

Case 3650***Tapirus pygmaeus* Van Roosmalen & Van Hooft in Van Roosmalen, 2013 (Mammalia, Perissodactyla, TAPIRIDAE): proposed confirmation of availability of the specific name and of the book in which this nominal species was proposed**

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Abstract. The purpose of this application, under Articles 78.2.3 and 80.2.1 of the Code, is to confirm the availability of the nominal species *Tapirus pygmaeus* Van Roosmalen & Van Hooft in Van Roosmalen 2013 [22 April] for the black dwarf tapir, thus also confirming its priority over the subjective synonym *Tapirus kabomani* Cozzuol et al., 2013 [December], by ruling that Van Roosmalen's edited book *Barefoot through the Amazon – On the path of evolution*, in which *T. pygmaeus* was proposed, is not unavailable solely on account of its being advertised as a print-on-demand work, but is an original multiple-copy, simultaneously available edition. It is shown that Van Roosmalen & Van Hooft's publication contained information sufficient to satisfy the criteria of availability under Articles 10 to 20 of the Code.

Keywords: Nomenclature; taxonomy; Perissodactyla; TAPIRIDAE; *Tapirus*; *Tapirus pygmaeus*; *Tapirus kabomani*; black dwarf tapir; Brazilian Amazon; Rio Aripuanã basin; print-on-demand.

1. Van Roosmalen first mentioned the discovery of the black dwarf tapir in May 2002 on the website <www.amazonnewspecies.com>. This animal is called in Portuguese 'anta-anã', and also 'pretinho', by local hunters and Amerindians living in the Rio Aripuanã basin, States of Amazonas and Rondônia, SW Brazil. Van Roosmalen partly described the new species on this website, while also including a photograph of a skull acquired from local hunters and an artist's reconstruction of the adult animal. This website was forced to close in July 2002, and early in 2003 Van Roosmalen's compound in Brazil was raided by state and federal authorities, resulting in the confiscation and incineration of all his hitherto collected biological material, but not the above-mentioned tapir skull, which remains in the possession of Tucunaré Village hunters (see para. 3 below). On behalf of his NGO, the Amazon Association for the Preservation of Nature, Van Roosmalen established another website in June 2007, <www.marcvanroosmalen.org>, which since then has offered a free, downloadable PDF-file containing a full description of the black dwarf tapir, which was named by him there, as well as in the earlier website, as *Tapirus pygmaeus* sp. nov.

2. The above-mentioned websites are not considered as published works under the Code, and the name *Tapirus pygmaeus* is not available from them, but this name has

also been proposed in print. First, in a Dutch-language book intended for the general public, Van Roosmalen (2008, p. 306) provided a short description and diagnosis based in part on information extracted from a number of interviews he had with local subsistence hunters (translation by the author: ‘said to be much smaller than the Brazilian lowland tapir . . . dark gray to blackish coloured, and lacking for lowland tapirs so characteristic white ear tips’), accompanied by the above-mentioned photograph and artist’s reconstruction (the latter’s caption again emphasizing ‘the lack of distinctly white ear tips’). A holotype was not explicitly designated, and the text does not exclude the possibility that other examined specimens besides the photographed skull served as the basis for the description and illustration, thus precluding the skull’s automatic fixation as holotype. Indeed, it noted that Van Roosmalen himself ‘spotted these dwarf tapirs several times.’ The lack of fixation of a name-bearing type together with the absence of any statement concerning the collection in which that type has been or is intended to be deposited (Article 16.4) means that the *Tapirus pygmaeus* is not available from this work.

