

BEFORE WE GET STARTED

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AUSTIN ROSTERS



UNIVERSITY OF TEXAS AT AUSTIN



economicthinking
Understanding and Creating Prosperity



University
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2024 -25 CX Debate Topic

**2024-2025 NATIONAL HIGH SCHOOL POLICY
DEBATE TOPIC**

INTELLECTUAL PROPERTY RIGHTS

Resolved: The United States federal government should significantly strengthen its protection of domestic intellectual property rights in copyrights, patents, and/or trademarks.

Arguing for IPRs...

- ✳️ *The importance of intellectual property rights stretches across all areas of American life from the technology we use, to the pharmaceutical drugs we rely on, to the entertainment...*
- ✳️ *Not only has the protection of intellectual property rights (IPR) been a part of [U.S.] innovation policy since the country was founded, but to see its relevance in our own day-to-day lives we only need to look at the rise of AI created art, soaring drug prices, or...Taylor's [album] version[s].*
- ✳️ *There is not a single good or service that we enjoy in our daily lives that is not in some way, shape, or form affected by the protection of IPR.*
- ✳️ *The proposed resolution asks affirmative teams to strengthen IPR in one or more of the three main areas of US IP law: copyrights, patents, or trademarks.*

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SCAN HERE FOR AUSTIN ROSTERS



UNIVERSITY OF TEXAS AT AUSTIN

2023 POLICY DEBATE TOPIC SELECTION MEETING



Portland, Oregon

August 4 - 6, 2023



Resolved: The United States federal government should significantly strengthen its protection of domestic intellectual property rights in copyrights, patents, and/or trademarks.

www.nfhs.org/articles/five-suggested-debate-topics-for-2024-25/

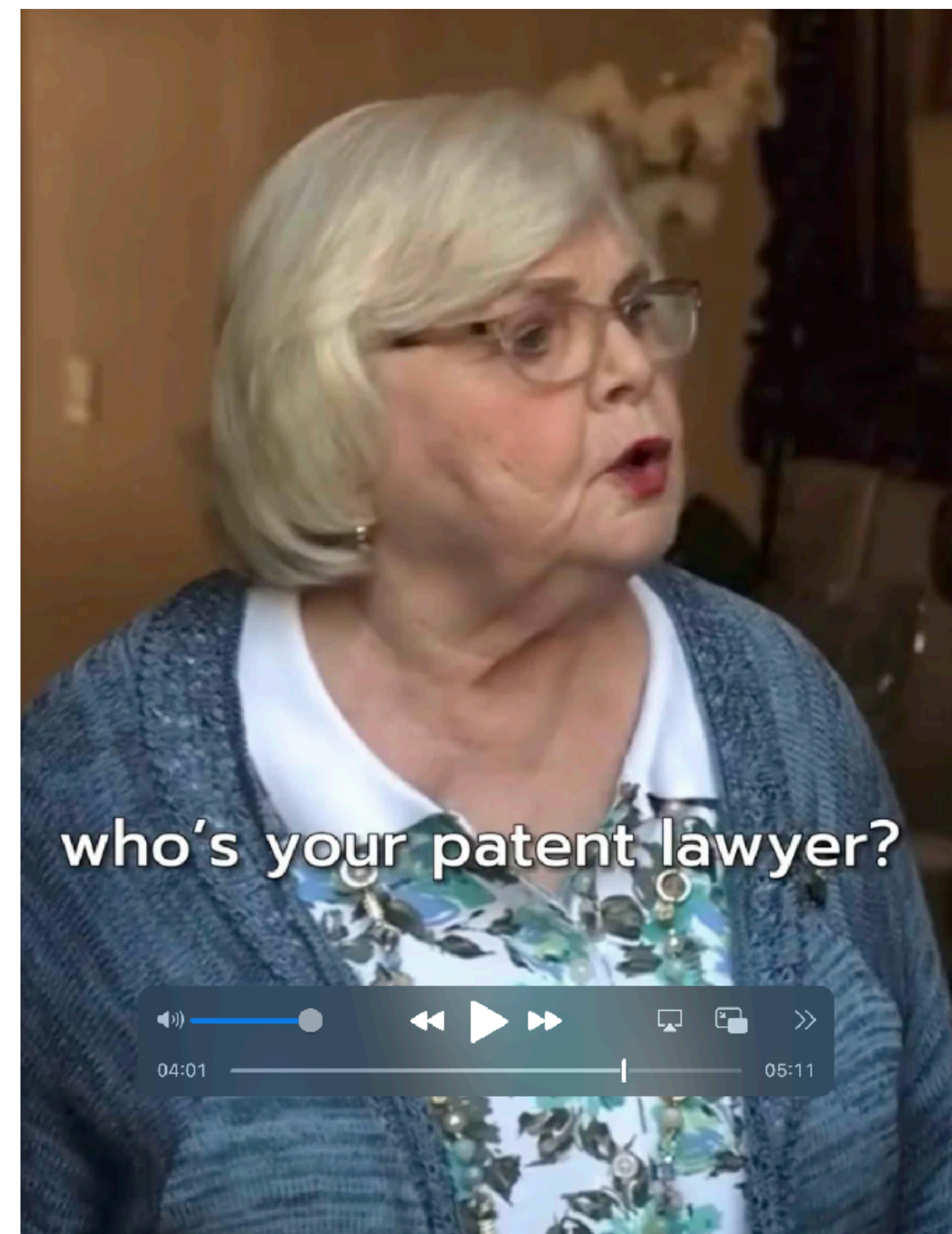


You don't wanna mess with them (Gloria and Ph in Modern Family) ✨



Recipe for success? Why not contracts for protecting intellectual property?

youtu.be/bbEg4mtrJ6A?si=kdOuPcDrMJHBEXzR





phil, in here!

The Debate over Owning Ideas

Resolved: The United States federal government should significantly strengthen its protection of domestic intellectual property rights in copyrights, patents, and/or trademarks.

