### T – Reduce

#### Interp: Reductions are different from preventions. Preventions stop future action.

Popattanachai 18 [Popattanachai, Naporn. (3-14-2018). Regional cooperation addressing marine pollution from land-based activities: an interpretation of Article 207 of the Law of the Sea Convention focusing on monitoring, assessment, and surveillance of the pollution (Doctoral dissertation, Nottingham Trent University), Accessible Online at http://irep.ntu.ac.uk/id/eprint/33374/1/Naporn%20Popattanachai%202018.pdf. ] DL 6-26-2019

For the second question, the provision demonstrates that the goal of adoption of such laws and regulations must be to ‘prevent, reduce, and control’ MPLA. In so doing, the 141 LOSC obliges States to ‘taking into account internationally agreed rules, standards, and recommended practices and procedures’.480 Having considered the ordinary meanings of the term ‘prevent, reduce, and control’, ‘prevent’ means ‘to stop something from happening or someone from doing something.’481 The word ‘reduce’ means ‘to make something smaller in size, amount, degree, importance etc.’482 and the word ‘control’ means ‘to order, limit, or rule something or someone's actions or behaviour.’ 483 From the meanings, the term ‘prevent’ suggests an action to stop the future occurrence of something, whereas the terms ‘reduce’ and ‘control’, noting their difference, point to an action dealing with something that has already happened and continues to occur, but needs to be made smaller, limited or regulated. Also, control also applies to future pollution in the sense that it limits the future pollution to be created or emitted not to exceed the specified level. Therefore, the preliminary reading of these terms suggests that laws and regulations adopted to deal with MPLA must yield the result that conforms with these terms. In so doing, the adoption of laws and regulations to prevent, reduce, and control MPLA can be done by legislating primary or secondary regulations with the use of various legal techniques and procedures and are underpinned by some rules and principles of international law discussed in the previous chapter. These legal techniques and procedures can be used to achieve the prevention, reduction and control of MPLA depending on the design and use of them. Noting that the measures outlined below are not exhaustive and not exclusively limited to implement any specific obligation, these are typical legal techniques and procedures used to prevent, reduce, and control pollution and therefore protect the environment. They can be categorised into two groups, that is, (1) substantive and (2) procedural legal techniques and measures. They can be discussed hereunder.

#### Violation: The aff plan is the TRIPS waiver which is explicitly temporary

WTO 7-21 [World Trade Organization “TRIPS Council agrees to continue discussions on IP response to COVID-19” Published: July 20, 2021; Accessed: September 5, 2021] [https://www.wto.org/english/news\_e/news21\_e/trip\_20jul21\_e.htm] || SM

At a meeting of the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) on 20 July 2021, WTO members agreed to continue consideration of the proposal for a temporary waiver of certain TRIPS obligations in response to COVID-19 and other related proposals. Members approved a status report which they tasked the chair to deliver at the General Council at its next meeting on 27-28 July.

#### Standards:

#### 1] Limits and grounds – future preventions means the aff has functionally infinite ground since there will theoretically always exist a case of bad IP. Also means they no-link out of any DA since I can’t cut links to stuff that happens in the future. Messes with limits since speccing future action means negs have infinite prep burden. K2 fairness cuz it controls access to the ballot. K2 education cuz we lose clash.

#### 2] Extra T is a voter – means the res is no longer a stable basis and they can defend whatever they want. Also means you don’t have jurisdiction to vote for them cuz they haven’t affirmed the res.

#### Voters:

#### 1] Fairness is a voter – debate is a competitive activity that requires objective evaluation

#### 2] Education is a voter – it’s the terminal impact of debate and the reason schools fund it

#### Drop the debater:

#### 1] The abuse already occurred and shifted my time allocation

#### 2] It’s the same as DTA since we indict your whole aff

#### Use Competing Interps for T:

#### 1] There’s no way to be “reasonably” topical, it’s a yes/no binary

#### 2] Reasonability collapses since we use offense defense to determine what’s reasonable

#### No RVI’s:

#### 1] It’s your burden to be topical means it’s a prereq to engaging in substance

#### 2] Encourages people to bait theory then win the RVI

### 1NC – DA

#### The US is concerned about Saudi IPR but trade relations are fine now

US Gov 21 [United States Government, Office of the US Trade Representative “2021 Special 301 Report” Published: 2021] [https://ustr.gov/sites/default/files/files/reports/2021/2021%20Special%20301%20Report%20(final).pdf] || SM

Saudi Arabia remains on the Priority Watch List in 2021.

Ongoing Challenges and Concerns

Saudi Arabia was placed on the Priority Watch List in 2019 for failing to take action against the rampant satellite and online piracy made available by illicit pirate service beoutQ, continued lack of effective protection of intellectual property (IP) for pharmaceutical products, and long-standing concerns regarding enforcement against counterfeit and pirated goods within the country. BeoutQ ceased operations in August 2019. The Saudi Authority for Intellectual Property (SAIP) continued to take steps to improve IP protection, enforcement, and awareness throughout Saudi Arabia in 2020. However, concerns remain over actions by the Saudi Arabia Food and Drug Authority (SFDA), which the Minister of Health oversees, that are contrary to Saudi Arabia’s public statements in paragraph 261 of the Report of the Working Party on the Accession of the Kingdom of Saudi Arabia to the World Trade Organization. Starting in 2016, SFDA has been granting marketing approval to domestic companies for subsequent versions of registered products, without requiring the submission of data that meets the same requirements applied to the initial applicant, despite the period of protection provided to the initial applicant by Saudi regulations. SFDA’s continued actions and the lack of redress for affected companies have intensified concerns. Furthermore, the National Unified Procurement Company for Medical Supplies, also overseen by the Minister of Health, reportedly awarded national tenders to some of these domestic companies for the affected products.

#### Wavering Saudi IPR sends investors scrambling and guts US-Saudi coop. Recent missteps in pharma IPR prove it’s uniquely key to perception.

Stevens 17 [Philip Stevens “Saudi missteps on intellectual property will hold back its economy” Published: The Hill, September 17, 2017] [https://thehill.com/opinion/international/351074-saudis-missteps-on-intellectual-property-will-hold-back-its-economy] [Stevens: Director of Geneva Network, a UK-based research organization focusing on trade and innovation issues.] || SM

Saudi Arabian policymakers know that increasing knowledge-based sectors is the key to sustainable growth as their economy transitions away from oil.

“You cannot be depending on oil in a world where the knowledge economy is the driver of economic development — manufacturing is 20th century,” Fahd Al-Rasheed, CEO of King Abdullah Economic City, said in June.

Vision 2030, the plan to diversify the Saudi economy, also sees a big role for knowledge-based industries.

This makes sense. In the U.S., knowledge-intensive goods and services from sectors including biotech, chemicals, entertainment and information technology now make up over half of all U.S. exports, reversing the situation of only 40 years ago when manufacturing dominated. Advanced Asian economies — Japan, the Republic of Korea,

Advanced Asian economies — Japan, the Republic of Korea, Singapore and Taiwan — have also taken this path, moving over recent decades from agriculture to manufacturing to knowledge-based economies.

Few countries have developed thriving knowledge-based industries purely from domestic resources. Scientific knowledge, technological know-how and the required research and development capital are dispersed globally.

Gone are the days when one R&D company, for example, the industrial behemoth General Electric or the biopharmaceutical major Merck, created products in-house from start to finish.

Today, innovation is a result of collaboration between multinational companies, small companies, start-ups, academia and the public sector at all stages of the R&D cycle, often across borders.

Saudi Arabia’s challenge is to become a meaningful participant in this new world of networked innovation. It must attract innovative companies to its shores, bringing with them the capital, skills and technological know-how the Kingdom may be missing.

The potential prize is enormous: China now captures more Foreign Direct Investment in R&D than the U.S. the pharmaceuticals sector leads the way with investments, totaling $1.6bn between 2010 and 2015, according to FDI Markets.

The Kingdom has some advantages that could direct it down the R&D path. It has a young population, a growing base of science graduates and relatively high investment in health care, internet and other forms of infrastructure.

Tax incentives, and investment in education and information technology will only go so far, though. Above all, foreign investors need certainty over their intellectual property rights, including clearly defined and easily enforceable patent rights.

If this protection is strong, companies will be more likely to invest in local R&D facilities, or enter into partnerships with local companies. New products will be launched early into Saudi Arabia, as innovators will have no fear of their valuable IP rights being compromised.

Saudi Arabia has the intellectual property basics in place, in line with its World Trade Organization commitments. In fact, the U.S. Chamber of Commerce’s 2017 International IP index noted Saudi Arabia has a “strong patenting environment.”

Yet, recent developments risk derailing this progress. Just months after granting a patent for a new medicine to a company based in the United States, the Saudi Food and Drug Administration (SFDA) reneged on the deal.

The Saudi patent for Hepatitis drug Daclatasvir was granted by the Patent Office of the Gulf Cooperation council (which encompasses Saudi Arabia) to BMS in Dec 2016. Nevertheless, the SFDA granted marketing approval to a generic version manufactured Saudi company in May 2017, despite the BMS patent still being in force. Granting marketing approval to generic copies of the product in this way is arguably a breach of patent rights.

