

(183) Add at the end of Art. 7.10 the phrase:

“and, on or after 1 January 2013 for organisms treated as fungi under this *Code*, only if information on such type designation is entered in the record of the name in a recognized repository (Art. 37bis.3) and its record number cited in the place of publication.”

It would be logical to include the same requirement for all nomenclatural actions for which the *Code* currently requires effective publication. These are Art. 11.5, 53.6, 61.3, and 62.3, dealing with a choice between alternative names or alternative spellings or gender. However the need for these requirements is much less critical because the situations involved are relatively uncommon today. For this reason, I suggest that these be the subject of a new Recommendation with appropriate cross-references.

(184) Insert a new Recommendation 37bisA.2 with appropriate cross-references:

“37bisA.2. In addition to meeting the requirements of Art. 11.5, 53.6, 61.3, and 62.3 for effective publication of choices of name, orthography or gender, those publishing such choices for names of organisms treated as fungi under this *Code* are encouraged to record the choice in the record of the name in a recognized repository (Art. 37bis.3) and cite this and its record number in the place of effective publication.”

Insert “see also Rec. 37bisA.2” in Art. 11.5, 53.6, 61.3, and 62.3.

Acknowledgement

The editorial assistance by John McNeill is greatly appreciated.

(185–190) Proposals to amend Articles 15, 36 and 45**Vincent Demoulin**

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The following proposals arise from discussions in the Nomenclature Committee for Fungi (NCF) and in the Nomenclature sessions of the 9th International Mycological Congress, 3rd–5th Aug. 2010. These discussions convinced me that some articles of the *Code* needed to be made more explicit and that some of this was not strictly editorial. Further, such a strong feeling had been expressed at the International Mycological Congress on language use for valid publication of names of new taxa that a new proposal would be a wise thing. Given the urgency and the fact the NCF has not yet voted on those issues, these proposals are made in my personal name and not that of the Committee that I chair.

(185) Add the following sentence in Art. 15.1 and instruct the Editorial Committee to insert an example:

“The spelling used by a sanctioning author is treated as conserved, except if it is to be corrected or standardized under Art. 60.”

The matter of sanctioned spelling (“sanctioned orthography”) was settled at the Berlin Congress in 1987 with the rejection of Prop. H to Art.14 (“Sanctioning does not conserve orthographic variants of the spelling used in the sanctioning works”) (Englera 9: 174–175. 1989). That Congress clearly defined sanctioning as equivalent to conservation, but because most of the discussions dealt with the status of homonyms of sanctioned names, the clear-cut decision on orthography may have been overlooked by some. The report of the then Committee for Fungi and Lichens (new series, 2) (Gams in Taxon 41: 99–108. 1992) made clear that the Committee recognised that sanctioning applies to spelling, rejecting by twelve votes against one and one abstention, the two proposals by Rauschert on the spelling of *Schizophyllum* and *Thelebolus* that were made under the interpretation that sanctioning does not apply to spelling. However, few of the committee members of the time, many of whom vehemently expressed their support for sanctioned spelling, are still in function and I was surprised to see some of the present committee members expressing doubts on the situation. It is true that I forgot, as I had at some time promised, to propose to the Editorial Committee an example that would have avoided any doubt on the matter.

The insertion of an example should of course not be delayed any more. My attention was however drawn by Luis Parra, author of a compilation of names for which the spelling differs between the original and sanctioning author, on a point that had not been discussed previously and which I think makes a proposal useful.

The point is that in the spirit of the sanctioning system, which intends to modify as little as possible the names, for which until 1982 valid publication was considered to take place at a later date than 1753, the sanctioned spelling should be the one used with the later starting point system. That is eventually corrected for obvious typographical or orthographical errors. With the *Code* as it stands, sanctioned spelling cannot, however be changed otherwise than by conservation. The present proposal is thus made in order to avoid unnecessary conservation proposals and to conform with current usage and the spirit of the sanctioning system.

(186) In Art. 36.1 insert “fungal” in the parenthesis at the beginning of the article so that it reads:

“On or after 1 January 1935, a name of a new taxon (algal, fungal, and all fossil taxa excepted) must, ...”

(187). Insert a new Article 36.1bis to read:

“36.1bis. On or after 1 January 1935 and until and including 31 December 2012, a name of a new taxon of organisms treated as fungi under this *Code* must, in order to be validly published, be accompanied by a Latin description or diagnosis or by a reference to a previously and effectively published Latin description or diagnosis.”

(188) Insert in Art. 36.3 the text in bold so that it reads:

“In order to be validly published, a name of a new taxon of fossil plants published on or after 1 January 1996, **or of fungi published on or after 1 January 2013**, must be accompanied by a Latin or English description or diagnosis ...”

(189) In Rec. 36A.1. After “non fossil plants” insert “or of fungi”.