- ✳ *Why do we protect intellectual property at all?*
- ✳ *Do we really have “property rights” to our intangible creations the same way we do to our homes or the land on which they rest?*
- ✳ *Are there more effective market-oriented ways of encouraging artistic creation and scientific discovery than through the use of copyright and patent laws that protect a limited monopoly?*
- ✳ *Those questions are hardly new, of course. Indeed, the debate over the nature and scope of intellectual property law is centuries old.*
- ✳ *More than 200 years ago, these questions concerned our Founding Fathers, who included a utilitarian compromise within the Constitution to ensure that science and the useful arts would be promoted by offering limited protection.*
- ✳ *They arrived at the balancing act contained in Article I, section 8, clause 8, which gave Congress the power to “promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”*

Reforms targeting “patent thickets” would speed up the arrival of lower-cost drugs

BY LAWSON MANSELL

JULY 18, 2024

What is a patent thicket, and why do they matter?



Lawson Mansell

HEALTH POLICY ANALYST, SOCIAL POLICY

- ✳ *...Affordable Prescriptions for Patients Act of 2023...the bill seeks to lower drug costs by cutting down “patent thickets” (an anticompetitive practice that brand name drug makers use to delay the arrival of lower-cost products).*
- ✳ *A patent thicket occurs when brand-name drug makers create a portfolio of sometimes-overlapping patents and patent claims designed to block as many avenues for competitors’ entry as possible.*
- ✳ *Would-be generic and biosimilar competitors, who manufacture lower-cost versions of those drugs, are forced into arduous litigation battles to challenge the validity and scope of the claims in a patent portfolio covering an existing drug.*



Free Market Institute

09 INTELLECTUAL PROPERTY IN THE FASHION INDUSTRY AND DISASTER RECOVERY

January 13, 2015

Edward Lopez, Western Carolina University

Daniel Sutter, Troy University

Resolved: The United States federal government should significantly strengthen its protection of domestic intellectual property rights in copyrights, patents, and/or trademarks.

Louis Vuitton's principal claim focused on trademark dilution by blurring, which refers not to consumer confusion, but to the gradual diminishment of a famous trademark's ability to clearly and unmistakably distinguish a unique source of goods or services as a result of unauthorized use.

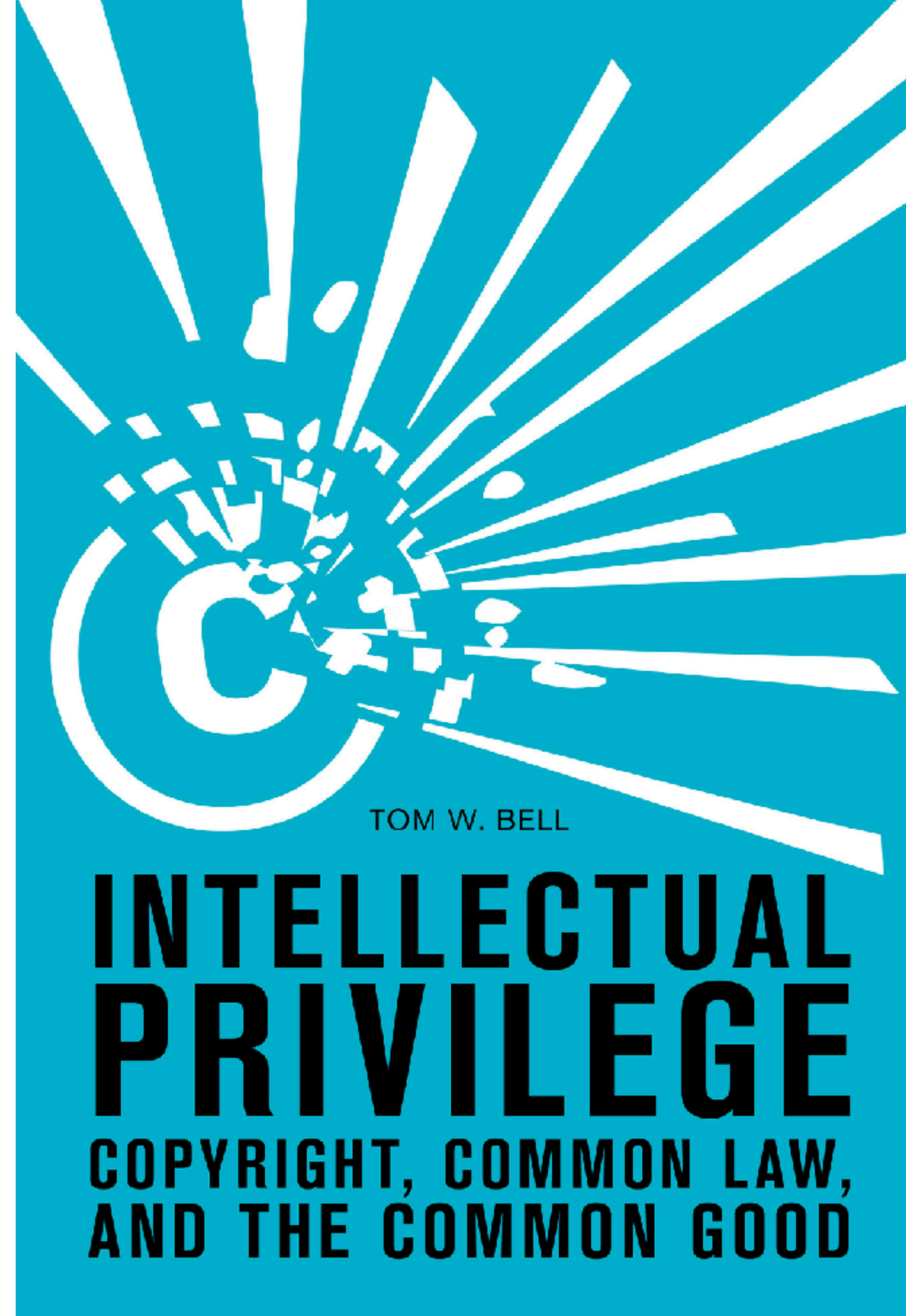


Intellectual Privilege

Copyright, Common Law, and the Common Good

By Tom W. Bell

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), I suggested that the United States should return to the kind of copyright the Founders supported: the one they created in their 1790 Copyright Act. The Founders' copyright had a term of only fourteen years with the option to renew for another fourteen. It conditioned copyright on the satisfaction of strict statutory formalities and covered only maps, charts, and books. The Founders' copyright protected only against unauthorized reproductions and offered only comparatively limited remedies.



