

# APPLICATION FORM FOR REGISTERING AN OAK CULTIVAR NAME

## NOTES FOR GUIDANCE ON COMPLETING THE FORM

### Introduction

The International Oak Society was appointed International Cultivar Registration Authority (ICRA) for the genus *Quercus* by the International Society for Horticultural Science (I.S.H.S.) in 1998. The ICRA system aims to promote stability in the naming of cultivated plants by promoting lists of authenticated names in a number of important groups of plants which are commonly cultivated. Further information on ICRA's may be found at: <http://www.ishs.org/icra/index.htm>

The Registration Form is designed to bring together all the information that the ICRA requires so that the Registrar may ensure that a new cultivar name is properly established within the rules as laid down in the *International Code of Nomenclature for Cultivated Plants* (I.C.N.C.P.). This *Code* is issued at periodic intervals under the authority of the Commission for the Nomenclature of Cultivated Plants, a body which itself lies under the aegis of the International Union of Biological Sciences (I.U.B.S.). Details of the latest edition of the *Code*, including details of how to acquire a copy, may be found at: <http://www.ishs.org/sci/icracpco.htm>

Please fill in the form carefully. The following notes are designed to be helpful for those not familiar with what is required. If you need to include extra papers with the form, please ensure that they are attached together and that each separate sheet is labelled with the proposed name of the cultivar.

Remember, a plant is not, in itself, a cultivar. A cultivar is a taxonomic unit made up of a number of plants with the same set of characteristics, so do not attempt to register a name if the original plant has not been propagated to the point where a number of identical plants exist. The I.C.N.C.P. defines a cultivar thus:

*“A cultivar is an assemblage of plants that has been selected for a particular attribute or combination of attributes and that is clearly distinct, uniform, and stable in these characteristics and that when propagated by appropriate means retains those characteristics.”*

If there are questions on this form for which you are not certain that you know the answer, do not be put off returning it: if there are important points to be answered which are essential, the Registrar(s) will contact you later. A summary of how to form a cultivar name may be found at: <http://www.ishs.org/sci/icraname.htm>

It would be extremely helpful if at least one photograph be included when returning the Registration Form. Such a photograph should show the characteristics whereby the cultivar differs from other known cultivars of the same species. Photographs of a mature plant would also be helpful, especially if it is the original plant from which the cultivar was derived. Please write details, including the name of who took the photograph and when, on the back of each.

It is necessary to send a sample of the plant so that it may be prepared as a herbarium specimen and kept in a herbarium as the standard. If you wish further information on how to do this, contact the Registrar(s).

For any further assistance or advice, the Registrar(s), should be contacted at the postal address on the top of the Registration form, or be e-mailed at: [registrar@internationaloaksociety.org](mailto:registrar@internationaloaksociety.org)

### PART 1: THE NAME OF THE CULTIVAR

*Try to fill in this section as much as possible.*

- Q.1 If you know to which species to which your cultivar belongs, write it here. Example: *Q. gambelii* or *Q. robur*. Alternatively, give the common name if you are sure this is unambiguous. Example: Shingle oak, which universally equates to *Q. imbricaria* is acceptable, but avoid common names such as “scrub oak” which has been used for a number of species including *Q. ilicifolia* and *Q. inopina*.
- Q.2 Due to wind pollination, frequently oak seedlings are hybrids: indicate if you think your cultivar may be such a hybrid.
- Q.3. If you can, indicate the parents of the hybrid. If you are uncertain of one or both parents, put a question mark beside the name or names in question. If you are aware of the seed parent, please indicate that on the second line.
- Q.4 Write your proposed name (technically, the epithet) of your cultivar. Example: ‘Moonlight Parade’. Use a mixture of capital and lower case letters and include any diacritical signs such as the e acute (é) or umlaut (ü) if these signs form part of your proposed name. Be careful where you insert any apostrophes and do not include any words banned by the I.C.N.C.P. (Art. 19.20). If your proposed name is in a script other than Roman, such as Japanese, Cyrillic or Hebrew, add your Romanized transliteration or transcription according to the standards laid down in the I.C.N.C.P. (Art 30-Art 31).
- Q.5 The Originator is the person who recognizes that a new selection has particular merit that is of value. That person may or may not be the finder (Q.24) or the raiser (Q.27) or the initial propagator (Q.30). Please give his/her full address, and for the date originated, please state as exactly as possible when the worth of the cultivar was recognized by the originator. The year will suffice.

