### T – Disclosure

#### Interpretation: Debaters must disclose the 1AC with cites and open source on the 2021-2022 NDCA wiki or tell the negative what the 1AC will be and if there are any changes to said 1AC 30 minutes prior to the round, and must disclose a reasonable method of contact.

#### Violations: They didn’t -- SC in the doc prove – they literally only have one round open sourced with no cites or any method of contact

Graphical user interface, text, application, Word

Description automatically generated

#### Standards:

#### 1] Research - disclosure allows debaters to pursue more information on an opponent’s case and exposes us to more literature. More reading means we get the most holistic education from the preparation process, rather than having the shallow process of reactionary guessing of what the affirmative would be.

#### 2] Strategy – I’m able to prepare a much better neg strategy which allows the aff to be tested to a much greater depth which in turn leads to the best rounds and most education.

#### 3] Ethics – its ethical to disclose for a few reasons. 1. Online it lets us still debate with poor internet connection which is key to retain accessibility. Ie I can see the aff before the round and prepare a strat incase my internet goes down during the round 2. It allows us to make sure that the evidence that is being read is not being misrepresented and is legit which is almost impossible in round.

#### 4] Reciprocity – I’ve open sourced all of my positions on the neg and they haven’t told me what aff they are reading this round which makes it impossible for me to prepare before the round but they can prepare against me.

#### 5] It’s a question of norms – even if there isn’t in round abuse you can still vote negative that we are the best norms for debate

#### Voter:

#### 1] Education and fairness – not disclosing kills our ability to engage with the aff which kills education and fairness which must be prioritized.

#### 2] Inclusivity is a voter - the ballot is supposed to test the argumentative capacity of the debater. We should strive to eliminate external influence over this decision.

#### DTD –

#### A] Deters future abuse

#### B] Drop the arg cant solve – the abuse has already happened

#### Competing interps –

#### A] Reasonability is Arbitrary and invites judge intervention – impossible to determine what is reasonable, which means debating over specific interps is best and we don’t know you’re bs meter or what you think is reasonable

#### B] Intervention – judges have to intervene and determine what is reasonable which is bad bc it forces judges to make decisions along preferred biases, which causes biased and possibly discriminatory decisions.

#### C] Collapses – we would just debate over the bright line which is functionally competing interps

#### No RVI’s

#### A] Baiting – that invites maximally abusive praxis bc people will just prep out the shell

#### B] Chilling – if we drop by trying to enforce a norm that we think is good then we wont do it again – this means were never able to create norms which ows on magnitude

#### C] Illogical – you shouldn’t win for meeting your burden if that was the case, affs could just win by saying they affirm the topic.

### 1NC – K

#### The subject emerges from a communicative gap from the symbolic to the real. The 1ac is refuses to recognize the impossibility of the real. IPR and FTA’s are purely symbolic, but the 1ac claims that they are real constructs. Their refusal to recognize the ontology of FTA and IPR sustains hope that the real can be returned too – the K controls the root cause of identity formation

Owen PhD 16 [Thomas Owen “Lacan, Laclau, and the Impossibility of Free Trade” Published: Medianz, Vol 16, No 2, 2016] [https://doi.org/10.11157/medianz-vol17iss2id207] [Owen: PhD Massey University. Auckland University of Technology School of Communication. Lectured for Victoria University of Wellington’s Media Studies Program and Massey University School of Communication, Journalism, and Marketing.] //MNHS NL cut || SM

