



1. If no action is taken by MCA, such exclusivity shall be limited as follows:
 - i. East of the Mississippi—any other theme park is limited to using characters not currently being used by MCA at the time such other license is granted. [For the purpose of this subsection . . . a character is “being used by MCA” if ***(x) it or another character of the same “family” (e.g., any member of THE FANTASTIC FOUR, THE AVENGERS or villains associated with a character being used)*** is more than an incidental element of an attraction, is presented as a costumed character, or is more than an incidental element of the theming of a retail store or food facility; and, (y) in addition, **if such character or another character from the same “family”** is an element in any MCA marketing during the previous year. . . .]







