

(251) Amend Art. 31.1 as follows (new text in bold, deleted text in strikethrough):

“31.1. The date of effective publication is the date on which the printed matter or electronic material ~~became available~~ **is first distributed as an effective publication in accordance with as defined in** Art. 29 and 30. In the absence of proof establishing some other date, the one appearing in the printed matter or electronic material must be accepted as correct.”

Article 52.1 states that a name is illegitimate “if it was nomenclaturally superfluous when published, i.e. if the taxon to which it was applied, as circumscribed by its author, definitely included the type [...] of a name that ought to have been adopted [...] under the rules [...]”. This is hardly helpful to an inexperienced user of the rules. In marked contrast, Turland (The Code Decoded: 64. 2019, <https://doi.org/10.3897/ab.e38075>) explicitly states “The rules

on priority (Art. 11.3 and 11.4) decide which name or epithet ought to have been adopted.”

(252) Amend Art. 52.1 as follows (new text in bold, deleted text in strikethrough):

“52.1. A name, unless conserved (Art. 14), protected (Art. F.2), or sanctioned (Art. F.3), is illegitimate and is to be rejected if it was nomenclaturally superfluous when published, i.e. if the taxon to which it was applied, as circumscribed by its author, definitely included the type (as qualified in Art. 52.2) of a name that ought to have been adopted, or of which the epithet ought to have been adopted, under **Art. 11** ~~the rules~~ (but see Art. 52.4 and F.8.1).”

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(253) Proposal to clarify the option in Art. 7.11 for equivalency to “here designated”

John H. Wiersema,¹ John McNeill² & Werner Greuter³

1 Department of Botany, NMNH - MRC 166, Smithsonian Institution, P.O. Box 37012, Washington, D.C. 20013-7012, U.S.A.

2 Royal Botanic Garden Edinburgh, 20A Inverleith Row, Edinburgh EH3 5LR, Scotland, United Kingdom; and Royal Ontario Museum, Toronto, Canada

3 Botanischer Garten und Botanisches Museum Berlin, Freie Universität Berlin, Königin-Luise-Str. 6–8, 14195 Berlin, Germany

Address for correspondence: John H. Wiersema, wiersemaj@si.edu

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Article 7.11 of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018) defines several criteria that must be satisfied for effective designation of a type for a name at or below the rank of genus in the absence of a holotype or original type. Two of these requirements stipulate that the typifying author must employ specific language to achieve this. They must include “the term ‘type’ (typus) or an equivalent” and, after 1 January 2001, they must include “the phrase ‘designated here’ (hic designatus) or an equivalent”. Both of these requirements allow “equivalent” terms or phrases to substitute for the stipulated word(s), and this can lead to differing interpretations as to what is, or is not, considered “equivalent”. By its definition, to be “equivalent” something must be (as a noun), or have the property of being (as an adjective), equal to something else in value, amount, function, meaning, etc. (Oxford Languages, https://www.google.com/search?as_epq=equivalent).

This word is widely used elsewhere in the body of the *Code*, some 30 times under other Articles, in 24 instances (e.g. Art. 8.2: “equivalent preparation”; Art. 10.1: “full equivalent of its type”; also Art. 19.4: “equivalent to that type”; Art. 22.2: “equivalent to exclusion of the type”; Art. 52 Note 3: “equivalent to citation of the name itself”; Art. F.3 Note 2: “equivalent to original material”; Art. H.6.1:

“equivalent to a condensed formula”; etc.) specifying what is to be considered equivalent in meaning or effect to something defined elsewhere in this or another *Code*. A single case (Art. 11.9: “equivalent rank”) is clear enough and requires no further comment. In four remaining cases, which, as in Art. 7.11, likewise stipulate that a specific term must be used, the *Code* provides further guidance on what the employed equivalent term should be (Art. 16 Note 1: “their equivalents in modern languages”; Art. 9.23 & 40.6: “its abbreviation, or its equivalent in a modern language”). This implies that to include a term equivalent to “type”, the term employed must either be an appropriate abbreviation or be linguistically equivalent, i.e. have the same meaning in another language. Its lack of linguistic equivalence may be the reason *Ex. 16 under Art. 7.11 (“‘standard species’ [...] treated as equivalent to ‘type’”) became a voted Example.