* FTA = Free Trade Agreement

For Lacan, identity is structured like a language (Lacan 1978, 1991, 2006). Words and language structure our thinking and, thus, our experience of the universe. But ‘words fail’ – the signifiers of language we use do not capture the totality of the signified they seek to represent. There is always a surplus of objective material reality that the words describing it cannot grasp. Importantly, however, we act as if they did grasp it – as if the words we use do fully represent the things they describe, in their awesome totality. For Lacan, this insurmountable limitation means we all operate within a realm where our most basic representations of reality are only partial, and yet treated by us as if they were total. It is in this sense that Lacan argues that ‘truth is structured like a fiction’ (Žižek 1989,154). Truth and reality exist, but for all intents and purposes our access to them is through the limited fictions of language. It is here that Lacan exhibits his debt to linguistics and semiotics, and his affinity with philosophers from Kant to Derrida on the impossibility to fully capture meaning and achieve total representation of externality.¶ For Lacan, a pure objective material reality does exist beyond the limits of representation, and he refers to this as the Real. The Lacanian Real is un-broken total reality, irreducible to difference, and far beyond the Symbolic – that is, the words, language and representations seeking to capture it. There is no lack in the Real. Rather, the lack is in our attempts to symbolise the Real through representation. The Real is thus ‘impossible’, as it is impossible to imagine or symbolise the Real in its totality without imposing limits, and therefore leaving surplus reality beyond the limits – and it is this impossibility that marks the traumatic aspect of existence. Unable to attain the totality, we are left constantly chasing something unattainable, both acting to some degree as if it were attained, while also being troubled to some degree by the implicit or explicit realisation that it was not. For Lacan, this is the haunting of the Real. It is traumatic, but also productive. It is precisely because a total representation of the Real cannot be attained that we constantly seek to attain it. If it were ever attainable, this productivity would cease. The ‘lack’ in Lacanian ontology, therefore, is a constitutive lack. The rupture in our identities is both what makes them impossible and what stimulates their constant drive to overcome impossibility – thus making identification itself possible in the first place (Stavrakakis 1999).¶ These initial summary comments already indicate that for Lacan, psychoanalysis is not merely a tool for treating individual cognition and perception, but is, rather, a theoretical lens for examining how ‘reality’ itself is constituted (Žižek, 2006). In this way, Lacan’s approach permits a confluence between psychoanalysis and political analysis – and it is here in the political application that Laclau chiefly focuses his work (Laclau 1990, 2005; Laclau and Mouffe 1985). Laclau adopts the logic of a negative ontology and applies it beyond subjectivities to political discourses, social movements, and society itself. Indeed, to explicate Laclau’s famous ‘impossibility of society’ statement (1991, 24), society is impossible because it can never be totally represented and thus its meaning is in a constant state of flux and change. However, it is precisely this state of dislocation that makes new forms of the social possible. Without its inherent lack, society would be unchanging and could not exist – but, contradictorily, with its lack, it can never be totally achieved and is technically ‘impossible’. The radical lack is both the entry condition of any possibility and impassible limit to full possibility, marking the central paradox of the negative ontology.¶ It is important to emphasise, however, that this does not mean that all identities and political discourses are always in a state of total flux (Laclau 1990). That would be a chaotic realm, without any measure of coherence, and, more importantly, without any power relations structuring representation. Far from a disinterest in power relations, Laclau is centrally concerned with the respective interplay of hegemonic projects seeking to attain dominance and repress their opponents within a field of un-fixity. For Laclau, hegemonic projects are attempts to fix meaning by constructing chains of equivalence between concepts, and situating them in opposition to a shared antagonistic Other. Hegemonic projects thus seek to fix meaning by naturalising a specific and contingent interpretation of the Real as the universal and total representation. However, as such total representation and fixity is impossible, hegemonic projects are at best only temporary and unstable fixations of meaning. They are constantly open to rupture and dislocation from without – for instance, from counter-hegemonic projects and the intrusive return of elements excluded in their formation – and from within, by their own haunting lack of closure. Thus, while all identities and political discourses are impossible and unfixed, they also waver between various states of ‘relative structuration’ (Laclau 1990, 43). The contest between these states is the fabric of political contestation.¶ The Impossibility of Free Trade¶ The above illustration of Lacan and Laclau is by no means an attempt to exhaust all possible discussion of their ideas, and is inadequately brief to explore the many nuances of their negative ontology. However, by focusing on the concept of ontological lack and the inaccessibility of the Real, it has set the tone for the following historico-contextual analysis of FTAs and IPRs. In the first instance, it must be noted that FTAs and IPRs are purely social constructions. There is no reality to FTAs or IPRs external to how they are discursively constructed, no natural law dictating their symbolisation. There may be material consequences as a result of an FTA – for example, a farmer’s productivity relative to seed prices, or an HIV/AIDS patient’s ability to access antiretroviral medicine – but an FTA itself is not a material thing. It is purely symbolic, existing only in language – and as language is partial and open to contestation and change, for FTAs there is no escape beyond language, beyond ideology, or beyond a constant state of contestation and transformation.¶ Secondly, contemporary FTAs have come to include a myriad of other demands not typically considered part of ‘trade’ negotiations, such as financial regulations, environmental protections, and intellectual property rights (Kelsey 2010). In a Laclauian sense, the chain of equivalence constituting the hegemonic project of a contemporary FTA has been widely extended. IPRs are particularly interesting in this sense, because of the multiple and contradictory meanings ascribed to IPRs – for instance, as rights, privileges, monopolies, protectionist measures, and also as free trade mechanisms promoting competition. Given this, the inclusion of IPRs in FTAs demonstrates the contingency of meaning allowable within hegemonic projects. There is no necessary, self-evident way that IPRs and FTAs must be configured; rather, there are only possible ways. A historical analysis of just some of the ways this has been done reveals the un-fixity and ‘impossibility’ of identity formation.

#### **Wanting to win is another link – They desire to fulfill the lack through getting the ballot – but that would only serve to fuel resentment – they won’t succeed in fulfilling their desires which is the root of why violence happens in the first place – we are the lesser of the 2 evils**

#### **We want things in life – that doesn’t mean we will get it – but we act like we will – this creates immense violence, as those who see the other as an object of hatred lash out – turns case bc we control the root cause for why violence happens**

Grace 12. Victoria, professor of sociology at the University of Canterbury (UK), Victims, Gender and Jouissance, Routledge.

