

Intermediate A, Semi-Final

Topic : *that we should abolish non-disclosure agreements that are not related to specific pieces of intellectual property or trade agreements.*

1. Type of Topic:

This is a standard normative/model debate. The affirmative team **must** propose a model that describes in detail how the change will be implemented – the model **must** include abolishing non-disclosure agreements that are not related to specific pieces of intellectual property or trade agreements. The negative **must** propose a countermodel which can be the status quo, which **must** be described, or they can detail new changes in their countermodel, which **must not** include abolishing non-disclosure agreements that are not related to specific pieces of intellectual property or trade agreements. Remember that model debates should be centred around comparing the models of the two teams.

2. **Background/Context:** A non-disclosure agreement (NDA) is a legally binding contract that ensures a confidential relationship. They are often used in employer-employee relationships to prevent the release of confidential information or trade secrets – which are a specific type of intellectual property. One of their notable uses is for sexual harassment claims – NDAs are often used in the workplace to protect the reputation of workplaces and employers. The victim can agree to not disclose the allegations in exchange for a sum of money. Whilst the victims do receive compensation in a fiscal sense, it does silence the victim and mean that the unlawful behaviour can potentially continue unchecked. Although the accused was required to pay a sum of money in the NDA, there are no other consequences. However, for many cases of sexual harassment, there is a known trend that many incidents can either go unreported or not investigated properly if serious enough to involve police. This leads to minimal consequences for offenders, and secondly victims can be placed under major media scrutiny – thus for many victims, NDAs can potentially be the best realistic option.

3. Specific Questions for Consideration

- In what situations are NDAs used other than intellectual property and trade secrets?
- Why do victims choose to enter NDAs?
- What other options can victims choose instead of NDAs?
- Why do many harassment incidents go unreported?

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