

- (c) For avoidance of doubt, this cross-waiver of liability shall be applicable to claims arising from the *Convention on International Liability for Damage Caused by Space Objects*, done on 29 March 1972 (the "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.
- (d) Notwithstanding the other provisions of this Article, this cross-waiver of liability shall not be applicable to:
- (i) claims between an Agency and its Related Entity or between an Agency's Related Entities;
  - (ii) claims made by a natural person, his/her estate, survivors, or subrogees for bodily injury, other impairment of health or death of such natural person, except where a subrogee is a Party or is otherwise bound by the terms of this cross-waiver;
  - (iii) claims for Damage caused by willful misconduct;
  - (iv) intellectual property claims;
  - (v) claims for Damage resulting from a failure to ensure that the cross-waiver of liability is extended as set forth in subparagraph 3(b) of Article 11; or
  - (vi) claims by or against an Agency or its Related Entity arising out of or relating to the other Agency's or its Related Entity's failure to meet its contractual obligations, pursuant to express contractual provisions.