In Lacanian psychoanalysis, love in the context of the sexual relation (which, as discussed, Lacan argues does not exist) is approached from its fundamental impossibility: to give what one does not have—what one lacks, in its association with desire. In Seminar XX Lacan reiterates the inseparability of love and hatred. To not know hatred is to not know love—in fact ‘one knows nothing of love without hate’ (1998b: 91). Love, related closely as it is to knowledge (p.144), to this ‘knowing’, is addressed to the Other’s resemblance (semblance) to objet a as cause of desire, and as such, to the semblance of being. Hatred is also ‘addressed to being’, to objet a, when the Other (as locus of knowing) does not know (the Other always does not know), and in not knowing presents the specter of ‘ex-sistence’. To quote Lacan: ‘Nothing concentrates more hatred than that act of saying in which ex-sistence is situated’ (p.121). By way of extension, Faye (2009) analyzes the Holocaust, taking up André’s (2007) argument and rendition of the sacrifice (discussed in Chapter Four), as a singular, monstrous incarnation of such hatred addressed to being. Faye, following André who draws on Lacan, positions this hatred as one directed towards the very division in which the subject is fatally imbricated. When this division was constructed ideologically by Hitler and then through National Socialism as one that threatened the purity of the German people in their wholeness, the Jew was to be destroyed as the semblance of being, of objet a, of the Thing. This Thing was the object of hated and destruction because it was made to symbolize that which divided the German people from themselves. The ‘solid hatred addressed to being’ (Lacan 1998b: 99) was addressed to ‘the being of jouissance of the other’. Separating the Jews from others, removing their civil status, rendering them less than human and finally killing them to incinerate their bodies as nothing more than non-human waste shows the progressive steps through which this hatred aimed to remove this ‘being of jouissance of the other’ from humanity. To sacrifice to the ‘dark god’—making the god exist, as Lacan would have it—aimed to guarantee the ideal of a lost purity, to restore this wholeness and the ideal of an eternal jouissance ‘so that desire and jouissance, ex-sistence and being are ONE’, to cite Faye again (2009: 19). In Lacanian discourse, to love or to hate is to address the semblance of being as objet a.

#### The alternative is to embrace the lack – that doesn’t mediate anxiety but rather confronts its relationship to desire and the other through the process of enjoyment, thus the ROB is the Traverse the Fantasy

Mcgowan 13 ( Todd Mcgowan., Associate Professor in the College of Arts and Sciences at the University of Vermont (Todd, Enjoying What We Don’t Have: A Psychoanalytic Politics, University of Nebraska, 2013)

