

How to Name a New Cultivar

by: Piers Trehane

Provisions

You should also bear in mind that if a new cultivar is likely to be registered with a statutory plant registration authority for purposes of e.g., national listing or plant breeders' rights, other 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 additional conditions are often encountered:

- (a) If your epithet contains the name of a living person, make sure you have asked their permission to use their name. (ICNCP Rec. 19B.1)
- (b) Do not incorporate either abbreviations for the names of international organizations that are excluded from trade mark protection by international convention or trademarks themselves in a cultivar name. (cf. ICNCP Art. 28.3)
- (c) Do not use names which might cause offence in the country where a cultivar is to be marketed. (ICNCP Rec. 19.H.1)

What Do I Do with My New Name?

Assuming that your name is not due to be submitted as part of an application for statutory registration, then once you have satisfied yourself that your name is in an acceptable form, register it with the appropriate International Cultivar Registraton Authority (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 catalog 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

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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-scientific magazines and similar publications which 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 material for making nomenclatural standards and other herbarium specimens of the new cultivar to as many herbaria as is practical, especially to the nearest herbarium that specializes in maintaining nomenclatural standards (a list is provided in Appendix IV 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. (For the latest version of the ICNCP, go to <http://www.ishs.org/scripta-horticulturae/international-code-nomenclature-cultivated-plants-ninth-edition>).

The ICRA System

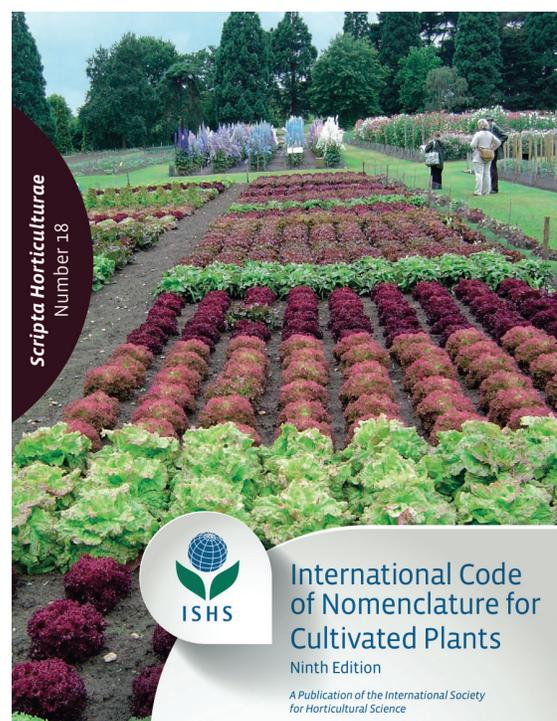
The preceding article, **How to Name a New Cultivar**, was kind of an introduction that was used in the International Cultivar Registration Authority (ICRA) web pages which the International Society for Horticultural Science (ISHS) published on behalf of Piers Trehane who acted as a custodian of the ICRA

system up till his death. The Royal Horticultural Society (RHS) in the United Kingdom took over and is now curating the ICRA information, while ISHS is publishing the information online within the framework of the ISHS Special Commission on Cultivar Registration: <https://www.ishs.org/nomenclature-and-cultivar-registration/cultivars>. See also <https://www.ishs.org/nomenclature-and-cultivar-registration/icra>.

The most recent version of ICNCP was published in the series *Scripta Horticulturae* in 2016 and is available here: <http://www.ishs.org/scripta-horticulturae/international-code-nomenclature-cultivated-plants-ninth-edition>.

The executive committee of the ISHS Special Commission for Cultivar Registration is responsible for the appointment of all International Cultivar Registration Authorities (ICRAs) and for the monitoring of their work. The executive committee receives annual reports from each ICRA and reassesses appointments every four years.

The ISHS collaboration in the ICRA System is instrumental and limited to hosting the ICRA dataset on the ISHS web pages. ISHS is not responsible for the appointment of Registrars, nor is the Society responsible for the content of the ICRA pages.



The ICRA system has now been in operation for over 50 years and has contributed significantly to the stability and fixity of cultivated plant nomenclature. The scheme operates under the International Code of Nomenclature for Cultivated Plants (ICNCP), and its chief aim is to prevent duplicated uses of cultivar and Group epithets within a defined denomination class (usually a genus), as well as ensuring that names are in all other respects in accord with the latest edition of the ICNCP.

The system is a voluntary, non-statutory one and does not confer any legal protection over the name or the plant. Such protection has to be sought through statutory schemes such as national Plant Breeders' Rights or Plant Patents. The ICRA system is in effect the horticultural world's attempt at self-policing of nomenclature and is truly international in its scope. The success of the ICRA system depends upon the cooperation of all those involved with the creation and marketing of new plants.

All that is required is the submission of the name and any other relevant data to the ICRA. The ICRA will check each new epithet to ensure that it has not been used before and that in all other respects it is in accord with the ICNCP and then notify the registrant accordingly. Applicants should remember that registration may be refused if the name has been used before and should await the ICRA's decision before implementing any marketing for the plant. ICRAs are not responsible for assessing the distinctiveness of the plant in question.

Each ICRA is also charged with ensuring that new names are formally established (i.e., published in hard copy, with a description in a dated publication). Establishment in this context is an important concept since it is only after such publication that the name has precedence for its use for a particular plant.

ICRAs will also ask the applicant to provide some further details about the plant, such as parentage, the names of those concerned with its development and introduction, together with a basic description which highlights its distinctive

characters. It is essential that some descriptive element is provided and the more authentic data that can be provided at this stage the more valuable will be the store of data held by the ICRA in its Register and Checklist. This database soon becomes a valuable resource for all those interested in that group of plants.

ICRAs receive no funding. ICRAs may be based anywhere in the world and currently are located in many European countries, North America, China, India, Singapore, Australia, New Zealand, South Africa, and Puerto Rico. In every case their scope is international, although in some cases they may operate through a series of national representatives to facilitate the initial collation of data from raisers. Most ICRAs can be contacted electronically and many maintain excellent web sites which are noted in the lists on other pages of this web site.

Listings for all of the International Cultivar Registration Authorities can be found at: **<http://www.ishs.org/sci/icralist/icralist.htm>**.

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