"We Don't Need More Copyright" - Tom W. Bell on Intellectual Property



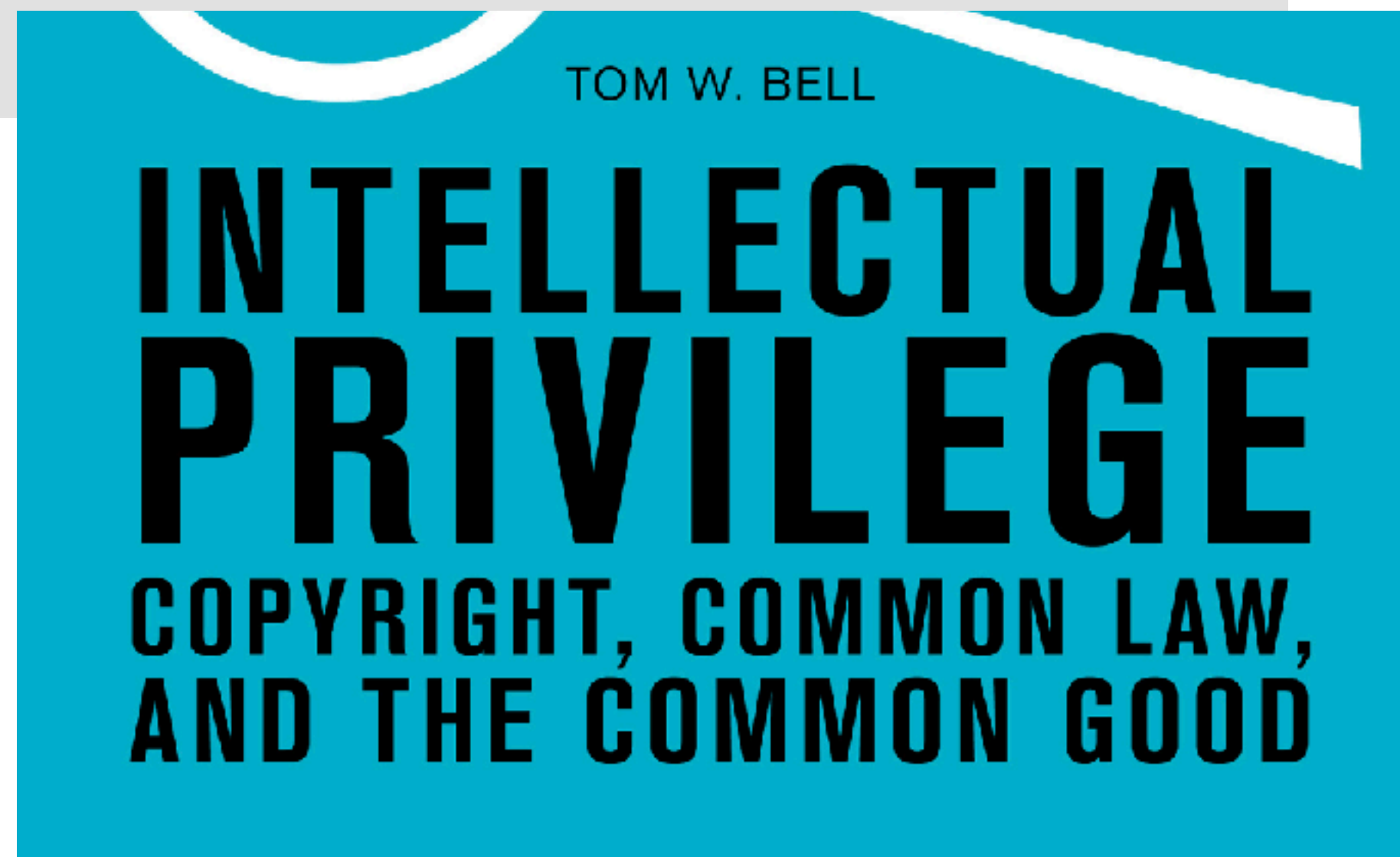
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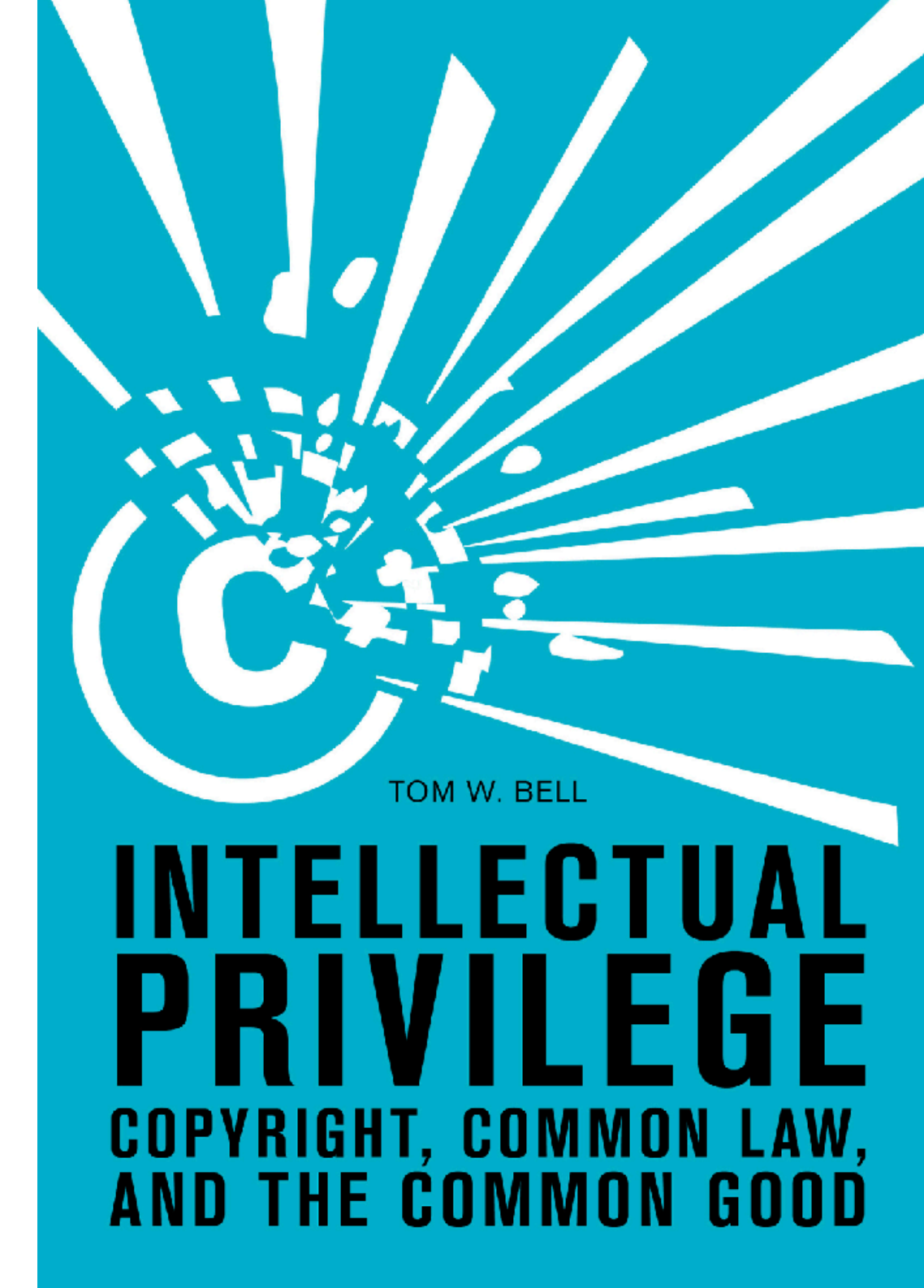
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youtu.be/fJPNKpCP6IE

