

OPINION 2252 (Case 3449)***Diomedea melanophris* Temminck, 1828 (currently *Thalassarche melanophris*; Aves, Procellariiformes): original spelling of specific name conserved**

Abstract. The Commission has ruled to confirm that, with respect to the specific name of the black-browed albatross *Diomedea melanophris* Boie in Temminck, 1828 (currently *Thalassarche melanophris*) *melanophris* is the correct original spelling.

Keywords. Nomenclature; taxonomy; Aves; Procellariiformes; DIOMEDEIDAE; *Thalassarche melanophris*; *Thalassarche melanophrys*; black-browed albatross; Atlantic, Indian and Pacific Oceans.

Ruling

- (1) The Commission hereby rules to confirm that *melanophris* Temminck, 1828, as published in the binomen *Diomedea melanophris*, is the correct original spelling.
- (2) The name *melanophris* Temminck, 1828, as published in the binomen *Diomedea melanophris*, as ruled in (1) above is hereby placed on the Official List of Specific Names in Zoology.
- (3) The name *melanophrys* Temminck, 1839, as published in the binomen *Diomedea melanophrys* (incorrect subsequent spelling of *Diomedea melanophris* Temminck, 1828, correct original spelling as ruled in (1) above), is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology.

History of Case 3449

An application to rule that the name of the black-browed albatross *Diomedea melanophris* Boie in Temminck, 1828 (currently *Thalassarche melanophris*) be confirmed as the correct original spelling was received from Caio J. Carlos (*Departamento de Oceanografia, Fundação Universidade Federal do Rio Grande, Brazil and Comitê Brasileiro de Registros Ornitológicos (Brazilian Committee of Ornithological Records)*) and Jean-François Voisin (*Département Ecologie et Gestion de la Biodiversité, Muséum National d'Histoire Naturelle, Paris, France*) on 10 January 2008. After correspondence the case was published in BZN **65**: 129–131 (June 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 September 2009 the members of the Commission were invited to vote on the proposals published in BZN **65**: 131. At the close of the voting period on 1 December 2009 the votes were as follows:

Affirmative votes – 20: Brothers, Bouchet, Bogutskaya, Fautin, Grygier, Halliday, Harvey, Krell, Kullander, Lamas, Ng, Patterson, Papp, Rosenberg, Štys, van Tol, Winston, Yanega, Zhang and Zhou.

Negative votes – 5: Alonso-Zarazaga, Ballerio, Lim, Minelli and Pape.

Kottelat split his vote, voting AGAINST proposals (1) and (3), and FOR proposal (2).

Kojima abstained. Pyle was on leave of absence.

Voting FOR, Grygier noted that in the case, paragraph 6, line 11, semantic context requires the word ‘alternative’ in place of ‘result’. Furthermore, both alternatives – the other being to declare *melanophrys* a justified emendation – should have been presented for a vote in order to explicitly settle the matter the other way if the proposals should fail. Halliday, also voting FOR, said he had a concern about the inappropriate use of the *Chi*-squared statistic in paragraph 5. There is no theoretical reason for expecting the usages of the names *melanophrys* and *melanophris* to occur in a 1:1 ratio, so *Chi*-squared should not be used to test for deviation from that expectation. The result in this case is obvious, and the use or non-use of *Chi*-squared here does not affect the outcome. Halliday felt that, in general, the Commission should discourage the use of statistical tests to define the meaning of ‘a substantial majority’ in prevailing usage. Ng, voting FOR, said that in cases like these, maintaining the original spelling, regardless of perceived error or intents, is the best solution. Rosenberg, voting FOR, said that the application was flawed in stating that a vote against placing *melanophris* on the Official List is also a vote for placing *melanophrys* on the List. One could vote against *melanophris* on the grounds that no application was necessary as it is currently the correct name under the Code. The authors are aware of this, however, and explicitly request a ruling (paragraph 6) in the hopes of coalescing usage. If the vote favours *melanophris*, the Commission would act under Article 80.2.1, which does not involve the use of the plenary power. Štys, voting FOR, noted that proposal (3) should have been properly formulated. *Diomedea melanophrys* as used by Temminck (1839) is a subsequent incorrect spelling of *Diomedea melanophris* Temminck, 1828, and as an unavailable name cannot have Temminck, 1839 as its taxonomic author.

Voting AGAINST, Alonso-Zarazaga said that, all other things being equal, the authors should have selected the etymologically correct transliteration from Greek, ‘*melanophrys*’. Zoological nomenclature is based on correct Latin and Greek as far as possible. This applies to all languages and is highlighted in Recommendation 11A, which states ‘Appropriate latinization is the preferred means of formation of names from vernacular words’. Alonso-Zarazaga proposed that the Commission select the alternative spelling ‘*melanophrys*’ and place it on the Official List. Pape, voting AGAINST, said that Article 32.2 explicitly states that ‘The original spelling of a name is the ‘correct original spelling’, unless it is demonstrably incorrect’. As the latter does not seem to be the case, the spelling ‘*melanophris*’ stands and there is no need for a ruling.

Kottelat SPLIT his vote, noting that application of the Code solves the purported problem and no decision of the Commission was needed. Therefore he saw no reason to vote on this case and thus voted AGAINST proposal (1). He said he had no problem placing *melanophris* on the Official List (proposal (2)) if this would help people to understand that this spelling is correct. He is against placing *melanophrys* on the Official Index (proposal (3)) because it is an Index of Invalid or Rejected Names not an Index of Incorrect Spellings. Having *melanophris* on the Official List

and *melanophrys* on the Official Index would actually mean having the same name at the same time in both the Index and the List.

Kojima ABSTAINED for two reasons. First, the use of a statistical test for prevailing usage given in paragraph 5 did not make sense to him. Second, the meaning of the last sentence of paragraph 6 is unclear. Do the authors make two proposals? That is, if proposal (1) is rejected, then proposal (2) is automatically applied.

Original references

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

melanophris, *Diomedea*, Temminck, 1828, *Nouveau recueil de planches coloriées d'Oiseaux pour servir de suite et de complément aux planches enluminées de Buffon*, livraison 77. Levrault, Paris, text to pl. 456.

melanophrys, *Diomedea*, Temminck, 1839, *Nouveau recueil de planches coloriées d'Oiseaux pour servir de suite et de complément aux planches enluminées de Buffon*. livraison 102, Levrault, Paris, p. 76.