## 1AC

### WTO Credibility – 1AC

#### Contention One: WTO Credibility

#### U.S. failure to comply with the WTO ruling on Havana Club undermines the credibility of the dispute settlement body.

Camejo 13 (6/25 Mrs. Anayansi Rodríguez Camejo Ambassador of the Cuban Permanent Mission to the United Nations Office in Geneva, <http://www.cubaminrex.cu/en/statement-mrs-anayansi-rodriguez-camejo-ambassador-cuban-permanent-mission-united-nations-office>, Statement by Mrs. Anayansi Rodríguez Camejo, Ambassador of the Cuban Permanent Mission to the United Nations Office in Geneva, on Section 211 of the WTO´s Dispute Settlement Body. June 25th, 2013 Submitted by editor on Wed, 06/26/2013 - 00:00)

Mr. Chairman,¶ After more than 11 years without the United States having adopted

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facts like these jeopardize the credibility and effectiveness of the dispute settlement system.

#### Only a credible dispute settlement mechanism prevents rampant protectionism.

**Lawrence**, March **2007** (Robert – Albert L. Williams Professor of International Trade and Investment at the Harvard Kennedy School of Government, The United States and the WTO Dispute Settlement System, p. 5-6)

But this “safety valve” argument is shortsighted. The use of antidumping suits

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the arguments of its critics, and finally provides some recommendations for improvement.

#### There’s no alternative to a multilateral trade system --- collapses causes instability and great power conflict.

**Panitchpakdi**, 2/26/**2004** (Supachai – secretary-general of the UN Conference on Trade and Development, American Leadership and the World Trade Organization, p. <http://www.wto.org/english/news_e/spsp_e/spsp22_e.htm>)

The second point is that strengthening the world trading system is essential to America's wider

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constrained, not by multilateral rules, but by the absence of rules.

#### Credible WTO prevents nuclear war.

**Copley News** Service, 12/1/**1999** (Commentary, p. Lexis-Nexis)

For decades, many children in America and other

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about world peace shouldn't be protesting world trade. They should be celebrating it.

#### Multiple studies confirm our impact

**Griswold**, 4/20/**2007** (Daniel – director of the Center for Trade Policy Studies, Trade, Democracy and Peace, p. http://www.freetrade.org/node/681)

A little-noticed headline on an Associated Press story a while back reported,

And

deep trade and investment ties among nations make war less attractive.

### Plan – 1AC

#### The United States federal government should remove restrictions on the registration and renewal of trademarks and trade names in connection with a business confiscated by the government of Cuba.

### IP Leadership – 1AC

#### Contention Two: IP Leadership

#### Other countries are criticizing the U.S.’s failure to resolve the Havana Club case.

Agence France Presse, 6/25/**2013** (EU, Cuba spar with US over ‘Havana Club’ rum, p. Lexis-Nexis)

The European Union and Cuba locked horns with the United States

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a message echoed by members, including China.

#### Section 211 erodes IPR credibility by encouraging other nations to violate norms.

**Esper**, 3/3/**2010** (Mark – Executive Vice President of the Global Intellectual Property Center, Domestic and International Implications of Havana Club and Section 211, of the Omnibus Appropriations Act of 1999, Testimony to the House Committee on the Judiciary, p. <http://judiciary.house.gov/hearings/pdf/Esper100303.pdf>)

Unfortunately, Section 211 of the FY 1999 Omnibus Appropriations Act has put the United

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globally and undermining our status as an international champion of intellectual property protection.

#### The Havana Rum case spills over --- it undermines the United States’ ability to uphold IP law globally.

**Esper**, 3/3/**2010** (Hearing of the House Judiciary Committee, Domestic and International Trademark Implications of Havana Club and Section 211 of the Omnibus Appropriations Act of 1999, Chaired by Representative John Conyers (D-MI), Witnesses: Mark Orr – Vice President of North American Affairs at Pernod Ricard USA, Bruce Lehman – former assistant secretary of commerce and expert counsel for Bicardi USA, Mark Esper – executive vice president of the Global Intellectual Property Center at the U.S. Chamber of Commerce, William Reinsch – president of the National Foreign Trade Council, John Veroneau – partner at Covington & Burling LLP, Federal News Service, p. Lexis-Nexis)

MR. ESPER: Well, I think we need to take a look at the big picture here.

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chips away at our ability to credibly make those arguments in multilateral fora.