telling observations. Chapter 1 provides a quick introduction to copyright, describing its fundamental nature, its constitutional roots, its statutory enactment, and its relation to other legal entities. Chapter 2 turns to copyright policy, explaining the market failure that copyrights aim to cure and evaluating how well they work. Chapter 3 measures copyright against natural rights theory, unveiling a strong case for regarding copyright as an unnatural statutory privilege.

Everyone can agree that copyright has not achieved perfection. Part II suggests several ways to improve copyright, all with the goal of promoting the public welfare more efficiently and treating natural and common-law rights with more respect. Chapter 7 explains why the fair use defense will shrink as licensing opportunities grow, and why we should welcome broader participation in markets for expressive works. Copyright holders might combine their statutory rights with technologically souped-up common-law rights to claim too much control over expressive works, but, as chapter 8 suggests, the misuse defense offers a ready cure for that scenario. Chapter 9 explains how we can open an escape hatch to a better



Intellectual property: an unnecessary evil

Written By Jock Coats

Intellectual property rights – better thought of as intellectual *monopoly* rights – are an unnecessary evil. They are unnecessary because all their stated, utilitarian aims can be achieved by other means. They are an evil because granting artificial rights to non-property restricts everyone else's property rights. They are more likely to be used to stifle the creativity, innovation, and emulation that underpins technological and cultural advance; and they concentrate wealth and power in the hands of privileged non-creators more interested in milking selected others' efforts.

Dignifying them with the phrase “intellectual property” is a contemporary conceit to conceal crude market interference through state granted privilege with the flimsiest gossamer of respectability. The primary origins of patents lie in maintaining the state's coffers, and of copyright in state censorship of ideas.

- [Dickens could make money](#) from Americans without copyright
- Musicians could feed themselves before Edison
- Plant breeding could [bloom before the US Plant Variety Protection Act of 1970](#)
- Software got written before the [1981 SCOTUS decision in Diamond vs Diehr](#)
- Most of the 2009 [Billboard Top 40 music earners](#) made most of their income from live performances, not recordings
- Harry Potter novels [sold enough in their first twenty-four hours](#) to keep J K Rowling in style

Patently Good: A defence of intellectual property

Written By Matthew Lesh

A new report by Ben Southwood, fellow of the Adam Smith Institute, makes the [liberal utilitarian case for patent law](#):

- Property rights are good not “just because”, but because of how they contribute to human flourishing
- Patents are, like other property rights, an automatic market mechanism making use of decentralised information and robust to shocks, unlike prizes, which require some sort of central direction
- Patents encourage information to come into the open, but they limit how you can use that info
- Intellectual property rights can be too stringent, but it’s unclear whether we’ve reached that point yet



EXECUTIVE SUMMARY

- Property rights are good not “just because”, but because of how they contribute to human flourishing
- Patents are, like other property rights, an automatic market mechanism making use of decentralised information and robust to shocks, unlike prizes, which require some sort of central direction
- Patents encourage information to come into the open, but they limit how you can use that info
- Intellectual property rights can be too stringent, but it’s unclear whether we’ve reached that point yet

OPINION

Sheldon Richman: The case against intellectual property rights

By dallasnews Administrator

10:30 PM on Feb 3, 2012 CST

✳ *If I articulate an idea in front of other people, each now has his own “copy.” Yet I retain mine. However the others use their copies, it is hard to see how they have committed an injustice.*

✳ *In practical terms, when one acquires a copyright or a patent, what one really acquires is the power to ask the government stop other people from doing harmless things with their own property. IP is thus inconsistent with the right to property.*

✳ *An IP advocate might challenge the proposition that two or more people can use the “same” idea at the same time by noting that the originator’s economic return from exploiting the idea will likely be smaller if unauthorized imitators are free to enter the market.*

✳ *That is true, but this confuses property with economic value. In traditional property-rights theory, one owns objects not economic values. If someone’s otherwise unobjectionable activities lower the market value of my property, my rights have not been violated.*

Sheldon Richman: The case against intellectual property rights

By dallasnews Administrator

10:30 PM on Feb 3, 2012 CST

✳️ *This objection exposes what is at stake in IP: monopoly power granted by the state. In fact, patents originated as royal grants of privilege, while copyright originated in the power to censor. This in itself doesn't prove these practices clash with liberty, but their pedigrees are indeed tainted.*



- ✳️ *Property rights arose to grapple with natural scarcity; “intellectual property” rights were invented to create scarcity where it does not naturally exist.*
- ✳️ *Second, history undermines the utilitarian case for patents and copyright. In their book, Against Intellectual Monopoly, pro-market economists Michele Boldrin and David K. Levine show that IP impedes innovation.*
- ✳️ *For example, James Watt's steam engine improved very little while his patents were in effect — he was too busy suing anyone he could for patent infringement. Only once the patents expired in 1800 did improvements in the steam engine accelerate.*

Who Owns the Sun?

