

TELECOMMUNICATION (WIRELESS TELEGRAPH)

*Convention, supplementary agreement, and final protocol signed at Berlin November 3, 1906*¹

Senate advice and consent to ratification April 3, 1912

Ratified by the President of the United States April 22, 1912

Ratification of the United States deposited at Berlin May 17, 1912

Entered into force July 1, 1908; for the United States May 17, 1912

Proclaimed by the President of the United States May 25, 1912

Replaced by conventions and protocols of July 5, 1912,² November 25, 1927,³ and December 9, 1932,⁴ as between contracting parties to the later conventions and protocols

*Terminated definitively May 15, 1933*⁵

37 Stat. 1565; Treaty Series 568

[TRANSLATION]

INTERNATIONAL WIRELESS TELEGRAPH CONVENTION CONCLUDED BETWEEN GERMANY, THE UNITED STATES OF AMERICA, ARGENTINA, AUSTRIA, HUNGARY, BELGIUM, BRAZIL, BULGARIA, CHILE, DENMARK, SPAIN, FRANCE, GREAT BRITAIN, GREECE, ITALY, JAPAN, MEXICO, MONACO, NORWAY, THE NETHERLANDS, PERSIA, PORTUGAL, ROUMANIA, RUSSIA, SWEDEN, TURKEY, AND URUGUAY

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at Berlin, have agreed on the following Convention, subject to ratification:

ARTICLE 1

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all wireless telegraph stations open to public service between the coast and vessels at sea—both coastal stations and stations on shipboard—which are established or worked by the Contracting Parties.

¹ For text of service regulations, see 37 Stat. 1581.

² TS 581, *post*, p. 883.

³ TS 767, *post*, vol. 2.

⁴ TS 867, *post*.

⁵ Date by which all parties to the 1906 convention had become parties to later conventions.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for wireless telegraphy open to the service of public correspondence between the coast and vessels at sea, or to establish or work wireless telegraph stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2

By "coastal stations" is to be understood every wireless telegraph station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every wireless telegraph station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3

The coastal stations and the stations on shipboard shall be bound to exchange wireless telegrams reciprocally without distinction of the wireless telegraph system adopted by such stations.

ARTICLE 4

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, also of all data necessary to facilitate and accelerate the exchange of wireless telegrams, as specified in the Regulations.⁶

ARTICLE 7

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special wireless communication without publishing the details of such devices.

⁶ See footnote 1, p. 556.

ARTICLE 8

The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless stations.

ARTICLE 9

Wireless telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10

The total charge for wireless telegrams shall comprise:

1. The charge for the maritime transmission, that is:
 - (a) The coastal rate, which shall fall to the coastal station;
 - (b) The shipboard rate, which shall fall to the shipboard station.
2. The charge for transmission over the lines of the telegraph system, to be computed according to the general regulations.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government whose flag the ship is flying.

Each of these rates shall be fixed in accordance with the tariff per word, pure and simple, with an optional minimum rate per wireless telegram, on the basis of an equitable remuneration for the wireless work. Neither rate shall exceed a maximum to be fixed by the High Contracting Parties.

However, each of the High Contracting Parties shall be at liberty to authorize higher rates than such maximum in the case of stations of ranges exceeding 800 km. or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

For wireless telegrams proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the High Contracting Parties shall advise one another of the rates applicable to the transmission over the lines of their telegraph system. Such rates shall be those resulting from the principle that the coastal station is to be considered as the station of origin or of destination.

ARTICLE 11

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by

common consent. Conferences of plenipotentiaries or simply administrative conferences, according as the Convention or the Regulations are affected, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

ARTICLE 13

An International Bureau shall be charged with collecting, coordinating and publishing information of every kind relating to wireless telegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international wireless telegraphy.

The expenses of such institution shall be borne by all the contracting countries.

ARTICLE 14

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive wireless telegrams proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a wireless telegram is received, the ordinary rates shall be applicable to it.

Any wireless telegram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any wireless telegram intended for a vessel shall also be forwarded if the administration of a contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15

The provisions of Articles 8 and 9 of this Convention are also applicable to wireless telegraph installations other than those referred to in Article 1.

ARTICLE 16

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

ARTICLE 17

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10/22, 1875,⁷ shall be applicable to international wireless telegraphy.

⁷ Articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the convention of 1875 read, in translation, as follows:

ART. 1. The High Contracting Parties concede to all persons the right to correspond by means of the international telegraphs.

