

(337–339) Proposals to clarify that an apparent new combination or name at new rank when based on an illegitimate name is in fact a replacement name

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The valid publication of new combinations, names at new rank, and replacement names is governed by several Articles of the *ICN* (McNeill & al. in Regnum Veg. 154. 2012), which are requirements common to names of new taxa, such as Art. 32.1, 35.1, 35.2, 36.1, 36.2, and 37.1, and by some specific points as ruled in Art. 41–45. Article 41.1 requires a reference to the basionym or replaced synonym as one of the conditions for valid publication of a new combination, name at new rank, or replacement name. According to Art. 6.10 and 6.11, a basionym is a legitimate, previously published name on which the new combination or name at new rank is based, while a replaced synonym is a legitimate or illegitimate, previously published name on which a replacement name is based.

However, in taxonomic literature, it is common to find attempts at new combinations based on illegitimate names. These occur mainly due to the non-observation of Art. 6.10 and 6.11, but possibly also because of misinterpretation of cases in which illegitimate names require replacement names.

As stated in Art. 41.1 [“In order to be validly published, a new combination, name at new rank, or replacement name (see Art. 6.10 and 6.11), must be accompanied by a reference to the basionym or replaced synonym”], the reader could interpret that the reference to Art. 6.10 and 6.11 refers exclusively to the definition of new combination or name at new rank (Art. 6.10) and replacement name (Art. 6.11), when it can also refer to the definition of basionym and replaced synonym, respectively. A reference to an illegitimate name on which an apparent new combination is based is not considered a “reference to the basionym”, since the basionym must be a legitimate name. Thus, a proposal of a new combination in this situation could be regarded as not validly published.

On the other hand, Art. 58.1 establishes that in cases in which the “basionym” is illegitimate, the “new combination” should be treated as a replacement name. Thus, the reference to the illegitimate “basionym” is treated as a reference to a replaced synonym. However, no reference to Art. 58.1 is made in Art. 41.1 or anywhere else in Art. 41 except incidentally in Note 3.

Following the *ICN* can be simple to some taxonomists, but even they understand that it is not generally easy. It is common to find in

the *ICN* references to a relevant Article in another Article, as can be seen in Art. 41.1, which mentions Art. 6.10 and 6.11. Moreover, Notes and Examples are used in the *ICN* to clarify some rules and illustrate cases in order to achieve its main goal, which is providing a “precise and simple system of nomenclature” for biology (Preamble 1). Thus, a reference to Art. 58.1 in Art. 41.1 and/or the transfer of Art. 58.1 to Chapter V Section 3 of the *ICN* seem to be fundamental to a better comprehension of the rules.

In order to clarify the issues on the validity of new combinations and replacement names, we make the following proposals.

(337) Amend Art. 41.1 (new text in bold, deleted text in strikethrough):

“41.1. In order to be validly published, a new combination, name at new rank, or replacement name (see Art. ~~6.10 and 6.11~~), must be accompanied by a reference to the basionym or replaced synonym (see Art. **6.10 and 6.11**; see also Art. 58.1).”

(338) Add an explanatory Note to Art. 41.1:

“Note 0. When, in an apparent new combination or name at new rank, the name treated as the basionym is illegitimate, the resultant new name is a legitimate or illegitimate replacement name based on a replaced synonym (see Art. 58.1 and Art. 58 Note 1).”

(339) Add an Example to Art. 58.1:

“*Ex. n. Cymbella subalpina* Hust. (1942) is illegitimate according to Art. 53.1 because it is a later homonym of *C. subalpina* F. Meister (1912). When Mann (in Round & al., Diatoms: 667. 1990) transferred *C. subalpina* Hust. to *Encyonema* Kütz., he called it *E. subalpinum*. This name is a replacement name according to Art. 58.1 and is cited as *E. subalpinum* D. G. Mann, not *E. subalpinum* “(Hust.) D. G. Mann”. However, *C. mendosa* VanLand. (1969) had already been published as a replacement name for *C. subalpina* Hust. Therefore, *E. subalpinum* is illegitimate according to Art. 52.1 because when published it included the type of *C. mendosa*, the epithet of which should have been adopted.”