Likewise, the SDFA has also rececoontly allowed local companies to manufacture generic versions of another medicine developed by another U.S. biotech company — potentially contrary to World Trade Organization rules surrounding the protection of clinical test data, itself an important intellectual property right.

Saudi IP law allows for 5-year period in which generic companies may not use the clinical trial data submitted to regulatory authorities by originator drug manufacturers to gain marketing approval ("data exclusivity"). Gilead Sciences was granted marketing approval by the SFDA in 2014 for its product Sofosbuvir. The SFDA has subsequently granted marketing approval for generic versions of this product made by a Saudi and Egyptian company — within the 5-year data exclusivity window. This could be a breach of Saudi data exclusivity regulations.

Taken together, such actions send a hostile message to foreign investors that their valuable IP rights are not safe in Saudi Arabia. Such hostility will undermine Saudi’s economic ambition by scaring off valuable investment and skills.

They also act as an irritant to U.S.-Saudi relations, with the Trump administration indicating a higher prioritization of IP enforcement amongst its trading partners.

#### US Saudi Coop key to prevent nuclear proliferation

Emily B. Landau and Shimon Stein 18 [Landau is senior research associate at the Institute for National Security Studies, where she is also director of the Arms Control and Regional Security Project. Stein was Israel's ambassador to Germany from 2001 to 2007. Previously, he participated in the Arms Control and Regional Security working group, as well as negotiations of the Comprehensive Nuclear Test Ban Treaty, and served as head of the Regional Security, Arms Control, and Nonproliferation Department at the Israel Ministry of Foreign Affairs.], 12-4-2018, "Can the United States Prevent Saudi Arabia from Getting Nuclear Weapons?," National Interest, <https://nationalinterest.org/feature/can-united-states-prevent-saudi-arabia-getting-nuclear-weapons-37812> {OS}

The United States has always been very concerned about the proliferation risks involved in nuclear cooperation, and in 2008 it was able to achieve a memorandum of understanding with Saudi Arabia on nuclear energy cooperation whereby the latter pledged to acquire nuclear fuel from international markets, rather than producing it indigenously. But ten years later, it seems that Saudi Arabia no longer views itself as bound by that understanding. The current challenge for the United States is how to insist on what is known as a 123 agreement with Saudi Arabia, meaning that the agreement explicitly denies Saudi Arabia the right to work on sensitive nuclear technologies (enrichment capabilities and plutonium reprocessing), without driving it into the hands of other nuclear suppliers, such as Russia, China and South Korea, that may be less worried about ensuring these restrictions.¶ There are concerns that the Trump administration might be willing to concede to Saudi Arabia sensitive capabilities, and the fact that it is not willing to divulge information regarding the status of the negotiations does not bode well in this regard. The administration is keenly aware of the link to Iran’s nuclear posture, and that the Joint Comprehensive Plan of Action (JCPOA) set a very negative precedent for nuclear cooperation with other states when it legitimized Iran’s enrichment capabilities. While Iran must cap its stockpile of enriched uranium for the duration of the deal, it is allowed—under the explicit terms of the deal—to work on R&D into an entire range of advanced centrifuges. Iran has plans to install and operate these centrifuges eleven years into the deal. There is a real question of how these capabilities can be denied to states like Saudi Arabia who are in good standing with the NPT, whereas Iran—who blatantly violated the nonproliferation treaty—was granted the right to continue with these dangerous enrichment-related activities.

#### Saudi prolif draws in India and Pakistan – goes nuclear

Edelman 11—Fellow at the Center for Strategic and Budgetary Assessments. Former Undersecretary for Defense—AND—Andrew Krepinevich—President of the Center for Strategic and Budgetary Assessments—AND—Evan Montgomery—Research Fellow at the Center for Strategic and Budgetary Assessments (Eric, The dangers of a nuclear Iran, FA 90;1, http://www.csbaonline.org/wp-content/uploads/2010/12/2010.12.27-The-Dangers-of-a-Nuclear-Iran.pdf)

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being **how India would respond**. Would it **target Pakistan**’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence **stability** during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be **highly destabilizing**. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons **weakens the nonprolif**eration **regime**, even if its particular method of acquisition only circumvents, rather than violates, the npt. Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to **miscalc**ulation and **escalation** than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other.Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, **the bedrock of deterrence** is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, **emerging nuclear powers might not invest in** expensive but **survivable capabilities** such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering **a regional nuclear war.** Most existing nuclear powers have taken steps to protect their nuclear weapons from unauthorized use: from closely screening key personnel to developing technical safety measures, such as permissive action links, which require special codes before the weapons can be armed. Yet there is no guarantee that emerging nuclear powers would be willing or able to implement these measures, creating a significant risk that their governments might lose control over the weapons or nuclear material and that nonstate actors could gain access to these items. Some states might seek to mitigate threats to their nuclear arsenals; for instance, they might hide their weapons. In that case, however, a single intelligence compromise could leave their weapons vulnerable to attack or theft.

### 1NC – Midterms DA

#### Dems win now – but the margins are razor thin – Texas abortion ban is going to rally dems to the polls – answers all thumpers

Behrmann & Bailey 9-9 [Savannah Behrmann, Congressional Reporter at USA TODAY. Previously, she was a News Associate at CNN. Savannah hails originally from Utah, and attended George Mason University., Phillip M. Bailey, National political correspondent, 9-9-2021, “Texas abortion law could hurt Republicans in 2022 midterm elections, experts say” USA Today, Accessed 9-11-2021, <https://www.usatoday.com/story/news/politics/2021/09/09/texas-abortion-law-may-hurt-republicans-2022-midterms-experts-say/570180001/> ww

