

- (3) For avoidance of doubt, this cross-waiver of liability includes a cross-waiver of liability arising from the Convention on International Liability for Damage Caused by Space Objects, (Mar. 29, 1972, 24 United States Treaties and Other International Agreements (U. S. T.) 2389, Treaties and Other International Acts Series (T.I.A.S.) No. 7762) 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 Section, this cross-waiver of liability shall not be applicable to:
- (a) claims between a Party and its own Related Entity or between its own Related Entities;
  - (b) claims made by a natural person, his/her estate, survivors, or subrogees for injury or death of such natural person, except where the subrogee is a Party;
  - (c) claims for Damage caused by willful misconduct;
  - (d) intellectual property claims;
  - (e) contract claims between the Parties based on the express contractual provisions of this Agreement; or
  - (f) claims for Damage based on the failure of a Party to extend the cross-waiver of liability to its own Related Entities as required by subsection 7.3.c.(2).
- (5) Nothing in this cross-waiver shall be construed to create the basis for a claim or suit where none would otherwise exist.