# 1NC Round 1 TOC

## Off Case

### 1NC Off Case Shell

#### Patent reform will pass now but Obama’s PC is key

**Lengell, 4-4-14** (Sean, Washington Examiner, “Lawmakers look to stop patent abuse”, <http://washingtonexaminer.com/lawmakers-look-to-stop-patent-abuse/article/2546745>)

Momentum is building on Capitol Hill to stop "patent trolls" from harassing businesses

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lobbyist for the National Retail Federation, which is pushing for the legislation.

#### Plan costs capital

Aho 13 (Matthew Aho, Inter-American Dialogue's Latin America Advisor, What Does Obama's Second Term Hold for U.S.-Cuba Relations?, <http://www.cubastudygroup.org/index.cfm/newsroom?ContentRecord_id=2c202b27-1916-4509-b1b7-00d7ed8f4914>, 1/23/13)

Aside from easing some travel restrictions, there have been only two emergent themes on

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could prove vital and create new opportunities for U.S. business.

#### Key to competitiveness

Goodlatte 3/12 (Robert, House Judiciary Committee chair, "Bipartisan Road Map for Protecting and Encouraging American Innovation," Roll Call [www.rollcall.com/news/bipartisan\_road\_map\_for\_protecting\_and\_encouraging\_american\_innovation-231413-1.html?pg=2](http://www.rollcall.com/news/bipartisan_road_map_for_protecting_and_encouraging_american_innovation-231413-1.html?pg=2))

Throughout our nation’s history, great ideas have powered our economic prosperity and security,

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patent litigation and keeping U.S. patent laws up to date.

#### US competitiveness solves hegemony and great power war

Baru 9 – Sanjaya Baru is a Professor at the Lee Kuan Yew School in Singapore Geopolitical Implications of the Current Global Financial Crisis, Strategic Analysis, Volume 33, Issue 2 March 2009 , pages 163 – 168

Hence, economic policies and performance do have strategic consequences.2 In the modern

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sustain economic growth and military power, the classic 'guns versus butter' dilemma.

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#### The counterplan solves the case --- The OFAC has control over sanctions enforcement allowing them to provide specific exemptions without removing restrictions.

Golumbic and Ruff, 2013 (Court E. Golumbic, Managing Director and Global Anti-Money Laundering, Anti-Bribery and Government Sanctions Compliance Officer at Goldman Sachs & Co., Lecturer-in-Law at the University of Pennsylvania Law School, former Assistant United States Attorney with the United States Attorney's Office for the Southern District of New York, and Robert S. Ruff III, Associate in the Securities Litigation practice group at Weil, Gotshal & Manges LLP, 2013 “Leveraging the Three Core Competencies: How OFAC Licensing Optimizes Holistic Sanctions,” North Carolina Journal of International Law & Commercial Regulation (38 N.C.J. Int'l L. & Com. Reg. 729), Spring)

2. Ability to Mitigate Collateral Damage¶ Because OFAC prefers to formulate its sanctions

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produce the desired change, rather than on innocent civilians and businesses. n353

#### That solves quickly and avoids congressional backlash — it doesn’t require legislative or regulatory action.

Golumbic and Ruff, 2013 (Court E. Golumbic, Managing Director and Global Anti-Money Laundering, Anti-Bribery and Government Sanctions Compliance Officer at Goldman Sachs & Co., Lecturer-in-Law at the University of Pennsylvania Law School, former Assistant United States Attorney with the United States Attorney's Office for the Southern District of New York, and Robert S. Ruff III, Associate in the Securities Litigation practice group at Weil, Gotshal & Manges LLP, 2013 “Leveraging the Three Core Competencies: How OFAC Licensing Optimizes Holistic Sanctions,” North Carolina Journal of International Law & Commercial Regulation (38 N.C.J. Int'l L. & Com. Reg. 729), Spring)

3. Adaptability The third core competency of OFAC's licensing practices is the ability to

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a regulatory overhaul or the signing or withdrawal of an executive order. n391

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#### 1. Plan must be a qpq.

Shinn, 1996 (James, C.V. Starr Senior Fellow for Asia at the CFR in New York City and director of the council’s multi-year Asia Project, worked on economic affairs in the East Asia Bureau of the US Dept of State, “Weaving the Net: Conditional Engagement with China,” pp. 9 and 11)

In sum, conditional engagement consists of a set of objectives, a strategy for

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105, no. 3 (1990), pp. 383-88).

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#### b) Extra Topicality – *even if* the plan *is* economic engagement toward Cuba, the plan is not ONLY toward Cuba

New 13,(New, 3/26/2013 (William – Intellectual Property Watch, United States Chided As TRIPS Scofflaw at WTO, Intellectual Property Watch, p. http://www.ip-watch.org/2013/03/26/united-states-chided-as-trips-scofflaw-at-wto/-http://www.ip-watch.org/2013/03/26/united-states-chided-as-trips-scofflaw-at-wto/)

The lack of any substantive change by the United States in today’s report to the

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owner of the rum trademark everywhere in the world except the United States.

