

OPINION 2275 (Case 3491)***Podargus cornutus* Temminck, 1822 (currently *Batrachostomus cornutus*; Aves, PODARGIDAE): specific name conserved by designation of a neotype**

Abstract. The Commission has conserved the accustomed usage of the name *cornutus* Temminck, 1822 for the Sumatran population of the southeast Asian species currently named *Batrachostomus javensis* (Horsfield, 1821) (Aves, PODARGIDAE) by ruling that the name *Podargus cornutus* was proposed by Temminck (1822) for a new taxon, rather than as a replacement name for *Podargus javensis* Horsfield, 1821. The Commission has designated a neotype for *Podargus cornutus* Temminck, 1822.

Keywords. Nomenclature; taxonomy; Aves; PODARGIDAE; *Batrachostomus*; *Podargus*; *Batrachostomus javensis*; *Batrachostomus cornutus*; frogmouth; Java; Sumatra.

Ruling

- (1) Under the plenary power it is hereby ruled that the name *Podargus cornutus* was proposed by Temminck (1822) for a new taxon, rather than as a replacement name for *Podargus javensis* Horsfield, 1821.
- (2) The specimen in Muséum National d'Histoire Naturelle, Paris (MNHN), C.G. 2004–45 (A.C. Ancien Catalog: 5221) is hereby designated as neotype of *Podargus cornutus* Temminck, 1822, as deemed available in (1) above.
- (3) The name *cornutus* Temminck, 1822, as published in the binomen *Podargus cornutus*, as deemed available in (1) above and as defined by the neotype in the Muséum National d'Histoire Naturelle, Paris (MNHN), C.G. 2004–45 (A.C. Ancien Catalog: 5221) is hereby placed on the Official List of Specific Names in Zoology.

History of Case 3491

An application to conserve the accustomed usage of the name *cornutus* Temminck, 1822 for the Sumatran population of the southeast Asian species currently named *Batrachostomus javensis* (Horsfield, 1821) (Aves, PODARGIDAE), was received from Nigel Cleere (*Upper Bucklebury, Berkshire, U.K.*), Edward C. Dickinson (*Eastbourne, East Sussex, U.K.*), Jean-François Voisin and Claire Voisin (*Muséum National d'Histoire Naturelle, Paris, France*) on 12 March 2009. After correspondence the case was published in BZN **66**: 327–331 (December 2009). 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 December 2010 the members of the Commission were invited to vote on the proposals published in BZN **66**: 329–330. At the close of the voting period on 1 March 2011 the votes were as follows:

Affirmative votes – 18: Bouchet, Brothers, Fautin, Halliday, Harvey, Kojima, Kottelat, Krell, Lamas, Minelli, Pape, Papp, Patterson, Rosenberg, Štys, van Tol, Winston and Yanega.

Negative votes – 3: Grygier, Zhang and Zhou.

Ballerio, Bogutskaya, Kullander and Lim abstained. Alonso-Zarazaga, Ng and Pyle were on leave of absence.

Brothers commented that he voted FOR the proposals in principle, despite some perceived shortcomings in their detail. He felt that it was questionable whether Article 75.6 was applicable for this case; the issue seemed actually to be the status of the name *cornutus* Temminck as a replacement name and therefore an objective synonym of *javensis* Horsfield, and a request to change that status, followed by the designation of an appropriate type specimen for it. Articles 78.1 and 81.1 of the Code seemed the most appropriate to invoke. The designation of a ‘neotype’ under such circumstances also seemed inappropriate; the specimen involved should rather be called the ‘holotype’ since this is the term used by Temminck for his description. Also voting FOR, Yanega felt that the case did not thoroughly cover all of the pertinent portions of the Code and how they would apply; accordingly, it was not immediately obvious, nor easy to appreciate how the Commission should or should not act. He felt that ultimately stability would be properly served if the petition were granted. Temminck clearly did not intend to describe a new taxon, but did so anyway, and a positive decision by the Commission would finally validate this, rectifying the discrepancy between Code-compliance and present usage.

Grygier voted AGAINST, explaining that there is an important point concerning name-bearing types of new replacement names for species-group taxa that was not clearly made in the case. At present, under Article 72.7, the Tring specimen of *Podargus javensis* is the holotype of both that nominal species and *P. cornutus*, and the Paris specimen of *P. cornutus* is not a name-bearing type. Under this circumstance, bringing the present case under Article 75.6 is appropriate. However, the first part of the proposed solution leads to a situation in which Article 75.6 no longer applies. If *P. cornutus* of Temminck is declared to be a new taxon, and not a replacement name, then its type series retroactively will have consisted of both specimens assigned to that species by Temminck, i.e. two extant syntypes. The second part of the proposed solution would thus require naming an extant syntype as a neotype, which seems improbable by definition. The second part of the present proposals should instead have asked for the restriction of the type series of *P. cornutus* to just the Paris specimen, which would then indeed be the holotype, as Cleere et al. (2006) mistakenly claimed.

Original reference

The following is the original reference to the name placed on Official Lists by the ruling given in the present Opinion:

cornutus, *Podargus*, Temminck, 1822, in Temminck C.J. & Laugier, M. of *Nouveau recueil de planches coloriées d'oiseaux, pour servir de suite et de complément aux planches enluminées de Buffon*. Livraison 27, text for Plate 159.