



Conservación
Número 15 • 31 octubre 2011
Colombiana

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Birds of Colombia 2011

Aves de Colombia 2011

Conservación Colombiana

Journal for the diffusion of biodiversity conservation activities en Colombia.

Revista de difusión de acciones de conservación de la biodiversidad en Colombia.

ISSN 1900–1592. Non–profit entity no. S0022872 – Commercial Chamber of Bogotá

ISSN 1900–1592. Entidad sin ánimo de lucro S0022872 – Cámara de Comercio de Bogotá.

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Fotografía portada / Cover photograph

Slender–billed Schiffornis *Schiffornis stenorhyncha*, a newly split near–endemic species for Colombia proposed in a paper in this issue. Photograph taken at Santa Cecilia, Bolivar on 7th January 2010. Photo by Blanca Huertas and Thomas Donegan.

Editor General: Yojanan Lobo–y–HenriquesJC

Comité editorial: David Caro, Lina Daza, Thomas Donegan, Yojanan Lobo–y–HenriquesJC, Alonso Quevedo y Paul Salaman.

Publicado en prensa: 31 de octubre de 2011. Algunos artículos disponibles en línea antes de esta fecha.

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The nomenclatural availability of and priority between two recently described names for the same new antpitta species from Colombia

La disponibilidad para propósitos de nomenclatura y prioridad entre dos nombres para la misma nueva especie de tororoi en Colombia

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Abstract

The name *Grallaria fenwickorum* Barrera & Bartels, 2010 was published in a printed journal dated 18 May 2010 and all surrounding evidence is consistent with this publication date. The name *Grallaria urraoensis* Carantón & Certuche, 2010 (or 2011) was published in an online journal dated on its face as “May 2010” but not actually published until 24 June 2010 when it lacked the required statement for online publications of zoological names, which appeared later. A printed version was not published until probably a few weeks before 12 April 2011. On any possible interpretation of the correct publication date for *urraoensis* (31 May 2010, 24 June 2010, the date when the required statement actually appeared, or before 12 April 2011) the name *fenwickorum* was published first in time. Contrary to recent publications, the specimen number cited for the samples constituting the *fenwickorum* type were based on information provided by an employee of the institution housing the museum to which they were delivered. If the specimens were subsequently moved to another institution’s museum, this does not invalidate the description. The holotype designation and description section of the *fenwickorum* description satisfy the requirements of the International Code of Zoological Nomenclature, even on different interpretations of provisions concerning the use of holotypes based individuals illustrated in photographs. The feathers used in the *fenwickorum* holotype are of body parts which should allow diagnosis from related species. The *fenwickorum* and *urraoensis* type localities are within 350 m of one another inside the same nature reserve. The descriptions contain photographs of the same specimens and reported plumage and voice in the two descriptions are equal. The name *urraoensis* is herein considered a junior synonym of *G. fenwickorum*, which is itself considered an available name applicable to a valid taxonomic species.

Resumen

El nombre Grallaria fenwickorum Barrera & Bartels, 2010 fue publicado en una revista impresa de papel, con fecha 18 de mayo de 2010 y toda la evidencia al respecto es consistente con esta fecha de publicación. El nombre Grallaria urraoensis Carantón & Certuche, 2010 (ó 2011) fue, supuestamente publicado en una revista en línea con fecha “mayo 2010”, aunque realmente, no fue publicado en papel impreso hasta el 24 de junio de 2010. Dicha publicación no cumplió con los requisitos para

publicaciones de nombres zoológicos en línea, y la versión en prensa no apareció hasta probablemente unas semanas antes del 12 de abril de 2011. Utilizando cualquier interpretación de la fecha correcta de publicación para urraoensis (31 de mayo de 2010, 24 de junio de 2010, la fecha cuando apareció la aclaración sobre la publicación en línea, o antes del 12 de abril de 2011) el nombre fenwickorum fue publicado primero. Contrario a lo expresado por algunas publicaciones recientes, el número de espécimen de las muestras de plumas que constituyen el holotipo de fenwickorum se basó en información provista por un empleado de la institución a la cual pertenece el museo donde fueron enviadas dichas muestras. El hecho de que posteriormente las muestras fueron enviadas al museo de otra institución, no causa la invalidez de la descripción. Las secciones en donde se designa y describe el holotipo de fenwickorum cumplen con los requisitos del Código Internacional de Nomenclatura Zoológica, inclusive al hacer diferentes interpretaciones de las cláusulas que regulan el uso de holotipos basados en individuos fotografiados. Las plumas utilizadas para el holotipo de fenwickorum, provienen de partes del cuerpo del ave que permiten la diagnosis de esta especie con relación a otras especies relacionadas. Las localidades tipo de fenwickorum y urraoensis, se encuentran a 350 m una de la otra, dentro la misma reserva natural. Las descripciones contienen fotos de los mismos especímenes y la voz y plumaje reportados en ambas descripciones, son iguales. El nombre Grallaria urraoensis es aquí considerado como un sinónimo junior de G. fenwickorum, y el último se considera como un nombre disponible y aplicable a una especie taxonómica válida.