The alternative — the ethical path that psychoanalysis identifies — demands an embrace of the anxiety that stems from the encounter with the enjoying other. If there is a certain ethical dimension to anxiety, it lies in the rela- tionship that exists between anxiety and enjoyment. Contra Heidegger, the ethics of anxiety does not stem from anxiety’s relation to absence but from its relation to presence — to the overwhelming presence of the other’s enjoyment. In some sense, the encounter with absence or nothing is easier than the encounter with presence. Even though it traumatizes us, absence allows us to constitute ourselves as desiring subjects. Rather than producing anxiety, absence leads the subject out of anxiety into desire. Confronted with the lost object as a structuring absence, the subject is able to embark on the pursuit of the enjoyment embodied by this object, and this pursuit provides the subject with a clear sense of direction and even meaning. This is precisely what the subject lacks when it does not encounter a lack in the symbolic structure. When the subject encounters enjoyment at the point where it should encounter the absence of enjoyment, anxiety overwhelms the subject. In this situation, the subject cannot constitute itself along the path of desire. It lacks the lack — the absence — that would provide the space through which desire could develop. Consequently, this subject confronts the enjoying other and experiences anxiety. Unlike the subject of desire — or the subject of Heideggerean anxiety — the subject who suffers this sort of anxiety actually experiences the other in its real dimension.¶ The real other is the other caught up in its obscene enjoyment, caught up in this enjoyment in a way that intrudes on the subject. There is no safe distance from this enjoyment, and one cannot simply avoid it. There is nowhere in the contemporary world to hide from it. As a result, the contem- porary subject is necessarily a subject haunted by anxiety triggered by the omnipresent enjoyment of the other. And yet, this enjoyment offers us an ethical possibility. As Slavoj Žižek puts it, “It is *this* excessive and intrusive *jouissance* that we should learn to tolerate.”27 When we tolerate the other’s “excessive and intrusive jouissance” and when we endure the anxiety that it produces, we acknowledge and sustain the other in its real dimension.¶ Tolerance is the ethical watchword of our epoch. However, the problem with contemporary tolerance is its insistence on tolerating the other only insofar as the other cedes its enjoyment and accepts the prevailing symbolic structure. That is to say, we readily tolerate the other in its symbolic dimen- sion, the other that plays by the rules of our game. This type of tolerance allows the subject to feel good about itself and to sustain its symbolic identity. The problem is that, at the same time, it destroys what is in the other more than the other — the particular way that the other enjoys.¶ It is only the encounter with the other in its real dimension — the encounter that produces anxiety in the subject — that sustains that which defines the other as such. Authentic tolerance tolerates the real other, not simply the other as mediated through a symbolic structure. In this sense, it involves the experience of anxiety on the part of the subject. This is a difficult posi- tion to sustain, as it involves enduring the “whole opaque weight of alien enjoyment on your chest.”The obscene enjoyment of the other bombards the authentically tolerant subject, but this subject does not retreat from the anxiety that this enjoyment produces. If the embrace of the anxiety that accompanies the other’s proximate enjoyment represents the ethical position today, this does not necessarily provide us with an incentive for occupying it. Who wants to be ethical when it involves enduring anxiety rather than finding a way — a drug, a new authority, or something — to alleviate it? What good does it do to sustain oneself in anxiety? In fact, anxiety does the subject no good at all, which is why it offers the subject the possibility of enjoyment. When the subject encounters the other’s enjoyment, this is the form that its own enjoyment takes as well. To endure the anxiety caused by the other’s enjoyment is to experience one’s own simultaneously. As Lacan points out, when it comes to the enjoyment of the other and my own enjoyment, “nothing indicates they are distinct.” Thus, not only is anxiety an ethical position, it is also the key to embracing the experience of enjoyment. To reject the experience of anxiety is to flee one’s own enjoyment.¶ The notion that the other’s enjoyment is also our own enjoyment seems at first glance difficult to accept. Few people enjoy themselves when they hear someone else screaming profanities in the workplace or when they see a couple passionately kissing in public, to take just two examples. In these instances, we tend to recoil at the inappropriateness of the activity rather than enjoy it, and this reaction seems completely justified. The public display of enjoyment violates the social pact with its intrusiveness; it doesn’t let us alone but assaults our senses. It violates the implicit agreement of the public sphere constituted as an enjoyment-free zone. And yet, recoiling from the other’s enjoyment deprives us of our own.¶ How we comport ourselves in relation to the other’s enjoyment indi- cates our relationship to our own. What bothers us about the other — the disturbance that the other’s enjoyment creates in our existence — is our own mode of enjoying. If we did not derive enjoyment from the other’s enjoyment, witnessing it would not bother us psychically. We would sim- ply be indifferent to it and focused on our own concerns. Of course, we might ask an offending car radio listener to turn the radio down so that we wouldn’t have to hear the unwanted music, but we would not experience the mere exhibition of alien enjoyment through the playing of that music as an affront. The very fact that the other’s enjoyment captures our attention demonstrates our intimate — or extimate — relation to it. This relation becomes even clearer when we consider the epistemo- logical status of the enjoying other. Because the real or enjoying other is irreducible to any observable identity, we have no way of knowing whether or not the other really is enjoying. A stream of profanity may be the result of someone hurting a toe. The person playing the car radio too loud while sitting at the traffic light may have simply forgotten to turn down the radio after driving on the highway. Or the person may have difficulty hearing. The couple’s amorous behavior in public may reflect an absence of enjoyment in their relationship that they are trying to hide from both themselves and the public.¶ Considering the enjoyment of the other, we never know whether it is there or not. If we experience it, we do so through the lens of our own fantasy. We fantasize that the person blasting the radio is caught up in the enjoyment of the music to the exclusion of everything else; we fantasize that the public kisses of the couple suggest an enjoyment that has no concern for the outside world. Without the fantasy frame, the enjoying other would never appear within our experience.¶ The role of the fantasy frame for accessing the enjoying other becomes apparent within Fascist ideology. Fascism posits an internal enemy — the figure of the Jew or some analogue — that enjoys illicitly at the expense of the social body as a whole. By attempting to eliminate the enjoying other, Fascism hopes to create a pure social body bereft of any stain of enjoy- ment. This purity would allow for the ultimate enjoyment, but it would be completely licit. This hope for a future society free of any stain is not where Fascism’s true enjoyment lies, however. Fascists experience their own enjoyment through the enjoying other that they persecute. The enjoy- ment that the figure of the Jew embodies is the Fascists’ own enjoyment, though they cannot avow it as their own. More than any other social form, Fascism is founded on the disavowal of enjoyment — the attempt to enjoy while keeping enjoyment at arm’s length. But this effort is not confined to Fascism; it predominates everywhere, because no subjects anywhere can simply feel comfortable with their own mode of enjoying.¶ The very structure of enjoyment is such that we cannot experience it directly: when we experience enjoyment, we don’t have it; it has us. We experience our own enjoyment as an assault coming from the outside that dominates our conscious intentions. This is why we must fantasize our own enjoyment through the enjoying other. Compelled by our enjoyment, we can’t do otherwise; we act against our self-interest and against our own good. Enjoyment overwhelms the subject, even though the subject’s mode of enjoying marks what is most singular about the subject.¶ Even though the encounter with the enjoying other apprehends the real other through the apparatus of fantasy, this encounter is nonetheless genuine and has an ethical status. Unlike the experience of the nonexistent symbolic identity, which closes down the space in which the real other might appear, the fantasized encounter with the enjoying other leaves this space open. By allowing itself to be disturbed by the other on the level of fantasy, the subject acknowledges the singularity of the real other — its mode of enjoying — without confining this singularity to a prescribed identity.¶ The implications of privileging the encounter with the disturbing enjoy- ment of the real other over the assimilable symbolic identity are themselves disturbing. The tolerant attitude that never allows itself to be jarred by the enjoying other becomes, according to this way of seeing things, further from really encountering the real other than the attitude of hate and mis- trust. The liberal subject who welcomes illegal immigrants as fellow citizens completely shuts down the space for the other in the real. The immigrant as fellow citizen is not the real other. The xenophobic conservative, on the other hand, constructs a fantasy that envisions the illegal immigrant awash in a linguistic and cultural enjoyment that excludes natives. This fantasy, paradoxically, permits an encounter with the real other that liberal tolerance forecloses. Of course, xenophobes retreat from this encounter and from their own enjoyment, but they do have an experience of it that liberals do not. The tolerant liberal is open to the other but eliminates the otherness, while the xenophobic conservative is closed to the other but allows for the otherness. The ethical position thus involves sustaining the liberal’s toler- ance within the conservative’s encounter with the real other.