3. Five years later, in an English-language textbook edited by Van Roosmalen and aimed at a predominantly academic audience, Van Roosmalen & Van Hooft (2013 [22 April], p. 400) offered a description of the dwarf black tapir, again under the name *Tapirus pygmaeus* sp. nov. The description was based on the above-mentioned skull (with three photographs), supplemented by the above-mentioned artist’s reconstruction of the living animal and a summary of its general appearance based on both interviews with the locals and Van Roosmalen’s own observations in the wild. The overall content of this publication is the same as that offered since June 2007 on the above-mentioned website. However, the description is more formal and aimed mainly at an academic audience. Moreover, it includes more illustrations and also a table with morphometric data comparing external and skull measurements in millimetres taken of the holotype specimen of *Tapirus pygmaeus* sp. n. with nine specimens of the common lowland tapir *Tapirus terrestris* from the zoological collection of Museu Paraense Emílio Goeldi. As such all the criteria of availability of the specific name under Articles 10 to 20 of the Code were met by it. In particular, the above-mentioned skull was designated as the holotype and the intention to deposit it in the Museu Paraense Emílio Goeldi (MPEG) in Belém, PA was noted, although it remains for now in the care of the villagers of Tucunaré, left bank Rio Aripuanã.

4. The book by Van Roosmalen (Ed.) (2013) was published by Amazon’s CreateSpace <https://wwwcreatespace.com/>. The Commission Secretariat has a copy of the purchase orders indicating that Amazon’s CreateSpace sold and shipped multiple printed copies prior to December 2013, including at least two copies printed and shipped on the same day (which happened for the first time on 22 April 2013). These copies can be considered as an original print run, and simultaneous shipment makes the publication ‘obtainable’ and ‘available’ in the sense of the Code regardless of the statement ‘printed on demand’ by ‘Amazon’s CreateSpace’ on their website. That date (when two copies were for the first time simultaneously shipped to the customers) should be considered as the correct publication date. The file of the first version of ‘*Barefoot*’ was submitted and the proofs were sent back to the author by the editors of Amazon’s CreateSpace department by Feb 22, 2013, the author having changed only the font from Arial to Times New Roman and the letter colour from black to dark green. The author entered this version of the interior (main text) the

next day and then approved the new proofs. As such Van Roosmalen (Ed.) (2013) as paperback was put for sale on Amazon's bookstore website from March 5th, 2013 on. The author wrote a statement to the Secretariat saying that since then, he had not changed it or uploaded other versions, but as 22 April 2013 was the date that constituted the initial print run, the status of any subsequently printed copies didn't affect the status of the publication at all. Article 9.12 of the amended Code says that facsimiles or reproductions of an unpublished work obtained on demand do not constitute published work, but the example shows that print on demand is not prohibited ['If an editorial process was evident in converting the work to print-on-demand form (e.g. change to single spacing, repagination, addition of running headers), it might be considered published]. Therefore, print-on-demand in and of itself as a system of publishing, cannot automatically be excluded as a valid method, provided that the criteria of Article 8 are met. Without producing an edition of numerous simultaneously obtainable copies of the initial print run, any subsequently produced copies would not form part of that run and would be prohibited by Article 9.12. The fact that a work is available for re-printing on demand does not retroactively render the original issue (involving numerous simultaneously obtainable copies) unpublished in the sense of the Code.

5. Later that same year, Cozzuol et al. (2013 [December], p. 1333) described a new Brazilian tapir, *Tapirus kabomani* Cozzuol, Clozato, Holanda, Rodrigues, Nienow, De Thoisy, Redondo & Santos, 2013. This nominal species, although based on a different holotype specimen than that of the unavailable *T. pygmaeus* Van Roosmalen, unmistakably pertains to the same taxonomic species as the latter. The morphometric skull characters, dwarfed body size (about 100 kg), overall black coloration of the skin, supposed distribution (the larger Rio Aripuanã basin), and habitat preference for primary rain forest with a dense understory and shrub/sapling layer are all identical, attesting to this synonymy.