It is widely considered that the description of *Grallaria urraoensis*, by Carantón & Certuche (2010), refers to the same species as Barrera *et al.* (2010)’s *G. fenwickorum*. The merits of, and facts underlying, the recent rival descriptions have been widely discussed (Comité Editorial de Conservación Colombiana 2010; Cadena & Stiles 2010; Fundación ProAves de Colombia 2011; Regalado 2011; Remsen *et al.* 2011). The purpose of this paper is not to take sides or further comment on the controversy, but solely to consider which of the names *fenwickorum* or *urraoensis* is, as a matter of nomenclature and taxonomy, the correct one for the previously undescribed antpitta species found at ProAves’ *Colibrí del Sol* reserve in the West Andes of Antioquia. None of the authors should be taken as endorsing

the steps taken by or the position of any of the sides involved in this fiasco as a result of the points of view expressed in this paper.

Remsen *et al.* (2011) have recently considered two proposals, one of which does not mention the *Grallaria fenwickorum* description at all and the other of which argues strongly in favour of using *urraoensis*. The proposals and discussion in Remsen *et al.* (2011) are based on a number of debatable assertions about nomenclature and taxonomy, as well as a host of factual errors and unfounded assertions, on matters ranging from the wording used for the designation and deposit of the *fenwickorum* type specimen in the description, the number of feathers that were designated as forming part of the type specimen and the attitude of the researchers involved to specimen-based taxonomic research. The discussion also includes various intemperate comments from the AOU committee's chairman, accusing ProAves or the authors of the name *fenwickorum* of "sordid behaviour", being "unethical" and "irresponsible", having "flagrant disregard ... for the theme of the Code" and of engaging in "an 'up yours!' to scientifically based taxonomy". Unlike certain contributors to Remsen *et al.* (2011), this paper does not seek to take sides or to engage in a partisan discussion of the dispute underlying this description. Such matters would not appear to be relevant to taxonomy or nomenclature. Whilst it is acknowledged that committees or authorities with regional, national or global lists of birds will want or need to take a view on these issues, the International Commission on Zoological Nomenclature (ICZN) would be a more appropriate neutral, non-conflicted authoritative body with relevant expertise to consider these issues further for the benefit of the ornithological community at large. However, this should not happen until all the unnecessarily heated and *ad hominem* discussions on matters of conduct have subsided and people have had time to reflect properly on the more relevant issues of nomenclature and taxonomy.

Robust criticism is an important part of the scientific process. Some of the criticisms levelled against the *fenwickorum* description by Remsen *et al.* (2011) and others are fair. However, for the reasons set out in this paper, those criticisms do not result in the name *fenwickorum* being nomenclaturally unavailable or a *nomen dubium*.

Publication dates

As a matter of nomenclature, the first duly published name for a taxonomic species generally has priority under Article 23 of the International Code of Zoological Nomenclature (hereafter, 'Code') (ICZN 1999). Where there are two rival descriptions, as here, it is important to consider their publication dates.

Conservación Colombiana, where the *fenwickorum* description appeared, is a physically printed journal which makes available online versions of most (but not all) papers. The 13th edition of the journal is dated on its face as being

published on 18 May 2010. On that same date, a news piece appeared on the ProAves website announcing the publication and availability of *Conservación Colombiana 13*, including a photograph of the printed edition. ProAves holds letters sent to the libraries of the Biblioteca Nacional "Luis Angel Arango" (Colombia's national library), Universidad Javeriana, Bogotá and Universidad Nacional, Bogotá, all dated 19 May 2010 and countersigned by representatives of these institutions or stamped as received on the same date, each acknowledging receipt of *Conservación Colombiana 13*. ProAves announced the description of the new species in its on-line e-bulletin *Aleteo* number 74 (a publication which some people have confused with the journal *Conservación Colombiana*) on 21 May 2010. *Aleteo* 74 includes details of an event in Washington D.C. attended by representatives of the American Bird Conservancy, ProAves, the Colombian embassy in the USA and others, at which the journal edition and new species were presented (Fundación ProAves 2010). In one of the published photographs in *Aleteo*, a representative of the American Bird Conservancy can be seen holding a copy of *Conservación Colombiana 13*, with part of the back cover visible. Under Article 21.2 of the Code, "The date of publication specified in a work is to be adopted as correct in the absence of evidence to the contrary." All of the above is consistent with the stated publication date of *Conservación Colombiana 13* of 18 May 2010.