## Case

### FW

#### 1] They have no method of distinguishing between what types of suffering matters most – They can’t tell you how to determine if it’s just to cause more racism if it reduces sexism – this means that this is not an effective metric for determining what is moral

#### 3] Pin Prick problem – Their FW is premised on minimizing the amount of suffering in the world – This is a problem because it would justify killing every single person, because if every is dead that would mean that there is not structures in existence that could cause violence or suffering

#### 4] Double bind –

#### A] We can determine what types of suffering matters more which is inherently problematic because that would deny the humanity, identity, and value of other marginalized groups.

#### B] We can’t determine the diffrence which means we never take any action because there is the possibility that we would cause more amount of suffering by taking action.

#### 5] Bindingness – they don’t have any warrant for why their fw is binding. Ethics must be binding bc if they arent then its impossible to generate obligations

#### 6]We ow under their fw be we ssolve all violence

### 1AR – No

#### No 1ar theory –

#### 1] Time skew – Forces me to answer the shell, which distracts from substance – substantive clash is k2 education and 1ar theory distracts from it.

#### 2] Judge intervention – I only have 1 speech to answer it and no 3NR which means that the judge has to intervene and decide if my answers were good enough after taking into account to 2ars lies.

#### 3] Reciprocity – I only have once chance to respond after it is introduced while they have two chances

#### 4] Persuasive spin in the 2ar appeals to judges more ows on judge psychology bc they will always win that debate

#### 5] DTA Solves – they can indict the arguments that are abusive and I have strategic options to respond

## Innovation

### Straight turn

#### Innovation high now, but continued investments are crucial to meet the demands

Furstenthal et al 20 [(Laura Furstenthal serves healthcare clients globally as well as not-for-profit organizations, governments, and Nobel laureates, guiding innovation in strategy, organization, research and development, commercialization, and operations), et al. “Healthcare Innovation: Building on Gains Made through the Crisis.” McKinsey & Company, McKinsey & Company, 12 Nov. 2020, www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/healthcare-innovation-building-on-gains-made-through-the-crisis. Accessed 6 Aug. 2021.] PW