#### *Subpoint A* – Tech

#### Protection of IPR is key to innovation – incentivizes risk

US News 11/19 (PETER ROFF¶ Buy a Fake Vuitton, Fund a Real Terrorist¶ By PETER ROFF, <http://www.usnews.com/opinion/blogs/peter-roff/2013/11/19/intellectual-property-is-key-to-growth-and-security-in-the-internet-age>)

The need to secure their rights to IP is obvious. It is wrong,

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good wages and adds considerably to U.S. gross domestic product.

#### Tech innovation solves extinction

Zhong 07, CEO at Jade Bird Dashing, 7-31-7 (Roger, “The Effects and Influences of Technology on Society and Humyn Kind,” http://scienceray.com/technology/applied-science/the-effects-and-influences-of-technology-on-society-and-humyn-kind/”)

The question that persists however, is, “Is technology in fact harming our

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advancing technology, can we as humyns, and as humynity, succeed.

#### Tech innovation key to clean tech; solves warming

Shahien Nasiripour (Reporter, Huffington Post) “Green Jobs Are 'Greatest Market Opportunity Of Our Generation,' Senator Says” March 8, 2010. Accessed online 8/25/2010. http://www.huffingtonpost.com/2010/03/08/green-jobs-are-greatest-m\_n\_490928.html

Flanked by forced-out former green jobs czar Van Jones, Sen. Kirsten Gillibrand (D-N.Y.) said Monday that

And

Obama needs to give a "shoot-for-the-moon speech," Gillibrand said. "And he has to do it now."

#### Its real – scientific consensus proves

Powell 2013

(science author. He has been a college and museum president and was a member of the National Science Board for 12 years, appointed first by President Reagan and then by President George H. W. Bush (Jim, “Consensus: 99.84% of Peer-Reviewed Articles Support the Idea of Global Warming,” <http://thecontributor.com/why-climate-deniers-have-no-scientific-credibility-one-pie-chart>)

Polls show that many members of the public believe scientists substantially disagree about human-

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cause. These are known facts about which virtually all publishing scientists agree.

#### Warming causes extinction of all life on earth.

Girling, Richard. "What will climate change do to our planet?" Times Online. 3/11/2007. permalink: http://www.timesonline.co.uk/tol/news/uk/science/article1480669.ece

Although warming on this scale lies within the IPCC's officially endorsed range of 21st-

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six degrees of global warming: zero if the rise passes five degrees,

#### Not too late – every reduction key

Nuccitelli 12

[Dana, is an environmental scientist at a private environmental consulting firm in the Sacramento, California area. He has a Bachelor's Degree in astrophysics from the University of California at Berkeley, and a Master's Degree in physics from the University of California at Davis. He has been researching climate science, economics, and solutions as a hobby since 2006, and has contributed to Skeptical Science since September, 2010, <http://www.skepticalscience.com/realistically-what-might-future-climate-look-like.html>, HM]

We're not yet committed to surpassing 2°C global warming, but

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than trying to adapt to the climate change consequences we have discussed here (Figure 4).

#### *Subpoint B* – Biotech

#### Enforceable IPR is key to biotech innovation – exclusivity actually stimulates innovation

Davis and Wales 3 (The Effect of Intellectual¶ Property on the Biotechnology¶ Industry¶ James H. Davis\* and Michele M. Wales \*Senior Vice President and General Counsel¶ Human Genome Sciences, Inc.¶ Rockville, Maryland 20850-3338¶ {Assistant General Counsel, Intellectual Property¶ Human Genome Sciences, Inc.¶ Rockville, Maryland 20850-3338, <http://law.wustl.edu/faculty_profiles/documents/Kieff/HGPIP/Final/GEN_50_CH22.pdf>)

Unlike companies in many other industries, biotechnology companies do not gain competitive advantages based

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to match the promise of the products that the biotechnology industry can provide.

#### And that’s reverse casual – a lack of strong IPR will kill biotech innovation

Davis and Wales 3 (The Effect of Intellectual¶ Property on the Biotechnology¶ Industry¶ James H. Davis\* and Michele M. Wales \*Senior Vice President and General Counsel¶ Human Genome Sciences, Inc.¶ Rockville, Maryland 20850-3338¶ {Assistant General Counsel, Intellectual Property¶ Human Genome Sciences, Inc.¶ Rockville, Maryland 20850-3338, <http://law.wustl.edu/faculty_profiles/documents/Kieff/HGPIP/Final/GEN_50_CH22.pdf>)

Biotechnology has provided our society with benefits

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and effective protection for biotechnology inventions.

#### Biotech crops are inevitable – it’s only a question of cost effectiveness. Lack of GE tech makes monocultures, deforestation, and pesticide use inevitable.