The correct date of publication of the *urraoensis* description for purposes of the ICZN Code is more difficult to establish. The relevant edition of the journal in which the description was published (*Ornitología Colombiana 9*) is dated on its face as "May 2010". Under Article 21.3 of the Code: "If the day of publication is not specified in a work, the earliest day on which the work is demonstrated to be in existence as a published work is to be adopted as the date of publication, but in the absence of such evidence the date to be adopted is (1) the last day of the month, when month and year, but not day, are specified or demonstrated ..." The date of publication of the name *urraoensis* would therefore presumptively be 31 May 2010, thirteen days after the *fenwickorum* description was published. However, to our knowledge, the *urraoensis* description did not appear in print or anywhere online at any time during May 2010. The PDF files for *Ornitología Colombiana* appeared online on 24 June 2010. On that date, a number of emails among ornithologists and website postings concerning the description also first appeared. However, no Code compliant publication was available on that date.

Ornitología Colombiana (in which the *urraoensis* description appeared) is primarily an on-line journal. A printed edition or hard copies are circulated to major libraries usually some time after its editions have first been published online. The printed version of *Ornitología Colombiana 9* was not received in one international library until 12 April 2011, for example. Further research could be

done on the date of deposition of the edition in Colombian and other libraries, which probably would have occurred during March 2011, based on international postage times.

Article 8.6 of the Code provides that: “For a work produced after 1999 by a method other than printing on paper to be accepted as published within the meaning of the Code, it must contain a statement that copies (in the form in which it is published) have been deposited in at least 5 major publicly accessible libraries which are identified by name in the work itself”. The description of *Scytalopus griseicollis gilesi* in an earlier edition of the same journal was accompanied by a statement complying with Article 8.6 of the Code below the editorial in the same edition (Stiles 2008). However, no such statement was included with the online PDF edition of the *urraoensis* description or accompanying PDF cover materials or editorial. Several days after *Ornitología Colombiana* 9 first appeared online (at some point in late June or early July 2010), an Article 8.6 statement was added below the online index contents for this edition. It is therefore doubtful that the name *urraoensis* was available on 24 June 2010, but this does not mean that the name was not made available at a later date, either when the Article 8.6 statement appeared online or when the print versions of *Ornitología Colombiana* 9 were delivered to relevant libraries.

Taylor (2009) discussed how the lack of an Article 8.6 statement was dealt with for the recent description of the extinct mammal *Darwinius masillae* in the online journal *PLoS ONE*, which was affected by similar issues. In order to validate Franzen *et al.* (2009)’s description, a new printed edition was issued and availability was claimed under Article 8.1 of the Code (Binfield 2009, Taylor 2009), not Article 8.6. A different approach was adopted here by the editors of *Ornitología Colombiana*. The better interpretation of Article 8 of the Code is that if a print run of an on-line journal is later produced, that print edition constitutes a valid form of publication, regardless of whether it includes a statement referring to Article 8.1 or 8.6 of the Code. The name *urraoensis* was therefore certainly made available by at least 12 April 2011 and presumably a few weeks earlier. On a conservative interpretation, any usage of the name before circulation of the printed edition would have involved a *nomen nudum*. The description of *Henicorhina negreti* in the same journal also probably has a later publication date for ICZN Code purposes than is widely assumed.

There are several different candidates for the date of publication of the name *urraoensis* and it is not clear which of them is correct: (i) 24 June 2010 (taking the view that the lack of an Article 8.6 statement is a corrigible typographical error); (ii) a later date in late June or early July 2010 when the Article 8.6 statement appeared online; (iii) a date no later than 12 April 2011 by which time it was certainly published in print; or (iv) 31 May 2010 by default under Article 21.3.1 of the Code on the basis that it is not possible to establish

when a valid description was published. Each of these dates falls after the date of publication of the name *fenwickorum* (of 18 May 2010). Moreover, Cadena & Stiles (2010) refer to the previous publication by Barrera *et al.* (2010) in their editorial, clearly demonstrating that the *fenwickorum* description appeared first in time. Although ascertaining the date and even year of publication of the name *urraoensis* is mired with difficulties, it is clear that the name *urraoensis* was described after the name *fenwickorum*.

