

OPINION 2231 (Case 3415)***Pedionomus* Gould, December 1840 (Aves, PEDIONOMIDAE) and *Leipoa* Gould, December 1840 (Aves, MEGAPODIIDAE): usage conserved**

Abstract. The Commission has suppressed the names *Pedionomus* and *Pedionomus ocellatus* Gould, [31 October] 1840, thereby conserving the generic names *Pedionomus* Gould, [1 December] 1840 for the Australian plains-wanderer (PEDIONOMIDAE) and *Leipoa* Gould, [1 December] 1840 and the specific name *Leipoa ocellata* Gould, [1 December] 1840 for the Australian malleefowl (MEGAPODIIDAE). The names *Pedionomus* Gould, [1 December] 1840, *Leipoa* Gould, [1 December] 1840 and *Leipoa ocellata* Gould, [1 December] 1840 have been in prevailing usage as the valid names for these taxa for over 150 years.

Keywords. Nomenclature; taxonomy; Aves; MEGAPODIIDAE; PEDIONOMIDAE; *Leipoa*; *Pedionomus*; *Leipoa ocellata*; *Pedionomus torquatus*; malleefowl; plains-wanderer; Australia.

Ruling

- (1) Under the plenary power it is hereby ruled that the following names are suppressed for the Purposes of both the Principle of Priority and the Principle of Homonymy:
 - (a) *Pedionomus* Gould, [31 October] 1840;
 - (b) *ocellatus* Gould, [31 October] 1840, as published in the binomen *Pedionomus ocellatus*.
- (2) The following names are hereby placed on the Official List of Generic Names in Zoology:
 - (a) *Pedionomus* Gould, [1 December] 1840 (gender: masculine), type species by monotypy *Pedionomus torquatus* Gould, [1 December] 1840;
 - (b) *Leipoa* Gould, [1 December] 1840 (gender: feminine), type species by monotypy *Leipoa ocellata* Gould, [1 December] 1840.
- (3) The following names are hereby placed on the Official List of Specific Names in Zoology:
 - (a) *ocellata* Gould, [1 December] 1840, as published in the binomen *Leipoa ocellata* (type species of *Leipoa* Gould, [1 December] 1840);
 - (b) *torquatus* Gould, [1 December] 1840, as published in the binomen *Pedionomus torquatus* (type species of *Pedionomus* Gould, [1 December] 1840).
- (4) The name *Pedionomus* Gould, [31 October] 1840, as suppressed in (1)(a) above is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology.
- (5) The name *ocellatus* Gould, [31 October] 1840, as published in the binomen *Pedionomus ocellatus* and as suppressed in (1)(b) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology.

History of Case 3415

An application to conserve the generic names *Pedionomus* Gould, [1 December] 1840 for the Australian plains-wanderer (PEDIONOMIDAE) and *Leipoa* Gould, [1 December] 1840 and the specific name *Leipoa ocellata* Gould, [1 December] 1840 for the Australian malleefowl (MEGAPODIIDAE) by suppression of *Pedionomus ocellatus* Gould, [31 October] 1840, was received from R. Schodde (*Australian Biological Resources Study, Canberra, Australia*) and W.J. Bock (*Columbia University, New York, NY, U.S.A.*) on 23 October 2007. After correspondence the case was published in BZN 65: 31–34 (March 2008). The title, abstract and keywords of the case were published on the Commission's website. No comments were received on this case.

Decision of the Commission

On 1 March 2009 the members of the Commission were invited to vote on the proposals published in BZN 65: 33. At the close of the voting period on 1 June 2009 the votes were as follows:

Affirmative votes – 19: Bogutskaya, Bouchet, Brothers, Fautin, Grygier, Halliday, Kottelat, Krell, Lamas, Lim, Minelli, Ng, Pape, Papp, Patterson, Rosenberg, Štys, van Tol and Zhang.

Negative votes – 2: Alonso-Zarazaga and Kullander.

Pyle was on leave of absence.

Ng, voting FOR, thought that this was a very straightforward case and he fully agreed with the application. He said that changing the name because the 50-year rule failed in one instance is not a good justification—it would cause a great deal of unnecessary confusion. Alonso-Zarazaga, voting AGAINST, said he considered the application to start from a faulty point, that *The Athenaeum* was a published work in the sense of the Code, when in fact it failed to comply with the requirement of Article 8.1.1 that it must be issued for the purpose of providing a public and permanent scientific record. *The Athenaeum* was a newspaper and did not have this as its main purpose. *The Oxford Universal Dictionary Illustrated* defines newspaper as 'a printed, now usually daily or weekly, publication containing the news, advertisements, literary matter, and other items of public interest'. Nothing indicates that newspapers are published for scientific record of any kind, which is common sense. If the Commission fails to recognise this, anything printed becomes 'scientific record' and there are thousands of newspapers in all world languages. Many of these may carry names and descriptions in advance of their publication in scientific ('academic') journals or books, especially in the case of 'flagship' or charismatic animals, like dinosaurs.

Original references

The following are the original references to the names placed on Official Lists and Indexes by the ruling given in the present Opinion:

Pedionomus Gould, [31 October] 1840, *The Athenaeum*, 679: 876.

ocellatus, *Pedionomus*, Gould, [31 October] 1840, *The Athenaeum*, 679: 876.

Pedionomus Gould, [1 December] 1840, *The birds of Australia*, Part 1. 17 pls. The author, London, text to pl. 17.

Leipoa Gould, [1 December] 1840, *The birds of Australia*, Part 1. text to pl. 6.

ocellata, *Leipoa* Gould, [1 December] 1840, *The birds of Australia*, Part 1. text to pl. 6.

torquatus, *Pedionomus*, Gould, [1 December] 1840, *The birds of Australia*, Part 1. text to pl. 17.