

where taxa natively occur, even when not stipulated by national requirements.

To explicitly recommend best practice that is increasingly becoming national legislation, we propose a new Recommendation as follows:

(254) Add a new Recommendation to Rec. 7A:

“7A.2. Insofar as possible the herbarium, collection, or institution in which the holotype is deposited should be within the native geographical distribution of the taxon.”

(255–257) Proposals to clarify the meaning of “author” in Article 9.4 and exempt Article 7.8 from applying to names untypified before 2026

John H. Wiersema,¹ Michael A. Wisnev² & Jefferson Prado³

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

² Los Angeles, California 90068, U.S.A.

³ Instituto de Pesquisas Ambientais (IPA), Herbário SP, Av. Miguel Estéfano, 3687, 04301-012, São Paulo, São Paulo, Brazil

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

DOI <https://doi.org/10.1002/tax.12946>

First published as part of this issue. See online for details.

While the definition of “original material” in Art. 9.4 of the *Shenzhen Code* (Turland & al. in *Regnum Veg.* 159. 2018) is relatively easy to apply if the author of the name is also the author of the description and/or diagnosis of the taxon, it is quite difficult if they are different. Article 9.4 states: “For the purposes of this *Code*, original material comprises the following elements: (a) those specimens and illustrations (both unpublished and published prior to publication of the protologue) that **the author** associated with the taxon, and that were available to **the author prior to, or at the time of, preparation of the description, diagnosis, or illustration with analysis** (Art. 38.7 and 38.8) validating the name; (b) any illustrations published as part of the protologue; (c) the holotype and those specimens which, even if not seen by **the author of the description or diagnosis validating the name**, were indicated as types (syntypes or paratypes) of the name at its valid publication; and (d) the isotypes or isosyntypes of the name irrespective of whether such specimens were seen by **either the author of the validating description or diagnosis or the author of the name** (but see Art. 7.8, 7.9, and F.3.9)” [emphasis added].

Whereas Art. 9.4(c) and (d) refer explicitly to the author of the description or diagnosis or of the name, Art. 9.4(a) does not specify which author is meant when it states “that **the author** associated with the taxon, and that were available to **the author prior to, or at the time of, preparation of the description or diagnosis**” [emphasis added]. This seemingly leaves us to assume that “the author” means the author of the name, as would be determined in accordance with Art. 46. However, as recently as the *Melbourne Code* (McNeill & al. in *Regnum Veg.* 154. 2012), this portion read: “(a) those specimens and illustrations (both unpublished and published either prior to or together with the protologue) upon which it can be shown that the description or diagnosis validating the name was based”, a passage that made no mention of an author and had remained unchanged through four *Codes* from its first inclusion in a footnote to Art. 9 of the *Tokyo Code* (Greuter & al. in *Regnum Veg.* 131. 1994).

The change in this wording in the *Shenzhen Code* came about as a result of Prop. 367 (McNeill & al. in *Taxon* 65: 1189. 2016), which sought to remove what was perceived as a faulty interpretation that “only if such a specimen also exhibits some character included in the description or diagnosis can it be ‘shown’ to be part of the basis for that description or diagnosis” and therefore be original material. There was clearly no intent in that proposal to eliminate from being original material any specimens that had been used in the preparation of the description or diagnosis, yet the ambiguous usage of “the author” has done just that in cases where the author of the name differs from that of the description or diagnosis. We are left with the absurd situation that if a name was validly published solely by reference to a description or diagnosis **in an earlier publication**, its original material would mostly consist only of material available to the earlier author under Art. 7.8, but if the description or diagnosis validating the name **in the same publication** was prepared by and ascribed to someone different from the publishing author, any specimens used to prepare the description or diagnosis but not available to the publishing author would not be original material.

In our view, the unfortunate and ambiguous reference to “the author” in Art. 9.4(a) of the *Shenzhen Code* has unwittingly altered the delineation of original material from its previous content. A specimen used in the preparation of the description or diagnosis that was unquestionably original material before the *Shenzhen Code* is no longer always so. To address this situation, we propose that the specimens and illustrations used by either person be treated as original material. Given the recentness of this change to the rules, little disruption to nomenclature is expected from this proposal, and any neotypes designated under the *Shenzhen Code* from specimens used in preparing the validating description or diagnosis could instead become lectotypes under Art. 9.10 (see Kirkbride & Wiersema in *Taxon* 71: 1306. 2022).