WASHINGTON – As the United States pulled out of Afghanistan and chaos ensued, Republican lawmakers were swift to condemn President Joe Biden's handling of the withdrawal.¶ The violence that erupted in Kabul gave GOP officials an opening to attack the Democratic president, whose approach to the withdrawal was later met with disapproval in national polls. It quickly became political campaign fodder for Republicans who need a net gain of only five seats in the House and one in the Senate to recapture total control of Congress in next year's midterm elections.¶ Weeks later, conservatives were handed a victory when the Supreme Court sided with Texas Republicans in not blocking the most restrictive abortion law in the nation – in one of the United States' largest red states. But, unlike Afghanistan, it was met with a dim response from high-profile conservatives, most of whom didn't publicly celebrate the law that experts said could spell trouble for congressional Republicans when voters head to the polls next year.¶ 'Day of reckoning': GOP unified in blaming Biden for Afghanistan bombing, divided on refugees and next steps¶ Political strategists and academics pointed to a shifting narrative for people in the "middle" on abortion, and some suggested the new law may tilt too far to the right for even some in the Republican base. ¶ "Republicans have been bleeding support among suburban women throughout the Trump era," Republican pollster Whit Ayers told USA TODAY. "(Texas) makes that problem worse, not better."¶ A divided Supreme Court last week denied an effort by abortion rights groups to halt the new Texas law that bans people from having the procedure after six weeks of pregnancy. ¶ The Texas law, known as SB 8, and signed by Republican Gov. Greg Abbott in May, bans abortions when a fetal heartbeat is detected, usually at about six weeks. The law doesn't include traditional exceptions for abortion such as for rape or incest but allows women to have the procedure for "medical emergencies." ¶ 'Near-total ban': Texas doctors, women assess nation's strictest abortion law¶ The GOP base is largely religious and mostly anti-abortion. Around eight-in-ten Republican registered voters are Christian, and 63% of Republicans and those who lean toward the GOP say abortion should be illegal in all or most cases, according to Pew Research.¶ Brian Conley, professor of political science and director of the political science graduate program at Suffolk University, said that, especially following the Texas ruling and possibly others to come, the law may benefit the left because it may mobilize single-issue pro-choice voters. ¶ "It's galvanizing and solidifying as a single issue for a lot of folks because it appears as though we're on the precipice, if you will, of some type of meaningful change, some type of significant change in abortion rights in United States." ¶ Conley noted Afghanistan could have "really been a very big win for [Republicans] but then all of a sudden there's this other issue which, if you will, will probably displace discussions about Afghanistan."¶ New law may be too extreme¶ Although abortion remains one of the thornier issues in the country, surveys have shown a consistent consensus among most Americans who favor certain restrictions but oppose throwing out Roe v. Wade as a whole.¶ Asked whether the Supreme Court should “overturn” abortion or “let it stand” a month before the 2020 president contest, 62% of likely voters in a Fox News poll said the high court should let it remain.¶ Charles Bullock, a University of Georgia political science professor, said similar surveys showed the same thing.¶ A Quinnipiac University poll released during that time period found 66% of likely voters said they agreed with the 1973 decision establishing a woman’s right to terminate a pregnancy. And a Kaiser Family Foundation poll published in October 2020 showed 69% of Americans disagree with overturning Roe, including 76% of independents. ¶ Bullock said given the slim majorities controlling Congress, Republicans are pausing to calculate how the electorate will respond.¶ “Because while it may play very well in Texas, or at least in some legislative districts in Texas, (SB 8) may be a net loser nationwide,” he said.¶ If allowed to remain in force, the Texas law would be the most dramatic restriction on abortion rights in the U.S. since Roe v. Wade. Citing Roe, federal courts have shot down similar bans in other conservative states for years.¶ Pro-choice activists supporting legal access to abortion protest during a demonstration outside the US Supreme Court in Washington, D.C., in 2020.¶ But what makes the Texas law more controversial, and has rankled women's reproductive health advocates and providers – and may be difficult for Republicans to navigate in more moderate electorates – is a provision in the measure that deputizes individual citizens as the chief enforcer of the new anti-abortion rules.¶ Under that provision, private citizens can sue abortion providers and anyone involved in "aiding and abetting" abortions, including someone driving a person to an abortion clinic. A successful plaintiff could be entitled to at least $10,000 in damages, according to the law. ¶ Shana Kushner Gadarian, chair of political science at Syracuse University's Maxwell School of Citizenship and Public Affairs, said within the Republican Party the average voter is not necessarily supportive of these types of bills, "even though they're more supportive of restricting access, or moving the timeline of when women can access abortion back."¶ "This kind of very extreme ban is not super popular," she said.¶ Imani Gandy, senior editor of law and policy at Rewire.News, said it's hard to imagine the legal ramifications if the Supreme Court or lower federal bench doesn't move against that piece of the law.¶ "It really does create this sort of mercenary society where we're a nation of people who are snitching and surveilling each other," she said.¶ Some GOP pollsters say giving other citizens the right to pursue enforcement could spark privacy concerns among parts of the base that have resisted COVID-19 regulations.¶ "The enforcement mechanism is truly a bizarre and probably unconstitutional," Ayers said. "The libertarian wing of the party will be appalled by the enforcement mechanism in SB 8."¶ All the while, abortion is top-of-mind for voters. ¶ Gallup reported 47% of those polled in May, months before the Supreme Court's decision, said the issue of abortion will be one of the most important factors in voting for a candidate of a major office. Simultaneously, 24% say they will vote only for candidates who share their views on abortion. That number is significantly higher than in other years. ¶ Republicans largely silent ¶ Major Republicans and conservative organizations haven't been proactive in voicing support for the bill since it went into effect, or have shunned whether they back the law. ¶ The National Republican Senatorial Committee, the campaign arm for Senate Republicans, did not post about the new Texas law on Twitter in the days following, but posted more than 20 times on Afghanistan. The organization did not post a public statement.¶ The Republican Governor's Association has not made any statement either in the past week, but it has retweeted Abbott's messages about immigration, election security and business and infrastructure investments. ¶ Similarly, the National Republican Congressional Committee, which raises money for House Republicans, did not post about the Texas law on social media, and no public statement was found. ¶ USA TODAY reached out to the Republican party's campaign arms for comment or direction to public statements and was told none were available. ¶ Texas' Republican Sens. John Cornyn and Ted Cruz, have been mostly silent on social media regarding the law, and posted no public statements. ¶ Sen. John Cornyn R-TX speaks about border security during a press conference with Sen. Ted Cruz R-TX at the Anzalduas International Bridge in Mission, Tx on Thursday, Jan. 10, 2019. The senators accompanied president President Donald Trump on his trip to the southern border earlier in the day. (Via OlyDrop)¶ Cornyn retweeted a few posts analyzing the bill and USA TODAY was told from his office they didn't have more at the moment to add. Cruz's office did not point USA TODAY to any public statement.¶ A spokesman for Senate Minority Leader Mitch McConnell, R-Ky., told USA TODAY their office would forward any statements on the law if the GOP leader made any. But McConnell did offer a brief and reserved reaction about the law when speaking at an event in Kentucky last week.¶ “I think it was a highly technical decision,” he told reporters. “Whether it leads to a broader ruling on Roe vs. Wade is unclear at this point.”¶ House Minority Leader Kevin McCarthy, R-Calif., hadn't posted a public statement, either. The official GOP Twitter account also had not mentioned the abortion bill.¶ Sen. Bill Cassidy, R-La., said on ABC News he believes the Supreme Court will ultimately overturn the Texas law, despite its refusal to last week. ¶ "I think the Supreme Court will swat it away once it comes to them in an appropriate manner. If it is as terrible as people say it is, it will be destroyed by the Supreme Court," Cassidy said.¶ As for Democrats, they've attacked the bill with vengeance. ¶ "The Supreme Court’s cowardly, dark-of-night decision to uphold a flagrantly unconstitutional assault on women’s rights and health is staggering," said House Speaker Nancy Pelosi, D-Calif., in a statement. “SB8 delivers catastrophe to women in Texas, particularly women of color and women from low-income communities."¶ Pelosi said the House will vote later this month on a bill that would protect the right to abortion across the country by codifying Roe v. Wade.¶ Congress:Pelosi says House will vote on abortion access bill in response to Supreme Court decision on Texas law¶ The bill brings abortion into high-profile races¶ The Texas law will likely play a role in next year's battle for the Senate where there is currently a 50-50 party breakdown.¶ In the battleground state of Pennsylvania, for instance, candidates from both sides are rushing to succeed retiring Republican Sen. Pat Toomey.¶ Democratic candidate Val Arkoosh pounced on the Texas abortion law, tweeting: "Say it with me: End the filibuster. Codify Roe v. Wade. The Senate should come back and do it — now."¶ The five-person Pennsylvania GOP field, however, has been mostly quiet.¶ None of the Republican contenders responded to USA TODAY's request for comment except for Craig Snyder, a former chief of staff for the late former Sen. Arlen Specter who is running as an anti-Trump candidate.¶ Snyder, who said he supports the unborn and "autonomy" of women, said the law is "clearly unconstitutional" based on Supreme Court precedent. He said it represents a sharp departure from what most general election voters think about abortion.¶ "I think it's another victory for extremism over the views of what I think is the American majority," Snyder said.¶ In other states, Republican candidates have avoided touting Texas' law specifically while still framing the abortion fight as a weakness for Democrats.¶ One of the high-profile races in 2021 will be Virginia's gubernatorial contest between Republican Glenn Youngkin and Democrat Terry McAuliffe.¶ The Youngkin campaign fired off a press release Tuesday afternoon chastising McAuliffe for his past comments on abortion, but it made no mention of the Texas law.¶ Youngkin dodged a CNN reporter when asked three times on Tuesday if a similar 6-week ban such as the one in Texas should be made law in Virginia, only saying that he's "pro-life."¶ Youngkin campaign spokeswoman Macaulay Porter said from the start of the race he's been an anti-abortion candidate, who "believes in exceptions in the case of rape, incest and when the mother’s life is in jeopardy."¶ "Terry McAuliffe is trying to divide us and distract from his own extreme, pro-abortion position," she said in a statement. "The Texas law is not something that is here in Virginia. What is in Virginia is Terry McAuliffe’s extreme agenda, which advocates for abortion, all the way up through and including birth.”¶ The McAuliffe campaign has gone on the offensive with a series of attack ads to remind Virginians about Youngkin's anti-abortion stances. It also revived a video released by a liberal activist in July showing Youngkin telling a voter he is keeping quiet about his anti-abortion views.¶ McAuliffe said if elected to another term he will "enshrine" abortion rights into the state constitution, and fight for new protections. He also expressed confidence that left-leaning and independent voters will come out big this November as a warning shot to Republicans in 2022 about how they have overstepped.¶ "The future of this country is going to be a battle to protect and preserve woman's rights to make their own decisions about their own body," McAuliffe said.¶ Supreme Court back in the spotlight?¶ Democrats see the Texas law as a way to remind voters of the importance of the Supreme Court — and how Senate control plays into that longer game.¶ Historically, the party not in control of the White House has success in midterms, which could have a direct impact on the court because the Senate is tasked with confirming nominees. With three Donald Trump nominees on the bench, conservatives now hold a comfortable 6-3 majority. ¶ Jazmin Vargas, the national press secretary for the Democratic Senatorial Campaign Committee, said Democrats plan on highlighting the abortion ruling over the Texas law and the Supreme Court's power in the midterm elections.¶ “The freedom for women to make our own health care decisions is on the ballot in 2022 and in key Senate battleground states. Democrats will be holding Republican Senate candidates accountable for their anti-choice record and we will be reminding voters of the stakes in next year’s election – and why we must defend a Democratic Senate majority with the power to confirm or reject Supreme Court justices," she said in a statement to USA TODAY.¶ This Friday, Sept. 3, 2021, photo shows the Supreme Court in Washington. The Supreme Court's decision this past week not to interfere with the state's strict abortion law, provoked outrage from liberals and cheers from many conservatives. President Joe Biden assailed it. But the decision also astonished many that Texas could essentially outmaneuver Supreme Court precedent on women's constitutional right to abortion. (AP Photo/J. Scott Applewhite) ORG XMIT: DCSA117¶ The House Democrats' campaign arm also came out swinging on the new law. ¶ “We’re going to make clear to the American people that this type of draconian law – that targets people seeking reproductive care and places bounties on the heads of those who help them – risks becoming the norm under a Republican majority, and Democrats won’t allow that to happen," said Democratic Congressional Campaign Committee spokesperson Nebeyatt Betre.¶ But CNN political commentator Scott Jennings, a longtime Republican adviser, said Democrats and others should pump their brakes before thinking the lack of a GOP rally in the days after the Texas law took effect represents a tectonic shift in a nearly half-century old debate.¶ "Are there any voters out there who don't know that the Republican Party is the pro-life party and the Democratic Party is the abortion party? It's been a clear contour of our elections for a long time," he said.¶ Jennings said outside of Texas each conservative candidate at the Senate and gubernatorial level is making their own decision on how to handle the issue, but that the GOP isn't going to abandon its anti-abortion base. ¶ "There's an assumption by Democrats that they're going to be able to make an entire election about abortion, when you got runaway inflation, Afghanistan debacle and COVID is now re-surging," he said. ¶ Anti-abortion activists aren't fretting about Republican reticence thus far, saying that Texas legislators have inspired leaders in other Republican-controlled state legislatures to say they are looking to mimic the law.¶ "We are in the early days, so time will tell," said Kristan Hawkins, president of Students for Life of America. ¶ She said social conservative activists are inspired by the "innovative ways to protect life" that Texas Republicans used to enforce the 6-week ban and there is a growing expectation that politicians will follow through. ¶ "Empowering private citizens was a response to a legal and political class failing to do their jobs and enforce the law," Hawkins said.¶ The Supreme Court's work on abortion isn't over. The court is expected to hear a blockbuster challenge to Mississippi's ban on most abortions after 15 weeks of pregnancy.¶ That dispute, which could be argued at the court later this year and decided next summer right before the elections, is expected to address central questions about the constitutionality of abortion and restrictions on it imposed by states.¶ Ayers, the GOP pollster, said abortion will remain an "unresolvable moral issue" but added that Democratic and Republican campaigns are measuring how much Texas has tipped the political scales, even if by inches.¶ "Americans as a whole view abortion as a moral dilemma that I believe will never be fully resolved to the satisfaction of people on either extreme of the debate," he said.