Leaders should consider the lessons and achievements of the COVID-19 crisis in forging new innovation aspirations—and the mechanisms needed to execute them. Medicine is a living science that prides itself on continual discovery. In recent years, healthcare innovators have brought us artificial-intelligence algorithms that arguably read chest X-rays as well as or better than radiologists, inexpensive genomic sequencing that can guide personalized cancer treatments, and vast improvements in population health management through big data and analytics, to name just a few examples. While the COVID-19 pandemic has placed unparalleled demands on modern healthcare systems, the industry’s response has vividly demonstrated its resilience and ability to bring innovations to market quickly. But the crisis is likely far from over and the sector’s innovation capabilities must continue to rise to the challenges presented both by COVID-19 and the economic fallout from its spread. While many industries are facing unprecedented disruption, medicine and healthcare are uniquely affected given the nature of this crisis. For example, pharmaceutical companies racing to develop vaccines must also manage complex supply chains, new models for engagement with healthcare professionals, a largely remote workforce, and disruption to many clinical trials. Similarly, hospitals are caring for COVID-19 patients with evolving protocols while maintaining continuity of care for others, often against the backdrop of vulnerable staff, supply and equipment shortages, and, for some, accelerating financial headwinds. While the COVID-19 pandemic has placed unparalleled demands on modern healthcare systems, the industry’s response has vividly demonstrated its resilience and ability to bring innovations to market quickly. The effects of the pandemic on the industry continue to be profound. The shifts in consumer behavior, an [acceleration of established trends](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-great-acceleration), and the likely deep and lasting economic impact will potentially affect healthcare companies no less—and quite possibly more—than those in other sectors. Around the world, more than [90 percent of executives](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/innovation-in-a-crisis-why-it-is-more-critical-than-ever) we polled believe COVID-19 will fundamentally change their businesses, and 85 percent predict lasting changes in customers’ preferences. Among healthcare leaders, two-thirds expect this period to be the most challenging in their careers.1 To meet both the humanitarian challenge and the obligation to their stakeholders, leaders of healthcare organizations need to meet the innovation imperative. History tells us that organizations that invest in innovation during a crisis [outperform their peers in the recovery](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-great-acceleration) (exhibit). What’s more, a crisis can create an urgency that rallies collaborative effort, breaks through organizational silos, and overcomes institutional inertia. Exhibit During the course of this year, the healthcare industry has produced inspiring examples of innovation in products, services, processes, and business and delivery models, often in partnership with other sectors. For example, Sheba Medical Center in Israel is working with TytoCare to keep COVID-19 patients in their homes by supplying them with special stethoscopes that both listen to their hearts and transmit images of their lungs to a care team that can intervene as appropriate.2 In the United States, Zipline, which specializes in delivering medical supplies to remote areas, quickly formed a partnership with Novant Health in North Carolina to distribute supplies to hospitals via drones.3 The adoption of telehealth has exploded, from 11 percent of consumers using it in 2019 to [46 percent in April 2020](https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/telehealth-a-quarter-trillion-dollar-post-covid-19-reality), and well more than half of healthcare providers polled indicate higher comfort with this care-delivery method than before. Given the speed of recent changes, it is likely that parts of the healthcare ecosystem will operate in different ways in the coming years. To keep pace with the industry’s evolution, healthcare leaders should consider assessing their organizations’ readiness to innovate at scale and whether the needed capabilities are in place. Our past research shows that successful innovation in large organizations stems from a commitment to eight principles and practices: aspire, choose, discover, evolve, accelerate, scale, extend, and mobilize. These [eight essentials of innovation](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-eight-essentials-of-innovation), when applied as a group, enable businesses to innovate more successfully and [outperform their peers](https://www.mckinsey.com/business-functions/strategy-and-corporate-finance/our-insights/the-innovation-commitment). Here is how healthcare players can consider applying them to their unique context at this extraordinary time.

#### TURN –secondary patents are key to making the best possible medicines – the aff destroys innovation for improvements to medicines – turns case

Holman 20 [Christopher M. Holman, Professor of Law, University of Missouri-Kansas City School of Law., 2-7-2020, “Why Pharmaceutical Follow-On Innovation Should Be Eligible For Patent Protection” Geneva Network, Accessed 8-14-2021, <https://geneva-network.com/research/why-pharmaceutical-follow-on-innovation-should-be-eligible-for-patent-protection/> ww