ART. 2. They bind themselves to take all the necessary measures for the purpose of insuring the secrecy of the correspondence and its safe transmission.

ART. 3. They declare, nevertheless, that they accept no responsibility as regards the international telegraph service.

ART. 5. Telegrams are classed in three categories:

1. State telegrams: those emanating from the Head of the Nation, the Ministers, the Commanders-in-Chief of the Army and Naval forces, and the Diplomatic or Consular Agents of the Contracting Governments, as well as the answers to such telegrams.

2. Service telegrams: those which emanate from the Managements of the Telegraph Service of the Contracting States and which relate either to the international telegraph service or to subjects of public interest determined jointly by such Managements.

3. Private telegrams.

In the transmission, the State telegrams shall have precedence over other telegrams.

ART. 6. State telegrams and service telegrams may be issued in secret language, in any communications.

Private telegrams may be exchanged in secret language between two States which admit of this mode of correspondence.

The States which do not admit of private telegrams in secret language upon the expedition or arrival of the same, shall allow them to pass in transit, except in the case of suspension defined in article 8.

ART. 7. The High Contracting Parties reserve the right to stop the transmission of any private telegram which may appear dangerous to the safety of the State, or which may be contrary to the laws of the country, to public order or good morals.

ART. 8. Each Government also reserves the right to suspend the international telegraph service for an indefinite period, if deemed necessary by it, either generally, or only over certain lines and for certain classes of correspondence, of which such Government shall immediately notify all the other Contracting Governments.

ART. 11. Telegrams relating to the international telegraph service of the Contracting States shall be transmitted free of charge over the entire systems of such States.

ART. 12. The High Contracting Parties shall render accounts to one another of the charges collected by each of them.

ART. 17. The High Contracting Parties reserve respectively the right to enter among themselves into special arrangements of any kind with regard to points of the service which do not interest the States generally.

For full text of convention of 1875, see 57 LNTS 212.

ARTICLE 18

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government, and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21

The High Contracting Parties shall preserve their entire liberty as regards wireless telegraph installations other than provided for in Article 1, especially naval and military installations, which shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations are used for general public service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

ARTICLE 22

The present Convention shall go into effect on the 1st day of July, 1908, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23

The present Convention shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each Party.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE
SYDOW

For the United States of America:

CHARLEMAGNE TOWER
H. N. MANNEY
JAMES ALLEN
JOHN I. WATERBURY

For Argentina:

J. OLMÍ

For Austria:

BARTH
FRIES

For Hungary:

PIERRE DE SZALAY
DR. DE HENNYEY
HOLLÓS

For Belgium:

F. DELARGE
E. BUELS

For Brazil:

CESAR DE CAMPOS

For Bulgaria:

IV. STOYANOVITCH

For Chile:

J. MUÑOZ HURTADO
J. MERY

For Denmark:

N. R. MEYER
I. A. VOEHTZ

For Spain:

IGNACIO MURCIA
RAMÓN ESTRADA
RAFAEL RÁVENA
ISIDRO CALVO
MANUEL NORFEGA
ANTONIO PELÁEZ-CAMPOMANES

For France:

J. BORDELONGUE
L. GASCHARD
BOULANGER
A. DEVOS

For Great Britain:

H. BABINGTON SMITH
A. E. BETHELL
R. L. HIPPISELY

For Greece:

T. ARGYROPOULOS

For Italy:

J. COLOMBO

For Japan:

OSUKE ASANO
ROKURE YASHIRO
SHUNKICHI KIMURA
ZIRO TANAKA
SABURO HYAKUTAKE

For Mexico:

JOSÉ M. PÉREZ

For Monaco:

J. DEPELLEY

For Norway:

HEPTYE
O. T. EIDEM

For the Netherlands:

KRUÿT
PERK
HOVEN

For Persia:

HOVHANNÈS KHAN

For Portugal:

PAULO BENJAMIN CABRAL

For Roumania:

GR. CERKEZ

For Russia:
 A. EICHHOLZ
 A. EULER
 VICTOR BILIBINE
 A. REMMERT
 W. KÉDRINE

For Turkey:
 NAZIF BEY
 For Uruguay:
 F. A. COSTANZO

For Sweden:
 HERMAN RYDIN
 A. HAMILTON

SUPPLEMENTARY AGREEMENT

The undersigned plenipotentiaries of the Governments of Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Greece, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, Turkey, and Uruguay bind themselves mutually, from the date of the going into effect of the Convention, to conform to the provisions of the following supplementary articles:

I

Each station on shipboard referred to in Article 1 of the Convention shall be bound to correspond with any other station on shipboard without distinction of the wireless telegraph system adopted by such stations respectively.