#### The aff is massively unpopular – majority of voters oppose the aff – regardless of political affiliation

Schulte 5-4 [Gabriela Schulte, 5-4-2021, “Poll: Majority oppose proposal to temporarily waive intellectual property rights on COVID-19 vaccines” The Hill, Accessed 8-11-2021, <https://thehill.com/hilltv/what-americas-thinking/551797-poll-majority-oppose-proposal-to-temporarily-waive-intellectual> ww

A majority of voters oppose the proposal to temporarily waive intellectual property rights on COVID-19 vaccines, a new Hill-HarrisX poll finds.¶ The survey comes as the Biden administration faces mounting pressure to support a proposal led by India and South Africa that would waive an international intellectual property agreement that protects pharmaceutical trade secrets.¶ Backers of the move argue it would enable lower-income countries to manufacture the vaccines themselves while those opposed say it could make the vaccine less safe and damper production in existing locations.¶ Fifty-seven percent of registered voters in the May 3-4 survey said they oppose the proposal to waive intellectual property rights on COVID-19 vaccines. By contrast, 43 percent of respondents said they support the proposal. ¶ Sixty-four percent of Republican voters along with 52 percent of both Democratic and independent voters said they oppose waiving the intellectual property rights of vaccines.¶ "This is a complex issue with a remarkably sophisticated understanding by the public. The tension is as follows: On one hand you have the need to protect the intellectual property rights of the scientists and companies that brought about the fastest vaccine in history, and will likely need to produce new versions of the shot even faster to battle evolving strains," Dritan Nesho, chief researcher and CEO of HarrisX, told Hill.TV.¶ "On the other hand there’s the need to save lives, reaching global heard immunity and providing access to the vaccine as broadly and equitably as as possible," Nesho continued.¶ "Today a majority of 57 percent of U.S. voters would like to protect the intellectual property of vaccine makers, but as more and more people are vaccinated in advanced economies, voter pressure for broader and more equitable distribution will rise," Nesho added. "Already we see Democrats and independents here split on the issue of whether or not to waive IP rights to provide greater access to the vaccines."¶ President Biden is expected to weigh in on the proposal at a World Trade Organization meeting on Wednesday.¶ The most recent Hill-HarrisX poll was conducted online among 939 registered voters. It has a margin of error of 3.2 percentage points.

#### Midterm success k2 long term climate initiatives

Piotrowski et al 20 [Matt Piotrowski and Emma McMahon and Joshua McBee and Kyle Saukas, 12-14-2020, “Biden’s Climate Path Through the 2022 Midterms” Climate Advisers, <https://climateadvisers.org/blogs/bidens-climate-path-up-to-the-2022-midterms/> ww

\*Figures omitted\*

Joe Biden ran on a climate change agenda and has laid out his plans for early action, but what might the ‘medium-term’ for climate action and the 2022 midterms look like?¶ Beyond 2021¶ Although the configuration of the current Senate is not yet decided, political operatives are already looking forward to the 2022 mid-term election. If Democrats do not win both special elections in Georgia in January 2021, they will not have the majority in the Senate, which, as noted in earlier blogs, will greatly hamper the Democrats’ legislative agenda and make wide-ranging climate legislation a virtual impossibility.¶ However, they could capture the majority in 2022. U.S. Senators serve six-year terms, meaning that the same seats are up for re-election on a rotating six-year schedule. The seats up for re-election in 2022 pose better opportunities for Democratic gains than did the elections in 2018 or 2020, with three vulnerable Republican seats (see Figure 1 below).¶ It is too soon to tell what will happen in the mid-term elections, but the most recent data show Republicans are well-positioned to take back the House. Still, some Democrats are confident they can hold onto the House. If Democrats win majorities in both houses of Congress in 2022, then the second half of the Biden administration’s term could, unusually, be more productive than his first. This would give him greater opportunity to pass comprehensive climate legislation, which could include a carbon tax, major investments in green technology and infrastructure, and regulation of the energy sector. If Republicans maintain their lead in the Senate, with or without a majority in the House, it is unlikely that any of these would pass during Biden’s presidency.¶ With Congress shifting its focus to the mid-term elections in 2022, the Biden administration will still take advantage of its ability to advance climate initiatives in the executive branch. Increasing the use of clean fuels through government procurement, particularly in the military, is one major goal. The U.S. government spends approximately $500 billion per year on procurement, providing a large opportunity to develop a zero-emission transportation fleet. There will also be opportunities in rewriting agency rules and regulations (President Trump rolled back more than 100 environmental rules), increasing research and development in programs such as the Department of Energy’s Advanced Research Projects Agency-Energy, and prioritizing the climate issue in diplomacy.¶ At the state and local level, Republicans performed better than expected in this year’s election, gaining seats in state legislatures, giving them the advantage in the redistricting process next year. Whichever party has the ability to redraw districts, which is done every 10 years, has the power to increase the number of districts in their favor. This dynamic may help Republicans retake the U.S. House of Representatives and hold onto the majority for some time as they did from 2010-18. In the map below, the Republicans hold both the legislatures and the governorships of the states in red.¶ These state-level legislatures and governorships could set the political map for a decade to come in Republicans’ favor. This could lead to more state-level opposition to President Biden’s executive actions. The recently failed attempt by Texas’ Attorney General to sue swing states whose electoral votes secured Biden’s victory that was supported by the Attorney Generals of 17 other states is an early-warning sign of state vs. federal animosity. Additionally, these state wins for Republicans could influence voting laws to favor Republicans to be elected at the Federal level, further frustrating Biden and future Democrats’ efforts to pursue ambitious climate legislation.

#### Extinction.

Kareiva 18 [Peter,Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al., September 2018, “Existential risk due to ecosystem collapse: Nature strikes back,” Futures, Vol. 102, p. 39-50

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (climate change, global freshwater cycle, and ocean acidification) do pose existential risks. This is because of intrinsic positive feedback loops, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all directly connected to the provision of food and water, and shortages of food and water can create conflict and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. Ample clean water is not a luxury—it is essential for human survival. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes. Humans are remarkably ingenious, and have adapted to crises throughout their history. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). However, the many stories of human ingenuity successfully addressing existential risks such as global famine or extreme air pollution represent environmental challenges that are largely linear, have immediate consequences, and operate without positive feedbacks. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, the Earth’s climate system is rife with positive feedback loops. In particular, as CO2 increases and the climate warms, that very warming can cause more CO2 release which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that forest fires will become more frequent and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This catastrophic fire embodies the sorts of positive feedbacks and interacting factors that could catch humanity off-guard and produce a true apocalyptic event. Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that runaway climate change, and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks portends even greater existential risks. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

### 1NC – CP

#### Text: The Member nations of the World Trade Organization should incentivize COVID-19 Vaccine manufactures to enter voluntary license agreements.

#### The counterplan solves – Waiving IP proper would not solve due to generic manufactures not having the know how to create the vaccine – voluntary licenses bypass this.

