# Cuban Rum Aff

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### 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.

**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/>)

“The conduct of the United States unscrupulously discredits the WTO dispute settlement system and

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multilateral system of trade,” Venezuela said in its statement (unofficial translation).

#### 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.

#### WTO credibility prevents protectionism and trade bloc conflicts.

**Blustein**, 12/7/**2008** (Paul – journalist in residence at the Global Economy and Development Program at the Brookings Institution, Don’t Trade Recession for Depression, Washington Post, p. Lexis-Nexis)

The Doha Round's travails also pose significant risks to the WTO itself. For all

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in the system that has helped keep trade blocs and protectionism at bay.

#### 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 countries went to bed fearing annihilation

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

#### Free trade is a controlling impact – war’s inevitable without it and impossible because of it – solves extinvtion

**Dyer**, 12/30/**2004** (Gwynne – former senior lecturer in war studies at the Royal Military Academy Sandhurst, The End of War, The Toronto Star, p. Lexis-Nexis)

The "firebreak" against nuclear weapons use that we began building after Hiroshima and

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of winners and losers, then history will repeat itself and everybody loses.

#### Multiple studies prove that the risk of war is less probable in a world of economic interdependence.

**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,

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

#### WTO key to promote democracies, lower poverty, higher life expectancy, and freedom

Moore 2005 (Mike Moore, a former Prime Minister of New Zealand and WTO Director-General from 1999 to 2002. "Ten Years of the WTO: a success story of global governance." Internationale Politik und Gesellschaft 2 http://library.fes.de/pdf-files/id/ipg/02857.pdf 2005)

The Wto is at the center of the debate about democracy because of its successes

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people enjoyed the freedom of the market-place and the ballot box.

#### Alternative to the WTO entrenches corporate power

Phillipe **Legrain**, special adviser to the WTO director general Mike Moore, **2000** (The WTO: Boon or Bane for the Developing World, p. http://www.focusweb.org/publications/2000/The%20WTOThe%20WTO-Boon%20or%20Bane%20for%20the%20Developing%20World.htm)

A convincing case for the WTO’s abolition must show two things. First, that

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poorest South Koreans today are much richer than their counterparts 30 years ago.

### Plan – 1AC

#### The United States federal government should reduce 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 on Tuesday at the

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that enough was enough, 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,

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& Burling LLP, Federal News Service, p. Lexis-Nexis)

MR. ESPER: Well, I think we need to take a look at

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

#### *Subpoint A* – Tech

#### Strong IPR Regime solves for innovation – incentivizes risk

Lewis 08 (James A. Lewis - James Andrew Lewis is a senior fellow

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The explanation for this correlation between IPR and performance is also complex. ¶ IP

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if they do not improve their IP rules and the enforcement of rights.

#### Innovation solves any chance of great power war

Taylor ‘4 [4/1/04, Mark Taylor is a professor of Political Science at the Massachusetts Institute of Technology, “The Politics of Technological Change: International Relations versus Domestic Institutions,” <http://www.scribd.com/doc/46554792/Taylor>]

Technological innovation is of

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not exist in the first place

#### *Subpoint B* – Biotech

#### U.S. credibility is critical to strong IP protections for agriculture.

**Stein**, Spring **2005** (Haley – J.D. Northwestern University School of Law, Intellectual Property and Genetically Modified Seeds: The United States, Trade, and the Developing World, Northwestern Journal of Technology and Intellectual Property, p. Lexis-Nexis)

IP rights are likewise at the forefront of the United States' trade agenda, just

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the most vocal advocate of bolstering these IP rights on the international front.

#### IPR harmonization is a pre-requisite for the development of innovative and widespread biotech.

**Kerle 2007** (Clemens – research fellow at the Institute for Public International Law and International Relations at the Johannes Kepler University of Linz, International IP Protection for GMO – a Biotech Odyssey, Columbia Science and Technology Law Review, p. Lexis-Nexis)

3.1.2. The persuasiveness of pro-harmonization arguments in the

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become more inventive in this field themselves, ultimately without their northern partners.

#### Strong agricultural research prevents food insecurity and armed conflict in failed states.

**Pinstrup-Anderson**, 3/2/**2006** (Per – professor at Cornell University, The Impact of Technological Change in Agriculture on Poverty and Armed Conflict, Charles Valentine Riley Memorial Lecture Series, p. <http://intlag.tamu.edu/images/riley06.pdf>)

According to Borlaug (2004), “we cannot build world peace on empty stomachs

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terrorism. A simplified illustration of my hypothesis is shown in Figure 1.

#### Failed states escalate to nuclear conflict

**Dean**, May **1995** (Jonathan – Adviser on International Security Issues for the Union of Concerned Scientists, and former ambassador to East-West Arms Controls Negotiation, A Stronger UN Strengthens America, The Bulletin of Atomic Scientists, p. <http://www.thebulletin.org/issues/1995/ma95/ma95.dean.html>)

Experts throughout the world expect growing population pressures and increasing environmental stress to develop over

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an international peacekeeping system that can head off an increasing number of conflicts.

#### Biotech innovations prevent multiple scenarios for extinction.

**Trewavas**, 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.

**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.

**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.

**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 pharmaceutical companies is a portfolio of strong

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their intellectual property and ensure maximum punishments for criminals by maintaining strong trademarks.

#### Third is harmonization. IPR harmonization undermines the ability to market counterfeit 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—microbes which are

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compromised immune systems—is ill-fated prey to these ogre microbes.

#### TB spread risks extinction.

**Kalombo 2007** (Lonji – CSIR senior researcher and PhD candidate in applied science/chemical engineering at the University of Pretoria, CSIR researcher Lonji Kalombo in the fight against TB, p. <http://www.csir.co.za/researcher_profiles/LonjiKalombo.html>)

According to Kalombo, the dreaded TB is a real threat for humanity. "

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aways', almost unreachable and hampering its early detection when using conventional diagnostics.

### 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 could again prove that

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. businesses 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.