutics and diagnostic tools under development or approved globally, of which 219 are vaccines. This major achievement is a testament to how well the IP system has worked during the pandemic. Calls to override intellectual property rights in the early stages of the pandemic were seductive and were backed by respected global humanitarian NGOs and prominent political figures. But it is to the credit of the majority of governments that they held their nerve and ignored such calls, despite the growing urgency of the situation over 2020. V BUILDING ON EXISTING IP IP is the bedrock upon which today’s COVID-19 vaccines have been built. The technologies they are based on did not come out of thin air at the beginning of the pandemic, but had been under development for decades, with substantial research in academic labs followed by years of risky investment by commercial start-ups. Consider the messenger RNA (mRNA) technology that is the basis for two of the first vaccines approved in Western countries. Scientists discovered in 1961 that mRNA could be used to “reprogram” cells to battle disease. It took decades of lab research and private sector-funded development by startups BioNTech and Moderna to overcome major difficulties and turn the technology into an effective vaccine that can be safely given to patients. Both companies and their investors have spent billions of dollars on mRNA research prior to the pandemic. While academic research is fundamental, the end result would not have been possible without the private sector, which depends on intellectual property rights. Shortly before the pandemic started, we spoke to Dr. Derrick Rossi, the academic founder of Moderna. When asked whether the treatments could be brought from the academic lab to patients without the help of the private sector, Dr. Rossi’s reply was categorical: “Not a chance. Academics are good at academia and fundamental science. They are not good at developing drugs for patients.” Dr. Rossi explains that bringing a drug to market takes many professionals, sharing their labour and diverse expertise. “This industry of professionals is out there... The more people that are involved in the chain, post-academic discovery, the more you have pros involved — all the way from IP filings to VCs to due diligence to assembling a team,” the more likely you are to develop a viable treatment. Developing a practical application for a great academic insight takes vast sums, and investors need some prospect of a return on that investment. As Dr. Rossi explains, “you can be working on the coolest thing, but investors need to know that there is some protection for their investment, plain and simple.” V IP HELPS NOT HINDERS R&D COLLABORATION The other claim frequently heard at the beginning of the pandemic was that IP poses a barrier to collaboration and knowledge sharing, so in a time of emergency any related IP should be open licensed or pooled. In reality, the IP system encouraged the rapid establishment of dozens of partnerships around COVID-19-19, with even commercial rivals prepared to cooperate and share capital and proprietary intellectual resources such as compound libraries. Examples of consortia between the private sector and research centres include the COVID-19-19 Therapeutics Accelerator to evaluate new and repurposed drugs and biologics, the EU-backed Swift COronavirus therapeutics REsponse, Corona Accelerated R&D in Europe (CARE) as well as dozens of bilateral agreements between companies. Indeed, the Pfizer vaccine is the result of its collaboration with BioNtech, where partners shared and combined knowhow and proprietary knowledge to create the first vaccine authorized in the U.S. Far from being a barrier to such collaborations, IP is fundamental. Because patent rights require public disclosure, they enable drug developers to identify partners with the right intellectual assets such as knowhow, platforms, compounds and technical expertise. Without patents most of this valuable proprietary knowledge would be kept hidden as trade secrets, making it impossible for researchers to know what is out there. Second, the existence of laws protecting intellectual property helps rights-holders make the decision to collaborate in the first place. By allaying concerns about confidentiality, IP enables companies to open up their compound libraries, and to share platform technology and know-how without worrying they are going to sacrifice their wider business objectives or lose control of their valuable assets. For instance, rights holders might contribute IP that is useful for entirely different diseases to COVID-19 collaborations. IP rights and licensing ensure those rights can only be used for the agreed reason, preventing competitors freeriding to gain an unfair advantage in other areas. As the former Director General of WIPO noted in June 2020, the main challenge at the time was “not access to vaccines, treatments or cures for COVID-19-19, but the absence of any approved vaccines, treatments or cures to have access to. The policy focus of governments at this stage should therefore be on supporting science and innovation”. During this initial phase of the pandemic, the majority of governments followed this advice, especially by not threatening to remove IP of products yet to be invented. No government from a country with a significant life-science R&D industry, for instance, backed the WHO’s “Solidarity Call to Action” in which companies were asked to unilaterally cede IP and data related to COVID-19 to its new technology and IP pool, C-TAP. The WHO embarked on this initiative with no evidence that IP would stand in the way of R&D and access efforts, distracting efforts away from more practical initiatives that stood greater chance of success. V WHAT ABOUT THE PRICE OF PATENTED VACCINES AND THERAPEUTICS? Nevertheless, the emergence of several competing vaccines has shifted the debate. There are increasingly loud calls to suspend IP rights in order to