Under Art. 7.11, Ex. 12 suggests that only a “linguistic equivalent” can replace the phrase “designated here” in the last part of the Article. There are other English expressions, or their equivalents in other modern languages, that would seem to easily meet this criterion, such as “selected here”, “chosen here” or “established here”, which imply an active step having been taken by an author to designate a type in that place. But what about more passive phrases like

“indicated here” or “delineated here”? As pointed out by Turland & al. (in Taxon 69: 626–627. 2020) the *Code* itself makes a distinction between a type designation and a type indication, the latter lacking the explicit nature of the former, so should these be equivalent phrases? And what about active phrases having slightly different meaning, such as “accepted here”, or in the case of a second- or later-step typification a phrase like “restricted here” or “narrowed here”, or when a previous typification was imprecise: “clarified here” or “detailed here”? Or phrases like “altered here”, “corrected here”, “modified here” or “superseded here” when the previous typification was ineffective or improper?

Given the plausible acceptability of many alternative phrases that might not be considered equivalent to “designated here”, what seems to be necessary in order to determine if a type designation has been achieved on or after 1 January 2001 is the author’s usage of some expression that will demonstrate their clear intent to carry

out an act of typification in that place. This reflects the Rapporteurs’ comment (Greuter & Hawksworth in Taxon 48: 75. 1999) on the original proposal that it “would eliminate for the future the risk of ‘incidental type designations’ which has often caused difficulties in the past”. We therefore propose the following amendment:

(253) Amend Art. 7.11 as follows (new text in bold, deleted text in strikethrough):

“7.11. For purposes of priority (Art. 9.19, 9.20, and 10.5), designation of a type is achieved only if the type is definitely accepted as such by the typifying author, if the type element is clearly indicated by direct citation including the term “type” (typus) or an equivalent, and, on or after 1 January 2001, if the typification statement includes the phrase “designated here” (hic designatus) or ~~an equivalent~~ **a similar expression demonstrating the author’s intent to designate a type there.**”

(254) Proposal to add a new Recommendation 7A.2 to suggest deposition of holotypes in herbaria, collections or institutions within the native geographical distribution of any new taxon

Sandra Knapp,¹ Leandro Giacomini² & Abdulrokhman Kartonegoro³

¹ *Natural History Museum, Cromwell Road, London, SW7 5BD, United Kingdom*

² *Universidade Federal da Paraíba, Centro de Ciências Exatas e da Natureza, Departamento de Sistemática e Ecologia, Cidade Universitária, João Pessoa, Paraíba 58051-900, Brazil*

³ *National Research and Innovation Agency (BRIN), Jl. Jakarta-Bogor KM 46, Cibinong 16911, Indonesia*

Address for correspondence: Sandra Knapp, s.knapp@nhm.ac.uk

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The *Code* strongly recommends that material upon which new taxa are based be placed in public collections to enable examination by future generations of researchers (Rec. 7A.1, Turland & al. in Regnum Veg. 159. 2018). National regulations post-Convention on Biological Diversity (<https://www.cbd.int/>) and Nagoya Protocol often require types of new taxa to be placed in national collections, but recent work has shown that this is far from the case (Nicholson & al. in Plants, People, Planet, in press).

National requirements for permission to collect and export material are often silent on any requirement for deposition of types. For example, Brazilian law states that export of collected material is only allowed with a Material Transfer Agreement (MTA) with a registered institution, the consequence being that after 2015 material must be left in a Brazilian institution (Decreto nº 8.772, de 11 de Maio de 2016; <https://www2.camara.leg.br/legin/fed/decret/2016/decreto-8772-11-maio-2016-783077-norma-pe.html>). The MTA associated with export of biological material in Indonesia specifies that material remains the property of an Indonesian institution (<https://jdih.maritim.go.id/en/peraturan-menteri-lingkungan-hidup-dan-kehutanan-no-p2menlhksetjenkum112018-tahun-2018>).

Nevertheless, permits issued by some nations (in this example Peru, with permit number 084-2012-AG-DGFFS-DGEFFS to Sandra Knapp & al. in 2012) stipulate that all unicate material and holotypes are only allowed to be exported as loans (“Los ejemplos únicos de los grupos taxonómicos colectados y holotipos, sólo podrán ser exportados en calidad de préstamo”). This effectively requires the describer of a new taxon to deposit the holotype in the country issuing the permit if the type gathering has been collected by that person under the auspices of that particular permit.

When a new taxon is described from older material or from material not collected by the describer, it can be difficult to find information about specimens in relevant herbaria. It is also worth recognizing that searching for specimens in herbaria where foreign collectors leave duplicates, sometimes without the resources to mount, file and digitize, can be time consuming and a burden on curators. This should not, however, deter researchers from making the effort to find duplicates deposited in national collections to designate as holotypes (see Aubriot & Knapp in PhytoKeys 198: 182–183. 2022; Knapp in PhytoKeys 209: 65. 2022). There is a fine balance to be struck, but we feel it is important to at least try to place holotype specimens near