Prakash et al 2011

[C.S., Professor at Tuskegee University, and Gregory Conko of the Competitive Enterprise Institute, “31 Critical Questions in Agricultural Biotechnology”, http://www.agbioworld.org/biotech-info/articles/agbio-articles/critical.html#1]

For grains and oilseed crops, increasing food production

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conditions such as drought that are needed to sustain village farms.

#### Monoculture causes extinction

Starr and Hardy 1993

[June Starr Associate Professor of Anthropology, State University of New York, Kenneth C. & Hardy \*\* B.S. University of Southern California 1988; J.D. Stanford Law School Stanford Environmental Law Journal 1993]

Maintaining and preserving the delicate

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of immense value to agriculture, biology, medicine, and industry.

#### Pesticides cause extinction

**NJ Environment 2003**

[“Pesticides,” www.njenvironment.org/pesticides.htm]

Not only are current gardening practices harmful to local ecosystems, but also

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pesticide residues in baby food and have banned the use of genetically altered seeds in their foods.

#### Deforestation causes extinction

Haan 2008

(Mia den, “Deforestation is Affecting the Human Race In Many Different Ways”, 6/14, www.buzzle.com/articles/deforestation-is-affecting-the-human-race-in-many-different-ways.html+trees+AND+ oxygen+AND+deforestation&hl= en&ct=clnk&cd=2&gl=us)

Most people need to implement a much better, ecologically friendly lifestyle before it is too late, and nature takes its course with further calamities. If most of

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the overall oxygen levels are still slowly declining.

#### Impeding Food shortages are the most likely scenario for nuclear war

Future Directions International ’12 (“International Conflict Triggers and Potential Conflict Points Resulting from Food and Water Insecurity Global Food and Water Crises Research Programme”, May 25, <http://www.futuredirections.org.au/files/Workshop_Report_-_Intl_Conflict_Triggers_-_May_25.pdf>)

There is a growing appreciation that the conflicts in the next century will most likely

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identify famine as a potential trigger for conflicts and possibly even nuclear war.

#### Spread of GM Agriculture prevents multiple scenarios for extinction.

Trewavas 2k (6/5/2000 (Anthony – Institute of Cell and Molecular Biology at the University of Edinburgh, GM is the Best Option We Have, AgBioWorld, p. <http://www.agbioworld.org/biotech-info/articles/biotech-art/best_option.html>)

But these are foreign examples; global warming is the problem that requires the UK

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accepting that technological advance may be the only buffer between us and annihilation.

#### *Subpoint C* – Disease

#### Infectious diseases are inevitable. Rapid evolution and adaptation risk extinction.

\*globalization – (1) contact with exotic species w/ exotic germs (2) air travel puts every corner of the planet with a day of a major city

\*population growth – people and animals are put at risk as new microbes feast on more individuals (diseases can leap across the species barrier)

\*burnout outdated – diseases can use multiple evolutionary mechanisms to escape antiobiotics

**Walsh**, 7/10/**2013** (Bryan, From AIDS to SARS to MERS, Emerging Infectious Diseases Remain a Dire Threat, Time, p. http://science.time.com/2013/07/10/from-aids-to-sars-to-mers-emerging-infectious-diseases-remain-a-dire-threat/)

Now the world is facing another emerging infectious disease. MERS — Middle East respiratory

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as experts like Morens and Fauci know, we won’t be lucky forever.

#### A strong IPR regime solves disease in three ways –

#### First is innovation --- IPR incentivizes research and development. Copycat drugs don’t fill-in.

\*patents incentivize research of the next generation of drugs

\*patents undergo rigorous licensing requirements ensuring they will be potent

**Kaufmann**, 4/23/**2008** (Judith – retired foreign service officer and former director of the U.S. State Department’s Office of International Health Affairs, Intellectual Property Rights and the Pharmaceutical Industry, Focus on Intellectual Property Rights, p. <http://iipdigital.usembassy.gov/st/english/publication/2008/04/20080429230451myleen0.4181027.html#axzz2ZG5uBh4Z>)

Drugs that cure AIDS and many other diseases are available precisely because of patent protection

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, are not being used to further scientific knowledge and find new cures.

#### Second is trademark protection. Strong trademark protection is the best defense against counterfeit drugs.

\*strong IPR allows seizure of counterfeit drugs

\*IPR cuts counterfeits at their knees: brand recognition

**Powell**, February **2010** (Adam – Research Fellow for the Law & Bioscience Project, J.D. Candidate at the University of California, Hastings College of the Law, Benchmark Legislation: A Measured Approach in the Fight Against Counterfeit Pharmaceuticals, Hastings Law Journal, p. Lexis-Nexis)

Traditionally, the first line of defense for

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criminals by maintaining strong trademarks.