- ✳ *Zaitchik argues that patents were envisioned by the framers of the Constitution as a two-way social contract for advancing science and “useful arts” ...*
- ✳ *but have become a vehicle for turning vital medical knowledge into private intellectual property.*
- ✳ *That process sped up with the passage of the Bayh-Dole Act in 1980, which allowed businesses and universities to retain the rights to knowledge developed with federal funding, and it helped to make possible the “vaccine nationalism” of Operation Warp Speed.*
- ✳ *A trenchant study of the dangers of turning medical knowledge into private intellectual property.*

OWNING THE SUN

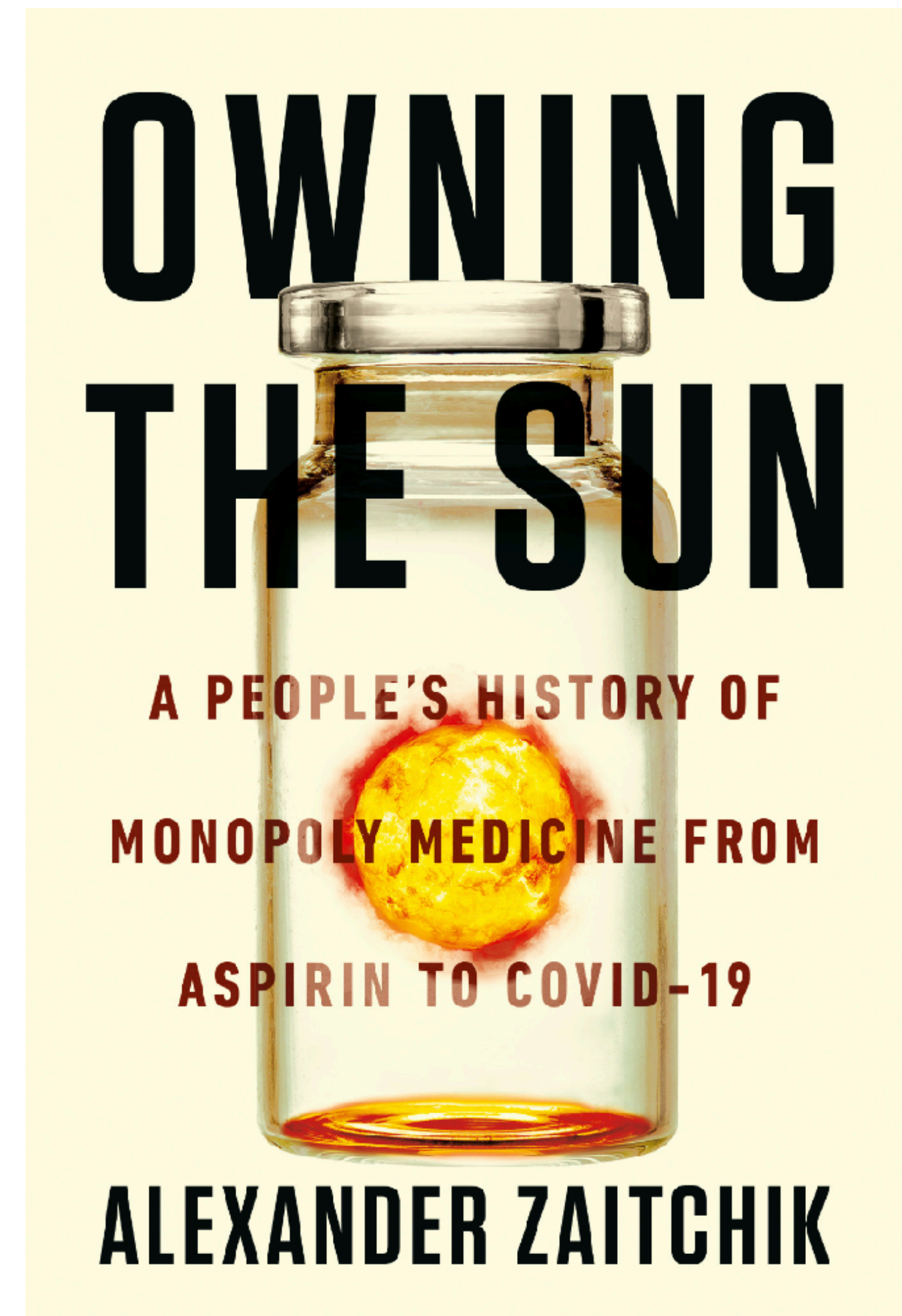
A PEOPLE'S HISTORY OF
MONOPOLY MEDICINE FROM
ASPIRIN TO COVID-19

ALEXANDER ZAITCHIK

Who Owns the Sun?