The *fenwickorum* description

As a result of the publication dates, the main question that falls to be addressed in determining the name to be used for this antpitta is whether the *fenwickorum* description stands (in the sense of making the name “available” for purposes of the Code), and, if so, whether the description is sufficiently precise that it can be considered to refer to a previously undescribed species. No matter the subjective quality attributed to the *urraoensis* description and regardless of persons’ political views, preferences for epithets or opinions on matters of conduct, if the *fenwickorum* description is a valid nomenclatural act and sufficiently precise, then the name *urraoensis* is at best a junior synonym, because it appeared second in time. Some contributors to Remsen *et al.* (2011) appear to consider that supposed issues with the *fenwickorum* description can be easily dealt with by instead using the name *urraoensis* (which they apparently consider both available and taxonomically valid). However, if the name *fenwickorum* is available and refers to the same new species, then it has priority and should be used. It is only if *fenwickorum* is not valid or is unclear in its application that one would have to consider whether an alternative, later described, name should be used.

The authors of the description of the name *fenwickorum* appear to have complied with applicable ICZN guidance and relevant provisions of the Code concerning the description of a new species without a full, dead specimen. The new antpitta species was illustrated and discussed in detail in the paper, with notes on its ecology, voice, type locality, distribution, population status, differences from supposedly related species, conservation and, importantly, sections in which a holotype is designated and described. The holotype is designated as including samples of various feathers. To the extent a certain controversial interpretation of the Code is correct, the *fenwickorum* holotype also includes an individual of which photographs were presented. A photograph of the feather samples was also included in the description, with labels showing the body parts they relate to.

The paper reads as follows:

“The holotype is constituted solely by:

a) Feather samples (total of 14 feathers from the wing, tail and body) deposited at the Museo de Historia Natural Jose

Celestino Mutis, Facultad de Ciencias de la Universidad de Pamplona, tissue collection No.699 (Figure 1).

b) For purposes of Article [73.1.4] of the International Code for Zoological Nomenclature, **to the extent applicable**, the individual depicted in Figure 1 and the Cover of this edition of *Conservación Colombiana*.

These materials are based on an adult taperecorded, captured and banded (with ProAves ring no. D001108), from which feather samples were taken, and plumage description was taken using Munsell (1977). These steps were taken in the field and the bird was photographed before being released alive on 11 January 2010 by LFB and LRG. The individual was captured within the Colibri del Sol Bird Reserve, Vereda El Chuscal, Municipality of Urrao, Department of Antioquia (06°25'53.1"N 76°04'57.9"W). Elevation 3,130 meters asl.

An extensive further series of photos of the individual on which the holotype is based can be downloaded at: <http://www.flickr.com/photos/proaves/sets/72157623898966996/>. Taperecordings of the individual on which the holotype is based can be downloaded at: <http://www.xeno-canto.org/48114>

Measurements of individual on which the holotype is based, taken in the field are set out in Table 1."

The deposit of samples at Universidad de Pamplona

It appears to be undisputed that the *fenwickorum* feather samples were delivered to and received by D. Lizcano of Universidad de Pamplona in Norte de Santander, Colombia. Universidad de Pamplona operates a reference collection that is duly registered with the relevant authorities in Colombia. Remsen *et al.* (2011) considered the description to be confusing due to the existence of a different Universidad de Pamplona museum in Spain. However, no-one could reasonably confuse the reference in the *fenwickorum* description to the Colombian institution with the Spanish museum. First, the Spanish museum is not named after José Celestino Mutis (and the Colombian one is, as referred to in the *fenwickorum* description). Although he was Spanish, Mutis is more widely known as an important historical figure for Colombia, where he lived most of his life. His influences transcended biology to the 18th century enlightenment in this part of the world. Various Colombian institutions bear his name, including this collection, an airport and Bogotá's botanical gardens. Secondly, it is very difficult to export specimens from Colombia, especially intended or actual type specimens. Finally, ProAves and Universidad de Pamplona have previously co-operated with one another on various projects and applications for funding. ProAves-supported projects have previously deposited specimens in the Universidad de Pamplona museum (e.g. Parra *et al.* 2010) and there are long-standing personal

relationships between individuals working there and at ProAves.

An open public letter by D. Lizcano of Universidad de Pamplona dated 25 March 2011, was issued over 10 months after the samples were delivered to the institution by ProAves. His statement was published by RNOACOL on the same day as they also published a discourse by D. Carantón on the controversy criticising ProAves, during the same week that the second of Remsen *et al.* (2011)'s proposals appeared and around the same time that printed versions of *Ornitología Colombiana* were circulated to libraries. Universidad de Pamplona decided to send the samples to unspecified other authorities, now understood to be the custodians of the government's national collection, Instituto Alexander von Humboldt. Lizcano's letter sets out certain details of the history of the delivery of the samples to the Pamplona museum and the drawers in which they were kept. The intention appears to be to create the impression that the samples were not properly deposited or recorded in the museum. One of the two proposals to Remsen *et al.* (2011) has highlighted this aspect in calling for the name *fenwickorum* to be considered unavailable. However, Lizcano's letter omits material information about the history of deposition of the *fenwickorum* holotype samples.