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**Latin American geopolitics are split for the time being – but Cuban preeminence unites them**

**Cave 2/21/2013** (Damien, NY Times “Response From Latin American Leaders on Venezuelan Unrest Is Muted”, <http://www.nytimes.com/2014/02/22/world/americas/response-from-latin-american-leaders-on-venezuelan-unrest-is-muted.html?_r=0>)

MEXICO CITY — When President Nicolás Maduro of Venezuela arrived in Havana for a regional

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**and sustains Cuba. The politics of this are very, very complicated.”**

#### Engagement sends a message of appeasement that causes a rise in authoritarianism and populism

Suchliki, 13 (Jaime, he Emilio Bacardi Moreau distinguished professor of history, editor of the Cuban Affairs Journal and director of the Institute for Cuban and Cuban-American Studies, University of Miami. He is the author of several books including "Mexico: From Montezuma to the Rise of the PAN" and "Cuba From Columbus to Castro.", “Why Sanctions on Cuba Must Remain”, 11-20-13, http://www.nytimes.com/roomfordebate/2013/11/19/sanctions-successes-and-failures/why-sanctions-on-cuba-must-remain-in-place)

Fourth, engagement with a totalitarian state won’t bring about its demise. Only academic

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their population is an ill-adviced policy that rewards and encourages further abuses

#### Latin American Populism leads to democratic backsliding, Iranian nuclearization, cartel instability and terrorism

Newsmax, 8/16/2013 (Jim Meyers and Kathleen Walter, “Latin American Expert: Rise of Leftist Governments Killing Democracy”, 8/16/13, <http://www.newsmax.com/Newsfront/latin-america-democracy-government/2013/08/16/id/520865>)

Latin American expert Luis Fleischman told Newsmax Friday that the rise of leftist governments is

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of democracy or the implementation of the OAS charter with regard to democracy."

#### Democratic backsliding in Latin America causes regional proliferation and nuclear conflict

Schulz, 2000 (Donald Schulz, Chairman of the Political Science Department at Cleveland State University, March 2000, The United States and Latin America: Shaping an Elusive Future, http://www.strategicstudiesinstitute.army.mil/pdffiles/pub31.pdf)

A second major interest is the promotion of democracy. At first glance, this

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heightened politico-military rivalry between different blocs or coalitions in the hemisphere.

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#### ONLY the counterplan solves the Aff – their plan and central thesis of the Aff are flawed – the issue is now under the purview of the French government not the Cuban government, their plan does nothing and only our counterplan solves the Aff, without directly engaging Cuba.

Ladas & Perry, 2002 (LLP, Intellectual Property Law, http://www.ladas.com/BULLETINS/2002/0502Bulletin/0502Bulletin38.html

The European Union (EU) filed a complaint with the WTO on behalf of

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its effort to protect the mark in the United States violated Section 211.

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#### Keystone pipeline won’t pass now because democrats and the GOP don’t want to anger Obama. However, the MUST PASS nature of the plan causes Hoeven to attach the keystone bill as a rider.

Snyder & Litvan 4/23/14 (Fort Worth Business Press, “Keystone XL allies revive congressional effort to bypass Obama”, <http://fwbusinesspress.com/fwbp/article/1/5080/Breaking-News/Keystone-XL-allies-revive-congressional-effort-to-bypass-Obama.aspx>)

WASHINGTON — The Obama administration's latest Keystone XL delay is having an unintended consequence:

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to attach language approving Keystone to must-pass legislation Obama can't veto.

#### Increased Demand for Oil Sands causes Warming

Schmidt 3/13/12 (Jake, Switchboard – Natural Resource Defense Council, -- citing -- Oil sands mining and reclamation cause massive¶ loss of peatland and stored carbon¶ Rebecca C. Rooney, Suzanne E. Bayley, and David W. Schindler¶ 1¶ Department of Biological Sciences, University of Alberta, Edmonton, AB, Canada T6G 2E9¶ Contributed by David W. Schindler, November 3, 2011 (sent for review August 30, 2011) “More Signs that Tar Sands is a Bad Investment - Global Warming Damage Rises”, <http://switchboard.nrdc.org/blogs/jschmidt/more_signs_that_tar_sands_is_a.html>)

Tar sands oil mining causes more carbon pollution than previously estimated – according to a

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would equal around 60-492,000 tons of CO2 per year.

## CASE

### WTO Advantage

#### WTO isn’t key to trade.

Andrew R. Rose 02, Professor of Economic Analysis and Policy at the Haas School of Business at UC-Berkeley, November 2002, NBER Working Paper 9347, “Do WTO Members Have a More Liberal Trade Policy?” http://papers.nber.org/papers/w9347.pdf

In 1987, Indian tariff revenues reached 53% of import values. India had

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that the WTO has actually liberalized trade ... or is actually liberalizing it?

