

- c. 1. Each Party agrees to a cross-waiver of liability pursuant to which each Party waives all claims against any of the entities or persons listed below based on Damage arising out of Protected Space Operations. This cross-waiver shall apply only if the person, entity, or property causing the Damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations. The cross-waiver shall apply to any claims for Damage, whatever the legal basis for such claims, including but not limited to delict and tort (including negligence of every degree and kind) and contract, against:
  - i. The other Party;
  - ii. Any party who has signed a NASA agreement that includes Space Shuttle services;
  - iii. A Related Entity of any party in paragraph c(l)(i) and c(l)(ii) in this Article;
  - iv. The employees of any of the entities identified in c(l)(i) through c(l)(iii) above.
2. In addition, each Party will extend the cross-waiver of liability as set forth in paragraph c(l) of this Article to its own Related Entities by requiring them, by contract or otherwise, to agree to waive all claims against the entities or persons identified in c(l)(i) through c(l)(iv) above.
3. For avoidance of doubt, this cross-waiver of liability includes a cross-waiver of liability arising from the Convention on the International Liability for Damage Caused by Space Objects of March 29, 1972 (Liability Convention) where the person, entity, or property causing the Damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations.
4. Notwithstanding the other provisions of this Article, this cross-waiver of liability will not be applicable to:
  - i. Claims between a Party and its own Related Entity or between its own Related Entities;
  - ii. Claims made by a natural person, his/her estate, survivors, or subrogees for injury or death of such natural person, except where a subrogee is one of the Parties;
  - iii. Claims for damage caused by willful misconduct;
  - iv. Intellectual property claims;