The *fenwickorum* holotype samples delivered to and received by Universidad de Pamplona bear a label including a serial number based on information provided by Lizcano to a ProAves employee in an e-mail dated 5 May 2010, and related telephone conversations. The specimens were not sent to an "unsuspecting person" as per Remsen *et al.* (2011). Moreover, the specimen number is not "fictitious" or "phony", as asserted in Remsen *et al.* (2011). It was at the time of deposition the next available serial number at that museum collection, as notified in the same e-mail by Lizcano to the ProAves employee on 5 May 2010. The label includes details of the individual which was sampled, its locality and date of sampling. Those details were expressly requested to be provided by Lizcano in the same e-mail to the ProAves employee, in response to a request from the ProAves employee for the relevant deposit forms. No such forms were provided by Lizcano, only the request that the specimen be sent together with the data requested. This was done in accordance with Lizcano's instructions. It is not unusual for the serial number of a type specimen to be cited in a paper based on e-mails and phone communications with an employee of the institution which houses the collection.

Based on the above information, we conclude that the authors of the *fenwickorum* description did not fall short of the requirements of Article 16.4 of the Code and took reasonable steps to ensure the accuracy of their paper. Any later occurrences affecting the location of the samples are outside their control.

Whether samples or photographs are sufficient to constitute a holotype

Samples are “*part of*” an “*animal*”, within the meaning of the term “*specimen*” in the Code’s glossary. Article 72.5 of the Code further states that “*any part of an animal*” is eligible to be a type specimen. Feather samples are part of an animal. Remsen *et al.* (2011) argue that “*nowhere does the Code say that depositing a part of the holotype is sufficient*”, but this is incorrect. Even if, on a particular interpretation of the Code, Barrera *et al.* (2010) only described some feathers and not the whole individual, Article 23.3.2 provides that “*The Principle of Priority applies even if: (1) any part of an animal is named before the whole animal ...*”.

The interpretation that a description is invalid if it is based on samples rather than a full specimen is inherently flawed. Most “full specimens”, of the nature that Remsen *et al.* (2011) would prefer, are only ever themselves partial, in that internal body parts, muscle tissue and so on of dead birds are usually discarded when preparing a specimen, with only the skin and sometimes skeleton preserved. It is rare today that a whole bird is preserved in formaldehyde or alcohol. Fossil descriptions are also generally described only on the basis of partial specimens. For purposes of the Code, the *fenwickorum* samples, taken together, are as valid a basis for a type specimen as those used in other similar descriptions (e.g. *Laniarius liberatus* Smith, Arctander, Fjeldså, & Amir, 1991; *Liocichla bugunorum* Athreya, 2006; *Avahi cleesei* Thalman & Geissmann 2005; *Conolophus marthae*, Gentile & Snell 2009) and, indeed, equally permissible under the Code as a full specimen. Whilst some of these other names based on samples are now considered junior synonyms of other (earlier published) names, no-one has taken the steps that Carantón & Certuche did of seeking to establish a rival name for those which are still considered taxonomically valid.

Article 16.4.2 of the Code requires that “*where the holotype or syntypes are extant specimens,*” a description must include “*a statement of intent that they will be (or are) deposited in a collection and a statement indicating the name and location of that collection*”. The authors complied with this requirement and indeed went beyond it in compliance with Recommendation 16D: “*authors should include information such as specimen numbers and descriptions of labels*”. Over ten months after receiving the samples and apparently without ever previously notifying ProAves or the other *fenwickorum* authors of any issues with them, Universidad de Pamplona decided to deliver the samples to a different institution. Those actions are wholly outside the control of the authors of a description and cannot therefore result in any breach of Article 16.4 of the Code.

The *fenwickorum* holotype is also designated as including the individual on which the feather samples are based, to the extent that Article 73.1.4 of the Code applies. The ICZN secretariat has previously clarified that descriptions based on

both samples and photography of live individuals result in the described name being available, pursuant to Article 73.1.4 of the Code (Wakeham–Dawson *et al.* 2002, Polaszek *et al.* 2005, Notton 2011). The ICZN’s published online responses to frequently asked questions states as follows (<http://iczn.org/category/faqs/frequently-asked-questions>):

“Can a photograph or holograph be a type specimen? No, but the specimen depicted can be. Where a species name has been based on a photograph, illustration or description, the name-bearing type is considered to be the specimen(s) illustrated or described (Article 72.5.6; 73.1.4) the fact that the specimen is no longer extant does not mean that the species name is unavailable. While it is highly desirable to have a type specimen or part of a specimen permanently deposited in a museum or other publicly available collection, very occasionally it may be impractical, for example if it is unethical to kill or injure an individual of a highly endangered mammal. Other forms of evidence e.g. photographs, sonograms, may contribute to an original description in demonstrating that a type specimen existed, where the type specimen has to be released live. In these situations it is not necessary to deposit types in a Museum – the statement of intent to deposit types in a collection required for new species names published after 1999 is only necessary where types are extant (Article 16.4.2).”