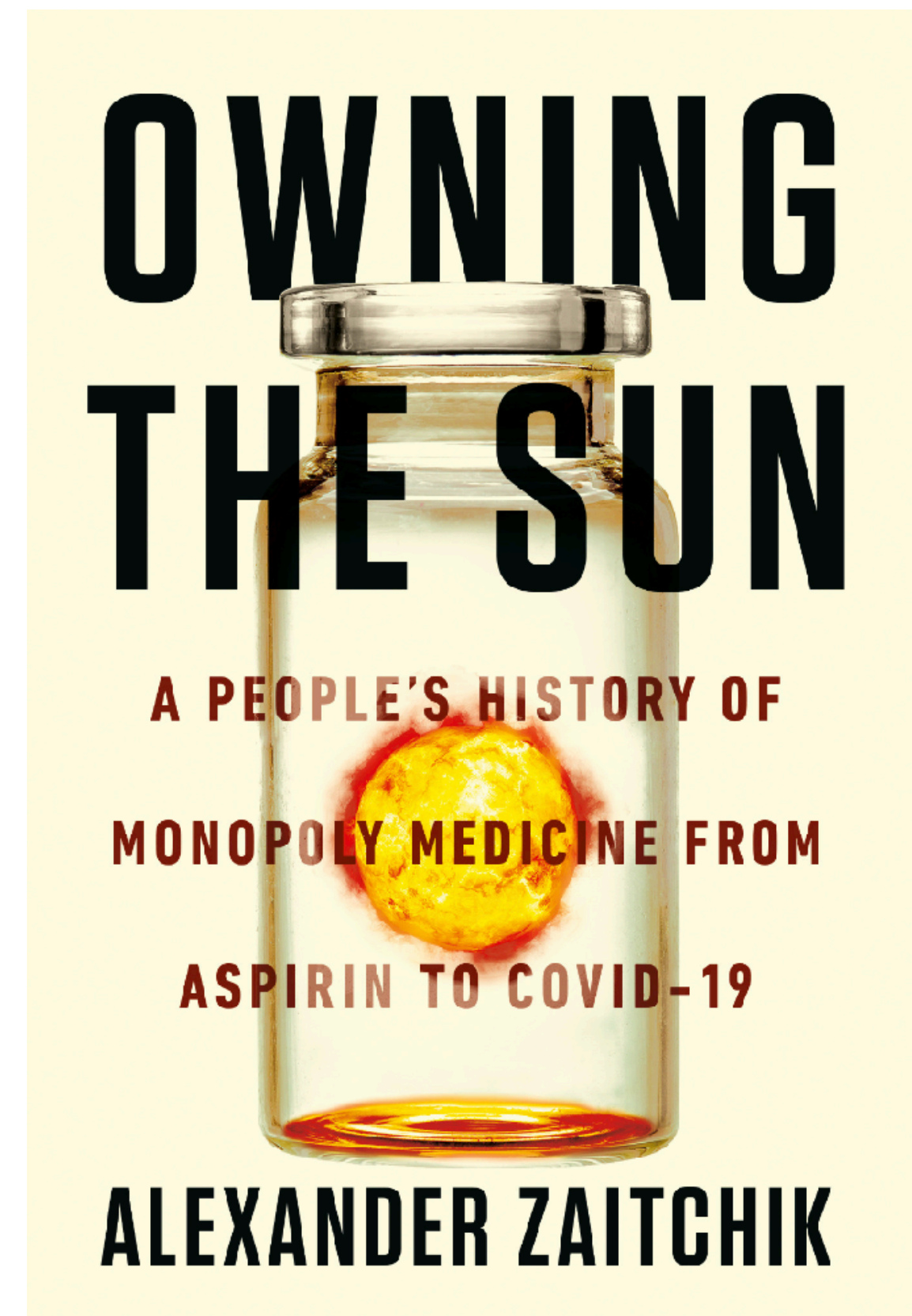
- ✱ *Long before medicines entered the monopoly debate*
- ✱ *Many countries hesitant to accept... "owning ideas"*
- ✱ *A debate over the legitimacy and value of monopolies across Europe in 19th and early 20th centuries*
- ✱ *Netherlands practiced "free trade in inventions" to 1912*
- ✱ *Fiercest denunciations of intellectual property were in The Economist magazine (liberal and pro-free trade).*
- ✱ *The liberals and free-traders lost the argument and in the early twentieth century patent monopolies were normalized across the industrialized world.*

(page xiv, Owning the Sun)



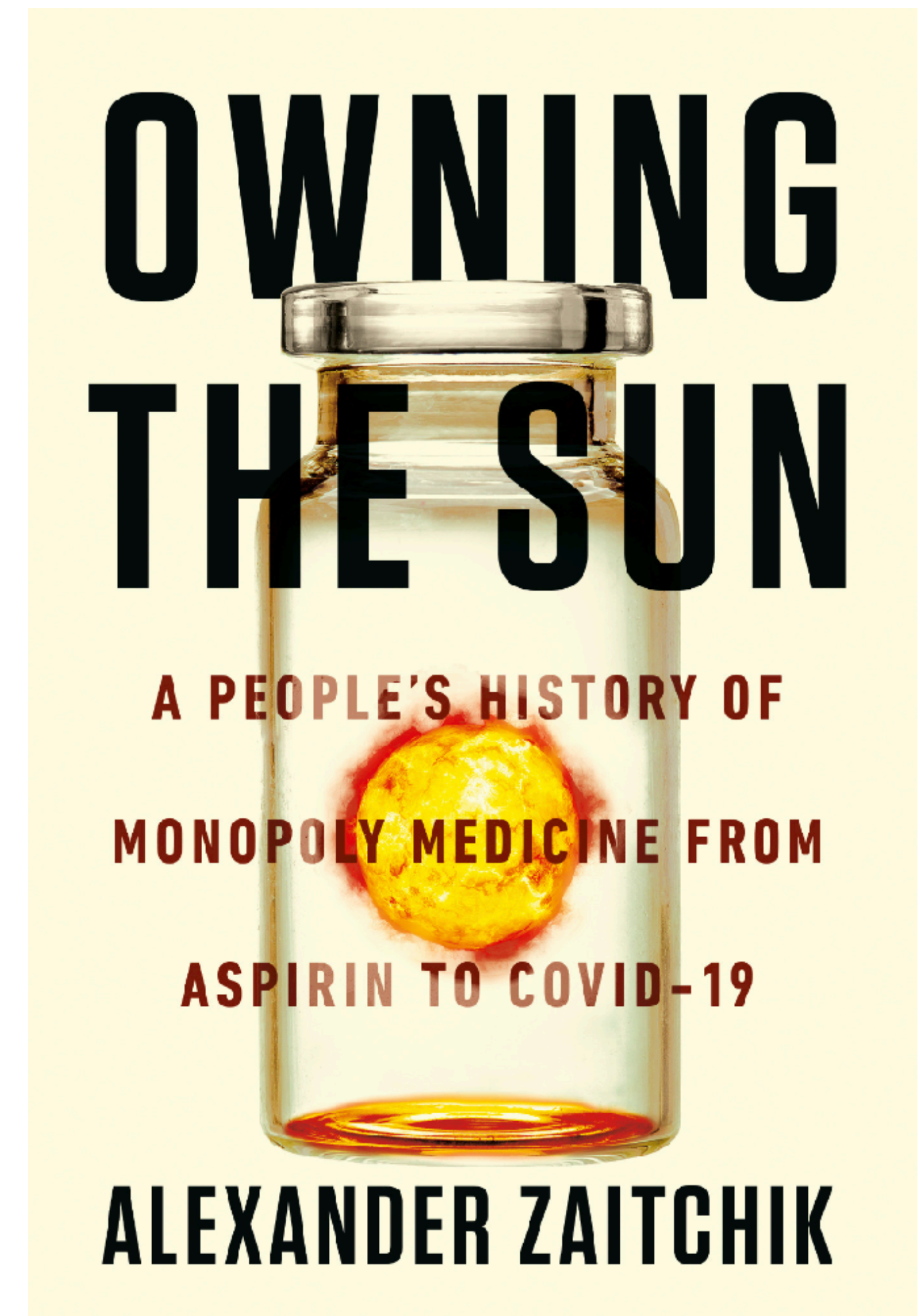
Who Owns the Sun?

