Comment (Case 3601) – Some matters arising from the Case and the broader issues involved and the need to remove ambiguity in Chapter 3 of the Code


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1. The issues raised in Case 3601 (see Hoser, 2013), seeking validation of a single generic name (Spracklandus Hoser, 2009) by validating the publication in which the name was erected (Australasian Journal of Herpetology) go far beyond a single name and publication, but involve a complex of matters affecting the current Code and the interpretation of several Articles in Chapter 3 (Criteria of Publication).

2. Kaiser et al. (2013), following a discussion as to whether the recent vanity publications of R. Hoser (Australasian Journal of Herpetology) and R. Wells (Australian Biodiversity Record) meet the Code’s publication criteria (and having concluded that they did not), proposed to ignore the herpetological publications of both of these authors from the arbitrary date of 2000. They urged fellow herpetologists to follow their lead. This decision implied that names established by both workers prior to the year 2000, but under similar circumstances, would remain available and consequently inferred that the publications in which these earlier names occurred would be considered to have met the Code’s publication criteria.

3. The consequence of this decision by Kaiser et al. (2013), and their supporters, has been the subsequent erection of many new names (as replacement names, new names or junior synonyms) for many Wells and Hoser names that Kaiser and his colleagues now regard as unpublished, for nomenclatural purposes, under the conditions set out in the fourth (1999) edition of the International Code of Zoological Nomenclature. While their actions were subsequently endorsed by 70 eminent herpetologists (Rhodin et al., 2015), the fundamental issue remains unaddressed by the Commission: do the journals Australasian Journal of Herpetology and Australian Biodiversity Record meet the requirements of Chapter 3 of the Code to be considered ‘published’ for nomenclatural purposes?

4. Naish (2013) and Denzer et al. (2016) have outlined the issues involved in the Hoser dispute (but not those of Richard Wells). Apart from the authors of the Kaiser et al. (2013) paper, many subsequent commentators (e.g., Kaiser, 2014; Schleip, 2014; Thomson, 2014; Rhodin et al., 2015) continued to explore the validity of the Wells and Hoser journals by emphasising issues raised by Kaiser and his coauthors, viz., availability