Silverman 3-15 [Rachel Silverman, Policy fellow at the Center for Global Development, 3-15-2021,“Waiving vaccine patents won’t help inoculate poorer nations” The Washington Post, Accessed 8-15-2021, <https://www.washingtonpost.com/outlook/2021/03/15/vaccine-coronavirus-patents-waive-global-equity/> ww

The coronavirus vaccine rollout in the United States is quickly ramping up: The Biden administration now promises enough supply for every American adult by the end of May. Yet as we look forward to family reunions, summer barbecues and rescheduled weddings, the world’s poorest countries still face a dire situation. Only in recent weeks did such nations as Ghana, Cambodia and Nigeria welcome their first vaccine shipments — and only enough to cover about 2 percent of their populations. One grim projection suggests that most poor countries will have to wait years — until at least 2023 — to achieve mass vaccination.¶ According to some activists, the solution to this inequity is relatively simple: By suspending protections on covid-19 vaccine patents, the international community “could help break Big Pharma monopolies and increase supplies so there are enough doses for everyone, everywhere,” claims the People’s Vaccine Alliance. Indeed, 58 low- and middle-income countries have mobilized in support of a proposed World Trade Organization waiver that would temporarily exempt coronavirus-related intellectual property from normal international rules and protections. And while the effort to waive IP protections has been a global health hot topic for months, it gained a high-profile endorsement in the United States recently from Sen. Bernie Sanders (I-Vt.). In a March 10 video statement, Sanders called upon President Biden to support the IP suspension while slamming “huge, multibillion-dollar pharmaceutical companies [that] continue to prioritize profits by protecting their monopolies.”¶ The logic of the argument seems clear and intuitive — at first. Without patents, which serve narrow commercial interests, companies all over the world could freely produce the vaccine. Sure, Big Pharma would lose money — but this is a pandemic, and human life comes before private profit, especially when vaccines receive substantial public financing to support research and development. As with HIV drugs in years past, widespread generic production would dramatically increase supply and drive down prices to levels affordable even in the developing world.¶ Reality is more complicated, however. Because of the technical complexity of manufacturing coronavirus vaccines, waiving intellectual-property rights, by itself, would have little effect. It could even backfire, with companies using the move as an excuse to disengage from global access efforts. There are more effective ways to entice — and to pressure — companies to license and share their intellectual property and the associated know-how, without broadly nullifying patents.¶ The Moderna vaccine illustrates the limits of freeing up intellectual property. Moderna announced in October that it would not enforce IP rights on its coronavirus vaccine — and yet it has taken no steps to share information about the vaccine’s design or manufacture, citing commercial interests in the underlying technology. Five months later, production of the Moderna vaccine remains entirely under the company’s direct control within its owned and contracted facilities. Notably, Moderna is also the only manufacturer of a U.S.- or British-approved vaccine not yet participating in Covax, a global-aid-funded effort (including a pledged $4 billion from the United States) to purchase vaccines for use in low- and middle-income countries.¶ It is true, however, that activist pressure — including threats to infringe upon IP rights — can encourage originators to enter into voluntary licensing arrangements. So the global movement to liberate the vaccine patents may be useful, even if some advocates make exaggerated claims about the effects of waivers on their own.¶ We focused on covid. Now our other patients are suffering.¶ One reason patent waivers are unlikely to help much in this case is that vaccines are harder to make than ordinary drugs. Because most drugs are simple chemical compounds, and because the composition of the compounds is easily analyzable, competent chemists can usually reverse-engineer a production process with relative ease. When a drug patent expires, therefore — or is waived — generic companies can readily enter the market and produce competitive products, lowering prices dramatically.¶ Vaccines, in contrast, are complex biological products. Observing their contents is insufficient to allow for imitation. Instead, to produce the vaccine, manufacturers need access to the developer’s “soft” IP — the proprietary recipe, cell lines, manufacturing processes and so forth. While some of this information is confidentially submitted to regulators and might theoretically be released in an extraordinary situation (though not without legal challenge), manufacturers are at an enormous disadvantage without the originator’s cooperation to help them set up their process and kick-start production. Even with the nonconsensual release of the soft IP held by the regulator, the process of trial and error would cause long delays in a best-case scenario. Most likely, the effort would end in expensive failure. Manufacturers also need certain raw ingredients and other materials, like glass vials and filtration equipment; overwhelming demand, paired with disruptive export restrictions, has constricted the global availability of some of these items.¶ There are better options than broadly waiving IP rules — notably, encouraging (and pressuring) vaccine manufacturers to cooperate and share knowledge with partners across the globe. Voluntary licensing is one route: It’s a common arrangement in which developers enter into binding contractual agreements with generic producers. Generic manufacturers get permission, know-how and assistance from the patent-holder to produce the vaccine for sales in specified markets; in exchange, the patent-holder can ensure quality of the generic product and may receive royalties on its sales, usually representing less than 10 percent of sales value.¶ These royalties may be lower than the profit margin on direct sales; for example, Pfizer expects a 25 to 30 percent profit on its vaccine sales, or roughly $5 for every $19.50 dose. (The U.S. government has agreed to buy 300 million doses at that price.) But voluntary licensing deals offer a new revenue stream that would otherwise be captured by competitors — not to mention good publicity. Already, voluntary licensing deals from AstraZeneca and Novavax are facilitating large-scale production in India, Japan and South Korea; many of the resulting vaccines are destined for lower-income countries through Covax.¶ The best route to vaccine equity involves creating the conditions to facilitate more of these voluntary deals.¶ How can governments and activists help push things in the right direction? By lifting the export curbs on materials such as filters and bioreactor bags intended to protect domestic supply, countries can help lubricate supply chains, creating a better environment for cross-national collaboration. Governments and development-finance institutions can invest to build up the capabilities of potential vaccine manufacturing plants, making it easier for originators to say yes. Domestically, the Biden administration did something like this when it invested $269 million under the Defense Production Act to prepare Merck’s manufacturing facilities to produce the Johnson & Johnson vaccine — a crucial plank of the joint production deal announced this month. Similar efforts are underway abroad. On March 12, for example, the “Quad” — the United States, India, Japan and Australia — announced a joint pledge to produce and disseminate 1 billion vaccine doses; as part of this effort, the Biden administration announced that it would help finance an Indian generic manufacturer to make coronavirus vaccines, including the Johnson & Johnson product. The contractual language of licensing deals can explicitly protect IP from broader dissemination, helping originators feel more comfortable sharing commercially valuable information.¶ In praise of vaccine selfies¶ Sticks as well as carrots can facilitate partnerships. Under existing World Trade Organization rules, countries already have the right to issue “compulsory licenses” in certain cases pertaining to public health, allowing them to produce or import generic health products without permission from the patent-holder. Advocates correctly point out that countries face potential retaliation from industry and wealthy governments when they try to use these tools — a strong disincentive. (In 2006-2007, Thailand’s use of compulsory licenses to access more affordable AIDS drugs led the United States to revoke preferential trade status for some Thai exports.) This should change. The Biden administration and other global leaders should make clear that they will support legitimate compulsory licensees of coronavirus vaccines in cases where a valid voluntary license request has been rejected or ignored.¶ But compulsory licensing is vastly inferior to voluntary deals in the case of vaccines, because with the former the generic producer would still need to figure out how to make the vaccines without the originator’s assistance — again, an extraordinarily difficult task. It is useful mainly as a threat held in reserve, paired with the “carrots” of subsidies to local plants and so on. Firms may choose to play ball on voluntary licensing deals rather than face a mess of legal challenges and bad publicity. This month, for example, Canadian biotech firm Biolyse Pharma publicly requested a voluntary license to manufacture the Johnson & Johnson vaccine for global distribution. If Johnson & Johnson is unwilling, Biolyse made clear in its announcement, the company will appeal to the Canadian government for a compulsory license. The ball is now in Johnson & Johnson’s court — but this seems like the type of offer it should choose to accept, both for the global good and its self-interest.¶ Scaling up vaccine production is an imperative for equitable global access and an end to the pandemic. But it is smart incentives for sharing knowledge, not the wholesale elimination of intellectual-property rights, that will get us to the finish line.

# Case

### 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

## COVID

### CT – Developing Countries, Innovation, TRIPS Flex

#### Covid waivers don’t solve – Developing countries won’t be able to get access, TRIPs already has flexibility and the waiver would harm innovation

Bonadio & Chandler 2-24[Enrico Bonadio, Reader in intellectual property law, at university of London city law school., Dhanay M. Cadillo Chandler, a Post-Doctoral Researcher at the Faculty of Law- University of Turku. She was recently appointed Visiting Professor at LUISS University, School of Law, Rome-Italy (Fall 2020), 2-24-2021, “Intellectual property and COVID-19 medicines: why a WTO waiver may not be enough” The Conversation, Accessed 7-29-2021, <https://theconversation.com/intellectual-property-and-covid-19-medicines-why-a-wto-waiver-may-not-be-enough-155920> ww