#### Third is harmonization. IPR harmonization undermines the ability to market counterfeit drugs.

\*harmonization (standardization of intellectual property laws) allows for effective enforcement against CF drugs

**Ferrill**, Spring **2007** (Elizabeth – Law Clerk to the Honorable Liam O’Grady, Magistrate Judge, U.S. District Court for the Eastern District of Virginia, Clearing the Swamp for Intellectual Property Harmonization: Understanding and Appreciating the Barriers to Full TRIPS Compliance for Industrializing and Non-Industrializing Countries, University of Baltimore Intellectual Property Law Journal, p. Lexis-Nexis)

In 1994, the Agreement on the Trade-Related Aspects of Intellectual Property Rights

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difficult over the past decade. There are a number of possible explanations.

#### Counterfeit drugs bolster antibiotic resistance.

**Washington Post**, 2/5/**2013** (How fake drugs cause the spread of untreatable TB in developing countries, p. <http://www.washingtonpost.com/blogs/worldviews/wp/2013/02/05/how-fake-drugs-cause-the-spread-of-untreatable-tb-in-developing-countries/>)

Tuberculosis, a disease that destroys lung tissue, is more commonly associated with the

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morph into new strains, making them harder and more expensive to treat.

#### Antibiotic resistance risks extinction.

**Castillo**, 10/28/**2011** (Rafael, Doomsday scenario with ‘superbugs’, Philippine Daily Inquirer, p. http://business.inquirer.net/27353/doomsday-scenario-with-%E2%80%98superbugs%E2%80%99)

From time to time, we get reports about emerging superbugs

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is ill-fated prey to these ogre microbes.

#### And now is key; Drug Resistant TB spread risks becoming a pandemic – puts the global population at risk

Bio-Medicine 7 (Internet’s leading online Organizations devoted to biology and medicine,  <http://www.bio-medicine.org/medicine-news/The-Dreaded-Disease-Tuberculosis-Raises-Its-Ugly-Head-20674-1/>)

The Dreaded Disease Tuberculosis Raises Its Ugly Head When Mr. Andrew Speaker and his

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more difficult and expensive to treat, the highly lethal XDR-TB.

### Solvency – 1AC

#### Contention Three: Solvency

#### Repealing Section 211 restores U.S. IP credibility by setting a precedent against trademark abuse.

**Pava 2011** (Mindy – Executive Symposium Editor for the Emory International Law Review, J.D. Candidate at Emory University School of Law, The Cuban Conundrum: Proposing an International Trademark Registry for Well-Known Foreign Marks, Emory International Law Review, p. Lexis-Nexis)

With an outright repeal of Section 211, the United States

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because of the substantial profit earned abroad from intellectual property exports.

#### Eliminating the Cuban IP policy allows the U.S. to harmonize IP rights globally.

**Riley**, Winter **2007** (Michael – J.D. Candidate at the University of Miami, Cigars and Rum: Hazardous to the Health of Intellectual Property Law?: How the Cohiba Cigar and Havana Club Rum Cases Reveal a ‘Carve-Out’ for Intellectual Property Disputes with a Cuban Nexus, The University of Miami Inter-American Law Review, p. Lexis-Nexis)

The Havana Club controversy has been cited as one obstacle that for several years caused

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trademark law, the United States' Cuban 'carve-out' upsets this balance.

#### The plan can restore IP credibility without removing the current embargo.

**Pava 2011** (Mindy – Executive Symposium Editor for the Emory International Law Review, J.D. Candidate at Emory University School of Law, The Cuban Conundrum: Proposing an International Trademark Registry for Well-Known Foreign Marks, Emory International Law Review, p. Lexis-Nexis)

2. Does Section 211 Erode the United States's International Standing? Since Fidel Castro's

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the human rights arena, and the United States should make that clear.

#### No link uniqueness for your disads – engagement through Cuban visas

Associated Press8/2/13 (Washington Post, “Cuba says US visas issued to islanders up 79 percent in 1st half of the year,”August 2, 2013, http://www.washingtonpost.com/world/the\_americas/cuba-says-us-visas-issued-to-islanders-up-79-percent-in-1st-half-of-the-year/2013/08/02/0a0d09dc-fba0-11e2-89f7-8599e3f77a67\_story.html)

HAVANA — The number of Cubans receiving U.S.

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overseas without losing residency rights and benefits back home.