### 1AC Dispute Settlement

#### Advantage (\_) is dispute settlement

#### Only the plan solves – failure to repeal Section 211 sends a giant signal of non-compliance with WTO rulings

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

AND

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

#### Only a credible dispute settlement mechanism prevents retaliatory 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

AND

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

#### Protectionism escalates, goes nuclear

Panzner 8, faculty at the New York Institute of Finance, 25-year

AND

between Muslims and Western societies as the beginnings of a new world war.

#### \*Specifically, Section 211 makes Cuban retaliation inevitable

Haggman 2006

(Matthew, law degree from [Vermont Law School](http://www.knightfoundation.org/staff/matt-haggman/), Miami [Program](http://www.knightfoundation.org/staff/matt-haggman/) Director at the John S. and James L. Knight Foundation, 9/4/6, “Copyright war feared with Cuba”, <http://www.latinamericanstudies.org/us-cuba/copyright.htm>)

In 1918 the Aunt Jemima trademark was registered in Cuba, and even after Fidel

AND

took care of one company at the expense of a lot of others."

#### Cuban retaliation kills the US economy

Adams 2002

(Ashley C., Senior Legal Intern – Compliance, j.d. law @ Cumberland Law School, Poli Sci @ Middle Tennesse State U, Section 211 of the Omnibus Appropriations Act: The Threat to International Protection of U.S. Trademarks, [North Carolina Journal of International Law and Commercial Regulation](http://www.law.unc.edu/journals/ncilj/), Volume 28 - Number 1, Fall 2002, <http://www.law.unc.edu/journals/ncilj/issues/volume28/number-1-fall-2002/section-211-of-the-omnibus-appropriations-act-the-threat-to-international-protection-of-us-trademarks/>)

Harm to the U. S. Economy The importance of global markets

And

considering the jobs and national revenue that would be lost. 173

#### US economic collapse causes war and triggers every impact

**O’Hanlon 12** — Kenneth G. Lieberthal, Director of the John L. Thornton China Center and Senior Fellow in Foreign Policy and Global Economy and Development at the Brookings Institution, former Professor at the University of Michigan, served as special assistant to the president for national security affairs and senior director for Asia on the National Security Council, holds a Ph.D. from Columbia University, and Michael E. O'Hanlon, Director of Research and Senior Fellow in Foreign Policy at the Brookings Institution, Visiting Lecturer at Princeton University, Adjunct Professor at Johns Hopkins University, holds a Ph.D. from Princeton University, 2012 (“The Real National Security Threat: America's Debt,” *Los Angeles Times*, July 10th, Available Online at http://www.brookings.edu/research/opinions/2012/07/10-economy-foreign-policy-lieberthal-ohanlon, Accessed 07-12-2012)

Lastly, American economic weakness undercuts

And

to effective foreign policy is not reestablished.

#### US-India solar disputes are coming – only WTO dispute settlement solves

Kumar 2/11

[Arun, IANS, “US challenges India’s need for solar products” http://www.ianslive.in/index.php?param=news/US\_challenges\_Indias\_need\_for\_solar\_products-412052//13]

Washington: In another potential blow to India-US ties after the Khobragade affair

AND

affecting the IP community in India and causing concerns throughout the business community".

#### Failure of WTO negotiations wrecks US-India relations

Lakshman 2/12

[Narayan, The Hindu, “Solar storm hits India-U.S. relations”, http://www.thehindu.com/news/international/world/solar-storm-hits-indiaus-relations/article5675376.ece]

Though wounds from the Khobragade affair have scarcely begun to heal

And

[which was the reason behind] “the substantial concern,” at the local content rules.

#### Relations solve every major impact

Tellis 2009

Ashley J. Tellis, 2009 (Asia Society Task Force). “Delivering on the Promise: Advancing U.S. relations with India.” <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=22643>

India matters to virtually every major foreign policy issue that will confront the United States

AND

we must set broad yet realistic goals to be shared by both countries.

#### Specifically key to solve warming

Robert Blackwill, 2011 (Council on Foreign Relations, The United States and India: A Shared Strategic Future, <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&sqi=2&ved=0CF0QFjAF&url=http%3A%2F%2Fi.cfr.org%2Fcontent%2Fpublications%2Fattachments%2FUSIndia_jointstudygroup_IIGG.pdf&ei=FjcBUernJofe9ATY_oD4AQ&usg=AFQjCNE7_JtNUI8fUzMOzxawlu7_1PhkQw&sig2=0lhWHtYjTAaAmmJaQPL1Vw&bvm=bv.41248874,d.eWU>, Accessed 1/24/2013)

India-U.S. cooperation is critical to global action against climate¶

AND

necessary condition for the success of any prospective international¶ climate change accord.

#### 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-

AND

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-

AND

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

And

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

### 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

And

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

AND

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.

And

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

#### *Subpoint A* – 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

AND

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

And

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

And

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

And

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

And

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

And

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

AND

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

AND

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

#### *Subpoint B* – 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

AND

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

AND

, 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

And

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

AND

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

AND

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

And

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

AND

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

And

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

AND

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

AND

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.

And

overseas without losing residency rights and benefits back home.