The COVID-19 pandemic, and the race to make vaccines and other useful technologies more accessible to people around the world, has once again highlighted the tension between intellectual property rights and the promotion of public health.¶ There is no doubt that the monopolies offered by exclusive rights such as patents are necessary to incentivise pharmaceutical companies to invest huge resources and develop useful drugs. These rights help manufacturers recoup those investments. It is not only drugs and medical equipment like ventilators which are needed, but also essential technologies such as copyright-protected virus-tracing software.¶ Yet, as companies which own intellectual property have a monopoly over their products, they are able to raise prices. This may – in the case of anti-COVID technologies – mean less access to life-saving treatments. Imposing high prices would also be unfair considering that over US$12 billion of public funding has been poured into the research and development of the six COVID-19 vaccines.¶ As a potential remedy, calls have been made for companies to voluntarily pledge to make their intellectual property available to fight the COVID-19 emergency. The World Health Organisation has also launched a voluntary pool to collect patent and other rights which could be shared for manufacturing vaccines, therapeutics and diagnostics to combat coronavirus.¶ Political analysis, without partisanship¶ South Africa and India, supported by many other developing countries which face extra difficulties accessing affordable COVID-19 treatments, are pushing for a stronger measure. They have proposed a waiver of certain parts of the TRIPS Agreement, the WTO international treaty which protects intellectual property at global level. The proposal is still under discussion. If agreed, it would allow countries to produce and use all anti COVID-19 technologies without fear of infringing intellectual property rights. The measure would be time-limited.¶ As one may expect, this proposal is facing opposition, especially by developed countries like the US, Canada, the EU and the UK, which want to protect their pharmaceutical industries.¶ But would a waiver be enough? We argue not. This is because it might not allow all developing countries to secure medicines and other anti-COVID technologies in a timely way. Many would need to introduce swift changes to their own national laws. This might be difficult, if not impossible, to do.¶ In view of these difficulties, we argue that it may be more helpful to intensify plans to share vaccines, making jabs and other useful technologies available quickly for as many developing countries as possible.¶ You can hear more about the effort to secure a TRIPS waiver in episode 3 of The Conversation Weekly podcast Coronavirus vaccines: what’s getting in the way of the global rollout. Listen and subscribe wherever you get your podcasts.¶ The difficulties¶ One argument against the waiver is that the TRIPS Agreement already contains flexibilities. These include the freedom to use parallel imports and compulsory licences that help countries get access to medicines.¶ Yet such flexibilities are not always easy to use.¶ Take compulsory licences. Since 2003 a mechanism has been made available which in principle allows countries with no manufacturing capacity in the pharmaceutical field to use and benefit from compulsory licences. But the system is riddled with levels of complexity that render it useless and not fit for purpose. It’s only been used once in 17 years – in 2007, when Canada issued a compulsory licence to meet Rwanda’s need for AIDS drugs.¶ Other arguments against the waiver are that it would not alleviate the burden of access to effective and affordable medicines and vaccines because of poor healthcare provision and infrastructure in some countries. And that it could potentially hamper R&D and innovation in the pharmaceutical sector.¶ There are other barriers that the waiver wouldn’t address. One is that some developing countries have entered into bilateral agreements, especially with the US, the EU and other industrialised nations. These have limited the ability of generics producers to manufacture and distribute cheap medicines. One example is that this has limited the freedom to rely on parallel imports. These usually guarantee the importation of cheaper medicines purchased in countries where the drugs are sold at a lower price.¶ Also, certain free trade agreements have introduced provisions which prevent national drug regulatory authorities from registering and allowing the sale of generics if the medicine is still patented. This is the so-called “patent linkage”. Among the countries that have signed these agreements are those who are part of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. They include Brunei, Chile, Malaysia, Mexico, Peru and Vietnam.¶ Other trade and partnership agreements have also obliged certain developing countries to provide an absolute protection of clinical test data submitted to regulatory agencies to demonstrate the quality, safety and efficacy of new medicines. This strong exclusivity stops the manufacturers of generics from using such data while applying for their own marketing authorisation. This inevitably slows down the availability of cheaper drugs. Countries like Morocco, Jordan, El Salvador, Guatemala, Honduras and Nicaragua do protect such data as a consequence of trade agreements concluded with the US.¶ French President Emmanuel Macron and British Prime Minister Boris Johnson have recently pushed for plans to share vaccines instead.¶ And the COVAX scheme, led by the World Health Organisation, the Global Vaccine Alliance and the Coalition for Epidemic Preparedness Innovations, has raised hopes for more than two billion doses to reach people in 190 countries by the end of 2021.

## ILO

### Impact – Laundry List (Brands)

#### Primacy prevents great-power conflict — multipolar revisionism fragments the global order and causes nuclear war.

Brands & Edel, 19 — Hal Brands; PhD, Henry A. Kissinger Distinguished Professor of Global Affairs at the Johns Hopkins School of Advanced International Studies. Charles Edel; PhD, Senior Fellow and Visiting Scholar at the United States Studies Centre at the University of Sydney. (“The Lessons of Tragedy: Statecraft and World Order;” Ch. 6: Darkening Horizon; Published by *Yale University Press*; //GrRv)

Each of these geopolitical challenges is different, and each reflects the distinctive interests, ambitions, and history of the country undertaking it. Yet there is growing cooperation between the countries that are challenging the regional pillars of the U.S.-led order. Russia and China have collaborated on issues such as energy, sales and development of military technology, opposition to additional U.S. military deployments on the Korean peninsula, and naval exercises from the South China Sea to the Baltic. In Syria, Iran provided the shock troops that helped keep Russia’s ally, Bashar al-Assad, in power, as Moscow provided the air power and the diplomatic cover. “Our cooperation can isolate America,” supreme leader Ali Khamenei told Putin in 2017. More broadly, what links these challenges together is their opposition to the constellation of power, norms, and relationships that the U.S.-led order entails, and in their propensity to use violence, coercion, and intimidation as means of making that opposition effective. Taken collectively, these challenges constitute a geopolitical sea change from the post-Cold War era.

The revival of great-power competition entails higher international tensions than the world has known for decades, and the revival of arms races, security dilemmas, and other artifacts of a more dangerous past. It entails sharper conflicts over the international rules of the road on issues ranging from freedom of navigation to the illegitimacy of altering borders by force, and intensifying competitions over states that reside at the intersection of rival powers’ areas of interest. It requires confronting the prospect that rival powers could overturn the favorable regional balances that have underpinned the U.S.-led order for decades, and that they might construct rival spheres of influence from which America and the liberal ideas it has long promoted would be excluded. Finally, it necessitates recognizing that great-power rivalry could lead to great-power war, a prospect that seemed to have followed the Soviet empire onto the ash heap of history.

Both Beijing and Moscow are, after all, optimizing their forces and exercising aggressively in preparation for potential conflicts with the United States and its allies; Russian doctrine explicitly emphasizes the limited use of nuclear weapons to achieve escalation dominance in a war with Washington. In Syria, U.S. and Russian forces even came into deadly contact in early 2018. American airpower decimated a contingent of government-sponsored Russian mercenaries that was attacking a base at which U.S. troops were present, an incident demonstrating the increasing boldness of Russian operations and the corresponding potential for escalation. The world has not yet returned to the epic clashes for global dominance that characterized the twentieth century, but it has returned to the historical norm of great-power struggle, with all the associated dangers.

Those dangers may be even greater than most observers appreciate, because if today’s great-power competitions are still most intense at the regional level, who is to say where these competitions will end? By all appearances, Russia does not simply want to be a “regional power” (as Obama cuttingly described it) that dominates South Ossetia and Crimea.37 It aspires to the deep European and extra-regional impact that previous incarnations of the Russian state enjoyed. Why else would Putin boast about how far his troops can drive into Eastern Europe? Why else would Moscow be deploying military power into the Middle East? Why else would it be continuing to cultivate intelligence and military relationships in regions as remote as Latin America?

Likewise, China is today focused primarily on securing its own geopolitical neighborhood, but its ambitions for tomorrow are clearly much bolder. Beijing probably does not envision itself fully overthrowing the international order, simply because it has profited far too much from the U.S.-anchored global economy. Yet China has nonetheless positioned itself for a global challenge to U.S. influence. Chinese military forces are deploying ever farther from China’s immediate periphery; Beijing has projected power into the Arctic and established bases and logistical points in the Indian Ocean and Horn of Africa. Popular Chinese movies depict Beijing replacing Washington as the dominant actor in sub-Saharan Africa—a fictional representation of a real-life effort long under way. The Belt and Road Initiative bespeaks an aspiration to link China to countries throughout Central Asia, the Middle East, and Europe; BRI, AIIB, and RCEP look like the beginning of an alternative institutional architecture to rival Washington’s. In 2017, Xi Jinping told the Nineteenth National Congress of the Chinese Communist Party that Beijing could now “take center stage in the world” and act as an alternative to U.S. leadership.38

These ambitions may or may not be realistic. But they demonstrate just how significantly the world’s leading authoritarian powers desire to shift the global environment over time. The revisionism we are seeing today may therefore be only the beginning. As China’s power continues to grow, or if it is successful in dominating the Western Pacific, it will surely move on to grander endeavors. If Russia reconsolidates control over the former Soviet space, it may seek to bring parts of the former Warsaw Pact to heel. Historically, this has been a recurring pattern of great-power behavior—interests expand with power, the appetite grows with the eating, risk-taking increases as early gambles are seen to pay off.39 This pattern is precisely why the revival of great-power competition is so concerning—because geopolitical revisionism by unsatisfied major powers has so often presaged intensifying international conflict, confrontation, and even war. The great-power behavior occurring today represents the warning light flashing on the dashboard. It tells us there may be still-greater traumas to come.