- Q.6 The Nominator is that person who first suggests or coins a new name for the plant, even if it is not yet formally named as such. If the Nominator is not the Originator, give his/her name - if it is the same person, write "Same as Originator."
- Q.7 Very often, new cultivars are introduced into circulation not by the originator, but by a nurseryman or other enthusiast who may be termed the Introducer. Please supply details of that person and when the cultivar was introduced or distributed. This may be several years after origination.
- Q.8 This is where you, the Registrant filling in this form, give your contact details. Please fill in all your personal address details etc., which will not be published (apart from your mailing address), but which are essential if the Registrar(s) needs to ask further questions about registering your proposed name.
- Q.9 If you are registering a name on behalf of an employer or other organization, fill this in so that their details will be recorded in the register.
- Q.10 We ask this question to be certain that the originator has no objections to the proposed name (if the originator objects, the name may have to become rejected under I.C.N.C.P. Art. 28.4): this also acts as a prompt to see if the originator has knowledge of other names being used for the same cultivar.
- Q.11 The Registrar needs to know if the name has appeared in some other publication previous to your application since this helps determine the author and date of a cultivar name. If the name has appeared in an acceptable printed work such as a dated nursery catalogue, the author will be that person credited with writing the catalogue. If the name has not been previously published, the author will be you, the Registrant, as long as the name is not published in a work which is not accredited to you between the time of dating the Registration Form and formal publication of your name by the Registrar(s).
- Q.12 It is asked that if you know that the name has been established in another printed work, you send either a copy or a photocopy of the relevant pages for the Registrar(s) so that they can be certain that the name has been properly established. Please, when copying the pages, include the title page of the printed work and the page upon which its author and publication date appears.
- Q.13 If a cultivar has been awarded a patent or plant breeders' rights under some legal process such as provided for under various national and international statutory provisions, the name (often called the "variety denomination" by these agencies) as provided by the breeder/raiser (Originator) or his agent and as approved by the agency for the purposes of such rights is always to be taken as the cultivar name. These names are fixed by statutory provision and an ICRA is not in a position to alter these names in any way whatsoever. The Registrar(s) must be advised of these special cases.
- Q.14 Only the first statutory authority needs to be cited here; by international treaty, the same cultivar being granted similar rights in other countries will normally carry the same "variety denomination".
- Q.15 In some parts of the world, a nurseryman or other trader will attempt to change or translate a name if he/she finds that the accepted cultivar name is unsuitable for marketing purposes. Please indicate if you know of such "names" being used for the cultivar so that the Registrar(s) may record these trade designations to avoid potential confusion in the future.
- Q.16 It would be useful if as much information as possible can be provided for the Registrar(s) to record. Sometimes, different trade designations are used in different countries and sometimes the same cultivar is sold by different traders in the same market place under their own trade designation.
- Q.17 Trademarks (a type of trade designation) are sometimes used instead of the full name of a plant for marketing purposes. Trademarks which have been formally registered by a national trademark authority are usually so indicated by using the international sign ®.
- Q.18 Trademarks which have not been formally registered, yet which are self-claimed by a person or organization, sometimes pending formal registration, are common-law marks generally indicated by using the sign ™.
- Q.19 Please list both registered and common-law trademarks if you know these have been applied to the cultivar whose name you are registering. If you can, state the authority and grant number for registered marks as this will enable the Registrar(s) to check their current legal status.
- Q.20 Some people - especially famous people - see their names as part of their personal intellectual property and need to be asked if they mind a plant being named after them. Before publishing such a name for the first time, the Registrar(s) may need to check that such an act does not offend the person in question, so that the Registrar's office would not be subject to complaint or even litigation by any such aggrieved parties.
- Q.21 If your name is based on some strange word(s) or deliberately misspelled word(s), an explanation of the origin and meaning here will save rectifying spelling or punctuation errors later.
- Q.22 It is becoming increasingly common practice, and in the interests of name stability it is highly desirable, to supply a plant or piece of a plant of the cultivar which may be turned into the herbarium specimen that acts as the nomenclatural standard to which your name is permanently attached. Please indicate if you have done so.

Q.23 So that a record may be made of the whereabouts of nomenclatural standards and any duplicate specimens, please indicate which herbarium these will be found. If you are sending material with this application, fill in the answer box with the word ENCLOSED.

## **PART 2: HISTORY OF THE CULTIVAR**

*This section is designed to provide information on the origin of the cultivar.*

Q.24 If the plant was found in the wild, it is helpful to indicate as exactly as possible where it was found so as to avoid duplication if two people find the same plant at different times, each person coining a different name.

Q.25 Sometimes a plant that stands out in a batch of seedlings is selected and grown on. Such a plant may turn out to be permanently distinct and propagated to give rise to a new cultivar.

Q.26 Only if you are certain should you state pollen and seed parent. Usually the parents are of the same species but they could be of different selections. In the case of hybrids you may give the same answer as under Q. 3. If there is some doubt, add a question mark next to the name(s).

Q.27 The raiser/hybridizer may be a different person from the originator (Q.5), who may only recognize a cultivar's value many years after seed was sown, perhaps long after the raiser has retired or even died.

Q.28 Indicate if the cultivar originated as a sport on another plant. This may have happened especially with variegated, pendulous or fastigiate cultivars.

Q.29 State the name of the parent plant, especially if it is another named cultivar. If the parent plant is not known or named, write "Unknown" or "Unnamed".

Q.30 The initial propagator is very often the originator (the person who first recognized the potential cultivar) in which case write "Same as Originator", but it may be an employee or someone else. We need to know the year that the initial propagation was successful.

Q.31 Since many new plants do not develop worthwhile properties until long after being planted, it may be several years before an unnamed seedling can be judged to have particular worth. We need to know from who and where such plants came. If not known, enter "Unknown", but give any information you can.

Q.32 List any known awards, including provisional ones, given to the cultivar even though, in some cases, the cultivar may not have been formally named at the time. Do not include awards of intellectual property rights here (see Q.12-13).

## **PART 3: DESCRIPTION OF THE CULTIVAR**

*Try to complete this section as accurately as you can, but do not worry about supplying a full botanical description unless you feel you have the ability so to do.*

Q.33 Try to summarize the distinctive characters.

Q.34 Name the most similar cultivar of the same species known to you.

Q.35 You must be able to note at least one consistently stable character by which your cultivar may be distinguished from that in Q.34.

Q.36 Any extra descriptive information would be helpful.

Q.37 Do not forget to state if you are using metric or imperial measurements etc.

Q.38 Comment here on any special attributes such as disease resistance or drought tolerance etc.

Q.39 Comment on any other feature which may be of interest and that you would like the Registrar(s) to publish, such as brightly-colored acorns, seasonal leaf color, special means of propagation etc.

Q.40 Don't forget to sign and date the form. An e-signature is accepted on the editable PDF form.