

type may be an illustration only prior to 1 January 2007, after which it must be a specimen. An exception was allowed for names of microscopic algae or microfungi (Art. 37.5), and only then “if there are technical difficulties of preservation or if it is impossible to preserve a specimen that would show the features attributed to the taxon by the author of the name”. This new wording of Art. 37.4 has far-reaching, apparently unforeseen and certainly unwanted consequences for names of taxa not belonging to the groups mentioned in Art. 37.5.

(1) Taxonomists detecting a new taxon in the field are often unable to obtain representative material because local and international laws prevent them from having permits to collect. While these laws are intended to curb biopiracy and the smuggling of protected species, the real villains are not stopped but the well-intending scientists are deterred instead. Actually, these rules make the documentation of biodiversity very difficult and even dangerous, for you may be fined, imprisoned, expelled, have your visa or other permits cancelled, and possibly even your employment may be terminated if you do collect a specimen in order to conform to this Article. Therefore, the only things remaining to prove the existence of the new taxon are illustrations (drawings, photographs, etc.), but under the present rules you cannot validly publish a name of a new species or infraspecific taxon with an illustration as the type (except as provided for microscopic algae or microfungi in Art. 37.5). “You’re damned if you do, and you’re damned if you don’t.”

(2) An example: J.D. Hooker (in *Ann. Roy. Bot. Gard. Calcutta* 5: 66, t. 99. 1895) provided an excellent illustration with details of an orchid which he thought was possibly distinct from *Habenaria triflora* D. Don (now *Pecteilis triflora* (D. Don.) Tang & F.T. Wang). The subject was a

plant probably cultivated in the Calcutta Botanical Garden of unrecorded provenance. No specimen was known to Hooker and none seems to have been collected since. Pradhan (*Indian Orchids: Guide Identif. & Cult.* 1: 57. 1976; 2: 682. 1979) called it “*Platanthera triflora* var. *multiflora*”, but this combination was not validly published as he gave an English, not a Latin diagnosis, and did not indicate a type. Studies of *Pecteilis triflora* in the field and herbarium have convinced us that the illustration represents an undescribed species. However, a description based solely on an illustration is now impossible. Unfortunately so, for without a validly published name the taxon cannot be enumerated in the Red Data Books of India and the IUCN.

Therefore, we propose to extend the scope of Art. 37.5 to allow an illustration as the type of a name of non-fossil plants other than microscopic algae or microfungi, but only when it is impossible to preserve a specimen owing to circumstances such as those described above.

(038) Reword Art. 37.5 by deleting “of microscopic algae or microfungi” and inserting the italicized text:

“37.5. For the purpose of this Article, the type of a name of a new species or infraspecific taxon (fossils excepted: see Art. 8.5) may be an effectively published illustration *when (a) legal reasons outside the mandate of this Code prevent the collecting and/or preservation of representative material, (b) neither living nor preserved material is known to exist, or (c) (microscopic algae or microfungi only) if there are technical difficulties of preservation or if it is impossible to preserve a specimen that would show the features attributed to the taxon by the author of the name.*”

(039–041) Proposals to elucidate the concept of “illustration with analysis”

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This proposal aims at the elucidation of the concept of “illustration with analysis” for validation of names for new taxa of vascular plants (i.e., Art. 41 Note 2, Art. 42.3–42.4, and Art. 44.1).

The use of the word “commonly” is a factor that makes the current Art. 42.4 dubious in cases where only the illustration exists, without any additional figures. Following this line of thinking, Art. 42.4 as it is written does not render obligatory, for validation of the name of a new taxon of vascular plants by an illustration with analysis, the presence of a figure or group of figures separate from the main illustration.

In practice, another important factor is that the existence of one or more figures in addition a main illustration would not necessarily provide a better analysis that would allow the precise identification of the taxon. An illustration on its own may also have details that will provide, depending upon the accuracy of the study, precise identification of the taxon.

The following proposal aims to standardize the concept of “illustration with analysis” in the ICBN (McNeill & al. in *Regnum Veg.* 146. 2006):

(039) Change Article 42.3 to clarify the meaning of “illustration with analysis”:

“42.3. Prior to 1 January 1908 an illustration with analysis showing details aiding identification is acceptable, for the purpose of this Article, in place of a written description or diagnosis.”

(040) Amend Article 42.4 and add the phrase indicated in *italic* below:

“42.4. For the purposes of Art. 42, an *illustration with analysis* is a figure or group of figures showing details aiding identification.”

(041) Delete Article 44.2 and Example 2:

“44.2. Single figures of non-vascular plants showing details aiding identification are considered as illustrations with analysis (see also Art. 42.4).”

“*Ex. 2. Eunotia gibbosa* Grunow (1881), a name of a diatom, was validly published by provision of a figure of a single valve.”

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(042) Can the name of the author be a problem in describing a new taxon? A proposal to amend Recommendation 46D.1 on citation of the author’s name

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In reading the *International Code of Botanical Nomenclature* (McNeill & al. in *Regnum Veg.* 146. 2006), we came across a quite significant (especially for us), recommendation (Rec. 46D.1.) concerning the citation of the name of an author describing a new taxon: “Authors should cite themselves by name after each new name they publish rather than refer to themselves by expressions such as ‘nobis’ (nob.) or ‘mihi’ (m.)” According to this recommendation, an author should not use the word “nobis” or its abbreviation “nob.” after the taxon name, as indication of the person or persons describing the taxon (*nobis*, the Latin dative plural of *ego* (I)—the dative of possession). Here appears a quite important question: What should we do, if the name of an author is exactly Nobis? In a case of multisyllabic names, it is possible to use an abbreviation consisting of three or four letters. But in the name Nobis, the number of letters is quite small; moreover, using the abbreviation “Nob.” is also recommended against. If there are more authors with the name Nobis, it is possible to precede the name with an initial of first name, e.g., M. Nobis

or A. Nobis. But it does not solve the problem, because the word “nobis” is still present, with the distinction that it is written with a capital letter. The same problem would apply to persons named “Mihi”. We propose the following amendment to the above-mentioned Recommendation 46D.1.

(042) Amend Rec. 46D.1 by adding a second sentence so that it reads:

“46D.1 Authors should cite themselves by name after each new name they publish rather than refer to themselves by expressions such as ‘nobis’ (nob.) or ‘mihi’ (m.). These expressions should be used only if they are identical with the name of author in which case they should be written with an initial capital, i.e., ‘Nobis’ or ‘Mihi’, and, where necessary, preceded by first name initial.”

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