

HOW TO NAME A NEW CULTIVAR

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Many of the Rules in the International Code of Nomenclature for Cultivated Plants deal with sorting out problems that have arisen in past nomenclature. The following notes, which are adapted from Appendix VIII of the 1995 Code, are intended as a quick guide to forming new cultivar names and should be read by anyone wishing to name a new cultivar.

DO I HAVE A NEW CULTIVAR?

You have a new cultivar and you wish to name it. First check that you do actually have a cultivar. A single plant is not a cultivar: a cultivar is a group of individual plants which collectively is distinct from any other, which is uniform in its overall appearance and which remains stable in its attributes. Do not attempt to name a cultivar until you have a number of individuals that are uniform and stable. Now convince yourself that your cultivar is really worth naming; there is no point in going through the process of naming your cultivar if it is not an improvement on others.

There are different sorts of cultivar ranging from clones, which should be genetically identical, to tightly controlled seed-raised cultivars such as F1 hybrids. Article 2 of the Code defines the different kinds of cultivar.

The only way you can check if your cultivar is new and distinct is by comparison with existing cultivars. Your new cultivar must be distinguishable from those that exist or have existed.

Once you are satisfied that you do indeed have a new cultivar, decide if you want to give it a cultivar name. A name is made up of a botanical name such as that for a genus or species followed by a cultivar epithet which is the last part of the entire name and which renders the name unique. Cultivar epithets are always written within single quotation marks so that they stand out from the rest of the name and so that their status is obvious.

Remember that cultivar names, by their very definition, are available for all to use and that the names themselves offer no protection if you wish to obtain intellectual property rights on your new cultivar.

HOW DO I FORM A NEW CULTIVAR NAME?

The full name of a cultivar will always begin with the name of the genus to which the cultivar belongs. Optionally, the species or hybrid epithet may be included as a second element in the entire name but this is not necessary; inclusion of such epithets merely provides more information about your cultivar.

Nowadays, new cultivar epithets must be in a modern language and they must be unique within the so-called denomination class that is usually the genus. Some groups have special denomination classes and these may be found in Appendix IV of the Code.

Coining a new and original cultivar name is not easy, especially in groups that historically have had hundreds or even thousands of cultivars. Luckily many of these groups have International Cultivar Registration Authorities (ICRAs) who publish checklists and registers of names which are in use or which have been used in the past. Check in the Directory of families, genera & species with ICRAs to see if the genus of your cultivar is covered by an ICRA and then consult the ICRA's publications. Each ICRA has a registrar who will be glad to advise you if your proposed name has been used before and whether or not your name is acceptable.

There have been many other lists of cultivar epithets produced in the past and a fairly comprehensive list of those is given in Appendix XI of the Code. This list of Checklists is kept up to date on the WWW at Delaware State University (USA). Most good horticultural and scientific libraries will have copies of many of these publications for you to check for prior publication.

Composing an epithet requires a bit of thought. An ideal epithet is both easy to spell and pronounce in the various countries where the cultivar might be distributed. The rules for composing an epithet allow you to use or make up any word or words you want but the epithet will not be allowed as a cultivar epithet if it is confusing or likely to confuse or if it is contrary to the few provisions listed below. The Code governs the reasons why a proposed epithet might not be allowed: disallowed epithets are to be "rejected".

The following is a checklist of things to do when formulating a new name:

- (1) Make sure your proposed name is unique and in a modern language e.g. not in Latin.
- (2) Make sure that your name cannot be confused either in spelling or pronunciation with an existing one.
- (3) Make sure that your name could not be interpreted as being likely to exaggerate the merits of the cultivar ('Best Ever', 'The Greatest' and 'Tastiest of All' are not acceptable for obvious reasons!)
- (4) Make sure that your epithet has no more than 10 syllables and no more than 30 characters, excluding spaces and the single quotation marks.
- (5) Make sure that your epithet is not only made up of simple descriptive words like 'Red', 'Giant White' or 'Small'.
- (6) Do not use any of the following banned words or their equivalents in any language in your epithet: "cross", "hybrid", "grex", "group", "form", "maintenance", "mutant", "seedling", "selection", "sport", "strain", "variety" (or the plural form of these words in any language) or the words "improved" or "transformed".

(7) Do not use any punctuation marks except for the apostrophe, the comma, a single exclamation mark, the hyphen and the full-stop (period).

(8) If your epithet is a single word, make sure that the word is not the same as that of a genus, whether in botanical Latin or in a modern language. (*Erica*, *Daphne*, *Iris* and *Veronica* happen to be Latin names of genera and are not permitted as one-word cultivar epithets even though they are personal names as well. *Rose* and *Violet* are common names of genera and they too are not permitted to stand alone as cultivar epithets. Such a word may be used in an epithet of two or more words provided that it does not form the final word. ('*Erica Smith*', '*Iris Jones*', and '*Rose Queen*' are acceptable.)