Despite this guidance, there are a number of provisions or supposed principles underlying the Code that have been cited by, among others, Timm *et al.* (2005) and Dubois & Nemésio (2007), Dubois (2009) and Nemésio (2009) as not being met by some of the descriptions mentioned above, which were recapitulated by Remsen *et al.* (2011). Such interpretations have been rejected by the ICZN secretariat (Wakeham–Dawson *et al.* 2002, Polaszek *et al.* 2005, Notton 2011) and criticized (e.g. Donegan 2008, 2009).

Article 72.5.6 of the Code provides that: “*In the case of a nominal species–group taxon based on an illustration or description, or on a bibliographic reference to an illustration or description, the name-bearing type is the specimen or specimens illustrated or described (and not the illustration or description itself).*”

Article 73.1.4 of the Code then provides that: “*Designation of an illustration of a single specimen as a holotype is to be treated as designation of the specimen illustrated; the fact that the specimen no longer exists or cannot be traced does not of itself invalidate the designation*”.

The individual in question here was illustrated in the description and also in a series of photographs referred to in the description. Barrera *et al.* (2010) should better have included these other photographs within the description, because they show more important details of the methods applied for the study of the individual, the removal of feather

samples and release of the bird. These photographs were duly incorporated by reference into their description and the individual illustrated in these photographs is, on one interpretation of the Code, included within the definition of their holotype. These photographs should form a more permanent part of the scientific record, so they are reproduced in full in Figure 1.

The main reason for debate over whether Article 73.1.4 of the Code can apply to modern descriptions based on samples or photography is due to the potentially inconsistent provisions of Article 16.4 of the Code, cited above, in relation to the deposition of extant specimens. The bird that was illustrated in the description of *fenwickorum* and related materials referred to in the description, and which was released, was, however, not a type specimen at the time of study. It was simply an individual organism being studied. As a result, the authors did not breach Article 16.4 in releasing that organism. A type specimen is not designated until the publication of a description, so it cannot be said that the type specimen was released (except as some *ex post facto* commentary or rhetoric). Later, at the time of the publication of a description, it usually is not known whether the individual organism which was previously studied is still an 'extant specimen', so Article 16.4 should not apply (Donegan 2008, 2009). As discussed in detail by Notton (2011) a bird in the wild at the time of a description is not an 'extant specimen' for purposes of Article 16.4, so does not need to be deposited in a collection. However, if Dubois & Nemésio (2007) and Remsen et al. (2011) are correct and there is a breach of Article 16.4 by releasing an organism under study which might later become a type specimen, then the individual designated by Barrera et al. (2010) cannot be the holotype too, only the samples. The form of wording used in the holotype designation section of the *fenwickorum* description only includes the photographed individual "to the extent" that Article 73.1.4 applies. As a result, it works on both of these differing interpretations of the Code. If Dubois & Nemésio (2007) and Remsen et al. (2011) are correct, the designation of the individual in the description of *fenwickorum* as part of the holotype simply falls away (according to the wording of the holotype designation section of the paper) without invalidating the designation of the samples as the holotype. If Wakeham–Dawson et al. (2002), Polaszek et al. (2005), Donegan (2008, 2009) and Notton (2011) are correct, then the holotype also includes the individual that is depicted in the description and the other photographs referred to.

There is a reference to Article "74.1.4" of the Code in the holotype designation section of the *fenwickorum* description. This is very obviously a typographical error, because there is no Article 74.1.4 in the Code, but Article 73.1.4 is clearly relevant. A published online *corrigendum* was published as a PDF on the Conservación Colombiana website on 21 May 2010 (to "73.1.4"), just three days after the paper was published. A copy of the online corrigendum is included in

this edition of *Conservación Colombiana*. The discussion of an obvious cross-referencing typographical error that has been subject to a published *corrigendum* many months previously, and the implication that the same invalidates a description (Remsen et al. 2011) is a non-collegiate, inappropriate and incorrect approach to taxonomy and nomenclature. The Code even allows species names to be changed if they are based on a typographical error, including if based on a *lapsus calami* as opposed to a typesetting or printer's error (Articles 32.5.1).