promote affordable prices for low and middle-income countries, and to mandate forced transfer of know-how and technology in order to scale up global manufacturing . These calls have culminated in proposals at the WTO to implement a temporary suspension of certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), including obligations regarding patent rights and the protection of undisclosed information on all COVID-19-related technologies Such extreme proposals are based on muddled thinking. Specifically, the political campaigns that underpin them mischaracterise IP rights as “monopolies” that allow companies to charge unaffordable prices. One eminent scholar of patents, Prof. Edmund Kitch described the application of the term “monopoly” to patents as one of the “elementary and persistent errors in the economic analysis of Intellectual Property”. In reality, IP rights drive the emergence of competing products in the same category, putting a lid on the ability of manufacturers to charge premium prices. Owning IP rarely gives control over a market and IP markets are often intensely competitive. In medicines, for instance, there are usually many substitutes and alternatives. For example, a patient needing a cholesterol drug has a host of statins from which to choose, both patented and generic. Similarly, patients with osteoporosis and their doctors can choose from Fosamax®, Actonel®, or Boniva®. Recent years have seen the emergence of competing shingle vaccines, increased competition in the lung cancer therapeutic space, and a slew of promising clinical trials and new drug launches in the under-served area of lung disease. Each of the owners of patents in these products has a temporary exclusive right to their product; none of them has a monopoly over the market for this type of treatment. The most spectacular demonstration of this point is the recent emergence of multiple competing hepatitis C cures, which have opened up a wide range of treatment options and placed downward pressure on prices. As Geoffrey Dusheiko and Charles Gore wrote in The Lancet, “The market has done its work for HCV treatments: after competing antiviral regimens entered the market, competition and innovative price negotiations have driven costs down from the initially high list prices in developed countries.” Every step of the development of this new market in hepatitis C cures was accompanied by calls to override their IP by civil society and certain intergovernmental organizations. Had those calls been heeded, it is doubtful such a competitive market would exist today. A similar story is unfolding in the COVID-19 vaccine space. Pharmaceutical market analysts predict competition will hold COVID-19 vaccine prices down even in the unlikely scenario of rights holders declining to license their IP to other manufacturers. “In two years’ time, there could be 20 vaccines on the market,” Emily Field, head of European pharmaceutical research at Barclays told the BBC. “It’s going to be difficult to charge a premium price.” V THE REAL CHALLENGES IP has underpinned the research and development that has led to the arrival of several game-changing vaccines. But the challenge does not end there. Perhaps the biggest hurdle is manufacturing billions of doses or new antibody treatments while maintaining the highest quality standards. There’s more to it than starting a global manufacturing free for all by overriding or ignoring patents. A spokesperson for Regeneron, a manufacturer of a novel COVID-19 antibody treatment explained to The Lancet: “Manufacturing antibody medicines is incredibly complex and transferring the technology takes many months, as well as significant resources and skill. Unfortunately, it is not as simple as putting a recipe on the internet and committing to not sue other companies during the pandemic” John-Arne Røttingen, chair of the WHO COVID-19 Solidarity trial, explains that technology transfer will be crucial to scaling up production, but voluntary mechanisms are better: “If you want to establish a biological production line, you need a lot of additional information, expertise, processes, and biological samples, cell lines, or bacteria” to be able to document to regulatory agencies that you have an identical product, he explains. The TRIPS waiver, he says, is the “wrong approach” because COVID-19 therapeutics and vaccines are complex biological products in which the main barriers are production facilities, infrastructure, and know-how. “IP is the least of the barriers”, he says. Then there is the problem of distributing the vaccines to billions of people in every country. Even with plentiful supplies, a range of issues need to be considered such as regulatory bottlenecks; supply chain, transport and storage; maintenance of the cold chain; adequately trained staff; data tracking; and vaccine hesitancy amongst the population. The costs of the vaccine itself is only a small component of the total cost of delivering doses to millions of people. The UK, for example, has spent around £2.9bn on procuring vaccines, far less than the official estimate of £8.8bn to be spent on distributing and delivering them. Comparable costs will exist for all other countries, even if they are subsidised by Overseas Development Assistance. Even then, the combined costs of vaccination are dwarved by the other economic costs of the pandemic. V IP IS PART OF THE SOLUTION Far from being a problem, IP has repeatedly proven itself to be part of the solution in fighting disease. It allows innovators to manage production scale-up by selecting and licensing technology to partners who have the skills and capacity to reliably manufacture large quantities of high-quality products, which they distribute at scale in low and middle-income countries. It would make no sense for IP owners to use it to withhold access, when they can profit from supplying all demand. IP licensing is the way this is done. This is the model unfolding for COVID-19, with new