(9) Make sure that your epithet does not contain the botanical or common name of its genus or the common name of any species in that genus. (*Rosa* '*Christmas Rose*', Potato '*Jim's Spud*' and *Primula* '*White Cowslip*' are not acceptable.)

OTHER NAMING REQUIREMENTS

In addition to the Code's regulations for forming new cultivar names, you should bear in mind that if a new cultivar is likely to be registered with a statutory plant registration authority for purposes of say, national listing or plant breeders' rights, additional conditions are likely to be required before a name (denomination) is approved by the appropriate authority. Each authority has its own rules, but the following conditions are often encountered:

(1) Not to incorporate trade marks in a cultivar name unless the applicant is the trademark owner. '*Coca-Cola*' and '*Big Mac*' would not be acceptable.

(2) Apart from in "code names", not to include numbers unless a number is an integral part of a name. '*10 Downing Street*', '*Henry VIII*' and '*Catch 22*' would be acceptable, but '*10th Anniversary*' and '*No. 66*' might not be.

(3) Not to compose a name with a mixture of upper and lower case letters within a word unless customary. '*John McNeill*' would be acceptable but '*FuNnY FiSh*' might not be.

(4) Not to compose names that resemble terms used in the market place. '*Twenty Marks*', '*Two Litres*', and '*Five Kilos*' might not be acceptable.

(5) Not to use abbreviations of an international organization which is itself excluded from trade mark protection by international convention. '*UNESCO Dream*', '*European Union*', and '*World Bank*' might not be acceptable.

(6) Not to use names that might cause offence in the country where a cultivar is to be marketed. '*Adolf Hitler*', '*Little Bastard*', and '*Catholic Killer*' might not be acceptable.

(7) Not to use names that might mislead as to the origin of a cultivar. *Malus* '*Dear Granny Smith*' might not be acceptable if the cultivar was not derived from, or related to, the apple '*Granny Smith*'.

Advice on the suitability of a proposed name should be available from the appropriate statutory authority.

WHAT DO I DO WITH MY NEW NAME?

Once you have satisfied yourself that your name is in an acceptable form, register it with the appropriate ICRA. This will cost you little more than time

spent filling in a form and sending it off but will help ensure that the name is internationally recognized forever.

The name will have to be published in order to be fixed. You may either publish it yourself, say in your nursery catalogue if you are a nurseryman, or the ICRA concerned will publish it for you in due course if you register the name with them. ICRA's however are placed under no obligation to publish your name within a short period of time and you should realize that your chosen name might be used by someone else for a completely different plant unless you take steps to ensure early publication. If someone else, even if in a different part of the world, publishes your chosen name for a different cultivar in the same genus or other denomination class, you will have to think of another.

Publication of your new name must be in printed or similarly duplicated matter which is distributed to the general public or at least to botanical, agricultural, forestry or horticultural institutions with libraries. Newspapers, gardening or non-technical magazines and similar publications that are not designed to last do not count as publications in this case. Publication on the World Wide Web or on CD-ROM does not count as publication since the pages are not permanent. Publications must be dated. A new name appearing in a nursery catalogue will not be treated as having been published if that catalogue is not dated at least to the year.

Do not publish more than one name for the same cultivar in the same publication: if you do this none will be considered as having been published in that publication.

It may be that you are registering or publishing a new cultivar name on behalf of someone else or that you are promoting a new name for a cultivar raised by someone else. Check that the originator of the cultivar agrees with the proposed name (and its spelling) that you are promoting; if the originator does not, the name may have to be rejected later in favor of the originator's choice.

When you publish a new cultivar name, you must include a description of the cultivar. The longer and more complete the description the better, but at least state its obvious characteristics and if you can, state how it differs from an existing cultivar. It is helpful, but not compulsory, to provide an informative illustration of the new cultivar in the publication if expense permits.

Make a statement such as "new cultivar name" (not just "new" or "new cultivar") after the proposed name so that others may recognize the fact that you have deliberately published a new name for the first time. If you regularly publish new cultivar names, it would be most advantageous to list any new names appearing in your publication in a single place in that publication.

HOW CAN I PROTECT MY NEW NAME?

Send a copy of your publication to the ICRA and to the main horticultural libraries in your part of the world. If you are feeling generous, send copies to similar libraries in other parts of the world too.

If you can, distribute herbarium specimens (Standards) of the new cultivar to as many herbaria as is practical but certainly to your nearest herbarium which specializes in maintaining Standards (a list is provided in Appendix VI of the Code), This will help ensure that your cultivar will not become confused with others in the future and may help resolve disputes if more than one person thinks they have raised the same cultivar!

Finally, ensure that the name is used by everyone and do not encourage others to coin trade-designations or other selling names for your plant. The most effective way to protect a name is to label your plants clearly and unambiguously. Always maintain "your" cultivar epithet within single quotation marks to ensure that the status of your plant is understood.

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