Claims

1. A polynucleotide construct comprising a promoter operatively linked to a coding sequence for a selectable marker operatively linked to a transcriptional terminator, wherein the promoter is derived from a fungal species selected from a species of the *Rhodotorula* genus, wherein the promoter derived from a species of the *Rhodotorula* genus is SEQ ID NO: 51 or 56, wherein the polynucleotide construct provides dominant selection of a transformed fungal cell of the Pucciniomycotina and Ustilaginomycotina subphyla when transformed into a fungal cell of said subphyla.

2. The construct of claim 1, wherein the coding sequence encodes a protein that confers resistance to an antibiotic, such as, Hygromycin B, Nourseothricin and Zeocin, or wherein the coding sequence encodes a protein that confers resistance to a herbicide, preferably wherein the coding sequence is selected from the group consisting of a coding sequence comprising the nucleotide sequence set forth in SEQ ID NO:6, a coding sequence comprising the nucleotide sequence set forth in SEQ ID NO:7 and a coding sequence comprising the nucleotide sequence set forth in SEQ ID NO:8.

3. The construct of claim 1, wherein the coding sequence for a selectable marker is at least 60% GC, preferably about 70% GC and most preferably about 75% GC; wherein at least 70% of the codon triplets end with C or G, preferably more than 80% of the codon triplets end with C or G, preferably wherein the coding sequence for a selectable marker is composed of UCG codons in at least 40% of the serine residues.

4. A method for transformation of a fungal cell of a species of the Pucciniomycotina and Ustilaginomycotina subphyla which comprises:
    (a) transforming a fungal cell with the construct of any one of claims 1-3 and
    (b) selecting a transformed fungal colony.

5. The method of claim 4, wherein the transformation comprises the step of co-culturing said fungal cell with *Agrobacterium tumefaciens* that contains vector comprising said construct and wherein the co-culturing is performed on a solid co-culturing medium or on a co-culturing membrane that is laid on top of a solid medium, preferably wherein

the co-culturing medium contains at least 1.5% agar, preferably between 2% and 3% agar.

6. The method of claim 5, wherein the selection is performed by over-laying a solid selection medium on top of the solid co-culturing medium or by transferring the co-culturing membrane to a solid selection medium, preferably wherein the selection medium contains at least 1.5% agar, preferably between 2% and 3% agar.

7. The method of claim any one of claims 4-6, wherein the fungal cell is a species of the *Rhodosporidium*, *Rhodotorula*, *Pseudozyma*, *Sporisorium*, or *Sporobolomyces* genera.

8. An isolated promoter selected from the group consisting of:
   (i) a promoter comprising the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (ii) a promoter comprising a nucleotide sequence having at least 50% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (iii) a promoter comprising a nucleotide sequence having at least 60% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (iv) a promoter comprising a nucleotide sequence having at least 70% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (v) a promoter comprising a nucleotide sequence having at least 80% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (vi) a promoter comprising a nucleotide sequence having at least 90% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56;
   (vii) a promoter comprising a nucleotide sequence having at least 95% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56; and
   (viii) a promoter comprising a nucleotide sequence having at least 98% identity with the nucleotide sequence of SEQ ID NO:51 or SEQ ID NO:56,

   wherein the promoter drives strong transcription of polynucleotides in a fungal species selected from the group consisting of a species of the *Ustilago* genus, a species of the *Aspergillus* genus, a species of the *Rhodosporidium* genus, a species of *Rhodotorula* genus, a species of *Pseudozyma* genus or a species of *Sporobolomyces* (*Sporidiobolus*) genus.