Finally in this regard, the proposal to Remsen et al. (2011) focuses on alleged disjointedness between the holotype designation and holotype description sections of Barrera et al. (2010) in calling for the name *fenwickorum* to be invalid. There is no basis in the Code for such an analysis being correct. Recommendation 73C speaks to information that should be included about a holotype in a description, and Barrera et al. (2010) provided considerable data about both the individual organism and the samples. Their description of the holotype's plumage coloration applies equally to the bird studied as to the samples they took of tail, flight and other feathers labelled in their photograph of the samples. For example, an extract of the holotype description section reads as follows: "Tail darker brown (7.5YR 4/2). Wings: upperwing coverts and flight feathers uniform Olive Brown (7.5YR 7/10) with underwing coverts warm cinnamon-brown (2.5Y 6/4)". The authors went further than authors of previous similar descriptions in depicting each feather that was sampled and labelling the largest and most important of them as being taken from the primaries, secondaries (these, together being referred to as "flight feathers" elsewhere), rectrix (tail feather) or breast. The holotype description section focuses more heavily on the morphology of the individual sampled rather than the feathers. This is understandable as the description ends up being more useful to people interested in what the new species looks like. This approach does not invalidate the description because the morphology of the feathers is described as a result of describing the bird. None of the previous similar descriptions cited above include a blow-by-blow detail of the length and coloration of each feather sampled or of each hair in a fur sample. Although such details would be rather tedious to the reader of a new species paper, it could be considered as a recommendation for future descriptions.

Criticisms of the description as an affront to specimen-based taxonomic science are also misplaced given that the *fenwickorum* description is itself also based in part on the two full specimens collected by Carantón & Certuche (2010). Those specimens are referred to and illustrated in the *fenwickorum* description. According to Barrera et al. (2010), they were not designated as types due to them being under the threat of confiscation as a result of the then ongoing investigation into breach of the research permits.

In conclusion, the rationale presented to Remsen *et al.* (2011) for considering the name *fenwickorum* to be unavailable is based on interpretations of the Code not supported by past or current members of the ICZN secretariat (Wakeham–Dawson *et al.* 2002, Polaszek *et al.* 2005, Notton 2011) or consistent with its published guidance. Moreover, their rationale is not consistent with Articles 23, 72 or 73 of the Code and there was no breach of Article 16, as they assert. A published quoted statement from a member of the ICZN secretariat also considered the name *fenwickorum* to be available and have priority (Regalado 2011). Although some persons have disputed attributed quotes in the same article or their context, this would be consistent with other ICZN publications and guidance.

The question of whether the *fenwickorum* description is sufficiently precise is a more subjective one, on which people may have differing views. In Remsen *et al.* (2011), it has been argued that the samples used for the holotype of *fenwickorum* do not allow diagnosis. However, it is not clear if persons making these assertions have directly compared the *fenwickorum* feathers to the full specimens or to specimens of *G. milleri*. The coloration of the primary, breast and mantle / tail feathers in particular are different from those of *G. milleri* and this should be verifiable from the samples. Moreover, it may be possible to extract DNA from the feathers or carry out other molecular or biochemical analyses.

A further insight into the precision of the *fenwickorum* description can be gleaned from the recent *Field Guide to the Birds of Colombia* (McMullan *et al.* 2010). The authors have been informed us that proofs of that book were finalized after the *fenwickorum* description was published but before that of *urraoensis*. There, the authors concluded that the name *fenwickorum* related to a previously undescribed taxonomic species, depicted the species in the book, included notes on its song and mapped its distribution. No one seriously doubts that the name *fenwickorum* refers to the previously undescribed species of antpitta found at the Colibrí del Sol reserve. Importantly, this publication evidences that *fenwickorum* could not be considered a *nomen dubium* even prior to the *urraoensis* description providing more information about the new species. No one seriously doubted that the new antpitta species had already been described before the *urraoensis* description was published and even Cadena & Stiles (2010) assume this in their editorial.

As Notton (2011) has recently discussed in connection with the more difficult case of ‘*Forpus flavicollis*’, even if a name is considered insufficiently precise due to the nature of the holotype, this does not mean that the name is not available for purposes of zoological nomenclature. Any concerns about the name *fenwickorum* being a *nomen dubium* should properly be dealt with through concerned parties or the ICZN assigning a neotype based on one of the two full

specimens. This was flagged in the Barrera *et al.* (2010) description as a possible further step once restrictions on the use of Carantón and Certuche’s specimens had been lifted. Designating the *urraoensis* holotype as the *fenwickorum* neotype would place the two names in objective synonymy.