During the Nomenclature Sessions of the 9th International Mycological Congress the requirement of a Latin description or diagnosis was strongly criticized. Even if this opposition was not so extensive among practising taxonomists than in the general mycological public, and if my personal feeling is that the requirement of a Latin description or diagnosis is a good thing, I feel that a realistic appreciation of the situation is that the *Code* should follow the will of a majority of mycologists. One will thus avoid giving arguments to those few, but vocal mycologists, who resent the fact that the nomenclature of fungi is treated under the Botanical *Code* and dream of a Mycological *Code*.

The issue was discussed during the Nomenclature session on August 5th which sweepingly rejected Prop. 115 to simply delete the requirement of Latin in favour of a proposal to add English as an alternative to Latin, the situation that currently exists for fossil plants. The present set of proposals is thus made to convey the wish of a majority of mycologists, disturbing the *Code* as little as possible by putting the status of fungi in parallel with that of fossils.

(190) Limit Art. 45.4 to the first sentence and transfer the rest, modified as follows, to a new Art. 45.5:

(i) Reword the first sentence (currently the second sentence of Art. 45.4) to read (deleted text struck-out; new text in bold):

“~~If the a~~ taxon is treated as belonging to the algae or fungi, any of its names need satisfy only the requirements of the ~~pertinent~~ non-botanical *Code* **that the author was using** for status equivalent to valid publication under the present *Code* (but see Art. 54 regarding homonymy)”.

(ii) Insert the sentence:

“The *Code* used by the author is determined through internal evidence, irrespective of any claim by the author as to the group of organisms to which the taxon is assigned.”

(iii) Include the current last sentence of Art. 45.4 as the last sentence of Art. 45.5:

“However, a name generated in zoological nomenclature in accordance with the Principle of Coordination is not considered validly published under the botanical *Code* unless it appears in print and is applied to an accepted taxon.”

In the Nomenclature Committee for Fungi, as well as at the recent

International Mycological Congress, Proposals 48 to 51 (Redhead & al. in Taxon 58: 669. 2009) aiming at excluding *Microsporidia* from the organisms covered by the Botanical *Code* were discussed. I had believed for five years that the issue had been settled at the Vienna Congress and at first failed to understand the necessity of those proposals. Only through direct discussion with the proposer, Scott Redhead, did I become aware that the present wording of the *Code* does not fully comply with the intentions of what was adopted at Vienna, that is to provide a general way of handling the case of organisms treated by authors who do not all use the same nomenclature code.

The problem comes from the link between the first sentence of Art. 34.1 (“If a taxon originally assigned to a group not covered by this code ...”) and second (“If the taxon is treated as belonging to the algae or fungi ...”). This means automatic validity will only be granted if the taxon is considered by its original author as belonging to a group ruled by another code. This was overlooked since it has not much impact on most of the cases for which the article has been used before Vienna. Taxonomists who describe dinoflagellates using the Zoological *Code* consider them protozoa and those describing blue-green algae under the Bacteriological *Code* consider them bacteria. The problem that justified Prop. 48–51 is that some *Microsporidia* workers claim the organisms are fungi, while keeping using the Zoological *Code*, which under the present situation means that the names of their new taxa are not validly published under the ICBN, because a Latin description will not have been provided.

While I agree with Redhead on the need not to disrupt the nomenclature of a medically important group of organisms, I believe it is much better to have Art. 45 in line with the intent of those who have amended it repeatedly, so that it allows free usage of names of ambireginal organisms, independently of the *Code* under which they have been described, rather than making a special rule for one particular group.

The present proposal will not only make four proposals superfluous but will make Art. 45 more explicit for groups which are not covered by Prop. 48–51 (why exclude *Microsporidia* and not *Pneumocystis* for example), as well as for the classical cases, and should be well received by students of blue-green-algae/*Cyanobacteria*, for the benefit of which Art. 45 started to evolve at the Sydney Congress in 1981.

(191) Proposal to modify Article 37 Example 4

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In the original publication of *Setaria excurrens* var. *leviflora* Keng ex S.L. Chen (in Bull. Nanjing Bot. Gard. 1988–1989: 3. 1990), the herbarium is specified as “中国科学院植物研究所標本室”, whereas in Art. 37 Ex. 4 the herbarium (“標本室” in Chinese) is abbreviated as “中国科学院植物研究所” (cf. McNeill & al. in Taxon 56: 585. 2007) and its English translation is supplied in parenthesis “(Botanical Research Institute, Chinese Academy of Sciences, i.e. PE)” as if it suggests the translation is printed in the original publication. The official English name of “中国科学院植物研究所” is “Institute of Botany, The Chinese Academy of Sciences”.

For the correct example, therefore, we propose a modification as follows:

(191) Modify Art. 37 Ex. 4 (new text in bold):

“Ex. 4. In the protologue of *Setaria excurrens* var. *leviflora* Keng ex S.L. Chen (in Bull. Nanjing Bot. Gard. 1988–1989: 3. 1990) the gathering *Guangxi Team 4088* was indicated as “模式” (Chinese for “type”) and the herbarium where the type is conserved was specified as “中国科学院植物研究所標本室” (**Chinese for “Herbarium, Institute of Botany, The Chinese Academy of Sciences”**, i.e. PE).