6. Under the Code, *Tapirus pygmaeus* Van Roosmalen & Van Hooft, 2013 has priority over *Tapirus kabomani* Cozzuol et al., 2013 for the black dwarf tapir. Despite this fact, the latter name has already been used as valid in a number of publications in the media and on the internet (e.g. www.wikipedia.org), though not (yet) in print, except for the original publication by Cozzuol et al. (Dec. 2013) in *Journal of Mammalogy*, **94**(6): 1331–1345. Conversely, *T. pygmaeus* has been used as valid on a number of websites, among which: www.bbc.co.uk (2007), www.planet-mammiferes.org (2008), www.es.wikipedia.org, www.worldvisitguide.com, and www.cyclopaedia.net. The Commission can best address this unstable situation, and confirm priority by ruling that Van Roosmalen (2013) and, by extension, Van Roosmalen & Van Hooft (2013) is not to be regarded as an unpublished work.

7. The International Commission on Zoological Nomenclature is accordingly asked:

(1) to use its specific powers to confirm that:

(a) Van Roosmalen's (Ed.), 2013 [22 April] book *Barefoot through the Amazon – On the path of evolution*, including the paper by Van Roosmalen & Van Hooft, 2013 (pp. 400–404), in which *T. pygmaeus* Van Roosmalen & Van Hooft, 2013 was proposed, is an original multiple-copy, simultaneously available edition;

- (b) *Tapirus pygmaeus* Van Roosmalen & Van Hooft in Van Roosmalen [22 April] is an available name with priority over *Tapirus kabomani* Cozzuol, Clozato, Holanda, Rodrigues, Nienow, De Thoisy, Redondo & Santos, 2013 [December] whenever these two nominal species-group taxa are considered to be synonyms;
- (2) to place on the Official List of Works Approved as Available for Zoological Nomenclature, Van Roosmalen's (Ed.). (2013 [22 April]) book *Barefoot through the Amazon – On the path of evolution*, including the paper by Van Roosmalen & Van Hooft, 2013 (pp. 400–404), in which *T. pygmaeus* Van Roosmalen & Van Hooft, 2013 was proposed, with the endorsement that it is confirmed as is an original multiple-copy, simultaneously available edition, as ruled in (1)(a) above;
- (3) to place on the Official List of Specific Names in Zoology the name *pygmaeus* Van Roosmalen & Van Hooft in Van Roosmalen, 2013 [22 April], as published in the binomen *Tapirus pygmaeus*, with the endorsement that it is confirmed as an available name with priority over *Tapirus kabomani* Cozzuol, Clozato, Holanda, Rodrigues, Nienow, De Thoisy, Redondo & Santos, 2013 [December] whenever these two nominal species-group taxa are considered to be synonyms, as ruled in (1)(b) above.

References

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- Van Roosmalen, M.G.M. 2008. *Blootsvoets door de Amazone – de evolutie op het spoor*. 407 pp. Uitgeverij Bert Bakker, Amsterdam.
- Van Roosmalen, M.G.M. (Ed.) 2013. *Barefoot through the Amazon – On the path of evolution*. 500 pp. CreateSpace, North Charleston SC, U.S.A.
- Van Roosmalen, M.G.M. & Van Hooft, P. 2013. New species of living tapir, the dwarf tapir (Mammalia: Tapiridae) from the Brazilian Amazon. Pp. 400–404 in Van Roosmalen, M.G.M. (Ed.), *Barefoot through the Amazon – On the path of evolution*. CreateSpace, North Charleston SC, U.S.A.

Acknowledgement of receipt of this application was published in BZN 71: 2.

Comments on this case are invited for publication (subject to editing) in the *Bulletin*; they should be sent to the Executive Secretary, I.C.Z.N., c/o Natural History Museum, Cromwell Road, London SW7 5BD, U.K. (e-mail: iczn@nhm.ac.uk).



Roosmalen, Marc G. M. van. 2014. "Case 3650 *Tapirus pygmaeus* Van Roosmalen & Van Hooft in Van Roosmalen, 2013 (Mammalia, Perissodactyla, tapiridae): proposed confirmation of availability of the specific name and of the book in which this nominal species was proposed." *The Bulletin of zoological nomenclature* 71(2), 84–87. <https://doi.org/10.21805/bzn.v71i2.a8>.

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