There are other related concerns. Article 9.4 does not currently address the possibility that the author of the publication may not be

the author of the name or description (see Art. 46.2). Take the cases of *Sisymbrium myriophyllum* Humb. & al. ex/in Candolle (Syst. Nat. 2: 477. 1821), with the name ascribed to “Humb. Bonpl. et Kunth”, a diagnosis to Willdenow, and a description to Bonpland; or *Nicotiana repanda* Willd. ex/in Lehmann (Gen. Nicot. Hist.: 40. 1818), with a diagnosis and description of Lehmann together with the name and a brief diagnosis ascribed to Willdenow; or *Erythrina mulungu* Mart. ex/in Benth. (in Martius, Fl. Bras. 15(1): 173. 1859), with the name and part of the description ascribed to Martius, a diagnosis and the remaining description supplied by Benth. In such cases, the publishing author may have contributed to the description (and in fact designated or cited other specimens unknown to the author of the name). Article 9.4 should be modified to account for any specimens or illustrations associated with all of these persons.

In addition, Art. 9.4 does address the possibility that the author of the name may be different from the author of the description. While Art. 46 defines the person who is the “author of the name”, it generally does not use the term “author of the description”. Instead, Art. 46 refers to the person to whom the description or diagnosis is ascribed. For consistency, it is preferable that Art. 9.4 use the terms “publishing author” (sensu Art. 46.6) and “other author(s) to whom the description or diagnosis is ascribed” (sensu Art. 46.3) rather than the author of the name and author of the description or diagnosis, as well as limit the designation of original material only to those persons, besides the publishing author, to whom either the description or diagnosis may have been ascribed. Because it may not be clear to users that one of these two persons is always the author of the name, we propose a brief note to that effect.

Article 9.4(c) and (d) state that holotypes, syntypes, paratypes, isotypes and isosyntypes are original material. Those terms are defined in Art. 9 without mentioning whether they were (or were not) seen by the author. For that reason, the language in Art. 9.4(c) and (d) that they need not be seen by various authors is unnecessary and possibly confusing. Wisnev (in Taxon 72: 446. 2023, Prop. 202) proposed a new Note to address this matter. The same approach is used here with the appropriate changes in terminology.

(255) Amend Art. 9.4 as follows (new text in bold, deleted text in strikethrough):

“9.4. For the purposes of this *Code*, original material comprises the following elements: (a) those specimens and illustrations (both unpublished and published ~~prior to publication of the protologue~~) that ~~the author were~~ associated with the taxon **by**, and that were available to, (1) the **publishing author(s)** prior to, or at the time of, **publication of the protologue** or (2) **other author(s) to whom the description or diagnosis may have been ascribed (or unequivocally associated) prior to, or at the time of,** preparation of the description, diagnosis, or illustration with analysis (Art. 38.7 and 38.8) validating the name; (b) any illustrations published as part of the protologue; (c) the

holotype and those specimens which ~~even if not seen by the author of the description or diagnosis validating the name~~, were indicated as types (syntypes or paratypes) of the name at its valid publication; and (d) the isotypes or isosyntypes of the name ~~irrespective of whether such specimens were seen by either the author of the validating description or diagnosis or the author of the name~~ (but see Art. 7.8, 7.9, and F.3.9).”

(256) Add the following new Note after Art. 9.4:

“*Note n.* Under Art. 46, the author(s) of a name are either the publishing author(s) (or at least one of them) or the person(s) to whom the name is ascribed (or unequivocally associated). A specimen or illustration need not be seen by either the publishing author(s) or the person(s) to whom the description or diagnosis is ascribed (or unequivocally associated) in order to be original material under Art. 9.4(c) or 9.4(d).”

The foregoing proposals raise a further question regarding the original material of a name falling under Art. 7.8. Article 7.8 states in full: “A name of a new taxon validly published solely by reference to a previously and effectively published description or diagnosis (Art. 38.1(a)) (and not by a reproduction of such a description or diagnosis) is to be typified by an element selected from the entire context of the validating description or diagnosis, unless the validating author has definitely designated a different type, but not by an element explicitly excluded by the validating author (see also Art. 7.9).” While “entire context” is not defined, it suggests that elements cited or used by the publishing author, unless explicitly designated as types, are not original material unlike those cited (or perhaps used) by the author who prepared the validating description or diagnosis.

We question whether the original material of a name should differ in cases where an author simply refers to an earlier description or diagnosis as opposed to reproducing it. While we do not wish to introduce any instability for names that have already been typified under Art. 7.8, we see little merit in limiting original material for those names that have not yet been typified. As discussed above, we view these names as jointly authored, and their original material should be considered in that light. To address this situation, we propose adding a new sentence to Art. 7.8.

(257) Add the following new sentence at the end of Art. 7.8:

“7.8. [...] However, if the name is first typified on or after 1 January 2026, the original material is to be determined in accordance with Art. 9.4 without regard to the preceding sentence.”

Acknowledgements

We thank Nicholas J. Turland for his helpful comments and improvements.