✳ Monopolies (patents) granted by the King (of England) were hated at privileged granted to elites. Under Queen Elizabeth, then Parliament limited under King James.



As we enjoy great advantages from the inventions of others

- ✱ Debated on last days of Constitutional convention.
- ✱ Benjamin Franklin opposed. He was the most celebrated inventor of his time and never applied for a patent (except...). Jefferson opposed from a distance.
- ✱ *Jefferson shared Adam Smith's doubts that patents functioned as promised and suspected they may hinder progress as much as promote it "Generally speaking, other nations have thought that these monopolies produce more embarrassment than advantage to society; and it may be observed that the nations which refuse monopolies of invention, as as fruitful as England in new and useful devices."* (Owning the Sun, p. 11, Jefferson's words.)



A individual right or social good?

- ✳ Policy debate rests on values: do we value IPR because it creates incentives to invest and invent, boosting economic growth? (A utilitarian claim.)
- ✳ Or do we value IRPs because people should own the goods and services they invent or create: songs, paintings, products, or computer apps? This is a rights-based claim: IPRs as natural rights.
- ✳ And both these claims are just that: claims.
- ✳ Maybe IPR slows economic progress (or “too strict” or “too loose” IPRs.
- ✳ Patents on immature technologies can block better technologies.
- ✳ The Wright Brothers patents slowed progress.

Who Owns Broccoli?

Intellectual Property Rights in a Liberal Context

Proceedings of a Colloquium at the Liberal Institute,
Friedrich-Naumann-Foundation for Freedom, 13th October 2011
Potsdam, Germany

Edited by
Steffen Hentrich and Csilla Hatvany

Ideas on Liberty 9

Steffen Hentrich and Csilla Hatvany

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The History of Intellectual Property 15

Stan J. Liebowitz

Should We Be Concerned About the

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Knut Blind

Product Piracy and Counterfeiting -

Empirical Evidence from Germany.....67

Bernd Klein

Economic Activity in Spite of Intellectual Property 90

Who Owns Broccoli?

- ✳ *[Some focus on] the benefits of protecting private property rights for innovation and the efficiency of resource allocation.*
- ✳ *They fear a world without intellectual property as a socialist nightmare, where nobody is able to reap the fruits of their creativity.*
- ✳ *In an opposing view, other experts caution against the monopolization of ideas which place barriers in the way of creativity and reduce incentives to innovate.*
- ✳ *To this day there is continuing dispute concerning the historical role of intellectual property rights.*
- ✳ *Were they established to promote economic development or merely to censor creative thinkers and to support political cronies?*

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- ✳ *Early critics of strong patent protection objected to state granted monopolies in an era of free trade.*
- ✳ *They were sceptical about the specialness of invention and considered inventive talent to be a common feature in the milieu of collective enterprise and one that was not necessary to encourage.*
- ✳ *On the contrary they believed patents would encourage their holders to waste their lives in the fruitless search for returns on their patents.*
- ✳ *According to Kealey there is ample evidence to confirm this opinion. He goes on to make a theoretical case for rethinking intellectual property rights and patents.*

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- ✳ *It is often said that patents provide an exclusive right to use or exercise an invention for a limited time in return for the disclosure of the invention.*
- ✳ *Actually, this is not true: patents provide an exclusive right to stop others from using or exercising an invention for a limited time in return for the disclosure of the invention.*
- ✳ *But in their turn others may be able to stop a patent holder from using or exercising their own invention.*
- ✳ *As we shall see, this apparently subtle or even pedantic point is important, and it goes to the heart of one of the contemporary controversies over patents.*

The History of Intellectual Property

Terence Kealey

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- ✳️ *In US, three classes of patents recognized:*
- ✳️ *[i] utility patents [for new processes, machines, artefacts and composition of matter],*
- ✳️ *[ii] design patents [for designs for articles of manufacture] and*
- ✳️ *[iii] plant patents [for novel plants as in horticulture or agriculture.]*
- ✳️ *The periods of patent monopoly have varied... but currently in the US utility and plant patents extend for 20 years and design patents for 14.*

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✳️ [six main arguments against patents, p.21]

✳️ These arguments were judged to be so powerful that Britain very nearly abolished patents...but for certain parliamentary vagaries...Britain actually would have abolished patents.