Despite the important role of intellectual property rights in incentivizing innovation, the patenting of pharmaceutical innovation is frequently accused of impeding access to medicine. Criticism of the prevailing patent regime has focused in particular on patents directed towards follow-on innovation, i.e., innovation that seeks to improve upon existing pharmaceuticals and their use in treating patients. Patents on follow-on innovation are often derided as “secondary” patents, with the implication that the underlying inventions are somehow lesser in nature than the subject matter claimed in “primary” patents, i.e., the drug active ingredient per se. While implicitly acknowledging the legitimacy of primary patents, critics of so-called secondary patents contend that patents on follow-on innovation allow drug innovators to “evergreen” their products, i.e., to extend the period of patent exclusivity beyond the expiration of any original patent on the drug active ingredient, and in doing so contribute to the high cost of drugs, thereby limiting the ability of patients to access the drugs upon which they have come to rely.¶ In 2015, the United Nations Development Programme (UNDP) issued a document entitled Guidelines for Pharmaceutical Patent Examination: Examining Pharmaceutical Patents from a Public Health Perspective (the “Guidelines”), which, in an effort to promote access to medicines, recommends that courts and patent offices implement newly heightened patentability requirements for follow-on pharmaceutical innovation that would be uniquely stringent and largely unprecedented. 1 In 2017, I challenged many of the assertions made in the Guidelines in an article entitled In Defense of Secondary Pharmaceutical Patents: A Response to the UN’s Guidelines for Pharmaceutical Patent Examination (“Defense of Secondary Patents”), which provides numerous examples of so-called secondary patents that have withstood validity challenges in the courts and patent offices throughout the world and which were directed towards follow-on pharmaceutical innovation clearly meriting patent protection. 2 More recently, I teamed up with legal scholars Timo Minssen and Eric Solovy in authoring Patentability Standards for Follow-on Pharmaceutical Innovation (“Patentability Standards”), an article that reiterates the important role of follow-on pharmaceutical innovation in addressing compelling human health concerns, and which proposes what we consider to be the appropriate standards and criteria to be applied in assessing the patentability of this sometimes underappreciated aspect of medical innovation. 3¶ Why Protect Follow-On Innovation?¶ The attack on secondary pharmaceutical patents is based in part on the flawed premise that follow-on innovation is of marginal value at best, and thus less deserving of protection than the primary inventive act of identifying and validating a new drug active ingredient. In fact, follow-on innovation can play a critical role in transforming an interesting drug candidate into a safe and effective treatment option for patients. A good example can be seen in the case of AZT (zidovudine), a drug ironically described in the Guidelines as the “first breakthrough in AIDS therapy.” AZT began its life as a failed attempt at a cancer drug, and it was only years later that its potential application in the fight against AIDS was realized. Follow-on research resulted in a method-of-use patent directed towards the use of AZT in the treatment of AIDS, and it was this patent that incentivized the investment necessary to bridge the gap between a promising drug candidate and a safe, effective, and FDA-approved pharmaceutical. Significantly, because of the long lag time between the first public disclosure of AZT and the discovery of its use in the treatment of AIDS, patent protection for the molecule per se was unavailable. In a world where follow-on innovation is unpatentable, there would have been no patent incentive to invest in the development of the drug, and without that incentive AZT might have languished on the shelf as simply one more failed drug candidate.¶ Other examples of important drugs that likely never would have been made available to patients without the availability of a “secondary” patent include Evista (raloxifene, used in the treatment of osteoporosis and to reduce the risk of invasive breast cancer), Zyprexa (olanzapine, used in the treatment of schizophrenia), and an orally-administrable formulation of the antibiotic cefuroxime.¶ Pharmaceutical development is prolonged and unpredictable, and frequently a safe and effective drug occurs only as a result of follow-on innovation occurring long after the initial synthesis and characterization of a pharmaceutically interesting chemical compound. The inventions protected by secondary patents can be just as critical to the development of drugs as a patent on the active ingredient itself.¶ The Benefits of Follow-On Innovation¶ The criticism of patents on follow-on pharmaceutical innovation rests on an assumption that follow-on innovation provides little if any benefit to patients, and merely serves as a pretense for extending patent protection on an existing drug. In fact, there are many examples of follow-on products that represent significant improvements in the safety-efficacy profile. For example, the original formulation of Lumigan (used to treat glaucoma) had an unfortunate tendency to cause severe hyperemia (i.e., redeye), and this adverse event often lead patients to stop using the drug, at times resulting in blindness. Subsequent research led to a new formulation which largely alleviated the problem of hyperemia, an example of the type of follow-on innovation that significantly benefits patients but that which would be discouraged by a patent regime that does not reward follow-on innovation.¶ Follow-on pharmaceutical innovation can come in the form of an extended-release formulation that permits the drug to be administered at less frequent intervals than the original formulation. Critics of secondary patents downplay the significance of extended-release formulations, claiming that they represent nothing more than a ploy to extend patent protection without providing any real benefit to patients. In fact, the availability of a drug that can be taken once a day has been shown to improve patient compliance, a significant issue with many drugs, particularly in the case of drugs taken by patients with dementia or other cognitive impairments. Extended-release formulations can also provide a more consistent dosing throughout the day, avoiding the peaks and valleys in blood levels experienced by patients forced to take an immediate-release drug multiple times a day.¶ Other examples of improved formulations that provide real benefits to patients are orally administrable formulations of drugs that could previously only be administered by more invasive intravenous or intramuscular injection, combination products that combine two or more active pharmaceutical agents in a single formulation (resulting in improved patient compliance), and a heat-stable formulation of a lifesaving drug used to treat HIV infection and AIDS (an important characteristic for use in developing countries with a hot climate).¶ “Evergreening” – an Incoherent Concept¶ Drug innovators are often accused of using secondary patents to “evergreen” the patent protection of existing drugs, based on an assumption that a secondary patent somehow extends the patent protection of a drug after the primary patent on the active ingredient is expired. As a general matter, this is a false assumption — a patent on an improved formulation, for example, is limited to that improvement and does not extend patent protection for the original formulation.¶ Once the patents covering the original formulation have expired, generic companies are free to market a generic version of the original product, and patients willing to forgo the benefits of the improved formulation can choose to purchase the generic product, free of any constraints imposed by the patent on the improvement. Of course, drug innovators hope that doctors and their patients will see the benefits of the improved formulation and be willing to pay a premium for it, but it is important to bear in mind that ultimately it is patients, doctors, and third-party payers who determine whether the value of the improvement justifies the costs.¶ Of course, this assumes a reasonably well-functioning pharmaceutical market. If that market breaks down in a manner that forces patients to pay higher prices for a patented new version of a drug that provides little real improvement over the original formulation, then it is the deficiency in the market which should be addressed, rather than the patent system itself.¶ For example,

### !D – Superbugs

#### Risk of transmission is overstated—conventional checks solve

Smith 17—former R&D director at MicroPhage and SomaLogic (Drew, “Can A Superbug Cause A Global Pandemic?,” <https://www.forbes.com/sites/quora/2017/02/10/can-a-superbug-cause-a-global-pandemic/#3cb04e2c59aa>, dml)

Death rates from bacterial infections dropped over 90% from historic levels before the introduction of penicillin. Sanitation and vaccines are far more effective methods to control bacterial infections than antibiotics ever were or ever will be. Boring old soap and water, filtration, bleach, and alcohol kill superbugs just fine. None of these things are in short supply.