**ZERO RISK of trade shut down**

**Ahearn 09** (Raymond, CRS Specialist in International Trade and Finance, “The Global Economic Downturn and Protectionism,” March 23, 2009, http://www.policyarchive.org/handle/10207/bitstreams/19395.pdf)

There are a number of reasons why **the threat of a return to protectionist**,

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(both investigations initiated and imposition of duties) surged in 2008.”13

#### **The plan is insufficient – their main internal link article concludes that other IP cases doom TRIPS, the DSB, and the WTO**

New 13, Their Author (New, 3/26/2013 (William – Intellectual Property Watch, United States Chided As TRIPS Scofflaw at WTO, Intellectual Property Watch, p. http://www.ip-watch.org/2013/03/26/united-states-chided-as-trips-scofflaw-at-wto/-http://www.ip-watch.org/2013/03/26/united-states-chided-as-trips-scofflaw-at-wto/)

A clause found to be unfairly protecting a rum company’s US market by denying trademark

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health of the system the WTO has for the resolution of trade disputes.”

### IP Leadership Advantage

#### US biotech will remain strong and current trajectory of the industry solves their impacts

Burrill 13 (G. Steven, CEO of Burrill & Company, a global financial services firm focused exclusively on the life sciences, “Biotech Visionary G. Steven Burrill Offers Predictions for 2014”, The Burrill Report, December 19, http://www.burrillreport.com/article-biotech\_visionary\_g\_steven\_burrill\_offers\_predictions\_for\_2014.html)

As the year comes to a close, biotech visionary G. Steven Burrill issued

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cause of death and disability—diabetes, heart disease, and dementia.

#### IPR not k2 biotech

Michele Boldrin and David Levine, 1/2/2008. Joseph G. Hoyt Distinguished Professor of Economics in Arts and Sciences at Washington University in St. Louis and John H. Biggs Distinguished Professor of Economics in Arts and Sciences at Washington University in St. Louis. “The Evil of Intellectual Monopoly,” Against Intellectual Monopoly, <http://www.dklevine.com/general/intellectual/against.htm>.

A recent “innovation” in patent law has been the enormous expansion in the

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from the IP-inefficiency topic that is the concern of this chapter.

#### No impact to new TB strains

CDC 13 (Center for Disease Control and Prevention, “Fact Sheet: Extensively Drug-Resistant Tuberculosis (XDR TB)”, CDC, January 18, http://www.cdc.gov/tb/publications/factsheets/drtb/xdrtb.htm)

Yes, in some cases. Some TB control programs have shown that cure is

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to aid in preparedness and public awareness of TB prevention and control issues.

#### No deforestation impact

Rosenthal 1/30/2009, Osborn Elliot Prize recipient for Excellence in Journalism (Elizabeth, New Jungles Prompt a Debate on Rain Forests, New York Times, A1

Dr. Wright — an internationally respected scientist — said he knew he was stirring

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to 90 percent of rain-forest species can survive in new forest.

#### No pesticides

Denis Avery, Director of the Center for Global Food Issues, Hudson Briefing Paper Number 10, Shaping the Future, May, 1996, www.hudson.org

**Agrochemicals are not a documented threat to the survival of a single species.'**

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**are documented, specific chemicals** or uses should be (and **are) eliminated**

#### Monocultures not a threat --- wild variations prove.

Anthony Trewavas, 3/22/2001. PhD in Biochemistry from the University College of London, Professor of plant physiology and molecular biology at the Institute of Cell and Molecular Biology, University of Edinburgh. “Urban Myths Of Organic Farming: Organic Agriculture Began As An Ideology, But Can It Meet Today's Needs?” Institute of Cell and Molecular Biology, <http://www.monsanto.co.uk/news/ukshowlib.phtml?uid=4822>

Application of any ecological approach to agriculture is fraught with uncertainty. Ecosystems are thought

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to produce food, in which farmer activity replaces normal ecosystem feedback controls.

#### No impact to warming – trends don’t hold up

Stafford, 2013-- interviewing Anthony Watts, 25-year broadcast meteorology veteran (James, 2013, "Climate Change without Catastrophe: Interview with Anthony Watts," http://oilprice.com/Interviews/Climate-Change-without-Catastrophe-Interview-with-Anthony-Watts.html)

Anthony Watts: The premise of the issue for proponents can be summed up very

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up when you look at the observed data compared to the early predictions.

#### No food wars

Tetrais 12—Senior Research Fellow at the Fondation pour la Recherche Stratgique (FRS). Past positions include: Director, Civilian Affairs Committee, NATO Assembly (1990-1993); European affairs desk officer, Ministry of Defense (1993-1995); Visiting Fellow, the Rand Corporation (1995-1996); Special Assistant to the Director of Strategic Affairs, Ministry of Defense (1996-2001).(Bruno, The Demise of Ares, csis.org/files/publication/twq12SummerTertrais.pdf)

The Unconvincing Case for ‘‘New Wars’’ ¶ Is the demise of war reversible?

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will be driven by nationalist passions, not the desperate hunger for hydrocarbons.