✳️ In two countries [in] Europe the critics of patents did win the argument, and Switzerland in 1850 reaffirmed its earlier decision not to introduce patent laws while – most dramatically of all – the Netherlands in 1868 actually repealed its existing patent laws. ...

✳️ [under pressure] Switzerland (in 1907) and the Netherlands (in 1912) introduced patent laws.

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Why Big Tech Likes Weak IP

by JM Barnett — Weakening patents can raise entry barriers and shelter incumbents by disadvantaging firms that are rich in ideas but poor in the **capital** and expertise.

Copyrights and Property Rights

Every e-mail, text message, blog, website, digital photo, video, and audio recording is copyrightable. The World **Intellectual Property** Organization Treaty, ...

Intellectual Property

And so today, in the midst of an explosion of digital and online creativity, the concept of **intellectual property** (IP) is being challenged as it has never.

The Great Debate on Intellectual Property

Some argue that copyrights and patents rely on a Lockean theory—that creators mix their efforts with their creations and thereby enjoy natural rights to their ...

Intellectual Property and First Principles

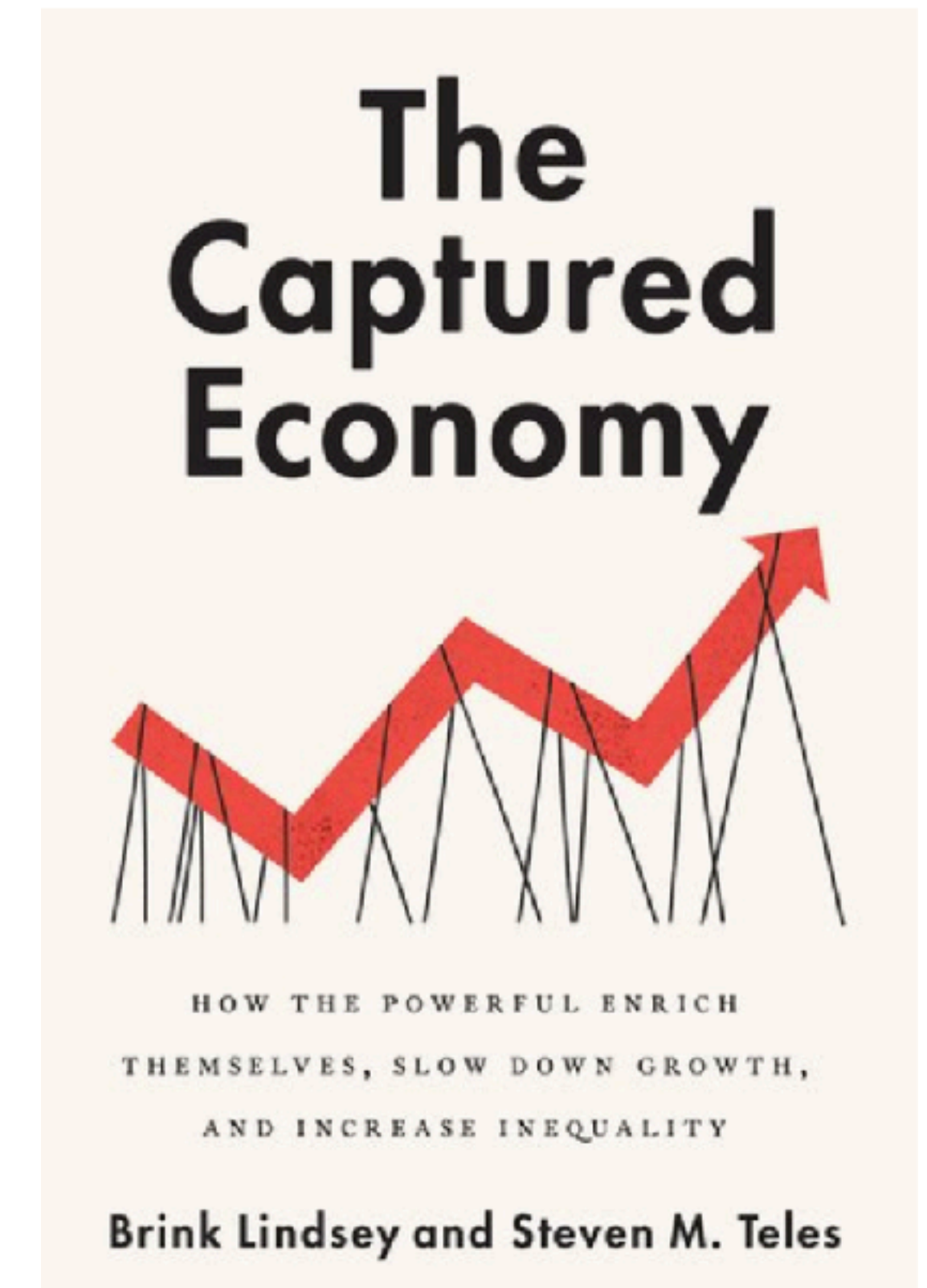
On one hand, **intellectual property** is a product of mixing labor with material in the public domain, and it's freely alienable, able to be bought, sold, licensed ...

The Captured Economy

How the Powerful Enrich Themselves, Slow Down Growth, and Increase Inequality

Brink Lindsey and Steven M. Teles

- Identifies a reason for the growth in inequality that will surprise both the ideological left and right
- Shows that the large influence of industry interest groups on policy has increased inequality
- Proposes policies that will decrease the power of corporations and lobbyist groups in government



CHINA

reason

The Mirage of China's I.P. Theft

As allegations of intellectual property theft swirl, a deeper look reveals a tale of phony numbers and twisted data.

RICHARD VIGILANTE | FROM THE JULY 2024 ISSUE



Beneath this crescendo of warnings, however, lie some questionable assertions. Central to the argument are two reports, one by the U.S. International Trade Commission (USITC) and another by the OECD, which have become the linchpins of the fearmongering campaign against China. A closer examination reveals that these reports, and the staggering figures they tout, are little more than sloppy guesswork grounded in speculative modeling rather than solid evidence.

reason.com/2024/06/02/the-mirage-of-chinas-i-p-theft