manufacturing licensing deals such as those between AstraZeneca and the Serum Institute in India (1bn doses), China’s BioKangtai (200m doses), Brazil’s FioCruz, Russia’s R-Pharm and South Korea’s SK Bioscience. Collectively, such deals will see the manufacture of 2 billion doses by the end of 2021. The Serum Institute has also entered into manufacturing licenses with a number of developers of yet to be approved COVID-19 vaccines, as have several other Indian vaccine manufacturers. Many of these doses will be procured on a non-profit basis by new collective procurement bodies such as COVAX, for distribution to low and middleincome countries. IP is important because it allows the innovator to control which partners manufacture the product, ensuring the quality of supplies, while maximising low-cost access for low and middle-income countries. It also allows the innovator to preserve its ability to recoup costs from richer markets, meaning the preservation of incentives for future R&D investment. Voluntary licensing has worked well in the past, particularly for low and middle-income countries. A recent academic analysis of hepatitis C voluntary licenses published by The Lancet Global Health concluded that they have increased access to medicines at a considerably faster pace than alternative access models, by avoiding the need for lengthy patent disputes and bringing to bear intercompany competition and economies of scale. But again, these licenses model were criticised by public health NGOs and other stakeholders, who called for the confiscation of IP rights via compulsory licensing. Time has shown such calls to be mistaken. As of January 2021, there are three vaccines approved by stringent regulatory authorities with several more likely to follow in the coming months. Prices of COVID-19 vaccines vary between more expensive but complex to manufacture, and cheaper ones based on existing technologies. Companies are offering their vaccines at cost, with pooled procurement mechanisms such as COVAX ready to leverage their enormous purchasing power to drive economies of scale and bring prices down further for developing countries, many of which will have the cost of vaccination subsidised by Overseas Development Assistance. Meanwhile, the existence of multiple vaccines means there is no COVID-19 vaccine “monopoly”, and minimal risk of premium pricing. In fact, there is a competitive marketplace in which manufacturers are incentivised to refine and improve their vaccines – vital given the new strains of the virus which constantly emerge. Providing COVID-19 vaccines rapidly at scale is a pressing challenge for all countries but there is no evidence that overriding intellectual property rights will achieve more than the licensing agreements currently being forged between innovators and reputable vaccine manufacturers in countries like India and Brazil. Manufacturing of COVID-19 vaccines is continuing at speed, and mechanisms are gearing up to ensure a rapid global role out. Forceable tech transfer and other forms of IP abrogation such as those proposed by India and South Africa at the WTO TRIPS Council would throw manufacturing supply chain planning, financing and distribution systems into chaos for little upside. Instead of sowing division and creating major distractions at venues such as the WTO, opponents of IP should stop the rhetoric. The IP system has put us in a position to end the pandemic. We should allow it to continue doing its job.

#### Protecting vaccine intellectual property is key to stopping the spread of COVID-19

**Pitts, 6/9** (Posted By: Jacqueline Pitts, a writer for the Bottom Line News, 6/9/2021, accessed on 6/28/2021, The Bottom Line, "Vaccine intellectual property must be protected, Kentucky business community says | The Bottom Line", https://kychamberbottomline.com/2021/06/09/vaccine-intellectual-property-must-be-protected-kentucky-business-community-says/)

As President Joe Biden backs **waiving intellectual property (IP) protections for COVID-19 vaccines**, the Kentucky Chamber has expressed opposition to this policy stating it **sets a harmful precedent and stifles innovation.** President Biden came out in favor of a World Trade Organization (WTO) proposal in May that would waive certain intellectual property protections around COVID-19 vaccines. The proposal would reveal proprietary information held by companies designing the shots such as Pfizer. The WTO policy seeks to give away the intellectual property of companies who have produced an effective product in an attempt to boost production and address distribution issues across the globe. However, the Kentucky Chamber believes waiving IP protections **would not increase access to the COVID-19 vaccine** because it would **not solve** issues such as **limited manufacturing capacity, limited access to raw materials, and limited technical expertise** with this specific vaccine. Instead, waiving IP protections would have the **negative effect of undermining the type of risk-taking and innovation necessary to create vaccines like the COVID-19 vaccine. Protection of intellectual property** was a **key driver in** the **rapid development of COVID vaccines,** and the U.S. should support protecting IP as it has done in the past. Waiving IP protections **could negatively affect the creation of future life-saving pharmaceuticals.** On Wednesday, the Kentucky Chamber released the following statement: “The Chamber applauds the scientists and researchers who created innovative, life-saving COVID vaccines at record speeds and recognizes the importance of vaccinating people beyond our borders. Waiving intellectual property rights for these complex vaccines would **undermine efforts to ensure doses are produced and delivered safely and quickly. Preserving IP protections** is **fundamental to stopping the spread of COVID and driving the innovation** we will need **to fight future pandemics,”** said Kentucky Chamber President and CEO Ashli Watts.