The acquisition of multiple drug resistances generally (but not always) causes bacteria to become a bit less fit and unable to infect otherwise healthy adults. The victim of this particular superbug was in her seventies and had been in and out of hospitals for over a year. This is a fairly typical profile for victims of multi-drug resistant bacteria.

The worst-case scenario, if we continue to abuse and overuse antibiotics in feedlots and hospitals, is that these bugs will pick up compensatory mutations and become more virulent. Many fairly routine procedures - chemotherapy, thoracic and orthopedic surgery - will become much more risky.

But the risk will still be largely confined to hospitalized patients. MDR bacteria are extremely unlikely to cause a global pandemic on the scale of the 1919 influenza or AIDS epidemics, so long as we continue to provide clean food and water to the public.

## Drug prices

### Alt Causes – Branding

#### Alt cause – companies increase prices to protect their brand name and signal quality

Kyle 14[(Margaret Kyle is a noted authority on competition and intellectual property in the pharmaceutical industry.), et al. NBER WORKING PAPER SERIES INTELLECTUAL PROPERTY RIGHTS and ACCESS to INNOVATION: EVIDENCE from TRIPS. , 2014.] PW

There are alternative explanations for a change in prices unrelated to non-IP policy shifts or political pressures. First, if originators are more willing to launch new products when they are protected by IPRs, the set of products available in a market will expand. This larger set of products may include those for which patents shifted the expected quantity sold by the innovator more than the price commanded (especially in relatively poor countries, where demand may be more elastic). In other words, the adoption of patents may have encouraged the launch of products with lower prices, for which innovators could not cover the fixed costs of launch without the assurance of 100% market share. Another explanation is related to the form of competition in developing markets. While generic products in developed countries are usually considered (nearly) perfect substitutes for the original product, emerging markets often see competition between “branded” generics, where real or perceived quality may vary across firms. In these environments, firms may incur some costs to develop and protect their brand names, or use price to signal quality. It is possible that by allocating the entire market to the originator, TRIPS-related IPRs have eliminated the need to differentiate from other producers of the same molecule; lower costs allow lower prices.

## Solvency

### Circumvention

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### Recent evidence confirms

Hillman and Tippett 21 [Jennifer A; Senior fellow for trade and international political economy; Alex; Research associate for international economics, at the Council on Foreign Relations; “Europe and the Prospects for WTO Reform,” CFR; 3/10/21; <https://www.cfr.org/blog/europe-and-prospects-wto-reform>] Justin

The WTO has been in the clutches of a slow-moving crisis for years. At its heart are a series of disputes about the role of the WTO’s Appellate Body, the final arbiter in the WTO’s Dispute Settlement System. Today, the Appellate Body sits empty, severely undermining the capacity of the WTO to resolve trade disputes.

Since the start of the Trump administration, the United States has refused to appoint any new members to the body, effectively allowing countries to avoid compliance with WTO rulings. The primary driver of this drastic action has been American frustration at perceived judicial overreach. U.S. policymakers, starting with the George W. Bush administration, have repeatedly voiced their displeasure with Appellate Body decisions, contending that certain decisions have reached beyond the text of existing WTO agreements.

### Different Sectors

#### Companies will just obtain a patent in a different sector.

Thomas 15 [John R; Visiting Scholar, CRS; “Tailoring the Patent System for Specific Industries, Congressional Research Service,” CRS; 2015; <https://crsreports.congress.gov/product/pdf/R/R43264/7>] Justin

In view of the concerns noted above, commentators have gone so far to say that “it has become increasingly difficult to believe that a one-size-fits-all approach to patent law can survive.”75 To the extent the current patent system creates a blanket set of rules that apply comparably to distinct industries, it likely over-encourages innovation in some contexts and under-incentivizes it in others.76 Further, some observers have asserted that the need of firms to identify and access the patented inventions of others may differ among industries.77 As a result, the case can be made that distinct industrial, technological, and market characteristics that exist across the breadth of the U.S. economy compel industry-specific patent statutes. However, others have questioned the wisdom and practicality of such line-drawing.78 The following concerns, among others, have been identified:

• Over its long history, the U.S. patent system has flexibly adapted to new technologies such as biotechnology and computer software. Legislative adoption of technology-specific categories may leave unanticipated, cutting-edge technologies outside the patent system.79

• Defining a specific industry or category of technologies may prove to be a contested proposition.

80 • Over time, new industries may emerge and old industries may consolidate. The dynamic nature of the U.S. economy suggests greater need for legislative oversight within a differentiated patent regime.

81 • Even if an industry or technology remains relatively stable, the innovation environment within it might change. For example, technological or scientific advances might open new possibilities for research and development within hidebound industries—but also increase expense and risk for those firms.

82 • Distinct patent rights among industries or technologies may lead to strategic behavior on behalf of patent applicants. For example, a computer program that controls a fuel injector within an automobile could possibly be identified as either an automobile-related or a computer-related invention.

83 •The legislative effort to enact sector-specific patent laws may provide an opportunity for politically savvy firms to exert more lobbying and political power, at the possible expense of less sophisticated firms.