The threats today are compelling and urgent, and there may someday come a time when the balance of power has shifted so markedly that the postwar international system cannot be sustained. Yet that moment of failure has not yet arrived, and so the goal of U.S. strategy should be not to hasten it by giving up prematurely, but to push it off as far into the future as possible. Rather than simply acquiescing in the decline of a world it spent generations building, America should aggressively bolster its defenses, with an eye to preserving and perhaps even selectively advancing its remarkable achievements.

#### A receding US deterrent is a catalyst for great-power conflict — decline causes transition wars and miscalculation. <<Note—The first part of this card helps set up realism and AT: Ks very well—you can most likely exclude it otherwise>>

Brands & Edel, 19 — Hal Brands; PhD, Henry A. Kissinger Distinguished Professor of Global Affairs at the Johns Hopkins School of Advanced International Studies. Charles Edel; PhD, Senior Fellow and Visiting Scholar at the United States Studies Centre at the University of Sydney. (“The Lessons of Tragedy: Statecraft and World Order;” Ch. 7: Rediscovering Tragedy; Published by *Yale University Press*; //GrRv)

Moreover, if discussions of “international order” can quickly take on an abstract quality, the consequences of collapse—the lives lost or ruptured, the prosperity destroyed, the moral depravities committed—can be frighteningly concrete. Thucydides had it right when he described what happens in such a vacuum of security and morality: “Death thus raged in every shape … there was no length to which violence did not go.”3

This is all indisputably ~~depressing~~, but it should not be the least bit surprising. If it were possible to construct an international system that was truly universal in its appeal; if it were possible to freeze global power relationships at that moment of creation; if it were possible for states to put aside the very human ambitions, emotions, and fears that drive their behavior: then, perhaps, the world could permanently escape the competitive impulses that make international orders impermanent and their demise so traumatic. But none of this has ever been possible. International orders, even the most inclusive ones, create winners and losers because they benefit states unequally. The power balances that underpin a given system shift over time, encouraging new tests of strength. And although the human desire for peace and prosperity is strong, countries also remain motivated by ideological passion, greed, and insecurity. The most successful orders can mitigate the effects of these dynamics; they can suppress the sources of conflict and upheaval. But they cannot eliminate them entirely.

This point is essential in considering the trajectory of the post-1945 order. It is tempting for individuals in nearly every geopolitical era to believe that their world is somehow different—that it is immune to the dangers of conflict and collapse. It is alluring to think that progress can be self-sustaining, and that liberal principles can triumph even if liberal actors are no longer preeminent. To do so, however, is to fall prey to the same ahistorical mindset that so predictably precedes the fall. Yes, the American order is exceptional in the level of stability, prosperity, and liberal dominance it has provided, and in the level of consent it has generated from countries around the world. Yet it is not so exceptional as to be exempt from the dangers of decline and decay. As the Greeks surely would have realized, in fact, it is precisely when one succumbs to the illusion that tragedy is impossible that tragedy becomes all the more likely.

II

This leads to a second component of a tragic sensibility—an appreciation that tragedy is once again stalking global affairs. The U.S.-led system is undoubtedly strong and resilient in many respects, as shown by the simple fact that it has survived as long as it has. Yet what endured in the past is not destined to endure in the future, and today the structure is groaning as the stresses mount.

Long-standing principles such as nonaggression and freedom of navigation are being undermined from Eastern Europe to the South China Sea. International predators like North Korea and radical jihadist groups are using creative, asymmetric strategies to cause geopolitical disruption out of all proportion to their material power. The democratic wave has receded amid the growing prevalence and power of authoritarianism. Revisionist autocracies are reshaping regional environments in Europe, the Middle East, and East Asia, and waging sophisticated assaults against the political systems and geopolitical positions of their competitors. These countries are building privileged spheres of influence in critical areas of the globe; they are casting ever longer shadows, both strategic and ideological, across the international landscape. Meanwhile, the countries with the most to lose should the current system crack are too often divided and demoralized; their strategic torpor and distraction are creating vacuums that the revisionists are all too happy to fill. The protectors of the post-1945 order seem stuck in neutral, or even reverse, as the attackers push forward. This has historically been a dangerous combination.

Faced with this daunting panorama, some analysts will take refuge in the hope that these challenges will simply exhaust themselves, or that revisionist powers will be satiated once their regional ambitions are fulfilled. Yet most systems tend toward more, rather than less, entropy over time, meaning that more, rather than less, energy is required to stabilize them. And revisionist powers rarely reach some natural point at which their aspirations subside; those aspirations often grow with each success.4 Today, the dissatisfied dictatorships, especially Russia and China, see themselves as being locked in a form of geopolitical conflict with the United States; they are already using force and other types of coercion to chip away at the American order. Should they succeed in claiming regional primacy and reestablishing a spheres-of-influence world, the result would be not to dampen but to inflame international conflict. Competition among the great powers would intensify as hostile spheres rub up against one another; the security of the global commons—the foundation of international prosperity—would be threatened by escalating geopolitical rivalry. The prospects for self-determination and liberalism would fade as small states fall under the sway of stronger, authoritarian neighbors. And crucially, as Daniel Twining notes, regional dominance could serve as a “springboard for global contestation”—for the renewed clashes for systemic dominance that Americans thought they had left behind with the end of the Cold War.5

It is impossible to predict precisely when the pressures on the existing order might become unbearable, or to know how close we are to that critical inflection point at which the dangers metastasize and the pace of decay dramatically accelerates. One can only speculate what the terminal crisis of the system will look like if and when it occurs. What is clear is that the telltale signs of erosion are already ubiquitous and the trend-lines are running in the wrong direction. The first step toward recovery is admitting you have a problem. Having a tragic sensibility requires seeing the world for what it is and where it is going, especially when the outlook is ominous.

III

If the international order is under strain, however, it does not follow that its collapse is unavoidable. Here a third aspect of a tragic sensibility is vital: the ability to reject complacency without falling into fatalism.

Nietzsche defined tragic pleasure as the “reaffirmation of the will to live in the face of death.”6 It was just such a rejection of fatalism—of the belief that the next great global crackup was inevitable—that motivated U.S. policymakers to create the post-1945 order and sustain it through the crises that followed. Today, it is true enough that the grandest aspirations of the post–Cold War era are unlikely to be fulfilled anytime soon. Given the instability and revisionism roiling the international environment, it is simply beyond America’s power—if it was ever possible in the first place—to create a truly global order in which liberal values are universal, geopolitical competition has ceased, and authoritarian rivals have been fully pacified and converted into “responsible stakeholders.” Yet the existing international order, incomplete and threatened as it is, still constitutes a remarkable historical achievement. The creation of a global balance of power that favors the democracies, the prevention of unchecked aggression and intimidation by predatory powers, and the promotion of a prosperous and an integrated world in which liberal values have achieved great prevalence are all triumphs worth preserving. A more reasonable goal, then, would be to defend this existing order against the depredations of those attacking it, and America undoubtedly has the power for this essential undertaking.

## Solvency

### Solvency – Not Patents

#### Waivers don’t solve – the issue is in lack of materials. Moderna literally tried the aff

Tabarrok 21

Alex Tabarrok (Bartley J. Madden Chair in Economics at the Mercatus Center and am a professor of economics at George Mason University). “Patents are Not the Problem!” Marginal Revolution. 6 May 2021. JDN. https://marginalrevolution.com/marginal revolution/2021/05/ip‐is‐not‐the‐constraint.html [Brackets in original] || cut SM

Patents are not the problem. All of the vaccine manufacturers are trying to increase supply as quickly as possible. Billions of doses are being produced–more than ever before in the history of the world. Licenses are widely available. AstraZeneca have licensed their vaccine for production with manufactures around the world, including in India, Brazil, Mexico, Argentina, China and South Africa. J&J’s vaccine has been licensed for production by multiple firms in the United States as well as with firms in Spain, South Africa and France. Sputnik has been licensed for production by firms in India, China, South Korea, Brazil and pending EMA approval with firms in Germany and France. Sinopharm has been licensed in the UAE, Egypt and Bangladesh. Novavax has licensed its vaccine for production in South Korea, India, and Japan and it is desperate to find other licensees but technology transfer isn’t easy and there are limited supplies of raw materials:

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

Plastic bags are a bigger bottleneck than patents. The US embargo on vaccine supplies to India was precisely that the Biden administration used the DPA to prioritize things like bioreactor bags and filters to US suppliers and that meant that India’s Serum Institute was having trouble getting its production lines ready for Novavax. CureVac, another potential mRNA vaccine, is also finding it difficult to find supplies due to US restrictions (which means supplies are short everywhere). As Derek Lowe said:

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

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

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### AT – IPR Slowed Vax Dev

#### IPR was key to getting the incentive to develop the Covid VAX – there is no evidence that it hindered its development

Noonan 20[Kevin E. Noonan PhD, is partner at McDonnell Boehnen Hulbert & Berghoff LLP and chair of the firm’s Biotechnology & Pharmaceuticals Practice Group., 11-6-2020, “Protecting Intellectual Property for COVID-19 Innovations” PharmTech <https://www.pharmtech.com/view/protecting-intellectual-property-for-covid-19-innovations> ww