#### Zero extinction claim – the warrant is through wildfires and ecological destruction which is a CAUSE of disease not an IMAPCT to disease, zero warrant why diseases will cause extinction

#### Their evidence assumes a level of virulence that has literally never occurred

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Prophets of doom have been telling us for decades that a deadly new pandemic — of bird flu, of SARS or MERS coronavirus, and now of Ebola — is on its way. Why are we still listening? If you look back at the furor raised at many distinguished publications — Nature, Science, Scientific American, National Geographic — back in, say, 2005, about a potential bird flu (H5N1) pandemic, you wonder what planet they were on. Nature ran a special section titled — “Avian flu: Are we ready?” — that began, ominously, with the words “Trouble is brewing in the East” and went on to present a mock aftermath report detailing catastrophic civil breakdown. Robert Webster, a famous influenza virologist, told ABC News in 2006 that “society just can't accept the idea that 50% of the population could die. And I think we have to face that possibility.” Public health expert Michael T. Osterholm of the University of Minnesota, at a meeting in Washington of scientists brought together by the Institute of Medicine, warned in 2005 that a post-pandemic commission, like the post-9/11 commission, could hold “many scientists … accountable to that commission for what we did or didn't do to prevent a pandemic.” He also predicted that we could be facing “three years of a given hell” as the world struggled to right itself after the deadly pandemic. And Laurie Garrett, author of what must be the urtext for pandemic predictions, her 1994 book “The Coming Plague,” intoned in Foreign Affairs that “in short, doom may loom.” Although she followed that with “But note the may,” the article went on to paint a terrifying picture of the avian flu threat nonetheless. And such hysteria still goes on: Whether it's over the MERS coronavirus, a whole alphabet of chicken flu viruses, a real but not very deadly influenza pandemic in 2009, or a kerfuffle like the one in 2012 over a scientist-crafted ferret flu that also was supposed to be a pandemic threat. Along the way, virologist Nathan Wolfe published “The Viral Storm: the Dawn of a New Pandemic Age,” and David Quammen warned in his gripping “Spillover” that some new animal plague could arise from the jungle and sweep across the world. And now there's Ebola. Osterholm, in a widely read op-ed in the New York Times in September, wrote about the possibility that scientists were afraid to mention publicly the danger they discuss privately: that Ebola “could mutate to become transmissible through the air.” “The Ebola epidemic in West Africa has the potential to alter history as much as any plague has ever done,” he wrote. And Garrett wrote in Foreign Policy, “Attention, World: You just don't get it.” She went on to say, “Wake up, fools,” because we should be more frightened of a potential scenario like the one in the movie “Contagion,” in which a lethal, fictitious pandemic scours the world, nearly destroying civilization. But there were fewer takers this time. Osterholm's claims about Ebola going airborne were discounted by serious scientists, and Garrett seemingly retracted her earlier hysteria about Ebola by claiming that, after all, evolution made such spread unlikely. The scientific world has changed since 2005. Now, most scientists understand that there are significant physical and evolutionary barriers to a blood- and fluid-borne virus developing airborne transmission, as Garrett has acknowledged. Though Ebola virus has been detected in human alveolar cells, as Vincent Racaniello, virologist at Columbia University, explained to me, that doesn't mean it can replicate in the airways enough to allow transmission. “Maybe … the virus can get in, but can't get out. Like a roach motel,” wrote Racaniello in an email. H5N1, we understand now, never went airborne because it attached only to cell receptors located deep in human lungs, and could not, therefore, be coughed or sneezed out. SARS, or severe acute respiratory syndrome, caused local outbreaks after multiple introductions via air travel but spread only sluggishly and mostly in hospitals. Breaking its chains of transmission ended the outbreak globally. There probably will always be significant barriers preventing the easy adaptation of an animal disease to the human species. Furthermore, Racaniello insists that there are no recorded instances of viruses that have adapted to humans, changing the way they are spread. So we need to stop listening to the doomsayers, and we need to do it now. Predictions of lethal pandemics have — since the swine flu fiasco of 1976, when President Ford vowed to vaccinate “every man, woman and child in the United States” — always been wrong. Fear-mongering wastes our time and our emotions and diverts resources from where they should be directed — in the case of Ebola, to the ongoing tragedy in West Africa. Americans have all but forgotten about Ebola now, because most people realize it isn't coming to a school or a shopping mall near you. But Sierra Leoneans and Liberians go on dying.