II

The Governments which have not adhered to the foregoing article may at any time signify, by following the procedure prescribed by Article 16 of the Convention, that they bind themselves to conform to its provisions.

Those which have adhered to the foregoing article may at any time, under the same conditions as provided for in Article 22, signify their intention to cease conforming to its provisions.

III

This agreement shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the present Agreement, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:
 KRAETKE
 SYDOW

For the United States of America:
 CHARLEMAGNE TOWER
 H. N. MANNEY
 JAMES ALLEN
 JOHN I. WATERBURY

For Argentina:
 J. OLMÍ

For Austria:
 BARTH
 FRIES

For Hungary:
 PIERRE DE SZALAY
 DR. DE HENNYEY
 HOLLÓS

For Belgium:

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For Roumania:

GR. CERKEZ

For Russia:

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A. EULER
VICTOR BILIBINE
A. REMMERT
W. KÉDRINE

For Sweden:

HERMAN RYDIN
A. HAMILTON

For Turkey:

NAZIF BEY

For Uruguay:

F. A. COSTANZO

FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Wireless Telegraph Conference of Berlin, the undersigned plenipotentiaries have agreed as follows:

I

The High Contracting Parties agree that at the next Conference the number of votes to which each country is entitled (Article 12 of the Convention) shall be decided at the beginning of the deliberations, so that the colonies, possessions or protectorates admitted to the privilege of voting may exercise their right to vote during the entire course of the proceedings of such Conference.

This decision shall be of immediate effect and remain in force until amended by a subsequent Conference.

As regards the next Conference, applications for the admission of new votes in favor of colonies, possessions or protectorates which may have adhered to the Convention shall be addressed to the International Bureau at least six months prior to the date of the convening of such Conference. Notice of such applications shall at once be given to the remaining contracting

Governments, which may, within the period of two months from the receipt of the notice, formulate similar applications.

II

Each contracting Government may reserve the right to designate, according to circumstances, certain coastal stations to be exempted from the obligation imposed by Article 3 of the Convention, provided that, as soon as this measure goes into effect, there shall be opened within its territory one or several stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service. The Governments desiring to reserve this right shall give notice thereof in the form provided for in the second paragraph of Article 16 of the Convention, not later than three months before the Convention goes into effect, or, in case of subsequent adhesion, at the time of such adhesion.

The countries whose names follow below declare now that they will not reserve such right:

Germany,
United States of America,
Argentina,
Austria,
Hungary,
Belgium,
Brazil,
Bulgaria,
Chile,

Greece,
Mexico,
Monaco,
Norway,
Netherlands,
Roumania,
Russia,
Sweden,
Uruguay.

III

The manner of carrying out the provisions of the foregoing article shall be at the discretion of the Government which takes advantage of the right of exemption; such Government shall be at liberty to decide from time to time, in its own judgment, how many stations and what stations shall be exempted. Such Government shall likewise be at liberty as regards the manner of carrying out the provision relative to the opening of other stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service.

IV

It is understood that, in order not to impede scientific progress, the provisions of Article 3 of the Convention shall not prevent the eventual employment of a wireless telegraph system incapable of communicating with other systems, provided, however, that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

V

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates, unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates as a whole, or each of them separately, may form the subject of a separate adherence or a separate denunciation within the provisions of Articles 16 and 22 of the Convention.

It is understood that the stations on board of vessels whose headquarters is a port in a colony, possession or protectorate may be deemed as subject to the authority of such colony, possession or protectorate.

VI

Note is taken of the following declaration:

The Italian delegation in signing the Convention does so with the reservation that the Convention can not be ratified on the part of Italy until the date of the expiration of her contracts with Mr. Marconi and his Company, or at an earlier date if the Government of the King of Italy shall succeed in fixing such date by negotiations with Mr. Marconi and his Company.

VII

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the parties which shall have ratified it.

In witness whereof the undersigned plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:

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SYDOW

For the United States of America:

CHARLEMAGNE TOWER
H. N. MANNEY
JAMES ALLEN
JOHN I. WATERBURY

For Argentina:

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CESAR DE CAMPOS

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HOVHANNÈS KHAN

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For Turkey:

NAZIF BEY

For Uruguay:

F. A. COSTANZO

[For text of service regulations, see 37 Stat. 1581.]