Issues with the *urraoensis* description

The principle of priority holds no place for subjective meritocratic interpretations. However, some people have sought to take such considerations into account in determining which name to use. Ultimately, the below comments are irrelevant to determining the correct name for this antpitta, but there are various issues with the description of the name *urraoensis* which have been overlooked:

- As discussed further above, the publication of the name *urraoensis* was undertaken in such a manner that the correct publication date for the description for purposes of the Code is almost impossible to determine, with a demonstrably false publication date specified in the relevant edition of *Ornitología Colombiana* and neglect for the procedures recommended by Article 8 of the Code.
- Holotypes of new taxa of birds, especially suboscines, should, where possible, be based on an individual whose voice has been sound recorded and from which an archived sound recording is made available. In suboscines, voice is generally considered to be innate (non-learned) (e.g. Kroodsma 1984, Krabbe & Schulenberg 1997). In many species, including this new *Grallaria*, plumage is drab and voice is the best way of diagnosing species, both for purposes of a description and in the field. Unlike in the *fenwickorum* description, the *urraoensis* description does not include sound recordings of their holotype, but instead includes recordings of other individuals considered by the authors to be of the same taxonomic species. The sound recordings appear to be correctly identified, but the name *urraoensis* is not directly linked to the distinctive vocalizations of the new species.
- Much interesting statistical analysis is presented by Carantón & Certuche (2010) but they do not consider whether the vocal differences between *fenwickorum* and *milleri* are equivalent to those found between sympatric antpittas, an issue analysed and discussed in detail by Barrera *et al.* (2010).
- The publication of research based on what the regional environmental authority CORPOURABA has determined amount to illegal collecting activities (in relation to which an unprecedented fine has been imposed) is questionable, especially at a time when the holotypes were under threat of confiscation.

- CORPOURABA, the relevant environmental authority, have imposed a requirement that the *urraoensis* types be moved to another institution, also Instituto Alexander von Humboldt. No-one has argued that the name *urraoensis* is unavailable on account of its holotype and paratype being moved to a different institution due to actions outside the control of the authors within a short period of the description appearing, but those specimens have been subject to similar subsequent occurrences as the *fenwickorum* samples.

Whilst they are all material issues, none of these would appear to make the name *urraoensis* unavailable or sufficiently uncertain in application for purposes of nomenclature as to make it a *nomen dubium*.

Whether the same species was described twice

The status of the description of *urraoensis* must be considered in the light of the previously existing, valid description of the available name *fenwickorum*. The collecting localities for the holotypes of the names *fenwickorum* and *urraoensis* fall within 350 meters of one another and both are within the Colibrí del Sol Bird reserve. The specimens collected by Carantón & Certuche (2010) are the same ones referred to and illustrated in the Barrera *et al.* (2010) description and the individual sampled by Barrera *et al.* (2010) is identical in all aspects of its plumage to those specimens. The songs and calls reported in the two descriptions are equal. There can be no doubt that Carantón & Certuche (2010) described the same species as Barrera *et al.* (2010).

Application of the Principle of Priority

Under Article 23 of the Code, “*The valid name of a taxon is the oldest available name applied to it, unless that name has been invalidated or another name is given precedence by any provision of the Code or by any ruling of the Commission.*” The valid name of the new species of antpitta at the Colibrí del Sol reserve is therefore *Grallaria fenwickorum* Barrera & Bartels, 2010. The name *urraoensis* Carantón & Certuche, 2010 (or 2011) could only be used pursuant to a declaration of the ICZN to reverse priority. There is no proposal at present for that to happen nor is there any obvious reason why the ICZN should intervene and overturn priority in favour of one of two parties to a controversy of this nature. Any other rationale for using the name *urraoensis* would be based in some other notion, such as freedom of speech, solidarity or to take a stand against the Code’s provisions relating to the use of specimens. The requirements of the Code should not be deviated from for these sorts of reasons.

Acknowledgements

Various persons kindly provided details of the dates of receipt of various publications and copies of correspondence with libraries. Five persons provided helpful comments on this paper. Several persons contributed other information to

this manuscript. The manuscript for this paper has not been shown to or reviewed by any members of the ICZN, its secretariat or the Standing Committee on Ornithological Nomenclature, so as not to prejudice any steps that they may wish to take in relation to the matter.

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Fenwick's Antpitta *Grallaria fenwickorum*

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Figure 1. Photographs of study of the type specimen of *Grallaria fenwickorum* (complete copy of all photographs of the holotype or individual on which it was based, as made available on flickr.com at time of publication of the description at <http://www.flickr.com/photos/proaves/sets/72157623898966996/>)

Corrigendum: Conservación Colombiana 13.

Página	/	Text	/	Debe ser / should be
Page		Texto		
29–30		'auracan' (various)		'auracuan'
35		'petersi'		'subsp. (incorrectly labelled "petersi")'

Corrigendum to Conservación Colombiana 13, version previously published online on 21 May 2010:

Versión original del corrigendum a Conservación Colombiana 13, publicado en línea el 21 de mayo de 2010:

Corrigendum: Conservación Colombiana 13.

21 Mayo 2010.

En la página 9, "74.1.4" debe ser "73.1.4".

On the page 9, "74.1.4" should be "73.1.4".



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