The current COVID-19 pandemic is the most serious worldwide infectious event since the influenza pandemic of 1918. So far, the number of infections and deaths has not reached levels seen during the “Spanish flu” pandemic. However, modern travel and global trade (and new factors such as social media, whether for good or ill) have increased risks, and awareness of those risks, throughout the world.¶ The economic and social consequences of the COVID-19 pandemic are also much more serious today than they were a century ago. Although some naysayers might disagree, the economy is global, and disruptions in one country or one part of the world tend to affect some or all others. Equally, the pandemic has created a need for research into better ways of detecting infections, preventing them by vaccines, and treating them more effectively. The adage that “an ounce of prevention is worth a pound of cure” applies critically to the COVID-19 pandemic.¶ Throughout most of the world, and particularly in the United States, patents provide incentives for the development of medicines, including vaccines, and protect the developers’ investments of time and resources. The severity of the COVID pandemic, and the concomitant need for both treatments and vaccines, has increased the need for the US patent system to respond to the disruptions created by the pandemic.¶ Some have voiced concerns that intellectual property (IP) protection for COVID-19 vaccines and therapies would inhibit their development or availability. Advocates for IP protection for COVID-19 vaccines and therapies counter that IP protection will be vital to the development of innovative treatments, tests and vaccines. They also point out that the federal government is empowered to prevent any inhibition of vaccine and treatment availability.¶ This article will examine actions taken by the US Patent and Trademark Office (USPTO) to facilitate patent procurement for IP related to COVID-19, and focus on the pros, cons, and considerations of IP protection for treatments, vaccines, tests and other technology. As with any subject of significant public interest and concern, opinions may differ, but public spiritedness should prevail, as it has so far in the face of the dangers posed by the SARS-CoV-2 virus.¶ COVID patent procurement¶ Throughout spring 2020, the USPTO announced a number of programs and revisions to existing rules to reduce the negative effects of the SARS-CoV-2 virus on the US population.¶ In mid-March, the Office issued an announcement that the pandemic qualified as an “extraordinary situation” under PTO Rules in Parts 1 and 2 of Title 37 of the Code of Federal Regulations; Patents, Trademarks, and Copyrights (37 CFR 1.183 and 37 CFR 2.146) (1) and that the Office would waive petition fees related to delays in an applicant’s or party’s timely response that resulted in abandonment or termination of a proceeding, provided that the applicant could attest that the delay was caused by COVID. These waivers were permitted with regard to USPTO rules but did not extend to legal timeline requirements.¶ Two weeks later, after President Trump declared a national emergency caused by COVID-19, the Office extended deadlines for submissions that would require the payment of certain fees, moving them from March 27 to April 30, under provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These extensions also applied to deadlines in the Patent Trial and Appeal Board (PTAB) as well as in the Examination Division. Shortly thereafter, the Office suspended requirements for an original signature in certain types of correspondence to the USPTO.¶ On April 28, 2020, the Office extended deadlines until May 31, 2020 or June 1, 2020 (depending on the deadline). On May 27, 2020, it extended them again, this time until July 1, 2020 for small and micro-entities only, a category that includes individual inventors, universities, and small businesses with fewer than 50 employees.Finally, on June 29, 2020, the Office pushed deadlines back yet again, giving small and micro-entities until September 30, 2020 to comply.¶ In May, the USPTO also launched a Prioritized Examination Pilot Program that would permit an applicant who qualified for small (or micro) entity status to apply for existing “fast track” examination programs (which reach a patentability determination within six months) without paying the increased fees usually required for such filings for COVID-related applications.¶ COVID enforcement and licensing¶ The potential for intellectual property issues or disputes to inhibit development or distribution of COVID-19 vaccines or treatment have been voiced in some quarters. A number of critics believe that IP issues or disputes would inhibit development or distribution of COVID vaccines or treatments (2). Some have called for individuals or organizations that develop COVID-19 treatments, tests, vaccines, or technology to voluntarily (or under duress) refrain from asserting IP rights. For example, in spring 2020, several universities and companies in the high-tech sector proposed the “Open COVID Pledge,” to “make our intellectual property available free of charge for use in ending the COVID-19 pandemic and minimizing the impact of the disease.”¶ So far, this pledge and other efforts to prevent IP protection for COVID technology have failed to gain traction. In fact, Pfizer CEO Albert Bourla called the pledge and similar proposals “nonsense” and “dangerous,” tantamount to saying ‘If you have a discovery, we are going to take your [intellectual property].’ (3)¶ Bouria’s response has been echoed widely by pharmaceutical industry executives, government leaders, and politicians who understand the cost and challenge entailed by drug development. As Jon Soderstrom, managing director of Yale University’s Office of Cooperative Research noted, “The system is working. Dozens of companies and universities are now investigating COVID-19 vaccines, and many more are researching treatments. If we strip away intellectual property rights, the system will break down, and we’ll find ourselves farther from ending our global health crisis…” (4).¶ Experts questioned the idea that IP would pose a barrier to vaccine development. In fact, Francis Gurry, former director general of the World Intellectual Property Organization(WIPO) noted that the main barriers to a vaccine were scientific and technical, that no vaccine has been identified, and that there was no evidence that IP protection was a barrier to vaccine development (5).¶ In fact, those in favor of IP protection for COVID-19 vaccines, treatments, tests and technologies argue that IP protection laws should be strengthened to provide incentives for innovation and investment in products such as vaccines which are, by definition, unpredictable, risky, and expensive to develop. Jan Fischer, former Prime Minister of the Czech Republic stated that, if a COVID-19 vaccine is produced, “robust IP laws” should be given some credit (6). Leaders from the International Chamber of Commerce (ICC) also voiced support for strong IP protection, which, they noted, already protects the public from counterfeit and adulterated drugs and from stockpiling medicines in developing countries (7).¶ Fueling concerns about vulnerabilities for IP protection for COVID-19 technology is the fact that the federal government is empowered to either “march-in” to license any patents or intellectual property by universities under the Bayh-Dole Act (8), or to invoke compulsory licensing provisions enacted during the Second World War (9).¶ There is a some recent precedent for these worries. The government took the latter course shortly after the September 11, 2001 attacks, when it was feared that weaponized anthrax had been sent members of Congress. Once it received signals that Bayer might not be able or willing to provide adequate supplies of the anthrax treatment, ciproflaxin (10), the government threatened the company with just this type of intervention.¶ In a move that may have been intended to forestall government intervention by march-in rights or otherwise, several universities—including Stanford, Harvard, and Massachusetts Institute of Technology, and 14 other research institutions—introduced the COVID-19 Technology Development Framework, which permits “nonexclusive, royalty-free licensing of intellectual property rights for available COVID-19 related technologies during the pandemic and for a short time after it ends” (11).¶ The group’s concerns may have been premature, but legitimate concerns remain. Attorneys General from more than 30 states (Alaska, Arizona, Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, and Washington, as well as the District of Columbia and Guam) have petitioned the federal government to exercise its Bayh-Dole “march-in” rights to permit third party manufacturers to make Gilead Sciences’ COVID therapeutic drug, remdesivir (approved by FDA on Oct. 22, 2020 [12]), arguing that the cost is too high and supplies inadequate.¶ Spearheaded by California Attorney General XavIer Becerra and Louisiana Attorney General Jeff Landry, the letter,sent to Health and Human Services Secretary Alex M. Azar, National Institutes of Health Director Francis S. Collins, and FDA Commissioner Stephen Hahn, cites news sources to support its claims of high prices and short supplies of the therapy (13).¶ As an alternative to federal exercise of march-in rights, the letter proposes that the government delegate this authority to the states (while not providing any statutory authority for this move). Its allegations of exorbitant pricing were based on news reports about an academic economic study (14) and supported by allegations regarding government funding (again, limited to news reports [15,16]).¶ In response to this letter, Gilead maintained that supplies of remdesivir are adequate, and that the company is investing more than $1 billion to increase manufacturing capacity for the treatment. The company also argued that following the attorneys generals’ proposals would have no impact on either supplies or prices, since it would take six to 12 months for generic competitors to produce more doses than Gilead is proposing to be able to market.(17)¶ Nothing has come of the attorneys generals’ proposals so far, and indications are that nothing is likely to come of it. At this point, several companies are actively developing vaccines (including Moderna, Pfizer, and BioNTech) or treatments (Regeneron). Vaccine costs of $20 to $40 per dose have been proposed, at least during the pandemic.¶ In addition to the successful development of a safe vaccine, much bigger barriers to widespread (if not universal) vaccination are the manufacturing, distribution, financing, and infrastructure required to support these efforts. While it seems the world has been consumed by this virus forever, the pandemic has been raging for only nine months in the US so far, and for less than a year globally.The efforts being applied globally to develop vaccines, treatments, and better tests and technology in response to COVID-19 have been impressive. We can hope that, ultimately, these efforts will prove to be successful.¶ Intellectual property protection has a role to play in these efforts. Past experience and recent developments suggest that protecting IP for vaccines, therapies, and technologies to fight COVID-19 will have a positive impact, and advance the cause of eradicating, or at least treating, and preventing this disease.